

Introduced: 2/16/88
Referred: Health, Education and Social
Services

5-1641B

1 IN THE SENATE

BY FANNING

2

SENATE BILL NO. 453

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to certification and discharge of
7 teachers; limiting tenure rights of teachers; and
8 terminating the Alaska School Activities Association."
9

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

11 * Section 1. AS 14.20.010 is amended to read:

12 Sec. 14.20.010. TEACHER CERTIFICATE REQUIRED. A person may not
13 be employed as a teacher in the public schools of the state unless
14 that person possesses a valid teacher certificate of the class appro-
15 prate for the grade in which the person is employed. However, [EX-
16 CEPT THAT] a person who has made application to the department for a
17 teacher certificate or renewal of a teacher certificate which has not
18 been acted upon by the department may be employed as a teacher in an
19 appropriate grade in the public schools of the state until the depart-
20 ment has taken action on the application, but in no case may employ-
21 ment without a certificate last longer than three months.

22 * Sec. 2. AS 14.20.020(a) is amended to read:

23 (a) The department shall issue a teacher certificate of the
24 appropriate class under (d) of this section to every person who meets
25 the requirements in (b) and (c) of this section.

26 * Sec. 3. AS 14.20.020(d) is amended to read:

27 (d) The board shall establish one class of certificate for
28 teachers in grades K-6 and another class of certificate for teachers
29 in grades 7-12. The board may by regulation establish additional

1 [VARIOUS] classes of certificates.

2 * Sec. 4. AS 14.20.147(b) is amended to read:

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

16 * Sec. 5. AS 14.20.150(a) is amended to read:

17 (a) A teacher acquires tenure rights in a district if, before
18 the effective date of this Act, [WHEN] the teacher

19 (1) possesses a standard teaching certificate;

20 (2) has been employed as a teacher in the same district
21 continuously for two full school years and is reemployed for the
22 school year immediately following the two full school years.

23 * Sec. 6. AS 14.20 is amended by adding a new section to read:

24 Sec. 14.20.173. DISCHARGE. A teacher who has not acquired
25 tenure rights may be discharged at any time if the school board finds
26 that the district has insufficient funds to maintain its present
27 staffing level. A school board shall provide by regulation a proce-
28 dure under which a discharged teacher may request and receive an
29 informal hearing before the board.

1 * Sec. 7. AS 14.20.175(b) is amended to read:

2 (b) A teacher who has acquired tenure rights is subject to
3 nonretention for the following school year only for the following
4 causes:

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

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

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

14 (4) a necessary reduction of staff occasioned by
15 (A) a decrease in school attendance;
16 (B) anticipated or actual reduction of funds; or
17 (C) the reduction or termination of an educational
18 program.

19 * Sec. 8. AS 14.20.180(a) is amended to read:

20 (a) An employer shall include in a notification of dismissal or
21 discharge of a teacher who has not acquired tenure rights, or of
22 nonretention or dismissal of a tenured teacher, a statement of cause
23 and a complete bill of particulars.

24 * Sec. 9. AS 14.07.058, 14.07.059, and AS 14.20.165 are repealed.

25 * Sec. 10. Notwithstanding the amendments to AS 14.20.010 and 14.20.020
26 made by secs. 1 - 3 of this Act, a teacher who holds a valid certificate on
27 the day before the effective date of this Act may continue to be employed
28 in any position for which the person was qualified on the day before the
29 effective date of this Act without regard to the grade level certification

1 requirements made by secs. 1 - 3 until the later of July 1, 1989, or the
2 next application for renewal of the certificate.

3 * Sec. 11. Nothing in this Act terminates or modifies a collective
4 bargaining agreement in effect on the effective date of this Act.