

Offered: 5/7/86  
Referred: Rules

Original sponsor: Finance Committee

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 484 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to reduction of personnel in public  
7 education because of revenue decreases; and providing  
8 for an effective date."

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

10 \* Section 1. FINDINGS. The legislature finds that

11 (1) quality education requires adequate staffing of schools;

12 (2) quality of education is of the highest importance for the  
13 future of Alaska's children and of the state itself;

14 (3) the interaction between pupil and teacher is a most impor-  
15 tant part of a child's learning; and

16 (4) strong instructional leadership is a characteristic of  
17 effective schools.

18 \* Sec. 2. POLICY. The legislature declares that it is state policy to  
19 promote the quality of the public education instruction program and that to  
20 do so requires adequate classroom staffing in public schools.

21 \* Sec. 3. AS 14.20.175(b) is amended to read:

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

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

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

1 moral turpitude;

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

5 (4) a necessary reduction of staff occasioned by a decrease  
6 in school attendance or if a reduction is necessary because funding  
7 from all sources for the school district is less than the amount the  
8 district received from all sources in fiscal year 1986.

9 \* Sec. 4. AS 14.20 is amended by adding new sections to read:

10 Sec. 14.20.177. LIMITATIONS ON REDUCING PERSONNEL. (a) When  
11 faced with a reduction in state revenue, a school board shall reduce  
12 personnel only after determining that it is necessary and consistent  
13 with educational policy and good management. The school board shall  
14 consider reducing a proportionate ratio of classified support staff,  
15 certificated support staff, instructional staff and appropriate non-  
16 personnel expenditures at the same time. When reducing its staff, the  
17 school board shall consider the financial resources of all persons  
18 within a group subject to layoff under (b) of this section before  
19 deciding which individuals in the group to lay off. In addition, the  
20 school board shall consider whether or not individuals in the group  
21 subject to lay off under (b) of this section could have qualified  
22 under AS 14.43.125 or 14.43.650 or obtained a loan after qualifying  
23 under AS 14.43.125 or 14.43.650 before deciding which individuals in  
24 the group to lay off.

25 (b) To the extent consistent with educational policy and good  
26 management, layoffs shall be made in the following order:

27 (1) the offering of early retirement incentives;

28 (2) noncertified and certified support personnel and  
29 administrators;

1 (3) classroom teachers; and

2 (4) the granting of long-term leaves without pay but with  
3 full return and seniority rights.

4 (c) In determining layoffs, a school district shall comply with  
5 certified employee or other collective bargaining agreements that  
6 address the issue.

7 (d) Notwithstanding AS 44.62.310, a discussion or presentation  
8 of information or options by a school board on the question of em-  
9 ployee layoffs or furloughs under this section, including preliminary  
10 discussions, presentations and decisions shall take place in a public  
11 meeting of the school board.

12 (e) A school board seeking to reduce its staff shall authorize a  
13 personnel reduction committee consisting of representatives which  
14 proportionately represent each of the employee groups to meet with the  
15 school district administration. The committee shall prepare a plan to  
16 implement the reduction in force consistent with the fiscal parameters  
17 established by the board. The school board shall either approve the  
18 plan prepared by the committee or send the plan back, along with  
19 specific recommendations for reconsiderations by the committee. If  
20 the committee fails to submit a second plan within 10 days that is  
21 acceptable to the board, the board shall prepare and implement a plan  
22 of its own.

23 Sec. 14.20.178. TEACHERS IN LAYOFF STATUS. (a) A school board  
24 shall give a teacher at least 30 days' notice before placing the  
25 teacher on layoff status. A teacher, including a teacher who has  
26 acquired tenure rights, may be placed on layoff status only when a  
27 reduction in staff has been made necessary

28 (1) by a decrease in school attendance; or

29 (2) because funding from all sources for the school

1 district is less than the amount the district received from all  
2 sources in fiscal year 1986.

3 (b) A teacher on layoff status does not accrue sick leave. Time  
4 spent on layoff status does not count toward the acquisition of tenure  
5 rights. However, layoff status does not constitute a break in service  
6 for

- 7 (1) determining eligibility for tenure;
- 8 (2) retaining acquired tenure rights;
- 9 (3) retaining accrued sick leave.

10 (c) When a teaching position becomes available in a district  
11 that has teachers on layoff status, the district may not fill the  
12 position with a teacher who is not on layoff status until the position  
13 has been offered to each teacher on layoff status who is qualified for  
14 the position. A teacher on layoff status who refuses two offers of  
15 employment from the district under this subsection loses

- 16 (1) reemployment rights under this section;
- 17 (2) accrued sick leave;
- 18 (3) any tenure rights acquired before layoff.

19 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.-  
20 10.070(c).