

1 IN THE SENATE

BY FAIKS

2

SENATE BILL NO. 230

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

11 * Section 1. FINDINGS. The legislature finds that

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

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

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

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

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

22 * Sec. 3. AS 14.20.140 is repealed and reenacted to read:

23 Sec. 14.20.140. NOTIFICATION OF NONRETENTION. If a teacher,
24 whether tenured or nontenured, is not to be retained for the following
25 school year, the employer shall notify the teacher of the nonretention
26 by writing, delivered on or before June 15 or by registered mail
27 postmarked on or before June 15.

28 * Sec. 4. AS 14.20.175(b) is amended to read:

29 (b) A teacher who has acquired tenure rights is subject to

1 nonretention for the following school year only for the following
2 causes:

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

6 (2) immorality, which is defined as the commission of an
7 act that [WHICH], under the laws of the state, constitutes a crime
8 involving moral turpitude;

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

12 (4) a necessary reduction of staff occasioned by a decrease
13 in school attendance or if a reduction is necessary because anticipat-
14 ed funding from the state for the school district is less than the
15 amount the district received from the state in fiscal year 1987.

16 * Sec. 5. AS 14.20 is amended by adding new sections to read:

17 Sec. 14.20.177. LIMITATIONS ON REDUCING TEACHING STAFFS. (a)
18 When faced with a reduction in state revenue, a school board shall
19 reduce its teaching staff only after determining that it is necessary
20 and consistent with educational policy and good management. The
21 school board shall consider reducing an appropriate ratio of classi-
22 fied support staff, certificated administrative staff, and appropriate
23 nonpersonnel expenditures at the same time.

24 (b) In determining layoffs, a school district shall comply with
25 collective bargaining agreements that address the issue. If the
26 agreement does not address the issue, then the district shall refer
27 the issue to the personnel reduction committee under (d) of this
28 section.

29 (c) Notwithstanding AS 44.62.310, a discussion or presentation

1 of information or options by a school board on the question of em-
2 ployee layoffs or furloughs under this section, including preliminary
3 discussions, presentations, and decisions, shall take place in a
4 public meeting of the school board.

5 (d) If no collective bargaining agreement exists that addresses
6 staff reduction, then a school board seeking to reduce its staff shall
7 authorize a personnel reduction committee consisting of representa-
8 tives from each of the employee groups to meet with the school board.
9 The committee shall prepare a plan to implement the reduction in force
10 consistent with the policies of this section. The school board shall
11 implement the plan prepared by the committee without amendment.
12 However, if the committee fails to agree on a plan within 45 days
13 after the school board authorized the committee to act, the school
14 board shall prepare and implement a plan.

15 Sec. 14.20.178. TEACHERS ON LAYOFF STATUS. (a) A school board
16 shall give a teacher at least 30 days' notice before placing the
17 teacher on layoff status. A teacher, including a teacher who has
18 acquired tenure rights, may be placed on layoff status only when a
19 reduction in staff has been made necessary

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

21 (2) because anticipated funding from the state for the
22 school district is less than the amount the district received from the
23 state in fiscal year 1987.

24 (b) A teacher on layoff status does not accrue leave. Time
25 spent on layoff status does not count toward the acquisition of tenure
26 rights. However, layoff status does not constitute a break in service
27 for

28 (1) determining eligibility for tenure;

29 (2) retaining acquired tenure rights;

1 (3) retaining accrued sick leave.

2 (c) When a teaching position becomes available in a district
3 that has teachers on layoff status, the district may not fill the
4 position with a teacher who is not on layoff status until the position
5 has been offered to each teacher in the district who is on layoff
6 status and has the particular skills required to perform the duties of
7 the position. A teacher on layoff status who refuses two offers of
8 employment from the district under this subsection loses

9 (1) reemployment rights under this section;

10 (2) accrued sick leave;

11 (3) tenure rights acquired before layoff.

12 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).