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FISCAL NOTE

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STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SB 98

Revision Date/Time (Note if correction) _____ Dept. Affected Education
 Title An Act relating to teacher tenure BRU _____
 _____ Component _____
 Sponsor Senator Green
 Requester Senate HESS Component Serial No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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 EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/ Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill allows a teacher who has acquired tenure and loses tenure in a district because of a break in service to reacquire tenure in that school district if the break wasn't the result of dismissal.

This bill has no fiscal impact on the department. The fiscal impact on school districts cannot be determined at this time.

Prepared by Barbara Thompson Phone 465-4685
 Division Teaching and Learning Support Date/Time 3/19/99 5:01 PM
 Approved by Commissioner: Shirley J. Holloway, Ph.D. Date 3-19-99
 Agency Department of Education

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HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 9, 1999

FURTHER REFERRALS:

Date of Committee Action: 4/30/99

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

SB 98

SENATE BILL NO. 98

TEACHER TENURE

"An Act relating to teacher tenure."

recommends it be replaced with the following committee substitute [] the same title [] a new title

[] additional referral to Committee [] attached amendment(s)

ADOPTS: Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)

[] fiscal note(s) [] fiscal note(s)

[] zero fiscal note(s) [X] zero fiscal note(s) DOE

Table with 5 columns: SIGNING WITH RECOMMENDATIONS, DP, DNP, NR, AM. Contains handwritten signatures and checkmarks.

CHAIR'S SIGNATURE [Signature] [Signature]

ALASKA STATE LEGISLATURE



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Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax

Session:

State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
Fax (907) 465-3805

SENATOR LYDA GREEN
SENATE DISTRICT N

SPONSOR STATEMENT

Senate Bill 98
An Act Relating to Teacher Tenure

There have been unintended consequences for both teachers and school districts since the issue of "portability of tenure" was addressed in HB 465, 1996 Act Relating to Employment of Teachers and School Administrators.

The legislative intent of HB 465 pertaining to acquisition of tenure rights was to give both the newly hired teacher and the hiring district adequate time to "judge the match." Tenure is acquired in a district if, along with other requirements, the teacher is properly certified, has been employed as a teacher in the same district continuously for three full years, and has received evaluations that meet the district's performance standards.

The problem arises when a teacher voluntarily leaves one district to work in another. Changing districts constitutes a break in service and thus the issue of tenure is subject to the current wording in AS 14.20.150(d) which describes rights to reacquire tenure after a break in service, even in "...another school district..." and which provides only one year to make a determination about a new hire. Currently, some districts do not feel they have enough time to thoroughly evaluate a newly hired teacher (previously tenured) who has moved in from another district.

School districts are/may be forced to reject teacher applicants who have been previously tenured in another district because the hiring district is limited to only one year for evaluation, development of a meaningful improvement plan, and re-evaluation. This is a recruitment concern for those districts that routinely hire experienced teachers who have been tenured in another district.

Districts may be reluctant to hire a teacher or to retain that teacher for over one year. Both school districts and teachers new to a district deserve more time to establish tenure. Until that time, districts and teachers will continue to be at a disadvantage.

Under SB 98, a previously tenured teacher who moves into a new district would be eligible to reacquire tenure after having sufficient time to meet the new district's standards. The hiring district would be able to offer, with confidence, continued employment and tenure to the "new" teacher.

APR 06 1999

ASSOCIATION OF ALASKA SCHOOL BOARDS

Advocates for Alaska's Youth

April 1, 1999

The Honorable Lyda Green
Alaska State Capitol
State Capitol Room 125
Juneau, AK 99801

Re: Support for SB 98 Eliminating Tenure "Portability"

Dear Senator Green:

There is a bill wending its way through the Legislature that is very important to school boards. SB 98 eliminates tenure portability. This bill is supported by the Association of Alaska School Boards through resolution. It has also been selected as a priority legislative issue by the Board of Directors of AASB ever since HB 465 created tenure portability in 1996.

Under HB 465, the time required to earn tenure was increased from two to three full years for new educators entering the teaching profession in Alaska. One controversial aspect of the bill—inserted in the eleventh hour on the floor of the Senate—allowed limited portability of tenure status from one Alaska district to another for previously tenured teachers. In effect, previously tenured teachers attain tenure status after only one year when they transfer from one district to another.

While AASB had sought to extend tenure acquisition and implement more vigorous evaluation practices, the portability amendment moved in the opposite direction. HB 465 was three years in the making. It created more thorough evaluation systems, made negotiation proposals available to the public, streamlined a lengthy and costly dismissal appeal process, extended acquisition of tenure for *new* teachers, and created a layoff status for employees. To withdraw AASB's support for HB 465 because portability was tacked on in the eleventh hour would have negated all the good that exists within the bill. AASB argued the portability amendment would only hurt districts and teachers, a fact that has been borne out over time.

Why should the Legislature repeal tenure portability? Why should it take more than a year to evaluate teachers? How does portability of tenure hurt teachers and districts?

First, one should not assume that tenure status in a previous district guarantees, or is even a good predictor of, future performance in another district. The diversity among our districts is mirrored in our teaching profession. What may work in one district may not in another. Furthermore, a teacher's performance, as well as teacher requirements and professional expectations, may change over time.

As a technical matter, portability of tenure interferes with the evaluation process adopted by passage of HB 465. As you may know, school districts are required to apprise all teachers, tenured and nontenured, of their employment status for the coming year by March 16 of the preceding year. Herein lies *one* of the problems with tenure portability. The "window" of a year in reality becomes six months when you take holiday breaks into account—from mid-September to March 16. In many cases, it would take beyond the statutory timeframe for the district to identify a developing problem with a teacher (with portable tenure) and then for the teacher to satisfactorily complete the required Plan of Improvement (POI) to remedy the shortcoming (which might take one month or six months*).

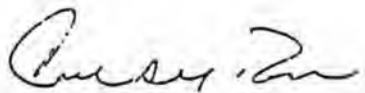
To illustrate, a teacher with tenure status in one district is hired to teach in another district on September 15 (this would apply to teachers hired as late as October 15). On Jan. 15, four months into the school year, administrators conduct their second evaluation and are concerned with a teacher's waning effectiveness. Pursuant to AS 14.20.149 (e), the teacher would then be placed under a "plan of improvement" (POI). Administrators determine they must place the employee on a POI for a minimum of three to four months. This extends past the nonretention notification date of March 16. The district is now faced with a decision. Either place the employee on a POI, which they believe will not be completed under the statutory timeframe and will require staff resources to monitor progress, or simply allow the teacher to finish out the year with no POI and nonretain him. Either way, the district would be remiss if it did not release this educator due to the nonretention notification deadline.

Why does it take a three-year window to evaluate teachers seeking to attain tenure? Tenure status is coveted. It grants employee job security that is unparalleled in any other industry. For a district it is critical to evaluate a teacher's performance *over an extended period of time*. Districts are not evaluating one year's worth of employee performance. When it comes to granting tenure, districts are evaluating what is essentially a *career* move for both the teacher and the district, where the employee may remain for 20 years until retirement.

How does portability hurt teachers? Unless a tenured teacher comes highly recommended, a district today is far more reluctant to take a chance on hiring an educator with only a one year evaluation window. A recent survey conducted by AASB shows less than 1 in 10 teachers hired by school districts have tenure portability. The Anchorage School District has testified that over a three year period only 2% of newly hired teachers have tenure portability. Remember, being hired with portability does not guarantee a teacher will be retained after the first year. Clearly, tenure portability is a deterrent to hiring experienced teachers.

Granting tenure status after only one year does a disservice to both teachers and school districts. It contributes to increased staff turnover. It creates hardships for both teachers and the district, especially in terms of the financial drain of repeated hiring activities.

The bottom line is that good teachers are losing good opportunities due to tenure portability. Good teachers don't grow on trees. They have to be nurtured, assisted and given an opportunity to blossom. Portability cuts this opportunity short. We urge you to support SB 98.



Respectfully,

Carl F.N. Rose
Executive Director

* excerpt of 14.20.149 (e) A school district shall provide a tenured teacher whose performance, after evaluation, did not meet the district performance standards with a plan of improvement. The plan of improvement shall last for not less than 90 workdays and not more than 180 work days unless the minimum time is shortened by agreement between the evaluating administrator and the teacher.

Subject: SB 98 - Bills on the Move

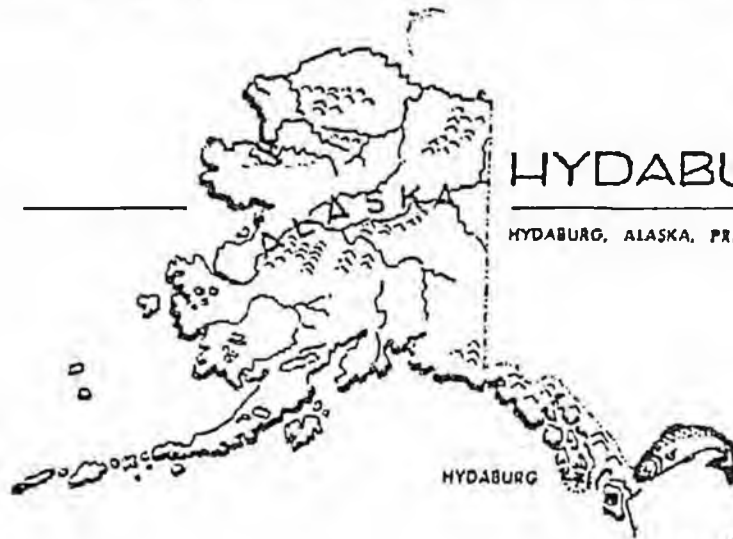
Date: Tue, 30 Mar 1999 17:18:13 -0900

From: Jeanette Jean <Jeanette_Jean@legis.state.ak.us>

Organization: Alaska State Legislature

To: maggie_wall@legis.state.ak.us

Currently it is difficult for previously tenured teachers new to a district to be considered for long term employment because of the short window the new district has for evaluation. Existing portability of tenure statute creates this disadvantage for both the teacher and the district. SB 98 gives the district sufficient time to evaluate the teacher and enhances the teacher's opportunity for tenured employment.



HYDABURG CITY SCHOOL

HYDABURG, ALASKA, PRINCE OF WALES ISLAND 99922

TO: All Senators
FROM: Marsha M. Johnson, Superintendent Hydaburg City School District
RE: SB 98
DATE: March 18, 1999

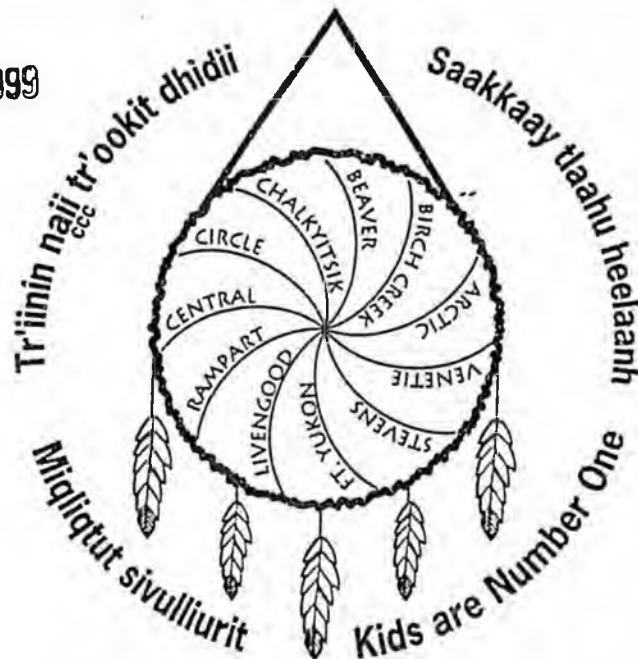
Hydaburg City School District supports SB 98 introduced by Senator Green. In the future, our district will be very reluctant to hire a tenured teacher. When you have a teacher with questionable teaching or judgment behaviors, one year is not enough time to adequately gather information. Thus, a good teacher could be let go just because the district does not want to take a chance on granting tenure to a teacher who may not fit philosophically with the district.

We hope that you will support SB 98.

Yukon Flats School District

P.O. Box 359
Fort Yukon, Alaska 99740
Phone: (907) 662-2515
Fax: (907) 662-2519

APR 01 1999



ARCTIC VILLAGE SCHOOL
Box 22049
Arctic Village, AK 99722
(907) 587-5210
Fax (907) 587-5211

CRUIKSHANK SCHOOL
Box 24050
Beaver, AK 99724
(907) 629-6313
Fax (907) 628-6615

BIRCH CREEK SCHOOL
Box KBC
Birch Creek, AK 99740
(907) 221-2127
Fax (907) 221-2118

TSUK TAIM SCHOOL
General Delivery
Chalkyitsik, AK 99788
(907) 848-8113
Fax (907) 848-8312

CIRCLE SCHOOL
General Delivery
Circle, AK 99733
(907) 773-1250
Fax (907) 773-1259

FAR NORTH SCHOOL
Box 49
Central, AK 99730
(907) 520-5114
Fax (907) 520-5114

FORT YUKON SCHOOL
Box 129
Fort Yukon, AK 99740
(907) 662-2352/662-2580
Fax (907) 662-2958

NORTHERN LIGHTS SCHOOL
P.O. Box 10539
Fairbanks, AK 99719
(907) 452-0204
Fax (907) 259-6531

RAMPART SCHOOL
General Delivery
Rampart, AK 99767
(907) 358-3112
Fax (907) 358-3313

STEVENS VILLAGE SCHOOL
General Delivery
Stevens Village, AK 99774
(907) 478-7116
Fax (907) 478-7893

JOHN FREOSON SCHOOL
Box 39
Venetie, AK 99781
(907) 849-8415
Fax (907) 849-8630

March 29, 1999


Senator Lyda Green
State Senate
State Capitol, Room 125
Juneau, AK 99801-1182

Dear Senator Green:

The list that was to have been enclosed in the letter I sent you last week was inadvertently left out. You will find it enclosed with this letter.

I apologize for any inconvenience this may have caused you.

Respectfully,


Russ Griffin
Superintendent

Enclosure (1)

➤ **School Closures**

- ⇒ Students on correspondence are only funded at 80% of what other students are.
- ⇒ Closing a school is devastating to a village. Closing a school "closes" a village.
- ⇒ It is very difficult for students to meet District/State standards on correspondence.
- ⇒ Oil, timber, fish and the State's other natural resources come from the rural areas of the State.

➤ **Categorical Spending**

- ⇒ Bilingual, Vocational Education and Special Education should be based on student needs, not 20% of the foundation formula.

➤ **Portability of Teacher Tenure and Teacher Shortage**

- ⇒ The cost of becoming certified in Alaska is rising and is a factor in locating good teachers.
- ⇒ A teacher is now tenured after only one year if they are tenured in another district when they are hire.
- ⇒ License (testing) is an added cost to teachers and is untimely during a teacher shortage.

➤ **Unfunded Mandates**

- ⇒ Among the unfunded mandates are: School Report Card, FAS and FAE Training, CPR and First Aid Training, State Mandated Standards, Travel for Out of District Training, Technology Plan, Gifted and Talented Program, Child Abuse and Neglect Training, Gender Equity Training, Blood Borne Pathogens Training, Teacher Evaluation, PL 874 (Impact Aid) Reports, Special Education, Flood and Earthquake Insurance, Cost of Closing Schools as a result of SB 36.

➤ **Adequacy Study Mandated In SB 36**

- ⇒ Needed **NOW** to determine impact on rural schools!

➤ **Make the Funding Formula Whole!**

➤ **SB 36 Mandated 60% spending on instruction this year, 65% next year and 70% thereafter.**

- ⇒ It is impossible for some rural school district to meet this requirement because of maintenance issues such as flying fuel into villages and the high cost of utilities.

POM for Senator Green



From: Mr. Larry A Wilson
PO Box 2211

Telephone: 874-2347

Wrangell, AK 99929

NON Constituent

Registered Voter: Y

Bill: SB 98 Title: TEACHER TENURE

Message:

I AM WRITING THIS LETTER OF SUPPORT OF SENATE BILL 98 WHICH REPEALS THE PORTABILITY PROVISION REGARDING ACQUISITION OF TENURE. HIRING DISTRICTS ARE RELUCTANT TO TAKE A CHANCE ON HIRING TEACHERS WITH ONLY A ONE YEAR EVALUATION WINDOW. GOOD TEACHERS ARE LOSING GOOD OPPORTUNTIES DUE TO THE TENURE PORTABILITY PROVISION.

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Message 50 out of 50.

①

Subject: SB 98, Portability of Tenure

Date: Mon, 22 Mar 1999 11:09:13 -0800

From: "Preferred Customer" <pdjep@ptialaska.net>

To: <Senator_Al_Adams@legis.state.ak.us>, <Senator_Dave_Donley@legis.state.ak.us>, <Senator_Johnny_Ellis@legis.state.ak.us>, <Senator_Kim_Elton@legis.state.ak.us>, <Senator_Lyda_Green@legis.state.ak.us>, <Senator_Rick_Halford@legis.state.ak.us>, <Senator_Lyman_Hoffman@legis.state.ak.us>, <Senator_Tim_Kelly@legis.state.ak.us>, <Senator_Loren_Leman@legis.state.ak.us>, <Senator_Georgianna_Lincoln@legis.state.ak.us>, <Senator_Jerry_Mackie@legis.state.ak.us>, <Senator_Mike_Miller@legis.state.ak.us>, <Senator_Sean_Parnell@legis.state.ak.us>, <Senator_Drue_Pearce@legis.state.ak.us>, <Senator_Randy_Phillips@legis.state.ak.us>, <Senator_Pete_Kelly@legis.state.ak.us>, <Senator_Robin_Taylor@legis.state.ak.us>, <Senator_John_Torgerson@legis.state.ak.us>, <Senator_Jerry_Ward@legis.state.ak.us>, <Senator_Gary_Wilken@legis.state.ak.us>, <aasb@ptialaska.net>

Alaska Standards for Quality schools states, quality schools continually strive to improve instructional effectiveness and include everyone in the decision-making process regarding school plans and goals.

To provide a continuous, quality education program, the public has an interest in the improvement of schools and can participate effectively to improve the schools.

The portability of tenure is not in the best interest of educating children. It is about guaranteeing a teacher, a job, in a district without adequate time to thoroughly evaluate the teacher. One year is not enough time to determine if a teacher is meeting the needs of students and district goals. Therefore, I support SB98, it repeals portability of tenure from district to district.

We all share the long-term commitment to the future of the children.

Thank you,

Patricia Phillips
33

P.O. Box
Pelican, Alaska 99832

Subject: SB Tenure Portability Repealed

Date: Thu, 18 Mar 1999 20:03:33 -0900

From: "Albert Dick" <oneraven@hoonah.net>

To: "Jerry Mackie" <Senator_Jerry_Mackie@legis.state.ak.us>

CC: "aasb" <aasb@ptialaska.net>

Good Morning Senator Mackie,

It has been a long time since I have communicated with you. You have such an excellent crew in your office I feel comfortable addressing issues that I am concerned about to relay those message to you.

Now on SB 98 Tenure Portability Repealed

It is getting harder and harder to deal with tenure and the portability of tenure is one thing that needs to be adjusted from HB465. I am therefore in support of SB 98 and the repeal of Tenure Portability. We as school board members asked to change tenure form two years to three years. This gives a teacher a better chance to improve their weaknesses and the board time to watch the performance. The end result is to insure better qualified teachers for our children. The portability of tenure is not fair to the district because we do not have enough time to properly evaluate the individual, or is it fair to the teacher who might to "passed over" due to this concern.

Probably see you at Gold Medal.
Thank your for your support.
Jackie Dick
Hoonah



MSBSD
Developing productive
citizens for our ever changing world.

MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT

Office of the Superintendent

125 W. Evergreen Ave.

Palmer, Alaska 99645

ph (907) 746-9255 fax (907) 745-0667

March 19, 1999

Senator Lyda Green:

We are writing in support of SB 98 which seeks to repeal the portability of tenure. We have exercised caution before recommending the employment of a teacher with tenure portability as one year is just not adequate for evaluation purposes.

Portability of tenure assumes that success in one school district equals success in another school district which is clearly not the case. This law also affects our ability to retain and non-retain based on district-wide seniority by area of endorsement. Which means a teacher who has served the students of our district on an extended probationary period for more than two years would actually have less rights than one who is hired by our district and serves one year and one day.

The previous tenure law (prior to HB 465) provided inadequate time for administrators to thoroughly evaluate new teachers and implement a meaningful plan of improvement. The new law extended the time it takes to acquire tenure for new Alaskan teachers from two to three years. This helps to ensure these teachers are provided an opportunity to enhance their teaching skills and demonstrate their ability. This was very carefully thought out and is extremely helpful to all districts, however, the "Portability" part of this law was not as well thought out and is problematic for many Alaskan districts. We appreciate your consideration on SB 98.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Robert A. Lehman".

Robert A. Lehman, Superintendent

Subject: SB 98

Date: Fri, 19 Mar 1999 18:26:23 EST

From: MCarter897@aol.com

To: aasb@ptialaska.net, Senator_Lyda_Green@legis.state.ak.us

Senator Lyda Green
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Senator Green

The Yukon Flats School District was in Juneau February 22,23 1999.
When we met
with you during our visit we discussed several issues, one of which
was
'Teacher Tenure Portability". I have been made aware of SB 98
Introduced by
you, the changes you are suggesting will give back the ability of
School
Districts to ensue that a Teacher we hire to work with our Children
meets the
Standards that we as the Yukon Flats School District require, and
the State.
Thank You for Listening to us and I hope your bill receives the
support it
needs and is passed.

Yukon Flats School District
Board Of Education
Fort Yukon Alaska

mcarter897@aol.com

SUBJECT AREA: PERSONNEL

4.1 PORTABILITY OF TENURE

AASB requests the State of Alaska Legislature repeal the section of Chapter 31 which provides for portability of teacher tenure.

Rationale. Chapter 31 includes a tenure portability feature which assures the attainment of tenure after only one year in a new district. All districts need ample time to judge whether a newly hired teacher in the district will be a proper match and meet the standards of the new district.

There is an absence of clear and universal teacher evaluation standards across the state making valid evaluation of past performance extremely difficult. *Amended 1997*

4.2 NATIONAL CERTIFICATION OF TEACHERS

AASB supports efforts to establish a financial incentive mechanism for state support of teachers and districts wishing to participate in the National Board for Professional Teaching Standards (NBPTS) process. State support for this resolution should be outside the foundation formula.

Rationale. NBPTS is an organization of teachers, administrators, board members, and other education stakeholders working to advance the teaching profession and to improve student learning. The mission of the NBPTS is to establish high and rigorous standards for what accomplished teachers should know and be able to do. Linked to these standards will be a new generation of fair and trustworthy assessment processes that honor the complexities and demands of teaching. The NBPTS certification process is offered on a voluntary basis for teachers wishing to demonstrate exemplary performance around the five core propositions:

1. Teachers are committed to students and their learning.
2. Teachers know the subjects they teach, and how to teach those subjects to students.
3. Teachers are responsible for managing and monitoring students learning.
4. Teachers think systematically about their practice and learn from experience.
5. Teachers are members of learning communities.

These standards are well-aligned with the Alaska State Board of Education adopted teaching standards. *Amended 1998*

4.3 TEACHER PREPARATION AND CERTIFICATION IN RURAL COMMUNITIES

AASB urges improved teacher preparation and certification for those intending to teach in small rural communities, and that opportunities are provided for potential candidates currently living in small rural communities to become certified teachers.

Rationale. Teacher preparation is a key to successful instructional experiences for teachers and students. A high level of intellectual rigor and connection to the reality of the classroom interactions is required. Teacher preparation needs to include a variety of experiences with several teachers and several sites.

4.4 MANDATED STAFF TRAINING

AASB urges the Department of Education to continue to provide professional quality videotape programs for all school districts to use in providing consistent mandated training to employees. AASB also urges the Department of Education or another state educational agency to be a clearinghouse for training tapes that have been developed by other school districts and agencies to be used by districts throughout the state.

Rationale. Mandated training affects all school districts in Alaska. State laws and regulations increasingly require school districts to provide training in specific areas such as sex/race equity, child abuse and fetal alcohol syndrome and suicide prevention. This training must be provided to all new employees and on a cyclical basis to continuing employees. Employees required to receive this training may be employed at many different locations, making it difficult to provide required training at a central location. Yet the state does not provide school districts with additional funding to implement the training.

4.5 DEVELOPMENT OF POST SECONDARY SPECIAL EDUCATION PROGRAMS IN ALASKA AND EDUCATIONAL OPPORTUNITIES FOR ALASKANS TO COMPLETE SPECIAL EDUCATION CERTIFICATION TRAINING OUTSIDE ALASKA

The Association of Alaska School Boards promotes the establishment and expansion of post-secondary educational programs to train additional individuals as certified special education teachers and the initiation of programs to train related services providers (i.e. school psychologists, physical therapists, and speech therapists) within our State University system.

The Association of Alaska School Boards also supports Alaskan residents completing certification as a special education related service provider while attending an academic program outside the State of Alaska and who, upon certification, are committed to provide services to Alaska public school systems.

MAR 22 1999



JUNEAU SCHOOL DISTRICT
CITY AND BOROUGH OF JUNEAU
OFFICE OF THE SUPERINTENDENT

10014 CRAZY HORSE DRIVE • JUNEAU, ALASKA 99801-8529 • (907) 463-1700 • FACSIMILE (907) 463-1768

March 18, 1999

Senator Lyda Green
State Capitol, MS 3101
Juneau, AK 99801

Dear Senator ~~Green~~ *Lyda*:

I am writing in support of SB 98, a bill repealing tenure portability. As Superintendent in the Juneau Schools, I have asked principals to exercise extreme caution before recommending employment of a teacher with tenure portability, because one year is an inadequate probationary period.

Given the vast diversity of communities in our state, it cannot be assumed that success in one school district is a clear predictor of future success in another Alaskan district. The law as currently written is detrimental to teachers and school districts, because there is insufficient time to evaluate performance; therefore, if there is any question at all, the district will non-retain before granting tenure. A longer probationary period will provide teachers the opportunity to demonstrate proficiency, and afford district administrators the time to observe performance and make a fair, informed decision on tenure eligibility.

I appreciate your leadership in introducing legislation to repeal the portability of tenure, and urge your support for SB 98. Thank you.

Sincerely,

Mary Rubadeau
Superintendent

MAR 24 1999



**WRANGELL
PUBLIC SCHOOLS**
DISTRICT OFFICE

P.O. BOX 2319
WRANGELL, ALASKA 99929
Telephone (907) 874-2347
Fax # (907) 874-3137

GATEWAY TO THE STIKINE

March 22, 1999

Senator Lyda Green
Room 125, State Capitol
Juneau, AK 99801-1182

Dear Senator Green:

We are writing this letter of support of Senate Bill 98 which repeals the "portability" provision regarding acquisition of tenure.

Hiring districts are reluctant to take a chance on hiring teachers with only a one year evaluation window. Good teachers are losing good opportunities due to the tenure portability provision.

Thank you for supporting this bill.

Sincerely,

William T. Messmer

William T. Messmer
School Board President

by K. Gile

WM:kg

Vouchers continue from p.1

will withdraw the legislation.

Vouchers would be paid directly to parents, reasoned Kohring, and thus would not directly benefit sectarian or private schools. But attorneys didn't buy that argument. The Alaska constitution reads: "No money shall be paid from public funds for the direct benefit of any religious or other private educational institution." Attorney General Bruce Bothello found that effectively the chief beneficiaries are private schools themselves. Bothello cited the 1976 case *Sheldon Jackson College v. State*, the state tuition grant program enacted by the Legislature

but overturned by the Alaska Supreme Court, which found "the student is merely a conduit for the transmission of state funds to private colleges. Before the state will deliver the check to the student, the latter must certify under oath and under penalty of perjury that he or she will pay it over to the college."

AASB testified in opposition to the bill, as did the State Board of Education.

In January Kohring introduced another proposal that would amend the state constitution to allow for vouchers. It has yet to be scheduled for a hearing.

LEGISLATION INTRODUCED

SB 98 TENURE REACQUIRED (Green)—Amends portability provision regarding tenure. Teachers would reacquire tenure in the same district from which they taught if there was a break in service of a year or more.

HB 5 VOUCHERS (Kohring)—House Judiciary Committee recently concluded there is no statutory avenue to provide vouchers to fund education that would stand up constitutionally. The bill is effectively tabled.

SB 75/76 EDUCATION FUNDING VIA P.F. (Mackie, Kelly)—Would authorize use of Permanent Funding Earnings Reserve to pay for education. A companion bill would authorize an advisory vote of the people to access the excess earnings.

SB 95 DEFINITION OF JR., MIDDLE SECONDARY SCHOOL (Phillips, Halford)—Expands the definition of junior high to include middle school and the option of 6th grade configuration of the jr. high/middle school. Has an impact on facilities planning (secondary schools allowed 150 sq. ft. per student, while elementary schools are allowed 106 sq. ft.).

HB 118 EDUCATION WARRANTY (Dyson)—Would require payment by school district for remedial classes at the University of Alaska.

SJR 11 FEDERAL BLOCK GRANTS (Dortney)—Urges Congress to provide federal education funds as a block grant to the state.

HB 129 PRINCIPALS BARGAINING (Ogan)—Excludes school principals from collectively bargaining under PERA.

SB9, SB 85 PERS CREDIT (Mackie, Kelly)—Allows classified employees to receive 12 months credit in PERA. The employees would pay the entire cost of the 3-month gap.

CHOICE IN ALASKA

Significant choice in educational settings currently exists within the public school setting, including ever increasing technology-driven modes of delivering education. There are also significant options available outside of the public education system, including private, parochial and home schooling. Those are the conclusions of a February 1999 survey of Choice in Alaska. The survey was conducted by AASB in response to the voucher bill, whose supporters believe there is a lack of choice of school settings in Alaska.

Choices included: Public school, charters, private school, home school, district correspondence programs, state correspondence programs, cyber schools or courses available via the Internet, vcc ed courses, alternative schools, parochial schools, college or university courses available and "other" (boarding school, part-time student access, pupil transportation).

In urban areas that comprise 75 percent of the state's population nearly every choice listed was available. Medium size communities, defined as school districts with 1,500-3,000 students, show nearly the same level of choice available as urban areas. In rural areas the average district had five of the eleven choices.

Electrical Demands Pose Safety Risks in Buildings

Fire investigators say they can't pin point the exact cause of a fire that gutted Russian Jack Elementary School the night of Dec. 27, but they have narrowed it down to one of several electrical devices on a teacher's desk. The most likely source: a radio cord. The fire at Russian Jack dramatically underscored what fire inspector John Peck has been telling principals and administrators at schools across Anchorage for months. Many district schools harbor a dangerous tangle of wiring jury-rigged to computers and other electronic teaching tools undreamed of when the buildings were constructed.

1950's, '60's, '70's and even the 80's had no way of foreseeing the amplified electrical demands classrooms of the 1990's would require. Buildings were wired to draw and disperse far less electricity than modern computer-driven curriculums require.

Anchorage School District maintenance director Bob Price is familiar with the problem. "When you start daisy-chaining—plugging one power strip into another, and that one into the wall—you're getting to where it's very easy to overload a system," Price said.

The rule is one computer per power strip and one power strip per wall outlet, Peck and Price said. Some power strips are safer than others. Taylor said strips made of metal handle heat better than plastic ones.

The most common safety problem for all of them is the use of power strips and extension cords to expand power. Architects who designed schools built in the

ALASKA

... Local Gov't/Schools ...

HB-76: Deteriorated property tax break

On a 34-0 vote the House, March 15, passed HB-76, expanding local governments' ability to defer or forgive taxes on deteriorated property to assist in its renovation. With a twin measure, SB-54, already in the Senate Rules Committee, HB-76 was referred only to that committee and is lively to be up for a Senate floor vote this week.

HB-76 expands the provisions of a law passed last year by allowing municipalities to grant total property tax exemptions to deteriorated being renovated subject to agreement with the local government. The original legislation allowed only partial exemptions.

The bill also requires the local ordinance establishing the exemption to include specific eligibility requirements and a written application for each exemption or deferral. Aside from its potential for general use by municipalities around the state, HB-76 allows the city of Anchorage to provide enough of a financial incentive to the developers of a longtime downtown eyesore, the McKay building, to commence their renovation plans. The city faces costs of \$3 million to demolish and remove the building, which has already been condemned, if Marlow Development Corp. does not move forward with its plans to turn it into an apartment building.

In return, HB-76 will give the company a \$1 million windfall during the five-year period when it will be paying no local property taxes, but charging rents that reflect a tax component. Marc Marlow, president of the company, said the building will generate \$200,000 annually in property tax receipts when it is fully returned to the city's tax rolls.

PERS credit for non-certified employees: HB-17 (by Rep. Brice), allowing a full year of retirement credit for nine-month employees was up for hearing last week in House Labor and Commerce Committee, and its counterpart in the Senate, SB-9 (by Sen. Wilkens), is scheduled for a hearing in Senate Health, Education, and Social Services Committee March 22.

Employees must pay the full cost of the three-year credit (employees and employers share).

HJR-6: Voucher issue delayed a week

The school voucher constitutional amendment was scheduled to up before the House Health, Education, and Social Services Committee last week, but meetings were cancelled. The issue will be back before the committee this week (Mar. 22-26).

SB-98: Teacher tenure portability: This bill by Sen. Lyda Green will be up before Senate Health, Education, and Social Services (HESS) this week. SB-98 would wipe out a tenure portability feature enacted in HB-465 several years ago, permitting a teacher transferring from another district to achieve tenure in the new district after a year probation. Portability barriers are also now cropping up in negotiated contracts, with districts no longer compelled to acknowledge teacher experiencing years of new hires from other districts. One problem is that these kinds of barriers will may Alaska graduates from seeking jobs outside the urban core districts.

HB-22: Restricting the tax assessor

A House bill reinforcing existing state law requiring a tax assessor to receive a property occupant's permission before entering a dwelling was passed by the Senate, March 12 on a 17-0 vote. Based on a single incident in which a Mat-Su Borough tax assessor entered a home after hearing some sounds, which turned out not to be the residents' permission to come in. HB-22 passed the House in February. The bill states that assessors may enter a dwelling, or other personal property, only if the structure is under construction and not yet occupied; with the permission of the person in actual possession of the structure, or with a court order.

Supplemental carries road funds: The just passed supplemental appropriation bill (HB-100) carries funding and legislative intent aimed at opening winter-close roads on time. Gov. Knowles had proposed late opening to save funds. Affected are the Taylor Highway, Boundary Spur, McCarthy Road. Nome Teller Road, Nome Council Road, Glacier Creek Road, Fairbanks Creek Road, Tofty Road, Manley, and Kougarak Road.

Association of Alaska School Boards
AASB Quick Survey Results
Topic: Portability of Tenure

Compiled 3/22/99

Portability of Tenure				Hiring Practices
District	Number new teachers hired in 1998-99 school year	Number of these new teachers that are non tenured	Number of these new teachers that were previously tenured (with portability)	Describe the impact portability of tenure has on hiring practices
Alaska Gateway	11	11	0	
Aleutians East	8	6	2	It has made us cautious. What is more important, it has caused us to terminate teachers after one year.
Anchorage ✓				
Bristol Bay	2	2	0	We are reluctant to hire previously tenured people unless they are in areas hard to fill-Special Ed, etc.
Chatham	5	5	0	
Chugach	1	1	0	
Cordova	2	1	1	
Craig	4	4	0	The district will be more careful in screening applicants with tenure. We scrutinize potential hires that have tenure portability much more closely.
Della/Greely	12	12	0	
Denali	4	3	1	No impact, but we don't like the one year provision.
Dillingham	21	17	4	Would not influence our hiring practices. If we can afford to—we hire the best person available for every position.
Fairbanks	117	104	13	
Hoonah	2	2	0	None.
				In the future, it will make a lot of difference. Evaluations and personnel records will be carefully reviewed before hiring a teacher previously tenured. One year is not long enough to decide about some questionable teacher behavior.
Hydaburg	1	0	1	
Iditarod	17	13	4	None to date.
				Administrators have exercised caution when considering a candidate with portability, because one year is not adequate as a probationary period. Given the vast diversity of Alaska, success in one community is not an adequate predictor for awarding tenure in another district.
Juneau	51	49	2	
Kashunamiut	9	9	0	Very Cautious-resist hire of tenured.

Portability of Tenure

Hiring Practices

District	Number New teachers hired in 1998-99 school year	Number of these new teachers that are non-tenured	Number of these new teachers that were previously tenured (with portability)	Describe the impact portability of tenure has on hiring practices
Kenai	60	49	11	It is extremely difficult, if not impossible to thoroughly evaluate in one year-(really less than) especially in villages. At least 2 years is needed, however, in many cases even that isn't enough because standards, expectations are so different!
Lake & Peninsula	21	18	3	
Lower Kuskokwim	51	47	4	Teacher applications with portability are scrutinized very closely.
Lower Yukon	37	34	3	The new law does not give enough time to complete the evaluation process.
Mat-Su	38	30	8	There were several applicants from rural schools we did not hire due to portability.
Nonana	6	5	1	
North Slope	57	52	5	We make contact with the prior district to assure quality of the candidate. If there is any doubt, we do not hire.
Pelican	0	0	0	None at this time. Pelican reduced teaching staff by about 75% for the 1999-2000 school year.
Petersburg	8	7	1	We're very careful when it comes to a tenured person.
Skagway	5	5	0	I think it would complicate hiring decisions and cost us more money in the long run, but would have no positive affect on student achievement.
Southeast Island	1	1	0	Would be reluctant to hire a teacher who would gain tenure after one year.
Southwest Region	20	17	3	We always consider portable tenure. If we have a choice of a quality teacher without portable tenure we choose them.
Valdez	6	4	2	
Wrangell	6	5	1	None.
Yakutat	1	1	0	Very Little.
Yupik	9	9	0	More supervision during that year.

Total: 593 523 70

Percent Hired With Portability: 11.80%

*Supports argument
for portability removal.*

Teacher, once subject of controversy, will stay on

By CATHY BROWN

THE JUNEAU NEWS 5-18-99
Alan Degener, a popular teacher who agreed to resign after nearly being denied tenure last year, will stay on with the Juneau School District.

Degener asked that his resignation, which would have been effective June 3, be withdrawn. That request was accepted earlier this month by the Juneau School Board, along with Degener's request to transfer from Dzantik'i Heeni Middle School to Juneau-Douglas High School this fall.

Degener will move to the JDHS math department, which has several openings due to retirements. The transfer was Degener's choice, Dzantik'i Heeni Principal Les Morse said.

"I'm just looking for something different," Degener said. "I feel kind of a calling to work with the high school students. I'd say I'm probably better suited for that age group."

Degener's job was the subject of controversy at a school board meeting last June. About 30 students, teachers and parents voiced support for him when he was denied tenure after his first year of teaching in Juneau.

His supporters said he was a talented math teacher who was being asked to leave because of politics and inadequate evaluation methods.

Superintendent Mary Rubadeau said at the time that was not the case.

Because Degener taught in an-

“
I feel kind of a calling to work with the high school students.

Alan Degener

other Alaska district for three years, state law made him eligible for tenure after just one year in Juneau. Rubadeau said that was part of the problem — one year was not enough time to decide whether to give him tenure. Tenure grants teachers a certain amount of job security.

The matter was settled last spring. The district and Degener struck a deal where he received tenure last fall, but submitted a letter of resignation that would be effective at the end of this school year.

The resignation could be rescinded only if both Degener and the district agreed. The deal essentially kept him on staff one more year, but also kept him on probation.

He performed well enough this year to keep teaching in the district, Morse said.

"The intent of the agreement, I think, fulfilled its purpose," Morse said. "Without the agreement we would have had to make a decision last spring, and really didn't feel like that was adequate time."

TENURE ACQUISITION

New provisions of AS 14.20.150

- Time required to earn tenure is increased from two full years to three full years.
- Allows limited portability of tenure status from one Alaska district to the next under certain conditions.

Tenure is a form of job protection. It was originally intended to safeguard teacher's academic freedom and as protection from indiscriminate firings. Typically higher education professors, and in the majority of states, elementary and secondary school teachers are granted this job protection.

The previous two year tenure acquisition law provided inadequate time for administrators to

thoroughly evaluate new teachers and implement a meaningful plan of improvement. Extending the time it takes to acquire tenure will help ensure that new people entering the teaching profession in Alaska are provided an opportunity to enhance their teaching skills and demonstrate their ability.



SCHOOL BOARD'S RESPONSIBILITY

- Review applicable policies
- Evaluations must be timely
- The Plan of Improvement must be appropriate and credible
- Review current evaluation procedures and hiring and recruitment guidelines

PORTABILITY OF TENURE

WHAT IS PORTABILITY? Portability allows an Alaskan teacher with tenure to carry over a modified tenure status to another district. Previously, when a tenured teacher moved from one district to another tenure status expired. The new law essentially gives a district who hires a teacher with tenure in another Alaskan school district only one year in which to evaluate that teacher before deciding to nonretain or grant tenure.

WHEN DOES PORTABILITY NOT APPLY? If a teacher has a break in service that exceeds 16 months, the teacher is considered nontenured.

WHAT IS A BREAK IN SERVICE? Under the new law a break in service means that an educator has not taught for an Alaska school district for a period of time. If a teacher's break in service lasts longer than 16 months, he or she is not eligible for tenure portability and does not acquire tenure status after one year with a new district. He or she would only acquire tenure after three full school years of teaching in that district.

RECRUITMENT CONCERNS Portability creates a recruitment concern for those districts that routinely hire experienced teachers who have been tenured in another district. It will create the need for greater scrutiny in the hiring process, to learn more about teachers who carry tenure with them. It will also make thorough evaluations even more of a priority, since one year will be all the time available before making a final decision. Unless a tenured teacher comes highly recommended, a hiring district may be reluctant to take a chance on hiring with only a one year evaluation window.

TO ATTAIN PORTABILITY TEACHERS MUST...

- Not have a break in service longer than 16 months.
- Not have been dismissed or nonretained by the previous employing Alaska district.
- Possess a valid teaching or administrative certificate.
- Complete a full year of teaching service with the new employing district.
- Receive an acceptable evaluation from the employing school district.
- Be offered and accept a teaching contract for the next school year.

Under HB 465 a teacher meeting all of these criteria automatically acquires tenure upon teaching for a day in that district during that next contract year.

ASSOCIATION OF ALASKA SCHOOL BOARDS

Advocates for Alaska's Youth

Statement on SB98

Re: SB 98 Repealing Portability of Tenure

SB 98, repealing portability of tenure, is currently in House Rules Committee and could be calendared for a vote at any time. AASB would appreciate your support for SB 98.

The Association of Alaska School Boards looks at SB 98 as a teacher mobility issue. Under the portability provision, teachers who are tenured in one district may re-acquire tenure in another district after only one year. This "portability" of tenure has been generally discredited by locally elected school boards and administrators as a deterrent to hiring experienced educators.

A survey conducted this year by AASB shows that less than 5% of educators hired statewide last year were teachers with portability. In Anchorage alone, less than 2% of teachers (20 out of 1,000 hired over three years) who were hired have portability.

Important Points about SB 98:

- Very few districts are willing to take a chance on hiring a teacher with only one year to evaluate before determining tenure.
- SB 98 makes no material change to current tenure law other than to provide adequate opportunity to evaluate all teachers. It also provides mobility to experienced teachers seeking employment opportunities.
- The portability amendment adopted in HB 465 in 1996 was not considered in the legislative committee process. Rather, it was offered as an amendment on the floor of the Senate just prior to final passage.
- This Senate floor amendment has had tremendous impact on experienced teachers who effectively have reduced mobility when it comes to seeking new job opportunities in-state.