

**HB**

**465**

Alaska State House of Representatives  
House District 39

Session  
Alaska State Capital  
Juneau, Alaska 99801-1182  
Phone: (907) 465-4942



Interim  
P.O. Box 137  
Akiak, Alaska 99552  
Phone: (907) 765-7526

**Representative Ivan M. Ivan**

**SPONSOR STATEMENT - SCS for CS for House Bill 465 (RLS)**

I introduced House Bill 465 to promote quality, performance, accountability and fairness in our educational system and the youth it serves. This bill also gives our school districts a degree of flexibility when dealing with increased costs associated with our educational system.

Senate Committee Substitute for Committee Substitute for House Bill 465 (RLS) would allow school districts to lay off teachers who have acquired tenure rights, but only if the school district finds it necessary to reduce the number of teachers due to declining enrollment or declining revenues and after all nontenured teachers are given notice of nonretention. However, a school district may retain a nontenured teacher and place a tenured teacher on lay off if there is no tenured teacher in the district who is qualified to replace the nontenured teacher.

The bill also increases tenure from two to three years and removes the costly trial de novo portion of our statutes which allows a school district employee who, if not satisfied with a district led investigation, to go to the court system to begin an entirely new trial. The district's investigation, most often, must be recreated. New procedures for appealing a decision to dismiss or nonretain a tenured teacher are established in House Bill 465.

An extensive evaluation system and an improvement of performance plan is included in House Bill 465. The evaluation system can be used for nonretention purposes. Should a tenured or nontenured teacher not meet district performance standards, a plan of improvement would be implemented. If the district demonstrates the teacher's performance does not meet professional performance standards and objectives defined in the plan of improvement, the teacher is subject to nonretention.

Sections 2 and 4 of House Bill 465 apply only to those teachers who are hired after the bill is signed into law. Sections of the bill dealing with loss of tenure rights, layoff and rehire and elimination of trial de novo go into effect after the bill is signed and will have an effect on all teachers. Section 4, employee evaluation, is effective on July 1, 1997.

Aldachak • Aldak • Aleknagik • Atmautluak • Bethel • Chefornak • Clark's Point • Dillingham • Eek • Ekuk • Ekwok • Goodnews Bay • Kasigluk • Kipnuk • Kolliganek • Kongiganak • Kwethluk • Kwigillingok • Manokotak • Napadkak • Napaskak • New Stuyahok • Nunapitchuk • Oscarville • Platinum • Portage Creek • Quinhagak • Togiak • Tuntutullak • Twin Hills

# Alaska State House of Representatives

## House District 39

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**Representative Ivan M. Ivan**

### SECTIONAL ANALYSIS - SCS for CS for House Bill 465 (RLS)

**Section 1:** Amends AS 14.20.140, Notification of Nonretention. Amends the section to include the lay off provisions found in Section 10 of the bill. A tenured teacher subjected to lay off for the following school year would have to be notified of the lay off before March 16. A nontenured teacher would have to be notified of lay off for the following school year by the last day of the school term.

**Section 2:** Amends AS 14.20.145, Automatic Reemployment. States that if a teacher is not given a notice of nonretention and is not laid off under the new provisions of AS 14.20.177 (Section 10 of this bill), the teacher is entitled to be reemployed in the same school district for the following school year. Should the teacher not accept reemployment within thirty days of the contract offer, this section would not be applicable. If a teacher is in lay off status and is working in another school district and is contractually obligated to provide services to another educational program within the state, then this section does not apply.

**Section 3:** Amends AS 14.20.147(b), Transfer or Absorption of Attendance Area or Federal Agency School. Changes tenure from two to three years for those teachers who taught in a school operated by a federal agency and has transferred to or is absorbed into a new or existing school district.

**Section 4:** Adds a new section to AS 14.20, Teachers and School Officials. This section establishes an evaluation system and improvement of performance plan for a district's certificated employees. The evaluation system must:

- (1) establish evaluation criteria based on professional performance standards;
- (2) require at least two observations for the evaluation of each nontenured teacher in the district;
- (3) require an annual evaluation of each tenured teacher who met district performance standards during the previous school year;
- (4) permit the school district to limit evaluations of tenured teachers who consistently exceed the district's professional performance standards to one evaluation every two years;
- (5) require an annual evaluation for each administrator;

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SCS for CSHB 465 (RLS)

(6) require the district to prepare and implement a plan of improvement for a teacher or administrator whose performance did not meet district performance standards; and,

(7) provide an opportunity for students, parents, teachers, community members and administrators to provide evaluation information on the teacher's performance.

The school board will consider information from students, parents, community members, classroom teachers, affected collected bargaining units and administrators in the design and periodic review of the evaluation system.

Before an evaluation can be conducted, the evaluator has to complete training in the use of the district's evaluation system and in service training must be offered to those who are subject to the evaluation system. The evaluator must hold a type B certificate or be a site administrator under the supervision of a person with a type B certificate.

A tenured teacher whose performance, after evaluation, did not meet district performance standards must be provided a plan of improvement which must address ways the tenured teacher's performance can be improved. The evaluating administrator will consult with the teacher in setting clear, specific performance expectations that will be included in the plan. This plan is to last for not less than 90 work days and for not more than 180 work days. If, at the conclusion of the plan of improvement, the teacher's performance does not meet district performance standards, the district may nonretain the teacher.

An administrator must be provided a plan of improvement which must address ways the administrator's performance can be improved if the administrator's evaluation is less than acceptable.. This plan is to last for not less than 90 work days and not more than 210 work days. If, at the conclusion of the plan of improvement, the administrator's performance is does not meet district performance standards, the district may terminate its contract with the administrator.

Information provided to a school district under the evaluation system concerning the individual's performance is not public record. However, the person who is being evaluated may waive confidentiality concerning this information.

**Section 5:** Repeals and reenacts AS 14.20.150, Acquisition of Tenure Rights. Changes acquisition of tenure from two to three years. Tenure is acquired when the teacher possesses a valid teaching certificate; has been employed in the same district continuously for three full school years; receives an acceptable evaluation in the third year of any three year period of continuous employment; and, accepts a contract

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SCS for CSHB 465 (RLS)

for employment in the district for a fourth consecutive year. A full school year means employment beginning on or before the first student count day which is October 15th.

**Section 6:** Amends AS 14.20.155(a), Effect of tenure rights. States that a teacher who has acquired tenure has the right to employment within the district with the exceptions noted in AS 14.20.

**Section 7:** Amends AS 14.20.160, Loss of tenure rights. Clarifies that a teacher on layoff status does not lose tenure rights during the layoff period except as provided by AS 14.20.177 (Section 10 of this bill).

**Section 8:** Adds a new subsection to AS 14.20.170, Dismissal. States that a teacher dismissed under this section is not entitled to a plan of improvement.

**Section 9:** Amends AS 14.20.175(b), Nonretention. Deletes incompetence as a reason for nonretention and replaces it with failure to meet performance objectives defined in the individual's plan of improvement that is based on locally adopted professional performance standards and the teacher does not meet district performance standards. The school district may not nonretain a teacher under this section unless the district has complied with the requirements set out in AS 14.20.149 (Section 4 of this bill) and the district demonstrates the teacher's performance does not meet professional performance standards established by evaluation.

**Section 10:** Adds a new section to AS 14.20, Teachers and School Officials. This new section provides for layoff of a tenured teacher when there is a decrease in school attendance or the basic need of the school district determined under AS 14.17.021 (b) and adjusted under AS 14.17.225 (B) decreases by three percent or more from a previous school year. Before a tenured teacher is laid off, all nontenured teachers must be given notice of nonretention.

Before a school district lays off any tenured teacher, a lay off plan must be adopted which must include academic and other programs that the district intends to maintain in implementation of the plan. This section also establishes standards for qualifications in which a school district may retain a nontenured teacher if there is no tenured teacher in the district to replace the nontenured teacher. Procedures addressing the length of time that a teacher retains hire rights after a layoff, the circumstances under which a teacher may lose rehire rights after a layoff and other provisions are provided under this section. In the event a teacher is offered a teaching position while on layoff status, the teacher may remain on the layoff list for retention within the school district where tenure was acquired.

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**Sectional Analysis**  
**SCS for CSHB 465 (RLS)**

**Section 11:** Repeals and reenacts AS 14.20.80, Procedures upon notice of dismissal or nonretention. Eliminates a de novo trial whenever a school district reaches an unfavorable decision to a teacher. The new section allows a tenured teacher, following written notice of the proposed dismissal, a pretermination hearing. This section describes the pretermination process. This section also states that the dismissal is effective when the notice is delivered to the teacher.

After the pretermination hearing or notice of nonretention of a tenured teacher, procedures, under which the school district must comply, are established.

Within 15 days after receipt of a decision of dismissal or nonretention, the teacher may notify the employer in writing that a hearing is requested before the school board for a full hearing with possible appeals going to superior court or will invoke grievance procedures.

Under the full school board hearing in which all evidence is revealed and any witnesses are cross examined or subpoenaed the teacher may appeal to superior court if the decision of the school board remains unfavorable to the teacher. Judicial review will be based on the already established record in previous proceedings.

In the event the teacher provides notice invoking grievance procedures to the school board, an informal hearing will be immediately scheduled by the board. If the board sustains the dismissal or nonretention, the teacher may give written notice to the school board and submit the matter to arbitration under the rules of the American Arbitration Association. An arbitrator's decision will be final and binding on the school board, the teacher and the bargaining unit representing the teacher. If the school board and teacher agree, the informal hearing may be waived and the matter will be submitted directly to arbitration.

**Section 12.** Adds a new paragraph to AS 14.20.215, Definitions. Defines district performance standards.

**Section 13:** Adds a new section to AS 23.40, Labor Organizations. Prior to beginning bargaining, this section states the school board will provide opportunities for public comment on issues to be addressed in the collective bargaining process. Initial proposals, last best offer proposals, tentative agreements before ratification and final agreements reached by the parties are public documents.

**Section 14:** Repeals AS 14.20.205, Judicial review. Elimination of the trial de novo.

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**Sectional Analysis**  
**SCS for CSHB 465 (RLS)**

**Section 15:** The amendments in sections 2 and 4 of this bill apply only to;  
(1) individuals hired as a teacher on or after the effective date of the bill;  
(2) rehired teachers on or after the effective date of the bill and following an interruption in continuous service that resulted in a loss of tenure rights or failure to acquire tenure rights.

**Section 16:** States that nothing in this legislation affects a collective bargaining agreement in effect on the effective date of this legislation.

**Section 17.** Effective date of July 1, 1997, for Section 4 (employee evaluations) of the bill.

# FISCAL NOTE

BILL NO. HB 465

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

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

Title: Teacher Employment Rights

Sponsor: Representative Ivan

Requester: Representative Ivan

Department Affected: Education

BRU: Executive Administration

Component: Commissioner's Office

COMPONENT SERIAL NO. \_\_\_\_\_ 185

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES</b>						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact: \$ 0.0

**ANALYSIS: (Attach a separate page if necessary.)**

This legislation addresses issues including teacher layoff, rehire, dismissal, nonretention, evaluation, tenure and public school bargaining. There will be no fiscal impact on the department; however, school districts may incur additional costs and savings associated with provisions of the legislation.

Prepared by: Kimberly Homme, Special Assistant

Phone: 465-2803

Division: Commissioner's Office

Date: February 12, 1996

Approved by Commissioner: \_\_\_\_\_

Shirley Holloway, Ph.D.

Agency: Education

Date: February 12, 1996

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# DRAFT

## Position on Proposed Amendment to Section 11 of House Bill 465

Fairbanks North Star Borough School District and the Anchorage School District propose an amendment to Section 11 of House Bill 465. The proposed amendment is to delete Section (d) and revise the last sentence of section (c) to read as follows:

If the school board sustains the dismissal or nonretention, the teacher may appeal the decision to the superior court, in accordance with Part VI of the Rules of Appellate Procedure. [APPLICABLE RULES OF COURT FOR A JUDICIAL REVIEW BASED ON THE RECORD.]

There are important public policy reasons for supporting this proposed amendment. The proposed amendment is fair to the interests of both school districts and teachers for a number of reasons. The proposal is a fair compromise.

First, under Part VI of the Rules of Appellate Procedure, the superior court sits as the appellate court for appeals from administrative decisions. While most appeals from administrative decisions are on the record, the rules permit the superior court in its discretion to grant a trial de novo. Appellate Rule 609. This

# DRAFT

discretion is exercised by the court to grant a trial de novo and conduct a new evidentiary hearing when the prior administrative proceedings, or school board decision, is so fundamentally unfair that the teacher has not received constitutional due process. When a teacher is able to demonstrate that the school board proceeding violated the teacher's constitutional due process rights and that the school board hearing was not fair, the superior court has the discretion to grant a new trial. Absent such a showing that the hearing before the school board was so flawed as to deny constitutional due process, the superior court would review the school board decision on the record. This proposed amendment would eliminate the automatic duplication of two full evidentiary hearings under existing law. The proposed amendment would provide teachers with a full independent review of a school board's decisions on non-retentions and dismissals, by giving teachers an impartial third-party review of any school board decision to non-retain or dismiss.

Second, the language in the bill passed by the House allows a teacher to waive the hearing before the Board and to file an original action in superior court within sixty days of notice of dismissal or non-retention. By giving a teacher a new right to file an independent action in superior court, the local school board is completely by-passed in making a decision on dismissal or non-retention. This eliminates the school Board's role in the decision making process, usurping the authority of the local school board to review the Superintendent's decision to

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dismiss or non-retain a teacher. Additionally, the local school board would be deprived of the opportunity to apply the standards of teaching performance adopted by the local school Board. By-passing the local school board on important policy decisions like the retention or dismissal of tenured teachers is unnecessary and an unwelcome result.

Third, the House Bill gives teachers a new right by permitting them to file an original action in superior court and demand a jury trial. Under the House Bill, a court could interpret an original action to allow the expansion of claims against the district for matters in addition to those involving a review of the school board's decision. For example, a teacher could include a claim for defamation, violation of civil rights, and wrongful discharge, as part of the original action to review a Board's decision. These claims will involve prohibitive costs, delays, and expenses for local school districts that make the tough decision to terminate non-performing teachers. An original action gives teachers access to the civil discovery process which will include depositions, production of documents, and pretrial motions. Pre-trial discovery will substantially increase costs. These additional costs and expenses will likely act as a financial deterrent to school districts making recommendations to dismiss or non-retain teachers who fail to perform to acceptable standards. Under the House Bill as passed, teachers would be expected to waive the school board hearing and demand a jury trial in most

# DRAFT

cases. Districts will be under enormous pressure to settle cases and pay off poor teachers given the costs they will encounter in proceeding to a jury trial.

In short, Section 11 of the House Bill affords teachers greater rights than they have under the current law in cases of non-retention or dismissal. Rather than being a progressive step forward to hold teachers accountable for their performance, the House Bill increases the risks and costs of proceeding with nonretentions and dismissals. The increased risk may result in districts being too hesitant to act in dismissing unacceptable teachers. The House Bill will make nonretentions and dismissals more difficult for school districts.

(web.c:\pawson\140402\2001.doc)

AMENDMENT

Offered by Anchorage & Fairbanks School Districts

In the Senate HESS Committee:  
CSHB 465(HES)am

"An Act relating to employment of teachers and school administrators and to public school collective bargaining"

Page 9 Line 3:

after the word "with" delete the rest of the sentence and add:

"Part VI of the Rules of Appellate Procedure"

Page 9 Line 4 through 7:

Delete all language in subsection (d)

# ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510

(907) 586-1083 • Fax (907) 586-2995

## POSITION PAPER

### IN SUPPORT OF CSHB 465

"An Act relating to employment of teachers and school administrators and to public school collective bargaining."

#### Addressing Quality Education

##### Issues...

- Quality
- Performance ...through...
- Fairness
- Accountability

##### CSHB 465...

- Acquisition of Tenure
- Evaluation Process
- Layoff Status
- Non-retention Standards
- De novo
- Public Information

#### ★ HISTORICAL REVIEW

The Association of Alaska School Boards has, for over 15 years, passed resolutions designed to improve the quality of education. Tenure acquisition, layoff status, de novo trials, and public access to negotiations are issues that have been around for years. Over the last five years there has been a steady increase in public awareness of these issues not only in Alaska, but throughout the country.

Last year the Legislature passed a bill addressing the issues listed above. Gov. Knowles vetoed that legislation, primarily due to provisions calling for tenure acquisition after four years, failure to address evaluations of certified staff, and inclusion of an early retirement incentive program in HB 217. In place of HB 217, Gov. Knowles introduced HB 398 and SB 204 this session, putting forth recommendations by a Task Force that deliberated over the interim. Rep. Ivan Ivan, original sponsor of HB 217, again introduced legislation addressing quality education—HB 465. The bill incorporates some of the proposals forwarded in the governor's bill as well as some new ideas. More recently, Education Commissioner Shirley Holloway reconstituted the governor's Task Force to comment on HB 465. On Feb. 26, 1996 Rep. Ivan met with the Task Force. The result of that meeting is that nearly all of the Task Force recommendations have been incorporated into HB 465.

#### ★ ASSOCIATION OF ALASKA SCHOOL BOARDS POSITION

The Association of Alaska School Boards supports CSHB 465. It incorporates the concerns of school boards and addresses concerns of the governor regarding: tenure acquisition after three years, a performance based evaluation process for educators, layoff, addresses the de novo process, and grants greater public access to information regarding the collective bargaining process.

#### ★ TENURE ACQUISITION

Improving education in the classroom starts with quality educators. Current tenure laws provide inadequate time for administrators to thoroughly evaluate teachers. It also gives insufficient time for teachers (and administrators) to improve. This can shortchange a new educator's career or result in less than fully qualified teachers receiving tenure. Extending the time it takes to acquire tenure will help ensure new people entering the teaching profession, and experienced teachers whose performance has been determined to be less than adequate, are provided an opportunity to attain quality in the classroom.

## ★ EVALUATION

Current regulation requires that evaluations be conducted for tenured teachers. Teachers, administrators, school boards, and most important, the public, are demanding improvement in the classroom. Establishing a more thorough evaluation process based on professional performance standards in statute may be necessary to ensure that evaluations are effectively implemented. This bill also requires a "plan of improvement" for teachers and administrators who need assistance. Quality in education through effective evaluation of teachers and administrators is perhaps the single most significant issue addressed by this legislation.

## ★ LAYOFF

Current law does not allow our schools to layoff tenured staff when a district's revenue declines (only if enrollment declines). This has resulted in deterioration of children's education programs, and nonretention of critical staff. AASB supports creating a layoff status in statute, with rehire rights, that is designed to meet the needs of kids and treat teachers fairly. Ensuring that the most qualified teachers are retained, especially during financially difficult times, is paramount to a successful educational program for kids.

## ★ NONRETENTION STANDARDS

Under AS 14.20.175 tenured teachers may only be nonretained for reasons of 1) incompetence, 2) immorality, 3) substantial noncompliance, and 4) a decrease in enrollment. AASB maintains that the standard of incompetence is too low. CS HB 465 provides for an acceptable level of performance based on a professional performance standards assessment.

## ★ DE NOVO

Under AS 14.20.205 JUDICIAL REVIEW a school district is obligated to submit to a trial de novo (a new trial) if a decision by the school board is unfavorable to a tenured teacher, and the teacher appeals the decision by the board. This is an extraordinary standard that has not been extended to any other group of employees. When a teacher appeals the findings of a district hearing, the school district must repeat the entire process again before the court, usually at a much later date, and incur the financial cost once again. AASB views this requirement as duplicative and costly. The history of de novo trials in various school districts has established a pattern of unnecessary legal expenses. In addition, de novo law has a substantial chilling effect on school districts, due to costs, when deciding whether or not to attempt the dismissal of a tenured teacher.

The judicial review of dismissal proceedings in school districts should be treated no differently than other state agencies. School boards serve as quasi-judicial bodies-- accountable in the court system and to the public. Judicial review should be "on the record" pursuant to the Administrative Procedures Act. This would provide an opportunity for the superior court to review the established record of the local hearing to determine that due process has been followed and that the agency did not exceed its discretionary authority.

## ★ PUBLIC INFORMATION/NEGOTIATIONS

AASB believes that school boards should provide opportunities for public comment on the issues addressed in the collective bargaining process. Initial proposals, last-best-offer proposals, tentative agreements before ratification, and final agreements should be made public records and available for the public to review.

## ★ SUPPORT HB 465

The public has been demanding that something be done to improve the quality of our public education system. This bill addresses that concern on many fronts. It is the culmination of much work put forth by parents, teachers, administrators, school boards, the Governor's Task Force on Professional Excellence, the Department of Education, and legislators who care about kids. HB 465 is as close as we have ever come to significantly addressing quality instruction in Alaska's schools. We urge you to support HB 465.



# ALASKA COUNCIL OF SCHOOL ADMINISTRATORS

325 Foothill Court, Anchorage, Alaska 99503 • (907) 566-9702 • (800) 478-9702 • FAX (907) 566-5679

## POSITION PAPER CSHB 465

"An Act relating to employment of teachers and school administrators and to public school collective bargaining"

The Alaska Council of School Administrators supports the CS of House Bill 465.

We believe that the focus of every school in Alaska must be on the children. To that end, we believe that they deserve to have effective, talented and knowledgeable educators in their classrooms and their schools. This is why we are willing to be accountable as administrators for the responsibility bestowed on us as principals.

We believe Sec. 3. AS 14.20 Employee Evaluation to be fair to all professional educators who have direct contact with students. It allows for a thorough review of the performance and if necessary a period of improvement which will provide time for professional growth and evaluation.

It is unfortunate that we must consider reductions in force due to significant, demonstrated reduction in per-pupil expenditures. We would much prefer the necessary increases of school funding to allow for significant class size reductions. However, understanding the reality of the current revenue forecasts and budget deliberations, there must be a mechanism in place to allow school districts to reduce staff due to serious financial shortfalls. The process outlined in this legislation allows for a student focused process.

It has been proven that a school district which allows for public involvement in all areas of their schools is more productive and publicly supported. To that end, the allowance for public input in the negotiations process is a positive step in that direction.

Overall, this legislation will sets up a procedure which will provide one more avenue for providing an educational standard to our schools which will have far reaching benefits to Alaska's children.

Stephen McPhetres, Executive Director, ACSA

**ANCHORAGE  
SCHOOL  
DISTRICT**



**Anchorage School Board**

**P.O. Box 196614, Anchorage, Alaska 99519-6614 • (907) 333-9561**

**Kathi Gillespie  
2741 Seafarer Loop, Anchorage, Alaska 99516  
(907) 345-5335; Fax 345-9891**

**To: The Members of the House HESS Committee  
Date: March 19, 1996  
RE: HB 465**

I watched with great interest your meeting on Friday and was most interested in the testimony on the relevance of parental input in the evaluation of a teacher's performance in the classroom.

Public education is one of the few places that I've found where the consumer, the student, parent, and taxpayer, has little to no input or choice in the service they are purchasing. I believe that in order to increase the quality of our schools, parents must have the ability to communicate their level of satisfaction in the education their child receives on a daily basis. Many parents I know would like to credit their teachers for the good job they do and occasionally I find a parent who is dissatisfied for good reason. Both types of information will be valuable for both the teacher and the administrator to hear.

I trust parents and community members and I support public education. I believe that change must occur in the way we do business if public education, as we know it, is to survive. Part of that process is in opening the doors of the school and respecting that everyone, even parents, have a right to comment on the quality of the product we are being paid to deliver.

HB 465 is a positive step in the right direction.

**ANCHORAGE  
SCHOOL  
DISTRICT**



**Anchorage School Board**

P. O. Box 196614, Anchorage, Alaska 99519-6614 • (907) 333-9561

Kelly Haney  
3281 Amber Bay Loop, Anchorage, Alaska 99515  
Phone and Fax (907) ~~348-8282~~ 522-4351

March 25, 1996

Dear Representative,

I strongly urge you to vote in favor of CSHB 465 (Professional Excellence). There are many aspects of this bill that are vitally important to the students of Alaska. To have student input in individual, yearly teacher evaluations is one of this bill's strong points. Talking to students and parents in the community of Anchorage for the last year, I found that people are aghast when they realize that students have no say as to whether a teacher gets a good evaluation or not. Students are the ones who are in the classrooms everyday and have to deal with a teacher even if they are rotten.

Thank you for your time, I strongly urge you to pass CSHB 465, keeping in mind the students of Alaska. If it were not for the students, there would be no need for education.

Sincerely,

Kelly Haney

*For the Kids!*

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*id this please  
distributed  
by 3/25?  
Thx.  
Kelly*



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**ANCHORAGE COUNCIL OF  
PARENT TEACHER ASSOCIATIONS**  
ADVOCATING FOR ANCHORAGE CHILDREN SINCE 1960

March 24, 1996

To: All Anchorage Caucus Legislators  
From: Sue Templeton, President of the Anchorage Council of PTAs  
Subject: CSB 465

Dear Legislators,

I am writing to encourage you to move CSB 465 onto the Senate. The Anchorage Council of PTAs general membership has been seeking changes to public education legislation for several years. This past November the Anchorage Council of PTAs general membership set their legislative priorities for the 1996 legislative session. CSB 465 supports several of the council's legislative priorities. Improvement in teacher evaluation has the support of the PTAs general membership, as well as tenure reform. We also continue to support changes to bring about public involvement in negotiations. The Anchorage Council and the Alaska State PTA have standing resolutions on open negotiations and teacher tenure.

Teacher evaluation is a new legislative priority for the council. It is also the fourth strategy under our first goal of Promoting Academic Excellence. PTA has tried to be part of the Anchorage School Districts evaluations committee but has not seen progress in addressing many of the current problems in the evaluation process. Many of the components in this bill would bring the evaluation process to a place where parents could and would have a respected voice in the evaluation process. It is important that you realize how validating and complimentary it is to parents to have the legislature realize parents can contribute and support professional excellence by including them in the evaluation portion of this legislation. Just as it is important to have you seek public involvement in school district negotiations. The Anchorage Council of PTAs is thrilled with these aspects of CSB 465. This piece of legislation is in line with many of the changes we have been seeking on a district level.

Again, I would encourage you to give this legislation your stamp of approval and move it onto the Senate.

Thank you for your time,

Sue Templeton, President  
Anchorage Council of PTAs 1995-1996

Attention: Anchorage Caucus Representatives  
From: Luan Sitzmann, 4th VP, Anchorage Council of PTAs  
Subject: CSHB 465

During the past few years, the PTA has written several resolutions that support: an increase to teacher tenure years, improving the evaluation system, and to adding parental and community involvement in educational decisions.

We were disappointed when HB 217 did not pass. However, we are encouraged by the compromise bill currently under consideration.

I understand the NEA is opposed to the parental and community involvement. It is often felt that parents are uneducated and unable to make these decisions. I do not believe this to be true and encourage you to pass this bill. I personally spend hundreds of hours in the schools. I currently have seven children in the Anchorage School District. I feel more than qualified to make any decision concerning my children and their education and know many others who feel the same. Parents must be involved!

Our new principal selection process, here in Anchorage, is an excellent example of how this process could work. Parents and students will now be included in the selection process. With the final decision being made at the administrative level.

Allowing the community a part in the evaluations, or negotiations will give a new perspective to the process. It can only complement it.

Please vote in favor of CSHB-465. Many thanks for your time.

Luan Sitzmann  
1833 Skilak Circle  
Anchorage, AK 99504  
907-333-0698 home  
907-333-6212 fax

# ANCHORAGE SCHOOL DISTRICT



## Anchorage School Board

P.O. Box 196614, Anchorage, Alaska 99519-6614 • (907) 333-95

Kathi Gillespie  
2741 Seafarer Loop, Anchorage, Alaska 99516  
(907) 345-5335; Fax 345-9891

To: The Anchorage Caucus Representatives  
From: Kathi Gillespie  
Date: March 24, 1996  
Re: CSHB 465

I support the passage of CSHB 465 and I hope that I can count on each of you to vote in support of students, parents, and this community. CSHB 465 addresses several professional excellence issues that we desperately need in order to assure a quality educational experience for each of our students.

Changes in the evaluation process that will allow parents an opportunity to comment on the service that is being delivered to their child; changes in the openness of contract negotiations that will allow this community to understand what is being negotiated on their behalf; changes in law that will allow the District to assure quality in the work force even in times of financial distress; and local control in the establishment of performance standards will be something the this legislature will be able to point to proudly in the years to come as a major achievement on behalf of our children.

Like you, I am well aware of our constituents' interest in making these positive changes in public education. Over the past weeks, as I have been out speaking on the upcoming bond election, I have heard over and over again the sense of frustration and in some cases outright anger over the lack of control of community members in the quality of public education. In my mind, this community of parents and students and taxpayers is sending a strong message for change. CSHB 465 will be a step forward in addressing the concerns that I am hearing and that I have heard for years. I'm telling the people who ask and the people who call with concerns that there is hope for the kind of change that they have been waiting for as their children progressed through our schools.

I know that you worked very hard last year to bring forward legislation that would address those concerns. I, as well as many other people in Anchorage, was disappointed when the Governor vetoed HB 217. However, as I look at CSHB 465, I have renewed faith. I believe that this bill will go even further to ensure a quality education for each of our children and will strengthen education throughout Alaska.

I thank you for your continued commitment to kids and on behalf of the children of this state I ask you to vote yes on CSHB 465.



## GALENA CITY SCHOOL DISTRICT

GALENA, ALASKA 99741

PHONE (907) 656-1205

FAX (907) 656-1368

SUPERINTENDENT  
OFFICE

This fax consists of  
2 pages

**COPY**

Representative Irene Nicolaj  
State Capital  
Juneau, AK 99801  
FAX (907) 465-2197

Dear Irene:

I am writing on behalf of our school board and myself in support of CSHB 465 (Rep. Ivan). We have been following the changes that have occurred during the hearings on this bill. We feel that some of the features of the bill are necessary to assist us in providing a quality educational program for our students.

The section on Layoffs is vital to provide the district with the ability to retain programs rather than retain teachers. We must not forget that we operate the schools for the benefit of the students not the employees. The section of Judicial review that provides for creating a record once will save us time and money. We also believe the Teacher Evaluation section provides for an improved process that ultimately will assist teachers in doing a better job and protect them from unfair treatment. As you know, the Galena City School Board favored the Four Year Tenure bill that was vetoed by Governor Knowles last year. We feel the Middle Ground proposed, using three years before granting tenure, is fair to both teachers and the school district.

The Galena City School Board and I, urge you to vote **YES** on House Bill 465 and lay this issue to rest once and for all.

We are also concerned about the proposed cuts in Public Broadcasting funds. The bush communities rely very heavily on the communications provided by our radio station. It would be a terrible blow to our residents to have any reductions in the current level of service.

Single site funding is very important to us. We urge you to fight any attempt to reduce or eliminate this necessary element of our school funding formula. We also oppose SB 280 that would eliminate most of the single sites. I will discuss this further when I see you in Juneau.

COPY

page 2  
Representative Irene Nicholia

Lisa said she would let me know if I can have the honor of taking you to lunch Tuesday, March 26, 1996. I will be staying at the Westmark Juneau. I hope to have some time with you to visit about the above issues. Keep up the good work!

Yours in Education,



Carl Knudsen,  
Superintendent



# KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669-7598 • Phone 907/262-5846 • Fax 907/262-9645

OFFICE OF THE DISTRICT SUPERINTENDENT

March 21, 1996

Members, Alaska House of Representatives  
State Capitol  
Juneau, AK 99801-1182

Dear House Representative:

This letter is written to encourage your support for HB 465 which is scheduled for House consideration. The Kenai Peninsula Borough School District school board and administration supports this legislation and urges its passage in both the House and Senate.

Thank you for your continued support of important educational issues.

Sincerely,



Walter E. Bromenschenkel, Ed.D.  
Superintendent of Schools

bj

# Kake City School District

P.O. BOX 450  
KAKE, ALASKA 99830  
(907) 785-3741

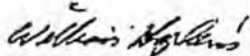
March 22, 1996

Representative Ivan Ivan  
House of Representatives  
Alaska State Capital  
Juneau, AK 99801-1182

Dear Representative Ivan:

The Kake City School District Board of Education fully supports House Bill No. 465 (HES). We urge you to vote for this bill, it will allow districts to make better choices in the future.

Sincerely,



William Hopkins  
Superintendent of Schools



The Mission of the Bering Strait School District is to educate students to become self-sufficient productive citizens in a changing world, recognized for their social, academic, and marketplace skills, by providing standards of excellence, quality programs, and a supportive environment for both traditional Native and Western styles of learning.

DISTRICT OFFICE • P.O. BOX 225  
UNALAKLEET, ALASKA 99684-0225  
(907) 624-3611 • FAX 624-3000

# BERING STRAIT SCHOOL DISTRICT

BREVIK WISSON • DORDE • ELBA • GAMBLE • OLOVIN • KOYUK • SAINT MICHAEL • SAVOONGA  
SHAKTOOLUK • SHISHMARIEF • STEBINS • TELLER • UNALAKLEET • WALES • WHITE MOUNTAIN

March 21, 1996

Honorable Richard Foster  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Representative Foster:

This letter is in support of HB465 - Quality Education.

School districts have struggled with the need for changes in the current law regarding tenure and the evaluation process. We applaud the efforts of this bill to change the acquisition of tenure from 2 to 3 years, ensuring that only the most qualified teachers are retained during financially difficult times and providing an acceptable level of teacher performance based on a professional standard. We also endorse the removing of the duplicative and costly trial de novo.

Please support this bill. Thank you for your continued efforts to improve education in this state.

Sincerely,

David Bowling  
Superintendent

cc: BSSD Board Members  
Correspondence file

**NOME PUBLIC SCHOOLS**

Box 131, Nome, Alaska 99762 • FAX: (907) 443-5144 • Telephone (907) 443-2231



March 21, 1996

Representative Richard Foster  
House of Representatives  
Room 409, Capitol Building  
Juneau, Alaska 99811

Dear Representative Foster:

The Nome Public School District and School Board supports HB 465. Passage of this Bill is important to the quality of education of all students in the State of Alaska. Your support of HB 465 will be very much appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Robert G. Kinna".

Robert G. Kinna  
District Superintendent



P.O.Box 157 Hoonah, Alaska 99829 (907) 945-3611 Fax (907) 945-3614

March 21, 1996

**PUBLIC OPINION MESSAGE**

We offer our full support of HB465. The amendments having to do with teacher evaluation improved the bill considerably. Allowing public input into the evaluation of teachers, yet not being a part of the formal written evaluation, is already done by most school districts; however, the amendment addressing that promotes clarification.

Hoonah City Schools Board of Education  
Jacqueline Dick  
Mary Peterson  
Grace Hillman  
Leona Lindhoff  
Cynthia Skaflestad  
Superintendent of Schools  
Dr. Virgie L. Fryrear



# ST. MARY'S SCHOOL DISTRICT

P.O. Box 171 St. Mary's, Alaska 99658  
(907) 438-2311 or (907) 438-2834

Accredited by Northwest Accreditation Association



Representative Ivan  
State Capitol  
Juneau, Alaska 99801

22 Mar 96

Honorable Representative Ivan;

The St. Mary's City School District would like to support your efforts to improve the educational process in the state of Alaska, HB 465 is a step in the right direction. We experienced the problems of down sizing, it isn't easy even with cooperation of all of the people involved. Your bill will alleviate many of the obstacles that are in the path of the school districts that have to make the necessary adjustments in their budget to remain in solvent.

Your continued support of the St. Mary's City School District and education in the state of Alaska is deeply appreciated.

*Geraldine Beans*  
Geraldine Beans  
Chairman

*Suzanne Mike*  
Suzanne Mike  
Secretary

*Ron Tweto*  
Ron Tweto  
Board Member

*Esther Tyson*  
Esther Tyson  
Board Member

*Deborah Vo*  
Deborah Vo  
Vice-Chairman

*Gary C. Greseth*  
Gary C. Greseth  
Superintendent



## KASHUNAMIUT SCHOOL DISTRICT

985 KSD Way  
Chevak, Alaska 99563  
(907) 858-7713 FAX (907) 858-7328

Rep. Ivan -  
For your  
information.  
AL W.

March 13, 1996

Members of House HESS Committee  
Juneau, AK 99801

Re: CS for HB 465

Dear Representative:

I urge your careful consideration of CS for HB 465. This bill supports excellence in instruction, it provides substantial safeguards for teachers while requiring accountability, and it helps school districts conserve scarce resources.

Based upon my experience in public school management of almost thirty years, I believe this is an excellent bill, with the exception of two areas wherein minor modifications would serve to strengthen it. The first area of concern is Sec. 14.20.149 (b)(7), which requires opportunity for incorporation into the evaluation process of information provided by "students, parents, community members, ...." Such procedures are likely to produce side effects that are inappropriate and counterproductive to a professional evaluation process designed to improve instruction and to assist in making personnel decisions. For example, educators might cater to those students, parents, and others who they believe might be influential in their evaluations, public campaigns might be waged for or against particular educators, and educators might inappropriately reward or punish those who made reports affecting their evaluations.


Although the possible catering, campaigns, and paybacks would tend to detract from a serious professional process, another issue is of greater concern. An educator would have the right to confront and cross examine at a hearing any person who provided information used in an adverse personnel decision. It takes little imagination to see that having students, parents, and community members routinely brought in as witnesses in quasi judicial proceedings would probably be much more detrimental than beneficial.

For the reasons cited, I strongly recommend that this section be permissive rather than mandatory. Thus, if districts encountered the types of problems indicated above, they could discontinue the practice of formally incorporating input from students, parents, and others into the evaluation process itself.

The other area of concern is Sec. 14.20.149 (c), which seems to limit evaluators to regularly employed district administrators, to the exclusion of persons who might be retained on a contractual basis. I believe this is unnecessarily restrictive. A district should be able to contract with a person with expertise in supervision of instruction who has a Type B certificate and is trained in the district's evaluation system but who is not a regular employee of the district.

With the two minor modifications suggested above, I urge your support of CS for HB 465 as an excellent bill that will benefit public education in Alaska.

Sincerely,

  
B. A. Weinberg, Superintendent  
KASHUNAMIUT SCHOOL DISTRICT

(5) be able to participate in reasoned discussions of public policy related to scientific innovations and proposed technological solutions to problems; and

(6) be able to act upon reasoned decisions and evaluate the effectiveness of the action. (Eff. 1/4/95, Register 133)

Authority: AS 14.03.015 AS 14.07.020 AS 14.07.165  
AS 14.03.120 AS 14.07.060

4 AAC 04.200. TEACHER EDUCATION STANDARDS. (a) A classroom teacher in a public school should reflect the highest abilities and qualities of the teaching profession.

(b) A classroom teacher should be able to describe the teacher's philosophy of education and demonstrate its relationship to the teacher's teaching practice. A teacher who meets this goal should be able to

(1) demonstrate consistency between the teacher's philosophy of education and the teacher's teaching practice; and

(2) engage in thoughtful and critical examination of the teacher's teaching practice.

(c) A classroom teacher should understand how students learn and develop and should be able to apply that knowledge in the teacher's teaching practice. A teacher who meets this goal should

(1) know the characteristics of human development and teach to the developmental abilities of students; and

(2) understand students' differences in intelligence, perception, and cognitive processes and should be able to broaden the teacher's teaching practices to incorporate these differences.

(d) A classroom teacher should be able to teach students with respect for their individual and cultural characteristics. A teacher who meets this goal should

(1) be able to recognize and build on the cultural strengths of the teacher's students and community; and

(2) understand and address a student's individual and special needs.

(e) A classroom teacher should know the teacher's subject and know how to teach it. A teacher who meets this goal should

(1) be able to demonstrate an understanding of the complexities of the teacher's subject;

(2) understand the particular instructional challenges that the teacher's subject presents to students who are at different developmental levels;

(3) be able to draw from a wide repertoire of strategies and adapt them to fit the instructional context; and

(4) be able to connect the teacher's subject to other subjects and to practical situations encountered outside of school.

(f) A classroom teacher should be able to facilitate and monitor student learning. A teacher who meets this goal should

(1) be able to organize instruction based on the characteristics of the students and the curricular goals;

(2) be able to create, select, adapt, and use a variety of instructional resources that are aligned with the curricular goals;

(3) be able to create and select a variety of evaluation strategies that provide information about student learning, that are aligned with the curricular goals, and that assist students in reflecting on their own progress;

(4) be able to reflect on information gained from assessments and adjust the teacher's teaching practices as necessary; and

(5) understand the advantages and disadvantages of a variety of methods of reporting to students and parents.

(g) A classroom teacher should be able to create and maintain an environment where students are contributing members of a learning community. A teacher who meets this goal should

(1) be able to create and maintain

(A) a stimulating, inclusive, and safe learning community in which students take intellectual risks and work independently and collaboratively; and

(B) high expectations for all students, and

(2) understand and be able to use a variety of classroom management techniques to support student learning.

(h) A classroom teacher should be able to use technology as an educational tool. A teacher who meets this goal should be able to

(1) enhance instruction and student learning;

(2) access current trends, strategies and resources in the teaching profession;

(3) organize and maintain information about student learning; and

(4) connect classroom activities to practical situations encountered outside of school.

(i) A classroom teacher should be able to work as a partner with student families and with the community. A teacher who meets this goal should be able to

(1) promote clear two-way communication among the school, student families, and the community;

(2) support comprehensive programs for parental involvement;

(3) help student families support their children's learning efforts;

(4) participate in the community; and

(5) connect school and classroom activities with student homes, work places, and the community;

(j) A classroom teacher should be able to participate in and contribute to the teaching profession. A teacher who meets this goal should be able to

4 AAC 04.200 ALASKA ADMINISTRATIVE CODE 4 AAC 04.200

- (1) maintain a high standard of professional ethics;
  - (2) maintain and update the teacher's knowledge base;
  - (3) engage in program, instruction, and curriculum development;
- and
- (4) work cooperatively with the teacher's colleagues in the learning community.

(k) A classroom teacher should receive postsecondary training in special education. (Eff. 12/17/94, Register 132)

Authority: AS 14.03.015 AS 14.07.060 AS 14.20.020  
AS 14.07.020 AS 14.20.010

## CHAPTER 19. EVALUATION OF PROFESSIONAL EMPLOYEES

### 4 AAC 19.010 Purpose Of Evaluations

Evaluation of the performance of professional employees of each school district shall be directed toward improving the quality of instruction and facilitating the learning process in the public schools. Additionally, formal evaluations shall serve as a method for gathering data relevant to subsequent employment status decisions pertaining to the person evaluated. (Eff. 8/30/75, Register 55)

Authority: AS 14.07.020  
AS 14.07.060

### 4 AAC 19.020 Scope Of Evaluation

The evaluation should emphasize such factors as teaching or administrative skills, processes and techniques and interpersonal relationships with students, parents, peers and supervisors, as well as those additional factors which the school district considers relevant to the effective performance of its professional employees. The standards for performance must be measurable and relevant. (Eff. 8/30/75, Register 55)

Authority: AS 14.07.020  
AS 14.07.060

### 4 AAC 19.030 Method For Evaluating Professional Employees

(a) Formal written evaluation of professional employees of each school district must be made at least once per contract year for each certificated staff member, without regard to tenured or nontenured status, including teacher evaluation of principals and other administrators.

(b) An acknowledgment of content signed by both the evaluator and the person evaluated must appear on all formal evaluations. The person evaluated must be informed that he has the right to review each written evaluation prior to its final submission and comment in writing on any matter contained in it and that he may, at his request, retain the evaluation for a reasonable amount of time, but not less than 24 hours, for the purpose of reviewing and commenting upon it. The fact that a person evaluated exercises his right to comment on his evaluation in the manner described may not be used against him. Failure to submit written comments by a person evaluated prior to his acknowledgment of the evaluation constitutes a waiver of this right.

(c) The evaluation may include information other than specific observations of the evaluator. Districts may adopt procedures whereby input such as students' evaluation of teachers, principals' evaluation of administrators, peer and self-evaluation are utilized. The evaluation must clearly indicate that this kind of information has been used and clearly identify the source of the information.

(d) The evaluation must be approved by a person who possesses an administrative certificate issued under 4 AAC 12.030. (Eff. 8/30/75, Register 55; am 1/12/83, Register 85)

Authority: AS 14.07.020  
AS 14.07.060

### 4 AAC 19.040 Use Of The Evaluation

(a) Neither the formal evaluation document, nor any notes, comments, or other information used in its preparation is a matter of public record.

(b) The evaluation may be reviewed upon demand at reasonable times by the person evaluated or some other person designated in writing by the person evaluated.

(c) Each school district shall establish procedures as to which supervisory personnel may have access to the evaluation documents.

## 1995 Alaska Education Regulations

(d) Unless mutually agreed otherwise by both the person evaluated and the school board (or its designee), no portion of an evaluation may be made public, except as evidence in a proceeding relative to an evaluated person's certification or employment, or as otherwise allowed or required by a court of law. (Eff. 8/30/75, Register 55)

Authority: AS 14.07.020  
AS 14.07.060

### 4 AAC 19.050 Development Of Local Evaluation Procedures

(a) Responsibility for evaluation of the performance of professional employees rests with the individual school district. To this end, each school board shall develop and adopt procedures for evaluation of its professional employees. These procedures must be consistent with the standards and guidelines set out in this chapter, as well as other relevant provisions of federal or state law and regulations.

(b) Prior to final adoption, the local procedures must be submitted to the department for review.

(c) Each school district in the state, whether or not it has previously adopted evaluation procedures, shall submit current procedures to the department for review no later than July 1, 1976.

(d) Each school district is encouraged to invite, obtain, and consider community input, including that of students, parents, teachers, and administrators, in the design of the procedure and content for evaluation. (Eff. 8/30/75, Register 55)

Authority: AS 14.07.020  
AS 14.07.060

### 4 AAC 19.060 Evaluation Training

Each school district shall provide in-service training in evaluative techniques for all certificated staff. (Eff. 8/30/75, Register 55)

Authority: AS 14.07.020  
AS 14.07.060

AMENDMENT *(D)*

*Senator Green*

*11*

	<i>Y</i>	<i>N</i>
<i>L</i>		
<i>M</i>		
<i>E</i>		
<i>S</i>		
<i>G</i>		

OFFERED IN THE SENATE

TO: CSHB 465(HES) am

- 1 Page 3, line 6:
- 2 Delete "evaluation criteria"
- 3 Insert "district performance standards"
  
- 4 Page 3, line 12:
- 5 Delete "received an acceptable evaluation"
- 6 Insert "met the district performance standards"
  
- 7 Page 3, line 14:
- 8 Delete "district's professional"
- 9 Insert "district"
  
- 10 Page 3, lines 19 - 20:
- 11 Delete "is evaluated as less than acceptable"
- 12 Insert "did not meet the district performance standards"
  
- 13 Page 4, lines 2 - 3:
- 14 Delete "is found, after evaluation, to be less than acceptable"
- 15 Insert ", after evaluation, did not meet the district performance standards"
  
- 16 Page 4, line 11:
- 17 Delete "is again evaluated to be less than acceptable"
- 18 Insert "again does not meet the district performance standards"
  
- 19 Page 4, line 15:

1 Delete "is less than acceptable"

2 Insert "does not meet the district performance standards"

3 Page 4, line 19:

4 Delete "is again evaluated to be less than acceptable"

5 Insert "again does not meet the district performance standards"

6 Page 5, lines 6 - 7:

7 Delete "under the district evaluation system, an acceptable evaluation"

8 Page 5, line 8, after "district":

9 Insert ", an evaluation under the district's evaluation system stating that the teacher's  
10 performance meets the district performance standards"

11 Page 7, lines 14 - 15:

12 Delete "of acceptable or better in the subject or subjects"

13 Insert "stating that the teacher's performance in the subject or subjects meets the  
14 district performance standards"

15 Page 7, lines 18 - 19:

16 Delete "of acceptable or better in the subject or subjects"

17 Insert "stating that the teacher's performance in the subject or subjects meets the  
18 district performance standards"

19 Page 9, after line 7:

20 Insert a new bill section to read:

21 **\*\* Sec. 12.** AS 14.20.215 is amended by adding a new paragraph to read:

22 (8) "district performance standards" means evaluation criteria for the  
23 district's teachers and administrators that are adopted by a school district under  
24 AS 14.20.149 and that are based on the professional performance standards adopted  
25 by the department."

1 Renumber the following bill sections accordingly.

AMENDMENT

#2

Senator Green

OFFERED IN THE SENATE

TO: CSHB 465(HES) am

- 1 Page 7, line 14, after "has":
- 2       Insert ", within the five years immediately preceding the last date on which the teacher
- 3 performed teaching services in the district before being laid off,"
  
- 4 Page 7, line 18, after "has":
- 5       Insert ", within the five years immediately preceding the last date on which the teacher
- 6 performed teaching services in the district before being laid off,"

Y	N
M	E
L	S
G	

Senator Green

AMENDMENT #3

OFFERED IN THE SENATE

TO: CSHB 465(HES) am

1 Page 6, lines 3 - 9:

2 Delete "failure to meet performance objectives defined in the individual's plan of  
3 improvement which is based on locally adopted professional performance standards as  
4 identified in AS 14.20.149; however, a school district may not nonretain a tenured  
5 teacher under this paragraph unless the school district has fully complied with the  
6 requirements of AS 14.20.149 and unless the district demonstrates that the teacher's  
7 performance does not meet professional performance standards adopted by the school  
8 districts"

9 Insert "the school district demonstrates that

10 (A) the district has fully complied with the requirements of  
11 AS 14.20.149 with respect to the tenured teacher;

12 (B) the teacher's performance, after completion of the plan  
13 of improvement, failed to meet the performance objectives set out in the  
14 plan; and

15 (C) the teacher does not meet the district performance  
16 standards"

*Amend to correct  
line 9  
add "by clear & convincing evidence"*

Y	N
L	E
M	S
G	

Y	N
F	L
S	M
	G

AMENDMENT

#4

OFFERED IN SENATE HESS  
TO: CSHB 465(HES) am

SENATOR SALO

Page9, after line 27

Insert a new section to read:

"Sec. \_\_\_\_ This act takes effect on July 1, 1997"

Y/N  
E/M  
S/O

AMENDMENT #5

OFFERED IN SENATE HESS  
TO: CSHB 465(HES) am

SENATOR SALO

Page 9, after line 27

Insert a new bill section to read:

"Sec \_\_. Nothing in this act will be construed to limit or curtail a teacher's exercise of free speech rights, freedom of association, or academic freedom. Any attempt to restrict a teacher's rights as a citizen or as a teacher shall be voided under AS 14.20."

Y	N
E	L
S	M
	B

AMENDMENT

#6

OFFERED IN THE SENATE

BY SENATOR <sup>Miller</sup>~~GREEN~~

TO: CSHB 465(HES) am

- 1 Page 9, line 3:
- 2 Delete "applicable rules of court, for a judicial review based on the record"
- 3 Insert "Rules of Appellate Procedure concerning appeals from administrative agencies"
- 4 Page 9, lines 4 - 7:
- 5 Delete all material.

Y	N
G	E
L	S
M	

AMENDMENT

#7

OFFERED IN THE SENATE

BY SENATOR <sup>Miller</sup> GREEN

TO: CSHB 465(HES) am

1 Page 4, line 7:

2 Delete "nine and not more than 12 months"

3 Insert ~~9~~ 90 work days and ~~12~~ not more than 180 work days", unless shortened by mutual agreement between the evaluating and the teacher administrator

4 Page 4, lines 16 - 17:

5 Delete "nine and not more than 12 months"

6 Insert ~~9~~ 90 work days and ~~12~~ not more than ~~180~~ 210 work days, unless shortened by mutual agreement between the evaluating administrator and the administrator

amend to amend (S. Leman)

Y	N
S	0
F	
G	
M	
L	

#7

Y	N
M	S
L	E
G	

AMENDMENT

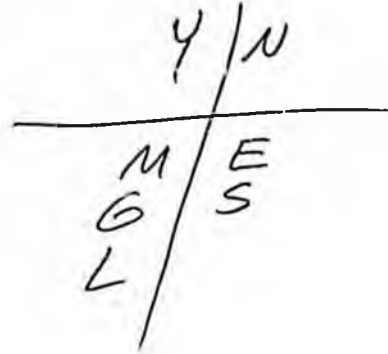
#8

Senator Green

OFFERED IN THE SENATE

TO: CSHB 465 (HES) am

- 1 Page 6, Line 24, after "decreased"
- 2 Delete ";"
- 3 Insert "or"



AMENDMENT

#9

OFFERED IN SENATE HESS  
TO: CSHB 465(HES) am

SENATOR SALO

*withdrawn*

Delete section 10 and insert:

\* Sec. 10. AS 14.20 is amended by adding a new section to read:

Sec. 14.20.177. LAYOFF STATUS. (a) A school district may place on layoff status a teacher who has acquired continuing employment status if

(1) it is necessary for the district to reduce the number of teachers because of a decrease in school attendance or because the school board has determined that a financial emergency exists; and

(2) except as provided in (b) of this section, the district has first given notice of nonretention to all probationary teachers.

(b) A school district may retain a probationary teacher and place on layoff status a continuing employment status teacher only if there is no qualified continuing employment status teacher to replace the probationary teacher.

(c) A school district must have a reduction-in-force plan. The plan must be consistent with this section and must include procedures for layoff and recall and for determining who is a qualified teacher for purposes of layoff and recall. If the reduction-in-force plan required by this section is provided for entirely or partially in a district's collective bargaining agreement, the district shall inform the department of that fact and the terms of the agreement constitute the relevant portion of the district's plan. If the negotiated plan does not contain all of the procedures required by this section, or if there is no negotiated reduction-in-force plan, the school board shall adopt a plan, or the necessary portion of a plan, that meets the requirements of this section and shall file the plan or portion of the plan and any subsequent revisions with the department. Nothing in this section prohibits a school district from negotiating or adopting a reduction-in-force plan that contains terms in addition to those required by this subsection.

(d) A teacher on layoff status is not entitled to reemployment under AS 14.20.145, does not accrue leave, and, except as provided for in the district's reduction-in-force plan, is not entitled to continuation of other employee benefits. However, layoff status does not constitute termination or an interruption in service for purposes of retaining acquired continuing employment status or retaining accrued sick leave.

AMENDMENT

#10

OFFERED IN THE SENATE

TO: CSHB 465 (HES)am

Page 1, line 10 after "under":

Insert "the school district's layoff procedures negotiated under"

Page 5, line 27, after "provided":

Insert "in layoff procedures negotiated"

Page 6, line 21, through page 8, line 4:

Delete all material and insert:

"Sec. 14.20.177. NEGOTIATED LAYOFF AND RECALL PROCEDURES. The school board and the employee bargaining organization representing certificated employees shall adopt as part of the negotiated agreement covering the employment of the certificated employees procedures for the layoff and recall of the employees. The procedures shall provide that a school district may only lay off certificated employees if there is a demonstrated reduction in school revenue or if the reduction in staff is necessary because of a decrease in school attendance."

Y/N  
E L  
S M  
G

AMENDMENT

#11

OFFERED IN THE SENATE

TO: CSHB 465 (HES)am

Page 2, line 28, through page 4, line 28

Delete all material and insert:

"Sec. 14.20.149. NEGOTIATED EVALUATION SYSTEM. A school board shall bargain with the employee bargaining organization representing its certificated employees to establish an evaluation system for those employees. The system must include professional performance standards and must provide a method for adopting and implementing a plan of improvement to develop the competency of a teacher whose performance is less than acceptable."

Y | N  
—|—  
E | M  
S | L  
  | G

AMENDMENT

#12

Offered by the Fairbanks North Star Borough School District

Senator Miller

In the Senate HESS Committee:  
CSHB 465(HES)am

"An Act relating to employment of teachers and school administrators and to public school collective bargaining"

Page 4 Line 13:

Delete "an"  
Insert "a tenured"

Page 4 Line 20:

after the word "administrator" add:

Nothing in this paragraph is intended to restrict a district's right to reassign an administrator to a teaching position, consistent with the terms of an applicable collective bargaining agreement.

Y/N  
L/E  
M/S  
G

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8882 SENATE HEALTH EDUCATION & SOCIAL SERVICES

AMENDMENT

#13

Senator Green

OFFERED IN THE SENATE

TO: CSHB 465 (HES) am

1 Page 6, Line 25 after (2)

2 Delete "there has been a significant, demonstrated reduction in per-  
3 pupil expenditures due to a decrease in revenue from one year to the next."

4 Insert "the basic need of a school district determined under AS  
5 14.17.021(b) and adjusted under AS 14.17.225(b) decreases by three percent or  
6 more from the previous year."

Y/N  
E/L  
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AMENDMENT

#14

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OFFERED IN SENATE HESS

SENATOR SALO

TO: CSHB 465(HES) am

Page 4, line 12

Delete: "(1)."

Insert:

"however, a school district may not non retain a tenured teacher unless the school district has fully complied with the requirements of this section and unless the district demonstrates beyond a reasonable doubt that the teacher's performance does not meet the performance objectives identified in the performance expectations in the plan of improvement."

Page 6, line 3 through line 12

Delete all material

Insert:

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

Page 6, line 20 through page 8, line 4

Delete all material

Insert new section to read:

"Sec. 10. AS 14.20.177. LAYOFF STATUS. (a) A school district may place on layoff status a teacher who has acquired continuing employment status if

(1) it is necessary for the district to reduce the number of teachers because of a decrease in school attendance or because the school board has determined that a financial emergency exists which means the basic need of a school district determined under AS 14.17.021(b) and adjusted under AS 14.17.225(b) decreases by three percent or more from the previous year; and

(2) except as provided in (b) of this section, the district has first given notice of nonretention to all probationary teachers.

(b) A school district may retain a probationary teacher and place on layoff status a continuing employment status teacher only if there is no qualified continuing employment status teacher to replace the probationary teacher.

Y/N  
S/L  
E/G  
M

1 (c) A school district must have a reduction-in-force plan. The plan must be  
2 consistent with this section and must include procedures for layoff and recall and for  
3 determining who is a qualified teacher for purposes of layoff and recall. If the  
4 reduction-in-force plan required by this section is provided for entirely or partially in a  
5 district's collective bargaining agreement, the district shall inform the department of  
6 that fact and the terms of the agreement constitute the relevant portion of the district's  
7 plan. If the negotiated plan does not contain all of the procedures required by this  
8 section, or if there is no negotiated reduction-in-force plan, the school board shall  
9 adopt a plan, or the necessary portion of the plan, that meets the requirements of this  
10 section and shall file the plan or portion of the plan and any subsequent revisions with  
11 the department. Nothing in this section prohibits a school district from negotiating or  
12 adopting a reduction-in-force plan that contains terms in addition to those required by  
13 this subsection.

14 (d) A teacher on layoff status is not entitled to reemployment under AS  
15 14.20.145, does not accrue leave, and, except as provided for in the district's  
16 reduction-in-force plan, is not entitled to continuation of other employee benefits.  
17 However, layoff status does not constitute termination or an interruption in service for  
18 purposes of retaining acquired continuing employment status or retaining accrued sick  
19 leave."

AMENDMENT #15

New section

Sec. applicability of employee evaluations  
Section 4 of this act takes effect - July  
- 1, 1977.

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**ANCHORAGE  
SCHOOL  
DISTRICT****Anchorage School Board**

P.O. Box 196614, Anchorage, Alaska 99519-6614 • (907) 333-9561

Kathi Gillespie

2741 Scafarer Loop, Anchorage, Alaska 99516

(907) 345-5335; Fax 345-9891

RECEIVED

APR 10 1996

Ans'd.....

To: Senate HES Committee

Date: April 9, 1996

Subject: HB 465 Proposed Amendments

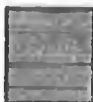
As a member of the Anchorage School Board, I urge your support for the concepts in HB 465. I believe that it is critical that these proposed changes in state law are made now in order to restore public confidence in our schools and to provide a measure of accountability to the community as well as to the taxpayers in our ability to manage public education. Further, I support the amendments that have been communicated to you by the Anchorage School District in regard to the shortened length of time for the plan for improvement and in the due process language.

I believe that we must be able to manage through a performance problem with a tenured teacher in a reasonable amount of time during the school year and I support the insertion of the "not less than 90 work days and not more than 180 work days" clause (page 4 lines 5-7 and page 4 lines 15-17). I believe that it is in the best interests of all concerned; the teacher, the administration, and certainly the kids in the class for the plan for improvement to be focused and timely.

I also believe that it is very important that the School Boards have the ability to hear cases involving the dismissal of tenured teachers. I am very concerned about the possibility of a tenured teacher being able to bypass a proceeding in front of their employer, the Board, and request a jury trial. I do not believe that this is common practice for other public employees and would be costly to the District in financial and well as in public perception terms. I believe that having a jury trial would create the potential for dismissal to be politicized and would significantly reduce the likelihood of principals to recommend dismissal of ineffective teachers. I believe that teachers deserve due process in regard to having the opportunity for appellate review of the record established by their employer, the Board. If the Superior Court finds that the Board has erred, then certainly the teacher deserves recourse. This process is fair to both teachers and employers.

I hope that you will consider amending HB 465 in the two areas I've mentioned. However, my overriding concern is that this reform of public education pass both bodies of the legislature and is signed by the Governor. It is truly the showpiece of this legislature and we are proud of the courage you've shown in working on legislation that will strengthen our schools in very meaningful ways and we are proud of your commitment to the children of Alaska.

Thank you



*From the TelePort of:*

Kathi Gillespie

Date: Wednesday, April 10, 1996

Number of Pages: 2

To: Senator Lyda Green  
Fax Number: 1907 4653805

Memo:

For your consideration at the 9 AM Senate HES meeting this morning.

**BARGAINING EVALUATIONS, PROFESSIONAL  
PERFORMANCE STANDARDS & EDUCATIONAL POLICY**  
**REMOVES THE PUBLIC FROM THE PROCESS**

---

Collective bargaining of educational policy issues—such as the programmatic needs of students, the qualification for filling those positions, and the evaluation of professionals—is not in the best interest of students, parents, communities and the public at large.

Bargaining evaluations and standards *excludes* the very people that are requesting assurances that quality performance and accountability be addressed in our schools.

We currently bargain salary, benefits, working conditions and, to a lesser extent, some managements rights. Allowing educational policy to be bargained would reduce the schools' ability to meet the needs of students, and the concerns of parents and communities.

Collective bargaining under Title 23 P.E.R.A. already tips the balance of power in favor of employees in two significant ways: 1) School employees have been granted an unlimited right to strike; and (2) Provisions on a collective bargaining agreement are grievable and subject to binding arbitration as the final step in the grievance procedure.

Subjecting evaluations and professional performance standards to the bargaining process would invite political and economic pressure by threat of a strike thereby leveraging concessions through the bargaining process.

Furthermore, issues covered by bargaining agreements are grievable and subject to binding arbitration as the final step of the grievance procedure. That is ~~not~~ how public policy should be set. Issues of public policy should not be removed from the domain of the public by turning policy decisions over to an arbitrator.

HB 465 does not mandate or ignore the local determination of issues to be bargained. Allow the local people to decide the appropriateness of bargaining. Don't tie their hands by requiring collective bargaining of evaluations and educational policy.

Hoonah City Schools

Estimated Cost Savings from HR 98

I. Salary Costs for Current Employee Eligible for RIP in School Year 1992-93:

Teacher A	52,796
" B	53,386
" C	52,796
" D	52,796
" E	52,796
" F	56,631
" G	52,796
" H	<u>56,631</u>

TOTAL Employee Salary Costs 430,628

II. Total costs for eight new teachers at the beginning salary step of \$29,203: \$233,624.

III. Estimated RIP costs for teachers listed above \$ 232,539 paid out over a three-year period. \$77,513 per year.

IV. Cost Savings Per Year:

First Year Savings	\$ 119,487
*Second Year Savings	113,510
*Third Year Savings	<u>107,635</u>

TOTAL three Years Savings.....\$ 340,632

\*NOTE: Estimated 5% increase in salaries for new employees in the second and third year.

# Hoonah Public Schools

P.O. Box 157

(907) 945-3611

Hoonah, Alaska 99829

January 27, 1993

The Honorable Jerry Mackie  
Alaska House of Representatives  
Capital, Room 110  
P. O. Box V  
Juneau, AK 99811

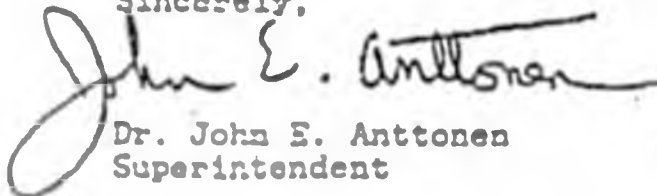
Dear Representative Mackie:

The purpose of this letter is to support the retirement incentive provisions contained in HB 36. The current version of this bill would provide Hoonah School District with a total possible certified employee savings of \$340,832 over a three year period. (See attached cost estimate.)

Our estimate is based on eight teachers who are presently eligible for early retirement and hiring new teachers at the lower end of our current salary schedule. We have computed into this cost estimate the amount that the district would need to pay the retirement system for RIP participation.

Our district views HB 36 as a significant management tool capable of providing us with flexibility in controlling certificated employee costs. Declining State revenue in education demands that management have all opportunities to control employee costs. We see HB 36 as such an opportunity and wholeheartedly endorse its passage.

Sincerely,



Dr. John E. Anttonen  
Superintendent

JEA/db

**COMPARISON OF DUE PROCESS  
AND COURT REVIEW ISSUES IN  
TEACHER TENURE BILLS**

*Board ID  
required to  
hear by process  
discretion  
hearing by Board*

Present Law	CSHB465(HESS) am	Proposed Amendment in Senate HESS
<p align="center"><u>Board Review</u></p> <p>√ Requires full due process hearing before the School Board</p>	<p align="center"><u>Board Review</u></p> <p>√ Optional hearing before the School Board. Board provides a full due process hearing.</p>	<p align="center"><u>Board Review</u></p> <p>√ Requires full due process hearing before the School Board</p>
<p align="center"><u>Court Review of Board Decision</u></p> <p>√ Trial De Novo in Superior Court</p> <ul style="list-style-type: none"> <li>•New Evidence</li> <li>•New Decision by Judge</li> <li>•Ignores Record before the Board</li> </ul>	<p align="center"><u>Court Review of Board Decision</u></p> <p>√ Board decision reviewed on the record by the Superior Court.</p> <p>√ Eliminates De Novo trial if the teacher elects the hearing before the Board.</p>	<p align="center"><u>Court Review of Board Decision</u></p> <p>√ Review of School Board decision on the record under Court Rules</p> <p>√ Trial De Novo in Superior Court at the discretion of the judge if School Board hearing denies teacher full due process</p>
<p align="center"><u>No Optional School Board By-Pass</u></p>	<p align="center"><u>Optional School Board By-Pass</u></p> <p>√ Teacher may by-pass Board due process hearing and file a claim in Superior Court</p>	<p align="center"><u>No Optional School Board By-Pass</u></p>
<p align="center"><u>Jury Trial</u></p> <p>√ No jury trial based on Alaska Supreme Court decision, Aug. 1994</p>	<p align="center"><u>Jury Trial</u></p> <p>√ May create right to a jury trial</p>	<p align="center"><u>Jury Trial</u></p> <p>√ No new right to a jury trial</p>



# Anchorage School District

April 1, 1996

4600 DeBar Road  
P O Box 196614  
Anchorage Alaska 99519-6614  
(907) 333-9561

Senate HES:

## SCHOOL BOARD

Nancy Robinson Wilson  
President

Lorraine M. Farrell  
Vice President

Harriet A. Drummond  
Clerk

Pam Higgins  
Treasurer

Kathy Gieseler

Kathy Haney

Debbie Ossander  
Past President

## SUPERINTENDENT

Bob Christal

## Statement of Support HB 465

The Anchorage School Board supports the concepts contained in HB 465 and urges you to vote in support of the bill.

## Pertinent Fact

Last summer in the Governor's Task Force on "Professional Excellence" and again on the reconstituted Task Force which met this session with Representative Ivan to discuss potential changes to his bill, HB 465. The bill which will come before the full House for a vote contains many of the recommendations of the reconstituted Task Force.

The District does have two recommendations for amendments it would like to make, in our judgment, to strengthen the bill:

1. Change, " The plan of improvement must address ways in which the tenured teacher's performance can be improved and shall last for not less than 90 work days and not more than 180 work day."  
(page 3 lines 23-25)  
(page 4 lines 2-3)

Changing the plan of improvement time to **90 work days** will enable a district to complete the evaluation process in a single school year. By law, a tenured teacher must be notified by March 15 if they are not going to be retained by the district for the next school year. A tenured teacher placed on a plan of improvement

after an evaluation in October, would not have completed the nine month process by the March 15 deadline, too late to be dismissed for the coming school year if they failed to make the improvements outlined in the plan -- that would ensure a full year of additional employment and extend the plan for improvement beyond 12 months.

2. See attached

# DRAFT

## Position on Proposed Amendment to Section 11 of House Bill 465

Fairbanks North Star Borough School District and the Anchorage School District propose an amendment to Section 11 of House Bill 465. The proposed amendment is to delete Section (d) and revise the last sentence of section (c) to read as follows:

If the school board sustains the dismissal or nonretention, the teacher may appeal the decision to the superior court, in accordance with Part VI of the Rules of Appellate Procedure. [APPLICABLE RULES OF COURT FOR A JUDICIAL REVIEW BASED ON THE RECORD.]

There are important public policy reasons for supporting this proposed amendment. The proposed amendment is fair to the interests of both school districts and teachers for a number of reasons. The proposal is a fair compromise.

First, under Part VI of the Rules of Appellate Procedure, the superior court sits as the appellate court for appeals from administrative decisions. While most appeals from administrative decisions are on the record, the rules permit the superior court in its discretion to grant a trial de novo. Appellate Rule 609. This

# DRAFT

discretion is exercised by the court to grant a trial de novo and conduct a new evidentiary hearing when the prior administrative proceedings, or school board decision, is so fundamentally unfair that the teacher has not received constitutional due process. When a teacher is able to demonstrate that the school board proceeding violated the teacher's constitutional due process rights and that the school board hearing was not fair, the superior court has the discretion to grant a new trial. Absent such a showing that the hearing before the school board was so flawed as to deny constitutional due process, the superior court would review the school board decision on the record. This proposed amendment would eliminate the automatic duplication of two full evidentiary hearings under existing law. The proposed amendment would provide teachers with a full independent review of a school board's decisions on non-retentions and dismissals, by giving teachers a impartial third-party review of any school board decision to non-retain or dismiss.

Second, the language in the bill passed by the House allows a teacher to waive the hearing before the Board and to file an original action in superior court within sixty days of notice of dismissal or non-retention. By giving a teacher a new right to file an independent action in superior court, the local school board is completely by-passed in making a decision on dismissal or non-retention. This eliminates the school Board's role in the decision making process, usurping the authority of the local school board to review the Superintendent's decision to

# DRAFT

dismiss or non-retain a teacher. Additionally, the local school board would be deprived of the opportunity to apply the standards of teaching performance adopted by the local school Board. By-passing the local school board on important policy decisions like the retention or dismissal of tenured teachers is unnecessary and an unwelcome result.

Third, the House Bill gives teachers a new right by permitting them to file an original action in superior court and demand a jury trial. Under the House Bill, a court could interpret an original action to allow the expansion of claims against the district for matters in addition to those involving a review of the school board's decision. For example, a teacher could include a claim for defamation, violation of civil rights, and wrongful discharge, as part of the original action to review a Board's decision. These claims will involve prohibitive costs, delays, and expenses for local school districts that make the tough decision to terminate non-performing teachers. An original action gives teachers access to the civil discovery process which will include depositions, production of documents, and pretrial motions. Pre-trial discovery will substantially increase costs. These additional costs and expenses will likely act as a financial deterrent to school districts making recommendations to dismiss or non-retain teachers who fail to perform to acceptable standards. Under the House Bill as passed, teachers would be expected to waive the school board hearing and demand a jury trial in most

# DRAFT

cases. Districts will be under enormous pressure to settle cases and pay off poor teachers given the costs they will encounter in proceeding to a jury trial.

In short, Section 11 of the House Bill affords teachers greater rights than they have under the current law in cases of non-retention or dismissal. Rather than being a progressive step forward to hold teachers accountable for their performance, the House Bill increases the risks and costs of proceeding with nonretentions and dismissals. The increased risk may result in districts being too hesitant to act in dismissing unacceptable teachers. The House Bill will make nonretentions and dismissals more difficult for school districts.

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**COMPARISON OF DUE PROCESS  
AND COURT REVIEW ISSUES IN  
TEACHER TENURE BILLS**

Present Law	CSHB465(HESS) am	Proposed Amendment in Senate HESS
<p><u>Board Review</u></p> <p>√ Requires full due process hearing before the School Board</p>	<p><u>Board Review</u></p> <p>√ Optional hearing before the School Board. Board provides a full due process hearing.</p>	<p><u>Board Review</u></p> <p>√ Requires full due process hearing before the School Board</p>
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<p><u>No Optional School Board By-Pass</u></p>	<p><u>Optional School Board By-Pass</u></p> <p>√ Teacher may by-pass Board due process hearing and file a claim in Superior Court</p>	<p><u>No Optional School Board By-Pass</u></p>
<p><u>Jury Trial</u></p> <p>√ No jury trial based on Alaska Supreme Court decision, Aug, 1994</p>	<p><u>Jury Trial</u></p> <p>√ May create right to a jury trial</p>	<p><u>Jury Trial</u></p> <p>√ No new right to a jury trial</p>

*Perkins W  
Lynn H  
Lynn H  
Lynn H  
Lynn H*

# Comparison of Key Issues: **BILLS AFFECTING TEACHER EMPLOYMENT**

THE ISSUES	HB 217 (Rep. Ivan) '95	HB 398 (Gov. Knowles)	HB 465 (Rep. Ivan) '96	CSHB 465 (Rep. Ivan) '96
<p><b>TEACHER TENURE</b> A form of job protection provided to no other class of public employees; promotes unchecked, lifelong employment security.</p>	<p><b>TENURE STATUS</b></p>	<p><b>CONTINUING EMPLOYMENT STATUS</b> • Changes name from <i>tenure</i> to <i>continuing employment status</i> (CES) because "tenure connotes a right to lifelong employment."</p>	<p><b>TENURE STATUS</b></p>	<p>✓ CONNOTES A RECOMMENDATION BY (OR ACCOMMODATION TO) THE 1996 RECONSTITUTED TASK FORCE ON PROFESSIONAL DEVELOPMENT</p> <p><b>TENURE STATUS</b></p>
<p><b>ACQUISITION OF TENURE</b> Currently teachers acquire tenure status after only 2 consecutive years of teaching in the same district. Technically, tenure status begins on the first day of the 3rd year. <i>All bills listed propose extending tenure acquisition.</i></p>	<p><b>ACQUISITION OF TENURE</b> • Changes tenure acquisition from 2 years (acquisition of tenure begins on the first day of the 3rd year) to 4 full years from the date of hire.</p>	<p><b>ACQUISITION OF C.E.S.</b> • Changes tenure acquisition from 2 years (acquisition of tenure begins on the first day of the 3rd year) to C.E.S. acquisition after 3 full school years.</p>	<p><b>ACQUISITION OF TENURE</b> • Changes tenure acquisition from 2 years to 3 years (acquisition of tenure begins on the first day of the 4th year).</p>	<p><b>ACQUISITION OF TENURE</b> • Changes tenure acquisition from 2 years to 3 years (acquisition of tenure begins on the first day of the 4th year). ✓ Rehire on or before October 15 does not constitute a break in service. (Clarifies when tenure is provided.)</p>
<p><b>EVALUATION/IMPROVEMENT</b> Current law requires annual evaluations of teachers who have acquired tenure status.  <i>All bills listed propose an improved evaluation process.</i></p>	<p><b>EVALUATION/IMPROVEMENT</b> • Establishes a Career Path for teachers that includes advancement based on teaching performance. • Evaluations may be performed by other teachers in district. • Districts may establish mentoring positions.</p>	<p><b>EVALUATION/IMPROVEMENT</b> • Requires districts to adopt a Professional Assessment System for all teachers. • Evaluation criteria based on professional performance standards by DOE, multiple observations/evaluation for first-year teachers, annual evaluation for teachers. • Board to ensure teachers, community, students, parents and administrators collaborate in the design and review of the assessment system. • Requires training in assessment system.</p>	<p><b>EVALUATION/IMPROVEMENT</b> • Requires districts to adopt a teacher evaluation system for all teachers. • Evaluation criteria based on professional performance standards, annual observations/evaluation for teachers. • Board to ensure teachers, community, students, parents and administrators have input in the design and review of the final evaluation system. • Requires training in evaluation system. • Peer review. • Nonretention statute is amended to replace <i>incompetency</i> with <i>failure</i>, after imposition of a plan of improvement, to receive an evaluation of at least acceptable performance ..."</p>	<p><b>EVALUATION/IMPROVEMENT</b> • Requires districts to adopt a teacher evaluation system for all teachers ✓ and administrators. ✓ Evaluation criteria based on professional performance standards by DOE. ✓ Multiple observations/evaluation for nontenured teachers, annual evaluation for teachers. ✓ Tenured teachers who consistently exceed standards may be evaluated every two years. ✓ Evaluation systems filed with DOE. ✓ Board to ensure teachers, community, students, parents and administrators have input in the design and review of the evaluation system. ✓ Requires training in evaluation system. • Requires a Plan of Improvement for less than acceptable performance. ✓ Replace "imposition" of a plan of improvement with "implementation." (More positive) ✓ Peer review is not mandated. • Nonretention statute is amended to replace <i>incompetency</i> with <i>failure</i>, after imposition of a plan of improvement, to receive an evaluation of at least acceptable performance under the teacher evaluation system..." (✓ Note: Reconstituted Task Force recommended deleting this language from the dismissal section. CSHB 465 deletes this language from the nonretention section, and properly places it in the dismissal section.)</p>

**1996 RECONSTITUTED TASK FORCE ON PROFESSIONAL DEVELOPMENT**  
Commissioner Holloway reconstituted the Task Force on Professional Excellence to comment on HB 465. The group met on Feb. 26 with Rep. Ivan to recommend changes to HB 465. Nearly all the recommendations are reflected in CSHB 465.  
✓ Connotes recommendations accepted or accommodations made by Rep. Ivan.

# Comparison of Key Issues: **BILLS AFFECTING TEACHER EMPLOYMENT**

THE ISSUES	HB 217 (Rep. Ivan) '95	HB 398 (Gov. Knowles)	HB 465 (Rep. Ivan) '96	CSHB 465 (Rep. Ivan) '96
<p><b>LAYOFF STATUS</b></p> <p>Currently there is no layoff status, which may be temporary. Teachers may only be "nonretained" <u>permanently</u>.</p> <p>Statutory reasons for nonretention include:</p> <ol style="list-style-type: none"> <li>(1) Incompetence</li> <li>(2) Immorality</li> <li>(3) Substantial noncompliance</li> <li>(4) Decrease in student enrollment</li> </ol> <p><i>All bills listed propose layoff status, but with differing triggers.</i></p>	<p><b>LAYOFF STATUS</b></p> <ul style="list-style-type: none"> <li>• Provides layoff status for tenured staff due to decrease in enrollment or funding ("basic need") decreases by 1% or more from previous year.</li> <li>• All non-tenured staff must be nonretained before a tenured staff may be placed on layoff status. Non-tenured primary teachers may be retained to protect primary school programs; same for secondary school teachers and programs.</li> <li>• Rehire rights are provided.</li> </ul>	<p><b>LAYOFF STATUS</b></p> <ul style="list-style-type: none"> <li>• Provides layoff status for tenured staff due to a "financial emergency" determined by school board.</li> <li>• All non-tenured staff must be nonretained before a tenured staff may be placed on layoff status unless there is no "qualified" CES (tenured) teacher to replace the non-CES teacher. DOE defines "qualified."</li> <li>• Requires a district Reduction In Force (RIF) plan if one is currently not in a collective bargaining agreement.</li> <li>• Rehire rights are provided.</li> </ul>	<p><b>LAYOFF STATUS</b></p> <ul style="list-style-type: none"> <li>• Provides layoff status for tenured staff due to: (a) decrease in enrollment (b) anticipated decrease of 2% in revenue (c) 5 year revenue average fails to keep pace with inflation (d) local board determines district is unable to meet financial obligations.</li> <li>• Requires a Layoff Plan that identifies academic and other programs the district intends to maintain in implementing the layoff.</li> <li>• All non-tenured staff must be nonretained before a tenured staff may be placed on layoff status unless there is no "qualified" tenured teacher to replace the nonretained teacher. "Qualified" is determined as follows: <ul style="list-style-type: none"> <li>• in grades K-5 an elementary endorsement is necessary</li> <li>• in grades 6-12 a teacher must have an endorsement for each subject area in which the teacher is to spend 40% of their time, or the teacher can show evidence of acceptable teaching experience in the subject.</li> </ul> </li> <li>• Rehire rights are provided.</li> </ul>	<p>✓ <b>CONNOTES A RECOMMENDATION BY (OR ACCOMMODATION TO) THE 1996 RECONSTITUTED TASK FORCE ON PROFESSIONAL DEVELOPMENT</b></p> <p><b>LAYOFF STATUS</b></p> <ul style="list-style-type: none"> <li>✓ Provides layoff status for tenured staff triggered by "a significant demonstrated reduction in per pupil expenditures due to a decrease in revenue from one year to the next."</li> <li>• All non-tenured staff must be nonretained before a tenured staff may be placed on layoff status unless there is no "qualified" tenured teacher to replace the non-tenured teacher.</li> <li>• "Qualified" determined by DOE endorsements as follows: <ul style="list-style-type: none"> <li>-K-8 teacher must have elementary endorsement.</li> <li>-Middle teacher endorsement.</li> <li>-Grade 9-12 teacher has endorsement for each subject area in which he/she spends 40% of time or can show acceptable teaching experience in the subject. (✓ Note: Reconstituted Task Force recommended a waiver for multi-grade small rural schools. Use of "acceptable teaching experience in the subject" addresses that concern.)</li> </ul> </li> <li>• Requires a district Layoff plan.</li> <li>• Rehire rights are provided.</li> </ul>
<p><b>NONRETENTION HEARING JUDICIAL REVIEW (DE NOVO)</b></p> <p>If a nonretention hearing by the school board is unfavorable to a tenured teacher, and the teacher appeals the decision by the board to superior court, a school district is obligated to submit to a trial de novo (an entirely new trial).</p> <p><i>All bills listed propose a revised process for nonretention hearings.</i></p>	<p><b>NONRETENTION HEARING JUDICIAL REVIEW (DE NOVO)</b></p> <ul style="list-style-type: none"> <li>• Eliminates the duplicative "de novo trial." Instead, if a school board reaches a decision unfavorable to a tenured teacher, that teacher is entitled to judicial review based on the record of the original hearing.</li> </ul>	<p><b>NONRETENTION HEARING JUDICIAL REVIEW (DE NOVO)</b></p> <ul style="list-style-type: none"> <li>• CES (tenured) teacher is entitled to a pre-termination hearing, notice of termination, and post-termination hearing.</li> <li>• CES teacher may then seek judicial review (not based on the record of the original hearing)</li> <li>• CES teacher may waive post-termination hearing and (1) immediately seek judicial review, or (2) request to follow the district's grievance procedure.</li> </ul> <p>A denied request allows the teacher to seek judicial review. An unanswered request automatically results in use of the grievance procedure.</p>	<p><b>NONRETENTION HEARING JUDICIAL REVIEW (DE NOVO)</b></p> <ul style="list-style-type: none"> <li>• A teacher is entitled to: Notice of dismissal, pretermination hearing, termination hearing.</li> <li>• If terminated, teacher is entitled to mandatory advisory arbitration.</li> <li>• If the arbitration remains unfavorable, the teacher is entitled to judicial review based on the record of the original hearing and the arbitration.</li> </ul>	<p><b>NONRETENTION HEARING JUDICIAL REVIEW (DE NOVO)</b></p> <ul style="list-style-type: none"> <li>• A teacher is entitled to: Notice of dismissal, pretermination hearing, termination hearing.</li> <li>• If the arbitration remains unfavorable, the teacher is entitled to judicial review based on the record of the original hearing and the arbitration.</li> <li>✓ Note by Reconstituted Task Force: Administrators suggested the following language in sec. 9 (b)-"Dismissal shall be effective when issued."</li> <li>✓ Note by Reconstituted Task Force: Mandatory advisory arbitration offered in HB 465 was deleted at request of school boards. Teachers also did not favor.</li> </ul>

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<p><b>SCHOOL BARGAINING</b>                      The public has requested more access to the collective bargaining process with school employees.</p> <p><i>All bills listed propose more access.</i></p>	<p><b>SCHOOL BARGAINING</b></p> <ul style="list-style-type: none"> <li>Initial negotiations proposals and final agreements are public records available for public review.</li> </ul>	<p><b>SCHOOL BARGAINING</b></p> <ul style="list-style-type: none"> <li>Initial negotiations proposals, last-best-offer proposals, tentative agreements before ratification, and final agreements are public records available for public review.</li> </ul>	<p><b>SCHOOL BARGAINING</b></p> <ul style="list-style-type: none"> <li>Initial negotiations proposals, last-best-offer proposals, tentative agreements before ratification, and final agreements are public records available for public review.</li> </ul>	<p><b>SCHOOL BARGAINING</b></p> <ul style="list-style-type: none"> <li>Initial negotiations proposals, last-best-offer proposals, tentative agreements before ratification, and final agreements are public records available for public review.</li> </ul>
<p><b>RETIREMENT INCENTIVE PROGRAM (RIP)</b>                      Last year the legislature chose to include the RIP in its tenure reform bill.</p> <p><i>Both employee groups and elected school boards support an RIP.</i></p>	<p><b>RETIREMENT INCENTIVE PROGRAM (RIP)</b></p> <ul style="list-style-type: none"> <li>Provides a RIP for school employees. Requires the program to be cost effective and must be desirable to districts.</li> </ul>	<p><b>RETIREMENT INCENTIVE PROGRAM (RIP)</b></p> <ul style="list-style-type: none"> <li>None</li> </ul>	<p><b>RETIREMENT INCENTIVE PROGRAM (RIP)</b></p> <ul style="list-style-type: none"> <li>None</li> </ul>	<p><b>RETIREMENT INCENTIVE PROGRAM (RIP)</b></p> <ul style="list-style-type: none"> <li>None</li> </ul>