

Introduced: 2/1/67
Referred: Health, Welfare
and Education and Judiciary

1 IN THE HOUSE

BY WIGGINS

2 HOUSE BILL NO. 91

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to nonretention and dismissal of
7 teachers."

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

9 * Section 1. AS 14.20.175(a) is amended to read:

10 (a) A teacher who has not acquired tenure rights is subject to
11 nonretention for the school year following the expiration of his
12 contract for any cause which the employer determines to be adequate.
13 However, at his request, the teacher is entitled to a written state-
14 ment of the cause for his nonretention [AND IS FURTHER ENTITLED TO A
15 HEARING AS SET OUT IN SECTION 180 OF THIS CHAPTER]. The department for
16 state schools, and the districts for district schools, shall provide by
17 regulation or by-law a procedure under which any such non-retained
18 teacher may, at his request, be heard informally by a panel consisting
19 of the commissioner and two or more board members in the case of state
20 schools and the local school boards in the case of a district school.

21 * Sec. 2. AS 14.20.180(b) is amended to read:

22 (b) The tenure teacher may, within 15 days immediately following
23 receipt of the notification, notify the employer in writing that he
24 requests a hearing before the school board, or if the tenure teacher is
25 employed by the department, before an appeal panel consisting of the
26 commissioner and two members of the board. The tenure teacher may
27 require in the notification that

- 28 (1) the hearing be either public or private,
29 (2) the hearing be under oath or affirmation,

HB 91 am

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- (3) he have the right of cross-examination,
- (4) he be represented by counsel,
- (5) he have the right and privilege to subpoena any person who has made allegations which are used as a basis for the decision of the employer.

* Sec. 3. AS 14.20.180(c) is amended to read:

(c) Upon receipt of the notification requesting a hearing, the employer shall immediately arrange for a hearing, and shall notify the tenure teacher or administrator in writing of the date, time, and place of the hearing. A written transcript, tape, or similar recording of the proceedings shall be kept. Transcribed copies shall be furnished to the tenure teacher for cost upon his request. A final decision of the school board or the appeal panel requires a majority vote of the membership. The vote shall be by roll call. The final decision shall be written and contain specific findings of fact and conclusions of law. A written notification of the decision shall be furnished to the tenure teacher within 10 days of the date of the decision.

* Sec. 4. AS 14.20.205 is amended to read:

Sec. 14.20.205. JUDICIAL REVIEW. If a school board or appeal panel reaches a decision unfavorable to a teacher, the teacher is entitled to a de novo trial in the superior court. However, a teacher who has not attained tenure rights [BUT WHO HAS, UPON NONRENTENTION, REQUESTED A HEARING] is not entitled to judicial review according to this section.