

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 141

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to non-retention of  
7 teachers; repealing Ch. 71, SLA 1957."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 Section 1. NON-RETENTION CASES. School boards in the  
10 several school districts and the Department of Education for  
11 schools outside school districts may hire administrators and  
12 teachers regularly qualified in accordance with the Department of  
13 Education rules and regulations and issue contracts to them for  
14 the ensuing school year (for superintendents the contract may be  
15 for more than one school year, but for no more than three con-  
16 secutive school fiscal years) any time after January 1, and shall  
17 notify administrators and teachers of non-retention in writing  
18 postmarked or delivered on or before March 15. In the case of  
19 teachers and administrators employed by the Department of Educa-  
20 tion, the notification shall be by certified mail postmarked not  
21 later than March 15, and shall be issued by the commissioner of  
22 education or his designee. In the event that written notification  
23 of non-retention, together with a clear statement of cause in-  
24 cluding a bill of particulars for such non-retention, is not  
25 issued before March 15, the administrators' and teachers' con-  
26 tracts shall be continued for the ensuing school year in con-  
27 formity with the state and local salary stipulations including any  
28 annual increments. For the purposes of this Act, demotion is non-  
29 retention. If reasons for demotion are upheld, the incumbent is

1 entitled to another professional position for which he is quali-  
2 fied. Teachers and administrators who have not been employed for  
3 at least two school years in the school system or who are holders  
4 of temporary certificates are excluded from any rights under this  
5 Act.

6 Sec. 2. DEFINITION OF CAUSE. a. The sole causes for non-  
7 retention are as follows:

8 (1) incompetency, which is defined as the inability or  
9 the unintentional or intentional failure to perform one's legiti-  
10 mate duties in a satisfactory manner;

11 (2) immorality, which is defined as conduct of the per-  
12 son tending to bring the individual concerned or the teaching  
13 profession into public disgrace or disrespect;

14 (3) incompatibility, which is defined as willful fail-  
15 ure or inability of a teacher or administrator to work in harmony  
16 and to cooperate with other teachers, pupils, or the public in  
17 general;

18 (4) substantial non-compliance with the school laws of  
19 the state or such regulations of the Department of Education or  
20 any other governmental agency as are applicable or of the employ-  
21 ing school district.

22 b. Any necessary reduction of staff occasioned by a decrease  
23 in school attendance of the district may warrant, in the absence  
24 of any of the above reasons, the non-retention of a teacher.

25 Sec. 3. HEARING. a. A teacher or administrator given  
26 notification of non-retention under the provisions of this Act  
27 by a school district board may, on or before March 25, immediately  
28 following receipt of notification of non-retention, notify the  
29 president of the school district board in writing that he requests

1 a hearing before said school board. The teacher or administrator  
2 may require in the above notification that: the hearing be either  
3 public or private; the hearing be under oath or affirmation; he be  
4 represented by counsel with the right of cross-examination; and  
5 he have the right and privilege of subpoenaing at such hearing  
6 any person who has made allegations detrimental to his or her  
7 character or which are used as a basis for any decision of the  
8 board. Any person giving written or oral testimony at the hearing  
9 shall be immune from liability, civil or criminal, in any action  
10 for libel or slander resulting from any statement, written or oral  
11 made by him in giving testimony. Upon receipt of a notification  
12 requesting a hearing, the president of the school board shall  
13 immediately arrange for a hearing, and shall notify the teacher  
14 or administrator in writing of the date, time, and place of the  
15 hearing. A written transcript or tape or similar recording of  
16 the proceedings shall be kept and transcribed copies furnished to  
17 the school board, upon his request, to the teacher or administra-  
18 tor for cost, and to the commissioner of education. The final  
19 decision of the board shall require a majority vote of the mem-  
20 bership. The vote shall be by roll call and be recorded in the  
21 minutes of the meeting. A written notification of the decision  
22 of the school board shall be furnished to the teacher or admin-  
23 istrator and the commissioner of education within 10 days from  
24 the date of the decision.

25 b. A teacher or administrator employed by the Department of  
26 Education, given notification of non-retention under the provi-  
27 sions of this Act by the Department of Education, may request a  
28 hearing as provided in Subsection a., except that the request  
29 shall be addressed to the commissioner of education. The commis-

1 sioner of education and two members of the Board of Education  
2 shall serve as members of the Board of Appeals for teachers or  
3 administrators employed by the Department of Education. The  
4 final decision of the Board of Appeals shall require a majority  
5 vote of its membership.

6 Sec. 4. REPEAL. Ch. 71, SLA 1957 is repealed.

7 Sec. 5. EFFECTIVE DATE. This Act takes effect on the day  
8 after its passage and approval or on the day it becomes law  
9 without such approval.

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