Boards Role in Personnel
Clint Campion
Sedor Wendlandt Evans and Fillipi
Who are your “personnel?”

• Superintendent

• “Certificated” or “Certified” Teachers

• “Tenured” vs. “Non-tenured” Teachers

• “Classified” – all other employees

Who Hires Personnel?

• The Board employs certificated employees based on recommendations from Superintendent

• The Superintendent supervises, evaluates, and documents all District staff
**“Tenure”**

**Noun**
Status granted to an employee, usually after a probationary period, indicating that the position or employment is *permanent*.

**Verb**
To give tenure to: *After she served three years on probation, the committee tenured her.*
Teacher Tenure Rights – AS 14.20.150

(1) Valid Teaching Certificate;
(2) Employed continuously in the same district for three years;
(3) Receives an evaluation in 3rd year; and
(4) Accepts a contract for 4th year and teaches one day in the district.

Tenured Teacher Can Only Be Non-Retained or Dismissed for Cause

Incompetence – AS 14.20.170(a)(1);
“Crime of Moral Turpitude” – AS 14.20.170(a)(2)
Plus anything in the District’s Negotiated Agreement
Tenured Teachers Can Challenge Dismissal – AS 14.20.180
• Written Notice
• Pre-Termination Hearing
• Board hearing or Arbitration
• Tenured dismissal can cost from $10,000-$100,000

Tenured Teachers are Automatically Employed
• Even if the Board does not offer a contract to a tenured teacher
• The District must dismiss or non-rent to prevent them from coming back during the next school year
Non-Tenured Teachers
AS 14.20.175
• Non-retained for any adequate cause

• Board shall provide a procedure through regulation or bylaw which provides an informal hearing – check your Board Policy
Non-Retention Cannot Be for an Illegal Reason

• Cannot discriminate on the basis of a protected class – race, color, national origin, gender, familial status, sexual orientation and disability

Deadline for Non-Retention (Non Tenured Teachers)

• Notification is the last day of school – AS 14.20.140

• Unless, the Negotiated Agreement sets an earlier date.

• If the District misses the deadline, the teacher is automatically employed for the next school year.
Who Decides?

• To Offer a New Contract or to Non-Retain?

• The Board or the Superintendent?

Teacher Contracts

• The “employer” may after January 1, issue contract – AS 14.20.130

• “Employer” is school board or superintendent

• 4 AAC 18.010 – contract must be signed by two school board members and the teacher
The Board’s Role

• Depends on your Board Policy and practice
• Some school boards do not get involved until a non-retained teacher asks for a hearing
• Some boards pre-approve contracts

The Board’s Role

• Micromanagement?
• Tenured Teachers will likely outlast the Superintendent that hired them
Reductions in Force – AS 14.20.177
• School District Attendance has decreased; or
• Basic need of school district decreased by 3% or more from the previous school year

Reductions in Force – School Board Role
• School Board must adopt a “layoff plan” before any tenured teachers can be laid off
• Identify academic programs the District intends to retain
• Establish procedures for laying off and recalling tenured teachers
This is a presentation for educational purposes only. It is not and is not intended to be legal advice. If legal advice is sought, please follow appropriate district and/or school procedures.
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