

Introduced: 3/13/85
Referred: Health, Education & Social Services
and Finance

1 IN THE SENATE

BY FERGUSON

2

SENATE BILL NO. 230

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to education."

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

8 * Section 1. AS 14.17.225 is amended by adding a new subsection to
9 read:

10 (g) The legislature shall advise the Department of Education
11 each year of the amount it expects to appropriate to the public school
12 foundation program for the first fiscal year beginning more than one
13 year later. The department shall advise school boards of the legisla-
14 ture's authorization.

15 * Sec. 2. AS 14.20 is amended by adding a new section to read:

16 Sec. 14.20.135. TEACHER EVALUATIONS. (a) The superintendent of
17 each school district shall evaluate the performance of each of the
18 district's teachers annually. Standards for evaluations must be
19 measurable and relevant to the duties of the teacher. The superinten-
20 dent may delegate responsibility for evaluations to the appropriate
21 school administrator.

22 (b) The teacher who is the subject of an evaluation may review
23 the evaluation and comment upon it.

24 (c) The formal evaluation and the notes, comments, and other
25 information used in its preparation are not a matter of public record
26 and shall be kept confidential.

27 (d) An evaluation may not be used in a proceeding to determine
28 the decertification, dismissal, or nonretention of a teacher unless it
29 was prepared in a timely manner. A teacher may not be decertified,

1 dismissed, or nonretained for failure to correct an educational defi-
2 ciency unless the educational deficiency was identified in an evalua-
3 tion and the teacher had adequate time after receiving the evaluation
4 to correct the deficiency before the decertification, dismissal, or
5 nonretention.

6 * Sec. 3. AS 14.20.147(b) is amended to read:

7 (b) When a school operated by a federal agency is transferred to
8 or absorbed into a new or existing school district the teachers shall
9 also be transferred if mutually agreed by the teacher or teachers and
10 the school board of the new or existing district. A teacher trans-
11 ferred from a federal agency school, which does not have an official
12 salary schedule or teacher tenure in the same manner as a public
13 school district in the state, shall be placed on a position on the
14 salary schedule of the absorbing district; the salary may not be less
15 than the teacher would have received in the federal agency school. If
16 the teacher taught three [TWO] or more years in the federal agency
17 school and, at the time of transfer, had a valid Alaska teaching
18 certificate, that teacher shall be placed on tenure in the absorbing
19 district.

20 * Sec. 4. AS 14.20.150 is amended to read:

21 Sec. 14.20.150. ACQUISITION OF TENURE RIGHTS. (a) A teacher
22 acquires tenure rights in a district when the teacher

23 (1) possesses a standard teaching certificate;

24 (2) has been employed as a teacher in the same district
25 continuously for three [TWO] full school years and is reemployed for
26 the school year immediately following the three [TWO] full school
27 years.

28 (b) The tenure rights acquired under (a) of this section become
29 effective on the first day the teacher performs teaching services in

1 the district during the school year immediately following the three
2 [TWO] full school years.

3 * Sec. 5. AS 14.20 is amended by adding a new section to read:

4 Sec. 14.20.173. PERMANENT REDUCTIONS IN WORK FORCE. (a) De-
5 clining oil revenues are causing a reduction in state aid to schools.
6 Because of this reduction, school boards may need to reduce the number
7 of employees in order to balance their budgets.

8 (b) When a school board reduces the number of teachers it em-
9 ploys, the school board shall reduce the budget allocated for adminis-
10 trative personnel and for consultants by a percentage that equals or
11 exceeds the percentage by which the allocation for teachers' salaries
12 and benefits was reduced as a result of the reduction in teaching
13 staff. However, the commissioner may reduce or eliminate the required
14 reduction to the allocation for administrative personnel and consul-
15 tants if the reduction would substantially impair the functioning of
16 the school district.

17 (c) Notwithstanding AS 14.20.155, a school board may choose not
18 to re-employ an employee under AS 14.20.175(b) regardless of the
19 length of service or tenure of that employee.

20 * Sec. 6. AS 14.20.175(b) is amended to read:

21 (b) A teacher who has acquired tenure rights is subject to
22 nonretention for the following school year only for the following
23 causes:

24 (1) incompetency, which is defined as the inability or the
25 unintentional or intentional failure to perform the teacher's custom-
26 ary teaching duties in a satisfactory manner;

27 (2) immorality, which is defined as the commission of an
28 act which, under the laws of the state, constitutes a crime involving
29 moral turpitude;

1 (3) substantial noncompliance with the school laws of the
2 state, the regulations or bylaws of the department, the bylaws of the
3 district, or the written rules of the superintendent; or

4 (4) a necessary reduction of staff occasioned by a decrease
5 in school attendance or by anticipated loss or reduction of funds.

6 * Sec. 7. A teacher who has acquired tenure rights on the effective
7 date of this Act retains those rights notwithstanding the amendments made
8 by this Act.

9 * Sec. 8. When a school board reduces the numbers of its employees, it
10 shall comply with the provisions of any agreement negotiated with its
11 employees regarding the layoff.

12 * Sec. 9. Nothing in this Act terminates or modifies a collective
13 bargaining agreement in effect on the effective date of this Act.