

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; and
8 establishing an effective date."

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

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

1 employed for at least two school years in the school system or who
2 are holders of temporary certificates are excluded from any rights
3 under this Act.

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

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

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

12 (3) substantial non-compliance with the school laws of
13 the state or such regulations of the Department of Education or
14 any other governmental agency as are applicable or of the employ-
15 ing school district.

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

19 Sec. 3. HEARING. a. A teacher or administrator given
20 notification of non-retention under the provisions of this Act
21 by a school district board may, on or before March 25, immediately
22 following receipt of notification of non-retention, notify the
23 president of the school district board in writing that he requests
24 a hearing before said school board. The teacher or administrator
25 may require in the above notification that: the hearing be either
26 public or private; the hearing be under oath or affirmation; he be
27 represented by counsel with the right of cross-examination; and
28 he have the right and privilege of subpoenaing at such hearing
29 any person who has made allegations detrimental to his or her

1 character or which are used as a basis for any decision of the
2 board. Any person giving written or oral testimony at the hearing
3 shall be immune from liability, civil or criminal, in any action
4 for libel or slander resulting from any statement, written or oral,
5 made by him in giving testimony. Upon receipt of a notification
6 requesting a hearing, the president of the school board shall
7 immediately arrange for a hearing, and shall notify the teacher
8 or administrator in writing of the date, time, and place of the
9 hearing. A written transcript or tape or similar recording of
10 the proceedings shall be kept and transcribed copies furnished to
11 the school board, upon his request, to the teacher or administra-
12 tor for cost, and to the commissioner of education. The final
13 decision of the board shall require a majority vote of the mem-
14 bership. The vote shall be by roll call and be recorded in the
15 minutes of the meeting. A written notification of the decision
16 of the school board shall be furnished to the teacher or admin-
17 istrator and the commissioner of education within 10 days from
18 the date of the decision.

19 b. A teacher or administrator employed by the Department of
20 Education, given notification of non-retention under the provi-
21 sions of this Act by the Department of Education, may request a
22 hearing as provided in Subsection a., except that the request
23 shall be addressed to the commissioner of education. The commis-
24 sioner of education and two members of the Board of Education
25 shall serve as members of the Board of Appeals for teachers or
26 administrators employed by the Department of Education. The
27 final decision of the Board of Appeals shall require a majority
28 vote of its membership.

29 Sec. 4. SAVINGS CLAUSE. Nothing in this Act shall prohibit
CS for SB #141 as amended -3-

1 school district boards from adopting teacher tenure regulations on
2 district option basis insofar as such regulations do not contravene
3 state law or state board of education rules and regulations.

4 Sec. 5. REPEAL. Ch. 71, SLA 1957 is repealed.

5 Sec. 6. EFFECTIVE DATE. This Act takes effect on the day
6 after its passage and approval or on the day it becomes law with-
7 out such approval.

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