

SB

204

TONY KNOWLES, GOVERNOR

DEPARTMENT OF EDUCATION
OFFICE OF THE COMMISSIONER

GOLDBELT PLACE
801 WEST 10TH STREET, SUITE 200
JUNEAU, ALASKA 99801-1894

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February 2, 1996

The Honorable Robin Taylor
Chair, Senate Judiciary Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Senator Taylor:

I respectfully request that you schedule Senate Bill 204 for a hearing in the Senate Judiciary Committee pending referral.

As you know, SB 204 is the product of a committee consisting of parents, school board members, teachers, and administrators who were asked to formulate a compromise piece of legislation in response to the Governor's veto of last session's HB 217. SB 204 lengthens the probationary period for teachers; supports professional competence as a basis for granting and maintaining "continuing employment status"; focuses on a strong supervision and evaluation process, providing special support for teachers new to the profession; eliminates "trial de novo"; provides for the development of locally determined procedures to address teacher layoff and recall; and increases public information in the collective bargaining process. A packet of back-up information is enclosed.

Thank you for your consideration.

Sincerely,


Shirley J. Holloway, Ph. D.
Commissioner

cc: Senator Lyda Green, Vice Chair
Senator Mike Miller
Senator Johnny Ellis
Senator Al Adams

Enclosures

TONY KNOWLES
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

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Juneau, Alaska 99811-0001
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January 8, 1996

The Honorable Drue Pearce
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Pearce:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that addresses a number of issues related to promoting professional excellence in education.

Last summer I vetoed similar legislation that was divisive and did not adequately address the real problems that face our educational system. With my veto, I promised an opportunity to seek a compromise with which the Alaska educational family would agree. A committee met and provided me with a proposal that addresses all of the issues contained in the vetoed legislation and that additionally highlights the importance of the evaluation process. This legislation lengthens the probationary period for teachers; supports professional competence as a basis for achieving and maintaining "continuing employment status"; focuses on a strong supervision and evaluation process that provides special support for teachers new to the profession; revises appeal procedures regarding dismissal and nonretention decisions; provides for the development of locally determined procedures to address teacher layoff and recall; and increases public access to information on the collective bargaining process.

This legislation is the product of the efforts of parents, school board members, teachers, administrators, Department of Education employees, and others. While these groups often voice different views and perspectives, in this instance they worked together and produced a bill that I believe begins to improve education in this state.

The bill requires each school district to adopt a professional assessment system to be used to evaluate that district's teachers. (Under existing law, "teacher" includes

The Honorable Drue Pearce
January 8, 1996
Page 2

administrators and others). The assessment systems will be developed with input from parents, students, community members, classroom teachers, and administrators and will focus on improving the performance of the professional staff. The assessment systems will contain provisions specifically designed to assist teachers new to the profession.

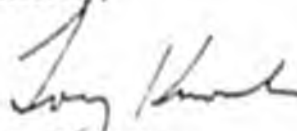
The bill replaces the current statutory term "tenure" with the phrase "continuing employment status" and increases from two to three the number of years that a teacher must be continuously employed with a district before acquiring continuing employment status. Although tenured teachers have always been subject to dismissal or nonretention for unsatisfactory performance, tenure nevertheless connotes to many a right to lifelong employment in a school district. Under this bill, a teacher earns a right to continuing employment status in a district by receiving a satisfactory evaluation in a third year of continuous employment with the district, among other requirements. The bill also clarifies that, before acquiring continuing employment status, a teacher is on probationary status. Several statutes are amended in the bill without substantive change in order to replace "tenure" with "continuing employment status" or to add the term "probationary." I believe that use of the new phrase to describe the right to continued employment, coupled with the important substantive changes made by this bill, signals a healthy shift in focus in the area of teacher employment.

The bill permits school districts to place continuing employment status teachers on layoff status as a result of financial emergency or a decrease in enrollment. Before such teachers are placed on layoff status, however, all probationary teachers must first be nonretained (unless there is no qualified continuing employment status teacher to replace a probationary teacher). Local districts will adopt reduction-in-force plans that identify procedures related to layoff and rehire. The bill also identifies several routes for review of a local board's decision to dismiss or nonretain a teacher and gives the public more access to collective bargaining information.

A sectional description of the bill is available from the Department of Education.

I urge your prompt consideration and passage of this important bill.

Sincerely,



Tony Knowles
Governor

SECTIONAL ANALYSIS OF BILL
RELATING TO PROFESSIONAL EXCELLENCE IN EDUCATION

Section one of the bill sets forth findings and purposes related to the legislation. Sections 2, 3, 4, 5, 7, 12, 13, 19, and 20 amend existing sections of law either by substituting the phrase "continuing employment status" for the word "tenure" or "probationary" for a teacher who has not acquired continuing employment status.

Section six of the bill clarifies existing law with respect to a teacher's right to reemployment in a district if the teacher is not notified timely of nonretention. It includes right to reemployment if a district fails to notify a teacher of layoff according to the district's reduction-in-force plan.

Section eight of the bill adds a new section requiring local school boards to adopt a professional assessment system to be used for evaluating teachers other than the district superintendent. The assessment system is to be developed at the local level with input from students, parents, community members, teachers and administrators. The system must provide for multiple observations and appropriate intervention strategies for teachers new to the profession, and at least annual observation and evaluation for other than first year teachers. Staff will be trained in the use of the professional assessment system prior to conducting an evaluation and prior to being evaluated.

Section nine of the bill provides that a teacher acquires continuing employment status after being a probationary teacher for three full years in a district, receiving a satisfactory evaluation in the third year of employment, and teaching a day of a fourth consecutive year in that district. This section also defines a full year of employment for purposes of acquiring continuing employment status.

Section ten of the bill changes the word "tenure" to the phrase "continuing employment status." It also provides that a teacher who does not sign and return a contract within 30 days after the date on which the teacher receives the contract loses the right to continued employment in the district.

Section 11 of the bill also replaces the existing tenure language, and provides that a teacher on layoff status does not lose continuing employment status during a period of layoff.

Section 14 of the bill replaces the tenure language. It also removes as a reason for nonretention a necessary reduction of staff occasioned by a decrease in school attendance. Under this bill, a decrease in school attendance is grounds for placing a continuing employment status teacher on layoff status, rather than

a basis for nonretention.

Section 15 creates a new section providing that a district may place a teacher on layoff status due to a decrease in school attendance or as a result of a financial emergency. The district must nonretain all probationary teachers before placing a continuing employment status teacher on layoff status, unless there is no qualified continuing employment status teacher to replace the probationary teacher. School districts must adopt plans that provide procedures for layoff and recall and for determining who is a qualified teacher for purposes of layoff and recall.

Section 16 provides that all teachers must receive a pre-termination hearing that meets the minimum requirements of due process before dismissal. Additionally, a continuing employment status teacher is entitled to a pretermination hearing before nonretention. A dismissed teacher and a nonretained continuing employment status teacher may request a post-termination hearing before the school board. The procedures governing such a hearing are the same as the procedures set out in existing law for a board hearing on a teacher dismissal. A teacher may appeal the board's decision to the superior for a review on the record. A continuing employment status teacher who is dismissed or nonretained may elect to forego the board hearing and instead choose either to file an original action in superior court or, if the teacher and school board agree, to follow the grievance procedures contained in that district's collective bargaining agreement.

Section 17 authorizes a school board to adopt bylaws or the department to adopt regulations that relate to continuing employment status so long as they do not conflict with state law.

Section 18 of the bill defines "financial emergency" as a significant demonstrated reduction in per-pupil expenditures due to a decrease in revenue from one year to the next, and defines a "probationary teacher" as a teacher who has not acquired continuing employment status with a district and who is providing educational services under contract with the district.

Section 21 requires school boards to provide opportunities for public input on issues to be addressed in the collective bargaining process. It also provides that initial proposals, last-best-offer proposals, tentative agreements before ratification and final agreements are public records.

Section 22 of the bill repeals AS 14.16.050(b), which is a transition measure regarding teacher employment at Mt. Edgecumbe High School. It is no longer necessary, as those teachers are covered by teacher employment statutes under AS 14.16.050(a)(3). This section repeals AS 14.20.147(b) and (c), as the state no longer has schools operated by federal agencies. It also repeals AS 14.20.205, dealing with judicial review. Under this bill,

judicial review of board decisions is addressed in AS 14.20.180.

Section 23 of the bill is a transition measure that permits the department to begin promulgating regulations that may be necessary to carry out the provisions of the bill prior to the bill's enactment. No regulations would become effective, however, until the effective date of the Act.

Section 24 of the bill provides that the new provisions of acquiring continuing employment status apply to teachers first hired by a district after the effective date of the Act and to teachers rehired by a district following an interruption in continuous service.

Section 25 of the bill provides that the Act does not affect collective bargaining agreements presently in effect.

Section 26 of the bill explains that existing case law on tenure will apply to continuing employment status cases, to the extent that the cases address the nature and importance of a teacher's right to continuing employment in a district.

Sections 27 and 28 of the bill provide effective dates.

FISCAL NOTE

STATE OF ALASKA

1996 LEGISLATIVE SESSION

BILL NO. HB 398/SB 204

Revision Date: November 21, 1995

Department Affected: Education

Title: Professional Excellence in Education

BRU: Executive Administration

Sponsor: Rules Committee by Request

Component: Commissioner's Office

Requester: Governor Knowles

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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CHANGE IN REVENUES						
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FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	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 lengthens the probationary period for teachers; supports professional competence as a basis for granting and maintaining continuing employment status; focuses on a strong supervision and evaluation process, providing special support for teachers new to the profession; eliminates trial de novo; provides for the development of locally determined procedures to address teacher layoff and recall; and increases public information in the collective bargaining process.

Prepared by: Kimberly Homme, Special Assistant

Phone: 465-2803

Division: Commissioner's Office

Date: November 21, 1995

Approved by Commissioner: *Richard S. Cross*

Richard S. Cross, Deputy Commissioner

Agency: Education

Date: November 21, 1995

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For further distribution information call the Governor's Legislative Office

**Statements of Support for
the Professional Excellence in Education Bill**

**Association of Alaska School Boards
Alaska Association of Elementary School Principals
Alaska Association of Secondary School Principals
Alaska Association of School Administrators
Alaska Parent Teacher Association
Alaska State Board of Education
National Education Association-Alaska
Other Resolutions**

AASB

ASSOCIATION OF ALASKA SCHOOL BOARDS

SUBJECT AREA: PERSONNEL

96-30

PROFESSIONAL EXCELLENCE

WHEREAS, following the demise of HB217 after the last legislative session, Governor Knowles appointed a task force to devise a compromise bill that would address the most important objectives of teachers, parents, students, school board members and administrators; and

WHEREAS, the resulting proposal for professional excellence addresses many concerns historically expressed by the Association of Alaska School Boards, including:

- the length of time required for a teacher to obtain "continuing employment status;"
- "continuing employment status" is predicated upon satisfactory performance as demonstrated by an evaluation mechanism grounded in community-based standards and values and involving students, parents, and other community input,
- refinement of teacher layoff and rehire rights;
- opening the negotiation process to a degree of public scrutiny and involvement; and
- elimination of costly and cumbersome trial de novo provisions in current law; and

WHEREAS, AASB wants to work with other educational stakeholders to gain consensus on these concerns and to put these divisive issues to rest,

NOW THEREFORE BE IT RESOLVED, that the Association of Alaska School Board does hereby endorse the concepts outlined in the task force proposal for Professional Excellence.

***Passed by the General Membership
Association of Alaska School Boards
Nov. 14, 1995***

ALASKA ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS

RESOLUTION 95-9

SUPPORT OF THE GOVERNOR'S BILL FOR PROFESSIONAL EXCELLENCE

WHEREAS, House Bill 217 was an attempt to deal with the issues relating to tenure, layoff and appeal procedures for school employees; and

WHEREAS, the Governor of Alaska vetoed HR217 and requested the education community to reach consensus on ways to enhance Professional Excellence for educators; and

WHEREAS, a legislative proposal has been developed by a broad group of parents, teachers, school administrators, and school board members; and the consensus legislation will address the issues in ways that benefit all students and local communities; and

WHEREAS, the proposal changes the concept of "tenure" to professional competence as a basis for granting and maintaining continuing employment; and

WHEREAS, the proposal focuses on strong supervision and evaluation developed with input from parents, students, and the community; and

WHEREAS, the amended legislation

- increases the time a teacher remains on probationary status from two to three years; and
- provides, in general, for more public information and involvement in collective bargaining; and
- provides for the development of locally determined procedures to address key issues such as, layoff, recall and dismissal; it provides for several mechanisms through which dismissed and non retained teachers can be heard.

WHEREAS, the compromise helps ensure that a quality teaching staff is provided to meet the needs of Alaska's public school students; so

THEREFORE BE IT RESOLVED that Alaska Association of Elementary School Principals strongly supports the Governor's Bill for Professional Excellence and urges the Legislature to pass this important legislation.



Alaska Association Secondary School Principals
Educational Leadership for Alaska's Future
1720 Otter Street • Anchorage, Alaska 99504-2634
(907) 333-9613 • Fax (907) 333-3060

Larry S. LaDous, President
Kodiak High School
Kodiak

Low Matheson, Pres-Elect
Southwest Region SD
Dillingham

Carol G. Kane, Past President
Matanuska-Susitna BSD
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Haines

Leslie VanderHoff
Assistant Principal at Large
Clark Junior High School
Anchorage

Laurence H. Graham
Executive Director
Anchorage

RESOLUTION #95-2: SUPPORT FOR REVISED HB 217

SUBMITTED BY: Alaska Association of Secondary School Principals

WHEREAS the Governor of the State of Alaska vetoed HB 217 following its passage in the 1995 session of the state legislature; and

WHEREAS the Governor appointed a task force to come up with a compromise bill which would meet the most important objectives of all parties and that task force included the president of AASSP as well as members of local school boards, the State School Board, teachers, parents, and other administrators' organizations; and

WHEREAS the compromise bill speaks to improvement of education for students through increasing the time of probationary status of teachers from two to three years, requires improved teacher and administrator evaluation, district ability to reduce the number of teachers in the event of a financial crisis or when enrollment is reduced significantly based on program needs, not seniority or tenure status; provides for more public information and involvement in collective bargaining, and other items; and

WHEREAS passage of this compromise bill would allow the state to move forward on other important issues dealing with education;

THEREFORE BE IT RESOLVED that the Alaska Association of Secondary School Principals supports the compromise Revised House Bill 217, urges the state legislature to pass it, and urges the governor to sign it into law.

APPROVED: 10-17-95



ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS

328 Fourth Street • Suite 404 • Juneau, Alaska 99801-1101 • (907) 586-6702 • FAX (907) 586-6479

LEADERSHIP
FOR LEARNING

**Alaska Association of School Administrators
Standing Resolutions as of November, 1995**

**H-5. HB 217: The Association supports the compromise language for
HB 217. (1995)**

Alaska Parent Teacher Association

**Legislative Priorities
from Issues Conference
November, 1995**

"PTA members support legislation, regulations and resources dedicated to building partnerships between families and school. Alaska PTA supports reform efforts to increase to 3 years the probationary time before a teacher attains continuing employment status (tenure) and to provide for public involvement in the collective bargaining process. "

Excerpted from the PTA "Legislative Priorities," a one page document published in November, 1995.

RESOLUTION

ALASKA STATE BOARD OF EDUCATION

WHEREAS, House Bill 217 was an attempt to deal with the issues relating to tenure, layoff and appeal procedures for school employees; and

WHEREAS, the Governor of Alaska vetoed HB 217 and requested the education community to reach consensus on ways to enhance Professional Excellence for educators; and

WHEREAS, a legislative proposal has been developed by a broad group of parents, teachers, school administrators, and school board members; and the consensus legislation will address the issues in ways that benefit all students and local communities; and

WHEREAS, the proposal changes the concept of "tenure" to professional competence as a basis for granting and maintaining continuing employment; and


WHEREAS, the proposal focuses on strong supervision and evaluation based on the Alaska Teacher Standards and developed with input from parents, students, and the community; and

WHEREAS, the amended legislation

- increases the time a teacher remains on probationary status from two to three years; and
- provides, in general, for more public information and involvement in collective bargaining; and
- provides for the development of locally determined procedures to address key issues such as, layoff, recall and dismissal; it provides for several mechanisms through which dismissed and nonretained teachers can be heard.

WHEREAS, the compromise helps ensure that a quality teaching staff is provided to meet the needs of Alaska's public school students; so

THEREFORE BE IT RESOLVED that Alaska State Board of Education strongly supports the Governor's Bill for Professional Excellence and urges the Legislature to pass this important legislation.


Commissioner Shirley J. Holloway, Ph.D.


Stowell Johnstone, Board Chair

October 25, 1995



NEA-ALASKA

Affiliated with the National Education Association

February 2, 1996

Governor Tony Knowles
State of Alaska
P. O. Box 110001
Juneau, AK 99811-0001

Dear Governor Knowles:

NEA-Alaska delegates adopted the following new business item at our 1996 Delegate Assembly:

Moved to ADOPT NBI #96-70: The Governor's Bill for Professional Excellence in Education:
NEA-Alaska shall lobby the legislature to support SB 204/HB 398 as submitted by the Governor as introduced on January 8, 1996

On behalf of NEA-Alaska, I thank you for your leadership and your support in working to improve the quality of education in Alaska. HB 389 and SB 204, "The Governor's Bill for Professional Excellence in Education," represents the efforts and hard work of many Alaskans. We appreciate your efforts to reach a resolution to a very complicated and complex issue. NEA-Alaska is ready and willing to offer our assistance in the passage of this legislation.

We look forward to working with you and your administration during the legislative session. We will stand behind our commitment to support the compromise bill that was developed.

Again, thank you.

Sincerely,

Claudia Douglas
President



1996 ANCHORAGE SCHOOL DISTRICT LEGISLATIVE PRIORITIES "

2nd Session 19th Alaska State Legislature

SCHOOL BOARD PASSES 1996 LEGISLATIVE PRIORITIES

The 1996 Anchorage School District Legislative Priorities for the 2nd Session of the 19th Alaska State Legislature were passed by the School Board on October 30, 1995 (Attachment).

LEGISLATIVE CHANGES TO LAWS AND REGULATIONS

Support legislative actions in pursuit of professional teaching excellence

The Anchorage School Board supports legislative actions in pursuit of professional teaching excellence as shown by the following, and discussed in the Governor's proposed legislation:

1. Require regular teacher evaluations based on adopted professional teaching standards. Use an assessment system developed and reviewed with parent, student and community input. Provide staff training to adequately meet these goals.
2. Increase the time for a teacher to acquire 'continuing employment status' to three full school years.
3. Provide school districts with increased flexibility during changing conditions. Districts should have the ability to layoff teachers who have acquired continuing employment status when faced with declining enrollment or financial emergency.
4. Eliminate the costly and duplicative trial de novo provisions.
5. Institute requirements for public involvement in school district negotiations, to provide opportunities for public input and to make available all initial proposals, last-best-offer proposals, tentative agreements prior to ratification and final agreements reached by the parties at the time they are made.

CITY AND BOROUGH OF JUNEAU
BOARD OF EDUCATION
RESOLUTION 4-96

**A RESOLUTION SUPPORTING THE GOVERNOR'S PROPOSAL FOR
PROFESSIONAL EXCELLENCE**

WHEREAS, the revised legislative proposal changes the concept of "tenure" to professional competence as a basis for granting and maintaining continuing employment status; and

WHEREAS, the proposal focuses on a strong supervision and evaluation process which provides for input from parents, students, and community; and

WHEREAS, the proposal increases the time a teacher remains on probationary status from two years to three years and requires that teachers, regardless of the length of their experience, be systematically evaluated under written evaluation plans developed through public participation and then adopted at the local level; and


WHEREAS, the proposal provides, in general, for more public information and involvement in collective bargaining; and

WHEREAS, the proposal provides for the development of locally determined, appropriate and streamlined procedures to address key issues such as layoff, recall, and dismissal;

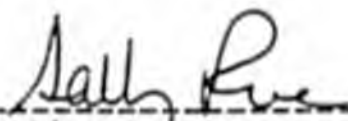
NOW THEREFORE BE IT RESOLVED that the Juneau School District Board of Education supports the Governor's legislative proposal for professional excellence.

ADOPTED in regular session held this 17th day of October, 1995.

Attest:



Clerk



President