

CS FOR HOUSE BILL NO. 84(HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/14/94

Referred: Judiciary, Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to grants for the improvement of school performance and to
2 teacher tenure rights; and providing for an effective date."

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

4 * Section 1. AS 14.03.125(a) is amended to read:

5 (a) The fund for the improvement of school performance is created as an
6 account in the general fund. The fund shall be used by the commissioner to make
7 grants [TO A DISTRICT LOCATED IN THE STATE] for the purpose of improving
8 public school performance in a district in the state. The fund consists of money
9 appropriated by the legislature, including money appropriated from the earnings of
10 the public school trust fund under AS 37.14.110. The commissioner shall include
11 an [ANNUALLY DETERMINE THE] amount [REQUESTED] for grants under this
12 section [AND SHALL INCLUDE THE AMOUNT] in the department's annual budget
13 request.

14 * Sec. 2. AS 14.03.125(b) is amended to read:

1 (b) A person, governing body, or district advisory board [, OR NONPROFIT
2 ORGANIZATION] located in the state [, OR A TEACHER OR PRINCIPAL
3 EMPLOYED BY A PUBLIC SCHOOL IN THE STATE,] may apply for a grant of
4 up to \$50,000 to improve public school performance by submitting an application to
5 the commissioner. An application must be signed by the chief school administrator
6 of the district that will receive the grant or, if the application is from a person,
7 the chief school administrator of a district that has agreed to receive, administer,
8 and account for the grant.

9 * Sec. 3. AS 14.03.125(c) is amended to read:

10 (c) The department may award a [A] grant [MAY BE AWARDED] to the
11 same applicant [GRANTEE] in consecutive fiscal years, but may not award a grant
12 [BE AWARDED] to the same applicant [GRANTEE] for more than three [TWO]
13 fiscal years within a five-year period. This subsection does not apply to a district
14 if the district is administering the grant and the district governing body is not the
15 grantee.

16 * Sec. 4. AS 14.03.125(e) is amended to read:

17 (e) In this section,

18 (1) "applicant" means a person applying for a grant under this
19 section;

20 (2) "district" has the meaning given in AS 14.17.250.

21 * Sec. 5. AS 14.03.125 is amended by adding a new subsection to read:

22 (f) The board shall adopt regulations concerning grants and grant award
23 procedures under this section.

24 * Sec. 6. AS 14.20.150 is repealed and reenacted to read:

25 Sec. 14.20.150. ACQUISITION OF TENURE RIGHTS. (a) Except as
26 provided in (c) of this section, a teacher acquires tenure rights in a district when the
27 teacher

28 (1) has applied for tenure under AS 14.20.151;

29 (2) has been employed as a teacher in the state for four full school
30 years, and has been employed as a teacher by the district for the last three full school
31 years, under a standard or provisional teaching certificate and is reemployed in that

1 district for the school year immediately following the three full school years;

2 (3) has been considered for tenure by the local tenure review committee
3 under AS 14.20.153; and

4 (4) has been approved for tenure by the school board.

5 (b) The tenure rights acquired under (a) of this section take effect on the first
6 day the teacher performs teaching services in the district described in (a) of this section
7 after all of the requirements of (a) of this section have been met.

8 (c) A teacher who was hired by a district before July 1, 1994, who had not yet
9 acquired tenure rights on June 30, 1994, and who was continuously employed by that
10 district from the date of hire acquires tenure rights in that district under this section
11 as it existed on June 30, 1994.

12 (d) Notwithstanding AS 14.20.150 - 14.20.172, a school board may request the
13 commissioner to permit the school board to establish a system of performance review
14 of tenured and nontenured teachers that does not include local tenure review
15 committees when there are insufficient tenured teachers at a school to provide for
16 impartial membership on the committee. The school board shall set out the procedures
17 it proposes to follow in evaluating teacher performance. The commissioner may
18 approve the request without modification or may require modifications before
19 approving the substitute procedures.

20 * Sec. 7. AS 14.20 is amended by adding new sections to read:

21 Sec. 14.20.151. APPLICATION FOR TENURE. (a) A teacher may apply for
22 tenure when the teacher has been offered a fourth consecutive full-year contract with
23 the same school district and will have completed employment as a teacher in the state
24 for four full school years by the time tenure is awarded.

25 (b) A teacher applies for tenure by submitting to the superintendent of the
26 district a written request for tenure, along with copies of all written evaluations for
27 each year that the teacher has taught in that district, recommendations regarding tenure
28 by the teacher's supervisor, and other material the teacher considers informative
29 regarding the teacher's qualifications for tenure. The superintendent shall forward to
30 the school board and the local tenure review committee copies of the teacher's request
31 and all material submitted with the request.

1 (c) Failure of a teacher to acquire tenure does not affect an existing contract
2 between the teacher and the school district.

3 (d) A teacher for whom tenure is disapproved by the school board may submit
4 another request for tenure no earlier than 120 days after the date of the school board's
5 disapproval under AS 14.20.154.

6 (e) Notwithstanding AS 09.25.110 - 09.25.125, a teacher's evaluations
7 submitted under this section are not public records unless authorized for release by the
8 teacher.

9 Sec. 14.20.152. LOCAL TENURE REVIEW COMMITTEE. (a) A school
10 board shall establish one or more local tenure review committees composed of at least
11 three, but no more than five, members.

12 (b) The membership of a local tenure review committee shall include a simple
13 majority of tenured teachers currently employed in the district. The teachers in the
14 school or schools subject to a committee's jurisdiction shall elect the teacher members
15 of the committee. The remaining members shall be appointed by the school board and
16 shall be building administrators from the school or schools within the jurisdiction of
17 the committee. Each member of a committee serves for a term of three years unless
18 the member is removed for just cause by the school board or no longer meets the
19 qualification requirement under which the person was appointed. The initial terms of
20 the members of a committee shall be staggered.

21 (c) The school board may not serve as a local tenure review committee.

22 (d) A majority of the members appointed to a local tenure review committee
23 constitutes a quorum.

24 Sec. 14.20.153. DUTIES OF A LOCAL TENURE REVIEW COMMITTEE.

25 (a) A local tenure review committee shall elect a chair from among its members.

26 (b) The committee shall meet at least once every six months and at the call
27 of the chair or on petition of a majority of its members.

28 (c) The committee's deliberations and decisions concerning an application for
29 tenure are confidential and are not open to the public under AS 44.62.310. Materials
30 prepared for or presented to the committee during a confidential meeting are not public
31 records under AS 09.25.110 - 09.25.125 unless authorized for release by the teacher.

1 The committee shall determine whether it is in the best interests of the students in the
2 district to recommend approval or to recommend disapproval of tenure for a teacher.

3 (d) The committee shall furnish written notification of its recommendation to
4 the teacher, the school district superintendent, and the school board within 10 working
5 days after the date of the vote on the recommendation. A recommendation to
6 disapprove tenure must include the reasons for the recommendation. The committee's
7 recommendation is not binding on the school board.

8 (e) In addition to its duties concerning teachers who have applied for tenure,
9 the committee shall annually review the performance of each nontenured teacher in the
10 schools for which it has jurisdiction. After reviewing the performance of a teacher,
11 the committee shall prepare a written evaluation concerning the teacher, noting
12 strengths and deficiencies. The committee shall provide a copy of the evaluation to
13 the teacher. The evaluation and the teacher's response to it, if any, become part of the
14 teacher's personnel file. Committee deliberations concerning an evaluation are
15 confidential and are not open to the public under AS 44.62.310. Materials prepared
16 for or presented to the committee during the evaluation are not public records under
17 AS 09.25.110 - 09.25.125 unless authorized for release by the teacher.

18 Sec. 14.20.154. BOARD REVIEW OF RECOMMENDATIONS. After
19 consideration of a teacher's request for tenure and material submitted with the request,
20 and consideration of the recommendation of the local tenure review committee under
21 AS 14.20.153, the school board shall approve or disapprove tenure for a teacher who
22 applies under AS 14.20.151. The board's deliberations and decisions concerning an
23 application for tenure are confidential and are not open to the public under
24 AS 44.62.310. Materials prepared for or presented to the board during a confidential
25 meeting are not public records under AS 09.25.110 - 09.25.125 unless authorized for
26 release by the teacher. If the school board disapproves tenure for a teacher, the school
27 board shall set out in writing the reasons for the disapproval.

28 * Sec. 8. AS 14.20.155(a) is amended to read:

29 (a) A teacher who has acquired tenure rights has the right to employment
30 within the district during continuous service and so long as the teacher's
31 performance is not unsatisfactory as set out in AS 14.20.172.

1 * **Sec. 9.** AS 14.20 is amended by adding a new section to read:

2 **Sec. 14.20.172. TERMINATION OF TENURE FOR UNSATISFACTORY**
3 **PERFORMANCE.** (a) A school board shall establish performance review procedures
4 for the district. The procedures must provide for the annual review of each tenured
5 teacher. After the review, the reviewer shall prepare a written evaluation. If the
6 reviewer finds that the tenured teacher's performance is unsatisfactory, the reviewer
7 shall advise the teacher of the unsatisfactory performance and suggest ways to
8 improve. The reviewer shall provide a copy of the evaluation to the teacher. The
9 evaluation and the teacher's response to it, if any, become part of the teacher's
10 personnel file. A copy of each evaluation that finds that a tenured teacher's
11 performance is unsatisfactory shall be provided to the school board.

12 (b) A tenured teacher who has received notice of unsatisfactory performance
13 has two years to improve the teacher's performance. If, after two years, the reviewer
14 finds that the teacher's performance has not improved sufficiently, the reviewer shall
15 notify the school board for referral to the local tenure review committee.

16 (c) When a school board receives notice from a reviewer that a tenured teacher
17 has received notice of unsatisfactory performance for two years in succession, the
18 school board shall immediately refer the matter to a local tenure review committee.
19 A person who served as reviewer of the performance of a tenured teacher and found
20 the teacher's performance to be unsatisfactory may not serve on the local tenure review
21 committee that reviews that teacher's performance. The committee shall review the
22 performance of the tenured teacher and shall make a written evaluation of the teacher's
23 performance. The evaluation becomes part of the teacher's personnel file. If the
24 committee finds that the teacher's performance is unsatisfactory, it shall refer the
25 evaluation to the school board for its consideration.

26 (d) A school board may terminate the tenure of a teacher whose evaluation
27 was referred to the board by a local tenure review committee if the board finds that
28 the teacher's performance has remained unsatisfactory for the two-year period. After
29 termination of tenure, the teacher shall have the rights of a newly-hired nontenured
30 teacher.

31 (e) Deliberations of the local tenure review committee and of the school board

1 concerning an evaluation under this section are confidential and are not open to the
2 public under AS 44.62.310. Materials prepared for or presented to the reviewer, the
3 committee, or the board during the evaluation and meetings to consider termination of
4 tenure are not public records under AS 09.25.110 -09.25.125 unless authorized for
5 release by the teacher. This subsection shall be liberally construed to protect the
6 privacy rights of teachers.

7 * Sec. 10. AS 14.20.215 is amended by adding new paragraphs to read:

8 (8) "committee" means the local tenure review committee;

9 (9) "school board" means the borough or city school board or a
10 regional school board.

11 * Sec. 11. TRANSITION. Notwithstanding sec. 13 of this Act, the state Board of
12 Education may proceed to adopt regulations necessary to implement this Act. The regulations
13 take effect under AS 44.62 (Administrative Procedure Act), but not before the respective
14 effective date of the relevant section or sections of this Act.

15 * Sec. 12. Section 11 of this Act takes effect immediately under AS 01.10.070(c).

16 * Sec. 13. Sections 1 - 10 of this Act take effect July 1, 1994.