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HB 516 "An Act relating to teacher tenure."

Fiscal Note - Dept. of Education - Zero (blue)

1. Association of Alaska School Boards Position Statement
2. Letters of Support
3. AS 14.20.155

# ASSOCIATION OF ALASKA SCHOOL BOARDS

316 West 11th Street, Juneau, Alaska 99801-1510 • Tel. (907) 586-1083 • Fax (907) 586-2995

*Advocates for Alaska's Youth*



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## HB 516 Nonretention revision

### **AASB Position**

The Association of Alaska School Boards (AASB) supports HB 516, by Rep. Lincoln, "An Act relating to teacher tenure." AASB also supports an amendment to remove Section 2 of the proposed legislation.

### **History**

Historically, tenure rights were granted primarily to protect academic freedom. Current law allows a reduction in tenured staff for reasons of incompetence, immorality, substantial noncompliance and a decrease in enrollment. HB 516 would allow districts to utilize a Reduction in Force (RIF) caused by budgetary and fiscal circumstances.

### **District latitude is key**

School boards are very concerned about the overall cost of operating Alaska's public schools, maintaining a quality workforce, and the program needs of students. Schools are constantly being required to provide more services and programs with less financial commitment from the Legislature. Calls for significant cost containment measures are not surprising. If school districts are going to improve instruction and performance in the face of inadequate levels of funding we must have latitude to address key policy issues.

### **Student program needs should drive staffing patterns**

If reductions in workforce are required due to budgetary and fiscal circumstances in Alaska's schools, what will be the principal consideration in reducing the workforce? Will seniority (tenure) or the program needs of students be the determining factor? AASB believes the program needs of students should drive the staffing patterns of schools.

HB 516 will allow some latitude to reduce tenured staff in statutes. School districts are charged with determining the program needs of students, and where applicable, local negotiated agreements will determine the extent and shape of a district staff reduction plan.

AASB disagrees with Section 2 of the bill as the language grandfathering tenure rights prior to the effective date listed in this bill lessens the intent of the bill dramatically.

School boards realize HB 516 will meet with serious objections from special interests as it progresses through the legislative process. However, given the present circumstances – rising operating costs, inadequate finances, program needs of students, and state-mandated tenure provisions – HB 516 must receive special consideration and debate.

AASB urges your favorable consideration of HB 516. New lay-off provisions must allow educational programmatic needs to be the primary factors when budgetary or fiscal circumstances require reduction in staff.

2/92

# LETTERS RECEIVED ON #B516

letter rec 3/10/92  
phone calls  
✓ received

- Alcutian Region
- Alaska Gateway
- Aleutians East
- Anchorage
- Annette Island
- ✓ Bering Strait
- ✓ Bristol Bay
- Chatham
- Chugach
- ✓ Copper River
- Cordova
- Craig
- Delta/Greely
- ✓ Dillingham
- ✓ Fairbanks
- ✓ Galena
- Haines
- Hoonah
- ✓ Hydaburg
- Iditarod
- Juneau
- Kake
- ✓ Kashunamiut
- Kenai
- ✓ Ketchikan
- King Cove
- Klawock
- Kodiak
- Kuspuk
- Lake & Peninsula
- Lower Kuskokwim
- ✓ Lower Yukon
- Mat-Su
- Nenena
- Nome
- North Slope
- Northwest Arctic
- Pelican
- ✓ Petersburg
- Pribilof
- Railbelt
- St. Mary's
- Sitka
- Skagway
- Southeast Islands
- Southwest Region
- Tanana
- ✓ Unalaska
- ✓ Valdez
- ✓ Wrangell
- Yakutat
- ✓ Yukon Flats
- Yukon Koyukuk
- Yupiit

letters of support

CAROLE C. HUNTINGTON  
PO BOX 10  
GALENA, ALASKA 99741

REPRESENTATIVE GEORGIANNA LINCOLN  
HOUSE OF REPRESENTATIVES  
JUNEAU, ALASKA 99801

DEAR GEORGIANNA,

I WOULD LIKE TO TAKE THIS TIME TO THANK YOU FOR HB516. IT IS SUCH A CHANGE, A WELCOMED ONE, TO WORK WITH SOMEONE WITH YOUR ATTITUDE ON EDUCATION ISSUES. AND ALSO TO HAVE SOMEONE THAT UNDERSTANDS RURAL ISSUES.

I WOULD LIKE TO STATE MY SUPPORT FOR HB516. IT IS MUCH NEEDED HERE IN OUR SMALL SCHOOL. WE ARE LOOKING AT A LARGE BUDGET CUT AND NEED THE FLEXIBILITY TO LAY OFF TEACHERS BASED ON OUR PROGRAM NEEDS. WE CAN ONLY LAY OFF A TENURED TEACHER NOW IF OUR ENROLLMENT DECLINES. THAT IS NOT HAPPENING BUT OUR DOLLARS ARE TAKING A DIVE. TEACHER SALARY AND BENEFITS TAKE UP A GOOD PART OF OUR BUDGET. WE CANNOT CUT THE COST OF MAINTAINING OUR BUILDINGS. WE CAN CONSOLIDATE CLASSROOMS. WE HAVE A HIRING PRACTICE WHICH WE FEEL BRINGS IN EXCELLENT TEACHERS IN THEIR FIELD OF EXPERTISE. WE DO NOT WANT TO SETTLE FOR MEDIOCRE TEACHING BY LAYING OFF NON TENURED QUALIFIED STAFF AND REPLACING THEM WITH TENURED TEACHERS TEACHING OUTSIDE OF THEIR AREA. THAT IS NOT GOOD FOR THE KIDS!!!!

THANK YOU AGAIN FOR YOUR EFFORTS ON OUR BEHALF.

CAROLE C. HUNTINGTON  
GALENA CITY SCHOOL BOARD  
PO BOX 10  
GALENA, ALASKA 99741



# LOWER YUKON SCHOOL DISTRICT

P.O. Box 32089 • Mt. Village, Alaska 99632 • (907) 591-2411

February 18, 1992

Representative Georgianna Lincoln  
Alaska State Legislature  
State Capital  
Juneau, Alaska 99801-1182

Dear Representative Lincoln:

We were recently informed that you were introducing legislation that would give districts the right to use cost containment measures that relate to nonretention of tenured teachers due to budgetary or fiscal circumstances and program needs of students.

Please be advised that we strongly support such legislation, especially in view of the revenue outlook for the State. Our costs have continued to grow and we have not had any increase in revenue for the past six years.

We appreciate your initiative and concern to help us make decisions that will be in the best interest of quality education for students. Without such legislation our hands are tied as to whom we can retain and for what reasons.

Thank you very much. You have our support.

Sincerely,

Keith Evans, Superintendent

Leslie Hunter, Chairman, RSB

cc: Alaska Association of School Boards ✓

# Unalaska City School District



February 27, 1992

Representative Georgianna Lincoln  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

re: HB 516 - staff reduction based on program needs

Dear Representative Lincoln:

Thank you for sponsoring HB 516 which would allow non-retention of tenured teachers due to program cutbacks as a result of budgetary and fiscal circumstances. In years past our school district has seen a steady increase in school enrollment and programs have been expanded to meet the needs of our students. If the foundation unit value is not increased substantially, the district could face circumstances requiring reduction of the programs we so recently put in place.

If a reduction in workforce is required, Alaska's school districts need the options available to make cut-backs based on program needs and help retain the most qualified teachers to fill required positions for those programs.

I also support the amendment to remove Section 2 of the proposed legislation. Cutbacks may be necessary in the next school year and the school district must have flexibility to work within a tight budget.

Very Sincerely,

A handwritten signature in cursive script that reads "Sandra K. Carlquist".

Sandra K. Carlquist  
Unalaska City School Board President

cc: Senator Fred Zharoff  
Representative George Jacko  
AASB



# YUKON FLATS SCHOOL DISTRICT

P.O. Box 359  
Fort Yukon, Alaska 99740  
Phone: (907) 662-2515

March 3, 1992

ARCTIC VILLAGE  
99722  
BEAVER  
99724  
BIRCH CREEK VILLAGE  
99740  
CENTRAL  
99730  
CHALKYITSIK  
99788  
CIRCLE  
99733  
FORT YUKON  
99740  
NORTHERN LIGHTS  
99701  
RAMPART  
99787  
STEVENS VILLAGE  
99774  
VENETIE  
99781

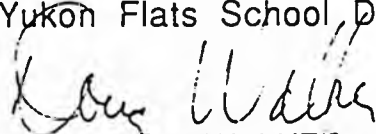
The Honorable Georgianna Lincoln  
House of Representatives  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Lincoln:

The Yukon Flats School District Board of Education and Administrators encourages you to:

1. Support full funding of the \$63,000 unit value (SB 20/SB 316/HB 25).
2. Support HB 516 and HB 485 or a similar senate version.

Thank you for consideration of this request.

Sincerely,  
Yukon Flats School District  
  
DOUGLAS A. WALKER  
SUPERINTENDENT OF SCHOOLS

cc: AASB

ITASB office

James L. Lindsey  
P.O. Box 809  
Valdez, Alaska 99686

Representative Georgianna Lincoln  
Room 112, State Capitol Building  
Juneau, Alaska 99801

March 5, 1992

Dear Representative Lincoln:

This letter is written in strong support of your bill HB516 relating to teacher tenure.

There is a problem we request that you consider. The bill gives school districts just what we need, then section 2 exempts everyone to whom it might need to apply. This section should be amended out.

This could be a politically difficult thing to do. If there is more we could do to aid in this matter, please inform me.

V.T.Y.

Jim Lindsey

# Petersburg City Schools

Phone (907) 772-4271  
FAX (907) 772-4719

P.O. Box 289  
Petersburg, Alaska 99833

Mary A. Francis, Ph.D.  
Superintendent

March 10, 1992

The Honorable Georgianna Lincoln  
Alaska State Legislature  
State Capital  
Juneau, Alaska 99801-1182

Dear Representative Lincoln:

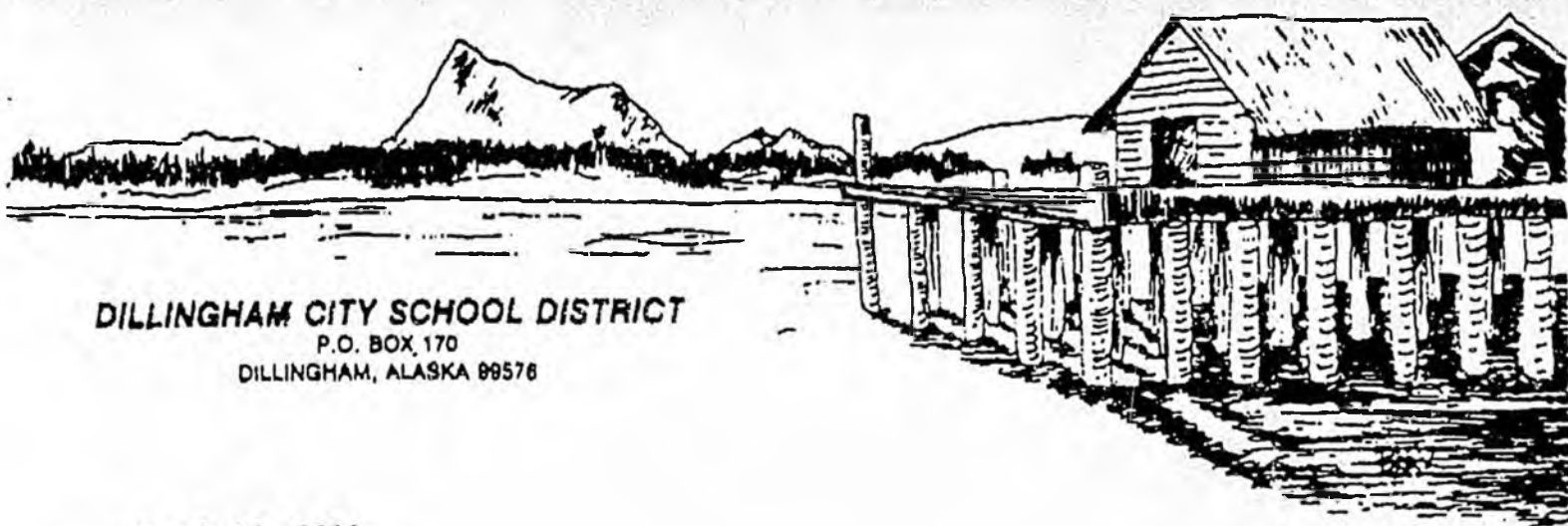
The Petersburg City School District Board of Education supports HB 516 which would allow us to layoff tenured teachers for financial as well as program reasons. Our hands are tied by current state law. We have consistent enrollment increases coupled with declining revenues - a deadly combination.

We support this legislation and urge its passage.

Sincerely,

PETERSBURG CITY SCHOOL BOARD

Thomas H. Wood, M.D., President  
Patricia Norheim, Vice President  
John C. Forney, Secretary/Treasurer  
Janice Kvernvik  
George Wood



DILLINGHAM CITY SCHOOL DISTRICT  
P.O. BOX 170  
DILLINGHAM, ALASKA 99578

March 10, 1992

Georgianna "Georg" Lincoln  
Alaska State Legislature  
P.O. Box V (MS 3100)  
Juneau, Alaska 99811

Dear Representative Lincoln

I am following your bill pertaining to non retention of teachers for budgeting reasons with great interest.

I have attended countless meetings with school board members from all around our state who have made the following remark in one way or another, "If we could get rid of the teachers we do not want, I wouldn't care if they never raised the foundation unit."

Perhaps that is a little strong, but the message is clear. We can employ excellent teachers at half the cost of some of our veterans who are burned out and coasting to retirement.

I understand you are holding a hearing on HB 516. I hope your testimonies run heavy for changing the present tenure laws. I hope we can get back to letting the educational program drive our employment practices. I hope we can do what is best for kids.

If I can lend support to your effort, please don't hesitate to call on me.

Sincerely

Don Renfro  
Superintendent

mrk



**WRANGELL**

**PUBLIC SCHOOLS  
DISTRICT OFFICE**

P.O. BOX 2319

WRANGELL, ALASKA 99929

Telephone (907) 874-2347

LINWOOD LAUGHY, Superintendent

GATEWAY TO THE STIKINE

March 10, 1992

Representative Georgianna Lincoln  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 9801-1182

Dear Representative Lincoln:

The Wrangell School Board **STRONGLY SUPPORTS** legislation you have courageously sponsored that would allow school districts to reduce staff when such reductions are determined by the Board, as the elected representatives of the community, to be in the best interests of the district.

It is beyond most citizens' comprehension that the granting of tenure to a teacher in a small district can virtually lock in an educational program for up to twenty-five years, regardless of whether or not a community wishes to continue that program or can afford to do so - or even regardless of student interest!

Example: A school district hires a new art teacher and expands its art offerings at the high school level. Three years later the school board decides that the district has a greater need for a secondary science teacher. They now have one of three choices:

- a) continue the expanded art program even though this this is not the wish of the community or is determined to be beyond the fiscal capability of the district;
- b) lay-off a non-tenured teacher (maybe a new first grade teacher or mathematics teacher who is doing an excellent job) and replace that person with the art teacher;
- c) if a city or borough school district, seek more local support to fund the new science position.

Which of these choices best benefits the community and its children? Obviously, none of the above. Each of these alternatives fails to use limited resources to the best advantage of students. Yet this is the type of decision that districts can face on a regular basis.

Is this example forced, melodramatic?

Wrangell School District last year identified a teaching position that we did not need at the secondary level. This identification resulted from a carefully conducted review of all course offerings and student enrollments over the previous five years. The positions involved a tenured faculty member. We had the choice of non-retaining non-tenured faculty doing an excellent job in positions for which they had been well-trained and replacing them with teachers who were clearly not trained for these same positions, or in spending \$54,000 that we needed in other areas of our program. After pursuing the matter in superior court, we paid the \$54,000.

During the court case the judge presented to the teacher's attorney a hypothetical case. Imagine, posed the judge, that a tenured teacher had taught shorthand for fifteen years, and that student interest in this course had dwindled over the years. The teacher was only trained to teach shorthand, only had experience teaching shorthand, but now there was not a single student who wished to take shorthand. Was the district required to continue to employ the shorthand teacher? Absolutely, stated the teacher's attorney. As illogical as it may seem to some, she argued, **THAT WAS THE LAW!**

This year Wrangell has experience an influx of elementary students. The school board and parents of this community have clearly identified the need for lowering the pupil-teacher ratio in the primary program. Once again we have a choice to make. We can place a high school physical education teacher into a first grade classroom, ignore the wishes of the community and the clear recommendations of educational research about the importance of the primary years, or seek more funds from the City.

Yes, you're correct again. The right answer is "none of the above."

It's time we allowed communities through their elected school boards to make sound decisions about the best use of their resources. The problem described in this communique will get much worse with dwindling state dollars for education. It will also be exacerbated by the changes that are being thrust upon public education. Such problems as educational cabooses are already addressed in negotiated agreements - must we add to the problem with outdated and misguided state statutes?

Sincerely,

Lin Laughy  
Superintendent



BRISTOL BAY BOROUGH SCHOOL DISTRICT

P. O. BOX 189  
NAKNEK, ALASKA 99631

PHONE 246-4225 OR 4265  
HIGH SCHOOL

RICHARD W. LEATH  
SUPERINTENDENT

March 10, 1992

Representative Georgianna Lincoln  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Lincoln:

The Bristol Bay Borough School Board and its administrative staff support your bill, HB 516. We feel that this bill would provide us with much more flexibility in dealing with staff reductions that might be necessary to balance our local school district budgets.

We very much appreciate your efforts in introducing and championing this piece of legislation.

Sincerely,



Richard W. Leath  
Superintendent of Schools

RWL;crm

DISTRICT OFFICE

# BERING STRAIT SCHOOL DISTRICT

P.O. BOX 225

UNALAKLEET, ALASKA 99864-0225

(907) 824-3811

March 10, 1992

Representative Georgianna Lincoln  
House of Representatives Building  
P.O. Box V  
Juneau, Alaska 99811

BREVIG MISSION

Dear Honorable Georgianna Lincoln:

COUNCIL

I am writing to support your recent legislation, HB 516, regarding the nonretention of tenured teachers. In the current days of cost containment measures to insure educational programs will remain intact, this is a piece of legislation that I support.

DIOMEDE

ELIM

GAMBELL

GOLOVIN

Bering Strait School District, along with other school districts across the state, have experienced inflationary pressures and other constraints that make it more difficult to keep a balanced budget. Personnel costs are one of the most expensive items in our budget. In the event that we would have to decrease costs, it would be helpful for districts to have the option of nonretaining tenured teachers. This is not the first course of action that we would chose, but it is an option that we may need in order to sustain the integrity of our educational programs.

KOYUK

SAINT MICHAEL

SAVOONGA

SHAKTOOLIK

SHISHMAREF

STEBBINS

TELLER

I would also like to take this opportunity to ask for your support for the increase of the foundation unit to \$ 63,000. Our costs for operating schools continues to climb. We have been at the same level of funding since 1986 and have had to absorb such things as inflation, fuel and transportation increases, the state's portion of TRS, and rising personnel costs. Please help us in our efforts to preserve education.

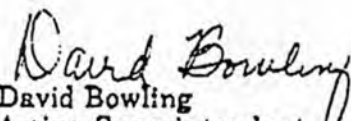
UNALAKLEET

WALES

WHITE MOUNTAIN

Thank you for your continued support of educational issues.

Sincerely,

  
David Bowling  
Acting Superintendent

cc: Correspondence file



# FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

P.O. Box 71250

Fairbanks, Alaska 99707-1250

(907) 452-2000

## Board of Education

March 10, 1992

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Seat G  
456-8085

Andy Warwick  
Vice President  
Seat F  
474-6148

Jerry McBeath, Ph.D.  
Treasurer  
Seat C  
479-2870

Sandra Henriks  
Clerk  
Seat E  
474-0732

Joy Cook  
Member  
Seat B  
485-0438

Mike Kramer  
Member  
Seat D  
457-4447

Sue Wilken  
Member  
Seat A  
474-0341

Sharon Daly, Major  
Eielson Air Force Base  
Representative  
372-2153

Henry Rogers, Major  
Fort Wainwright Army Post  
Representative  
356-7610

Nathan Riding  
Student Representative  
372-1862

The Honorable Georgianna Lincoln  
House of Representatives  
P. O. Box V  
Juneau, Alaska 99811

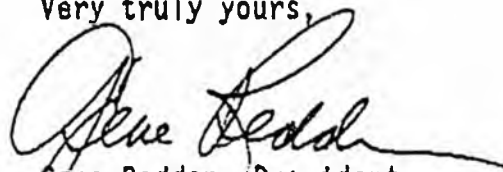
Dear Representative Lincoln:

Enclosed please find a copy of Resolution 91-22 which was approved by the Fairbanks North Star Borough Board of Education this fall. It supports legislation which would allow districts to lay off certificated personnel due to reductions in funding.

Given the current economic climate in Alaska, districts must have the flexibility to deal with declining revenues by reducing staff when necessary.

Thank you for allowing us the opportunity to provide input into this issue.

Very truly yours,

  
Gene Redden, President  
Board of Education

/plh  
cc: Board of Education  
Superintendent

Post-It™ brand fax transmitted memo 767: # of pages 2

To	Carl Rose	From	Fairbanks
Co.		Co.	
Dept.		Phone #	451-0541
Fax #	586-2995	Fax #	



# KASHUNAMIUT SCHOOL DISTRICT

985 KSD Way  
Chevak, Alaska 99563  
(907) 858-7713

March 10, 1992

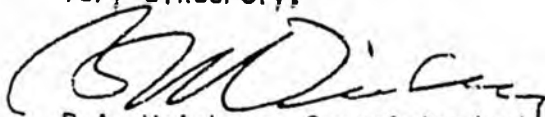
Honorable Georgianna Lincoln  
Alaska House of Representatives  
Pouch Y  
Juneau, AK 99801

Dear Rep. Lincoln:

I am writing in support of HB516. In this time of static or declining revenues and increasing costs, school districts must have the flexibility to reduce tenured staff in the event of a loss of revenue.

Thank you for recognizing this need and for addressing it in HB516.

Very sincerely,



B.A. Weinberg, Superintendent  
KASHUNAMIUT SCHOOL DISTRICT

# Copper River School District



Superintendent's Office  
Box 108  
Glennallen, Alaska 99588  
(907) 822-3234

March 10, 1992

The Honorable Georgianna Lincoln  
House of Representatives  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801-1182

Dear Representative Lincoln:

Your efforts promoting HB516 are greatly appreciated.

As revenues decline, school districts must have the ability to make personnel decisions based on programmatic needs. Some will argue that the present statute provides an adequate vehicle to non-retain a tenured teacher. Documenting for dismissal is both costly and time consuming.

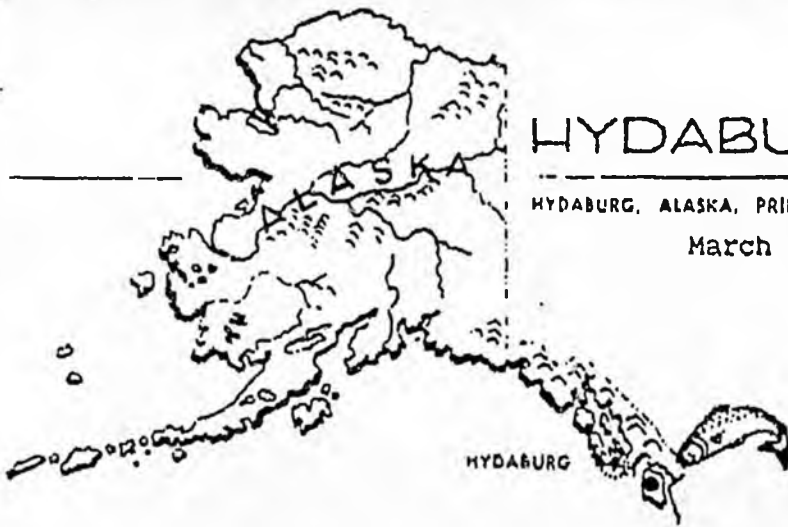
As one example, in another district I ventured to dismiss a tenured teacher. I notified the teacher of my intent to recommend dismissal after having spent six (6) months attempting to remediate and documenting during the process. After the first day of the due process hearing, the teacher resigned. I estimate that the district spent approximately seventy-five thousand dollars leading up to the resignation. Remember that a tenured teacher is also afforded a trial de nova that conceivably could have doubled or tripled the district expenditures.

School districts need the type of legislation contemplated in HB516, particularly as revenues declines.

You are to be commended for your efforts.

Sincerely,

Gordon C. Tope  
Superintendent



# HYDABURG CITY SCHOOL

HYDABURG, ALASKA, PRINCE OF WALES ISLAND 99927

March 10, 1992

Representative Georgianna Lincoln  
Alaska House of Representative  
P.O. Box V  
Juneau, Ak. 99811

Dear Representative Lincoln:

The Board of Education and administration of the Hyدابurg City School District would like to express our support for H.B. 516. We realize that the bill faces stiff opposition because some people feel that it will allow for the indiscriminate dismissal of tenured teachers. Those opposing the bill should be aware of the "Due process" system which is established under state law and by negotiated agreements in our school systems. The "Due process" guarantees the protection of teacher's rights, and will serve as a check against misuse of the legislation.

With the current status of funding in the state, we realize that reductions in spending will be a reality. Our responsibility is to make adjustments on the basis of what is best for children. Salaries represent a tremendous portion of the district budget, but under the existing law we are forced maintain programs and staff without regard to the interest or needs of students. Your bill will give us better control of spending, and most importantly help us to maintain the best educational systems possible.

We appreciate your interest in this area, and your efforts on behalf of students in the state. If we can be of any assistance please feel free to call on us.

Sincerely,

A handwritten signature in cursive script that reads "Larry L. Schroeder".

Larry L. Schroeder  
Superintendent



KETCHIKAN GATEWAY BOROUGH  
SCHOOL DISTRICT

March 10, 1992

Representative Georgianna Lincoln  
Alaska State Legislature  
P. O. Box V  
Juneau, Alaska 99811

Dear Representative Lincoln,

I want to express my sincere appreciation for your willingness to confront a real problem head-on. House Bill 516 speaks to an issue which continues to operate at a level far beyond it's original intent. My school district has just gone through the painful exercise of reducing \$895,249 of programs in an effort to meet the requirements of a possible \$60,000 per educational unit value once again in FY-93.

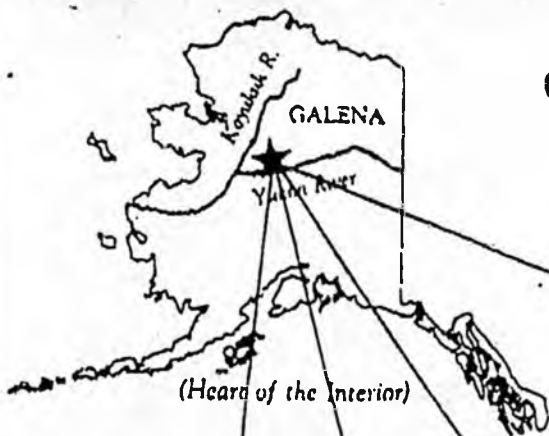
If students and their educational programs are our top priority, as we claim, then your HB 516 is an absolute must. Certainly, required due process, as well as protective language in most negotiated contracts provide our tenured teachers with adequate and fair job security. However, we all realize money represents the bottom line which forces us into making tough decisions based on priority programs. Often we are unable to maintain our priorities during a mandated period of reduction brought on by reduced revenues because the current law will not allow us to take action caused by budgetary or fiscal circumstances.

We, the local school district, need the authority to take such action. Certainly, with the authority, goes the responsibility to carry out the process in a rational and professional manner. Like you, your local elected representatives (school boards) can be trusted to do so.

Once again, on behalf of our young people, thank you for your efforts.

Sincerely,

*Richard E. Clevenger*  
Richard E. Clevenger  
Superintendent of Schools



# GALENA CITY SCHOOL DISTRICT

GALENA, ALASKA 99741

PHONE (907) 656-1205

SUPERINTENDENT'S  
OFFICE

March 11, 1992

Representative Georgianna Lincoln  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Lincoln:

Our total FY-93 budget will require a cut of \$423,258. I am certain we will have to eliminate 4 to 6 certified teaching positions from our staff. That is quite a few for a small school. Over half of our teachers are tenured (12) and the other 7-1/2 are non-tenured.

What this means is that the 4-6 cuts must come from our non-tenured staff which include:

1. 1st grade teacher
2. 3/4 combination grade teacher
3. preschool teacher/librarian
4. junior high teacher, 1/2 time
5. junior high teacher
6. high school science teacher
7. high school voc ed teacher
8. high school voc ed/language teacher, 1/2 time
9. high school social studies teacher
10. high school principal

I will have to fill some of the above positions with one or more of the following tenured people:

1. high school math teacher
2. school counselor
3. high school English teacher
4. band teacher
5. elementary 5th grade teacher
6. 6th grade teacher
7. special education teacher
8. special education teacher
9. Bilingual teacher
10. second grade teacher
11. kindergarten teacher
12. special education teacher

Representative Lincoln

March 11, 1992

Page 2

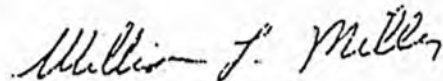
My ability to choose the best qualified staff for particular positions is greatly restricted. For example:

1. What will the band teacher teach if we cut that program?
2. What will the counselor teach if we cut back that program?
3. Who will teach high school science or vocational ed (shop)?
4. What high school teacher could teach first grade or early childhood?

The point of all of the above is, that our flexibility to retain the best people to meet the specific needs of our students is greatly hindered by existing school laws.

Any help you can provide us would be greatly appreciated.

Sincerely,



William L. Miller, Superintendent

WLM/elb  
075/92

\*\*\*\*\*  
 FAX TRANSMITTAL MEMO  
 TO: Rep. Davis  
 DEPT: \_\_\_\_\_ FAX #: 465-3443  
 FROM: Wrangell PHONE: 874-2347  
 CO: School Dist FAX #: \_\_\_\_\_  
 Post-It brand fax transmittal memo 7571

NO. OF PAGES
2



**WRANGELL**

**PUBLIC SCHOOLS  
DISTRICT OFFICE**

P.O. BOX 2319

WRANGELL, ALASKA 99929

Telephone (907) 874-2347

LINWOOD LAUGHY, Superintendent

GATEWAY TO THE SYKINE

March 16, 1992

Representative Bettye Davis  
 House HESS Committee  
 Room 106  
 State Capitol  
 Juneau, Alaska 99801-1182

Re: HB-516

Dear Representative Davis:

Is a city librarian qualified to serve as a city engineer? Is a plumber an electrician? Is a kindergarten teacher qualified to teach high school chemistry or physics?

Perhaps these questions should be asked from a different perspective. If a city lost its engineer, would the Alaska legislature expect them to fill the position with the city librarian? If a contractor no longer needed a plumber on a job, could he or she be required to assign the plumber to do electrical work and lay off the less senior electrician?

Pretty silly questions, right?

Let's try a third and fourth question...

If a school district desperately needed to replace a retiring science teacher and wished to discontinue an elementary art program, would Alaska statutes allow the non-retention of the tenured elementary art teacher and the hiring of a new science teacher? What if an excellent high school science teacher had been hired the preceding year and the district needed to reduce faculty for budgetary reasons, could they eliminate the elementary art specialist position and have these classes taught by the regular elementary faculty, using the savings to replace the science teacher?

Excerpts from a recent Alaska superior court case can provide an answer to this second set of questions...

Judge: Let us suppose there is no change in the attendance district-wide; there is no change in attendance at the secondary level. Any way you look at it, there is no change in the attendance in the school. . . . But over the last five years everybody's decided they don't want to take typing . . . or shorthand. And they refuse to sign up for the courses. Is that a drop in attendance that would justify non-retaining a typing teacher if the typing teacher was full-time before, had five or six periods, and now had virtually none?

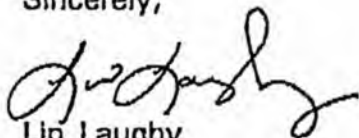
Attorney: It might be under other statutes, but I would submit to the Court that under our [Alaska's] statute - which is very specifically worded - it could not be done. I mean, the district might want to re-deploy such a teacher. Because in our state the only requirement to teach any subject is a Class A certificate. ....our legislature has specifically directed what can and cannot dictate grounds for lay-off of a tenured teacher. Logic might dictate that reduced budget would be awfully good grounds for reduction in staff... But, its not only been held that it is not, but attempts to change the statute to include that have been rebuffed by the legislature.

So the art teacher begins teaching chemistry and physics, or the art teacher teaches third grade and the third grade teacher teaches chemistry and physics, or the district reduces its high school science program, OR THE DISTRICT BEGS THE LEGISLATURE AND ITS COMMUNITY FOR MORE MONEY SO THEY CAN HAVE A HIGH SCHOOL SCIENCE PROGRAM.

If the legislature is serious about quality education and the wise use of educational resources, it will not rebuff continued efforts to change the existing statute governing the lay-off of tenured teachers. If legislative pressure of the largest labor union in the United States does not permit such change, then parents can expect art or music teachers in the science lab, or physical education teachers teaching remedial reading. Or they can pay higher taxes - or pursue the privatization of the public education system.

But then maybe librarians will make good city engineers ....

Sincerely,



Lin Laughy  
Superintendent

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FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

Resolution 91-22

Tenured Staff Reduction When Revenues Decline

WHEREAS, school districts are faced with budget reductions; and,

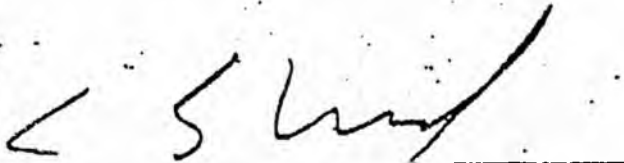
WHEREAS, certificated staff may be non-retained due to declining enrollments but not due to declining revenues; and,

WHEREAS, this often places teachers in grade levels or subject areas for which they have insufficient preparation; and,

WHEREAS, districts, in order to deal with declining revenues, need the authority to reduce staff due to a lack of funds;

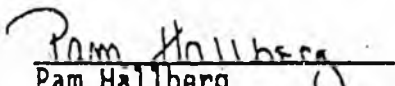
NOW, THEREFORE, BE IT RESOLVED, that the Fairbanks North Star Borough Board of Education promotes necessary legislation allowing districts to reduce certificated personnel due to reductions in funding.

PASSED AND APPROVED SEPTEMBER 17, 1991.



Andy Warwick, President  
Board of Education

ATTEST:



Pam Hallberg  
Secretary to the Board

ALASKA STATE LEGISLATURE

Representative Georgianna Lincoln

HESS Committee, Co-Chair  
Resources Committee, Vice-Chair

Budget Subcommittees  
Health and Social Services  
Revenue



P.O. Box V  
Juneau, Alaska 99811

Phone: (907) 465-3732  
FAX: (907) 465-2652

MEMORANDUM

Alatna  
Allakaket  
Aniak  
Anvik  
Arctic Village  
Beaver  
Bettles  
Birch Creek  
Chalkyitsik  
Chuathbaluk  
Crooked Creek  
Evansville  
Fort Yukon  
Galena  
Grayling  
Holy Cross  
Hughes  
Huslia  
Kalskag  
Kaltag  
Koyukuk  
Lake Minchumina  
Lime Village  
Lower Kalskag  
Manley Hot Springs  
Marshall  
McGrath  
Minto  
Mountain Village  
Nikolai  
Nulato  
Pilot Station  
Pitkas Point  
Rampart  
Red Devil  
Ruby  
Russian Mission  
Shageluk  
Sleetmute  
St. Mary's  
Stevens Village  
Stony River  
Takotna  
Tanana  
Telida  
Tuluksak  
Tyonek  
Venetie  
Wiseman

TO: House Health, Education and Social Services Commission Members  
FROM: Representative Georgianna Lincoln *geom*  
DATE: March 12, 1992  
RE: House Bill 516 - Relating to Teacher Tenure

House Bill 516 provides for the release of tenured teachers for budgetary and fiscal circumstances of the district.

Under current law school districts are allowed to lay off tenured teachers for incompetence, immorality, substantial noncompliance with law or regulation, or decreased student enrollment. As revenues decline, school districts must have the ability to make personnel decisions based on programmatic needs.

Every school district I have talked with has a story about a tenured teacher--or teachers--who are teaching children of ages or subject areas for which they have not been trained because they've lost funding or their program needs have changed. We must give school districts the flexibility to make adjustments on the basis of what is best for the children.

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HB 516

Revision Date: \_\_\_\_\_

Department Affected: Education

Title: An Act Relating to Teacher Tenure

BRU: Educational Finance & Support Services

Component: Teacher Certification

Sponsor: Rep. Lincoln

Requestor: \_\_\_\_\_ (H) HESS

COMPONENT SERIAL NO. 

1	2	4	0
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

The department has determined there will be no fiscal impact to implement this bill.

Prepared by: Eddy Jeans / Bill Wright

Phone: 465-2865

Division: Educational Finance & Support Services

Date: 3-5-92

Approved by Commissioner: \_\_\_\_\_ *M. L. Melton*

Jerry Covey

Agency: Education

Date: 3-5-92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).  
Rev 10/07/91

Page \_\_\_\_ of \_\_\_\_

POSITION PAPER: DEPARTMENT OF EDUCATION

Division Educational Finance & Support Services Bill Number HB-516

Bill Title An Act Relating to Teacher Tenure

Sponsor Rep. Lincoln

Position Statement: Explain briefly what the bill does, its impacts and Department's position, i.e., a) support, b) do not support, c) neutral or d) oppose.

This bill provides for the release of tenured teachers if the employer determines that a reduction in staff is necessary due to a decrease in enrollment or due to budgetary or fiscal circumstances of the school district.

The department supports this bill because it allows school districts more options when dealing with budgetary shortfalls, and provides for a greater degree of local control.

APPROVED:

Director Duane Guiley Division EFSS

Signature *[Handwritten Signature]* Date 3/5/92

Commissioner/Deputy *[Handwritten Signature]* Jerry Covey

Signature \_\_\_\_\_ Date 3/5/92

7-LS2015D -  
Cramer  
3/30/92

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:  
Referred:

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).

# HOUSE COMMITTEE REPORT

(7)

Date Referred: February 18, 1992

FURTHER REFERRALS:

Labor & Commerce

Date of Committee Action: 4/9/92

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 516

HOUSE BILL NO. 516

NONRETENTION OF TENURED TEACHERS

"An Act relating to teacher tenure."

**RECOMMENDATIONS:**

be replaced with CS HB 516 (HES)

the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)


fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note DOE

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Cheri Davis	✓	Betty Davis		X	
John Sampson	✓	Mark Penley			X
Patricia Carney	✓				
Georgina Wilson	✓				
Mary Miller	✓				

  
 COCHAIRMAN'S SIGNATURE