

CS FOR HOUSE BILL NO. 516 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/10/92

Referred: Labor & Commerce

Sponsor(s): REPRESENTATIVES LINCOLN, Ivan, C.Davis, MacLean, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to teacher tenure; providing for teacher layoff procedures; and providing
2 for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 14.20.175(b) is amended to read:

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

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

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

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

13 [OR]

14 (4) a necessary reduction of staff, as determined by the employer, occasioned

1 by a decrease in school attendance, or a necessary reduction in staff because of budgetary or
2 fiscal circumstances, as determined by the employer and approved by the commissioner.

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

4 Sec. 14.20.176. LAYOFF AND REHIRE. (a) A teacher is subject to layoff at any time
5 during a calendar year, in a manner determined by the employer, because of budgetary or fiscal
6 circumstances of the municipal school district or regional educational attendance area. Before
7 placing a teacher on layoff status under this subsection, a municipal school district or regional
8 educational attendance area shall demonstrate, to the commissioner's satisfaction, that a budgetary
9 or fiscal circumstance necessitates the layoff.

10 (b) For a period of three years after layoff, a teacher who has been laid off under this
11 section is entitled to a hiring preference, in the district or regional educational attendance area
12 where the teacher had been employed, to fill a vacant teaching position for which the teacher is
13 qualified. If a teacher is offered a teaching position under this subsection and the teacher
14 declines the offer, the teacher is no longer entitled to the hiring preference.

15 (c) Notwithstanding any provision of AS 23.40, the terms of a collective bargaining
16 agreement entered into between a teacher and a school district or regional educational attendance
17 area on or after the effective date of this section may not be inconsistent with the provisions of
18 this section.

19 (d) This section applies to a teacher regardless of whether the teacher has acquired tenure
20 rights.

21 * Sec. 3. Nothing in this Act terminates or modifies a collective bargaining agreement if the
22 agreement is in effect on the effective date of this Act.

23 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).