

## Boards Role in Personnel

Clint Campion  
Sedor Wendlandt Evans and Fillipi

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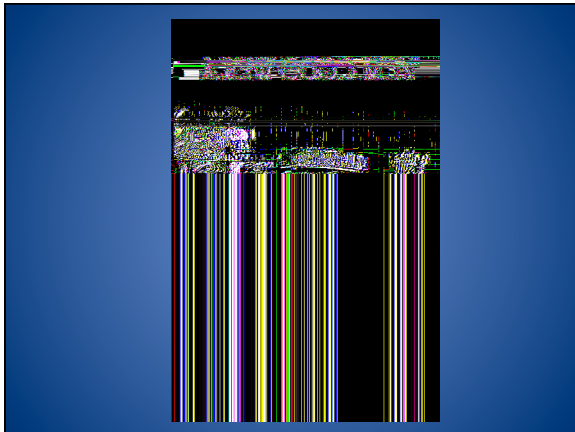
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### Who are your “personnel?”

- Superintendent
- “Certificated” or “Certified” Teachers
- “Tenured” vs. “Non-tenured” Teachers
- “Classified” – all other employees

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### Who Hires Personnel?

- The Board employs certificated employees based on recommendations from Superintendent
- The Superintendent supervises, evaluates, and documents all District staff

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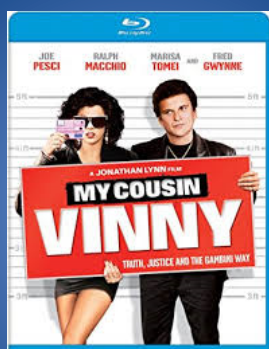
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## “Tenure”

### 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.*

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### 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 3<sup>rd</sup> year; and
- (4) Accepts a contract for 4<sup>th</sup> year and teaches one day in the district.

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### 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)
- Violation of State School Laws – AS 14.20.170 (a)(3)
- Plus anything in the District’s Negotiated Agreement

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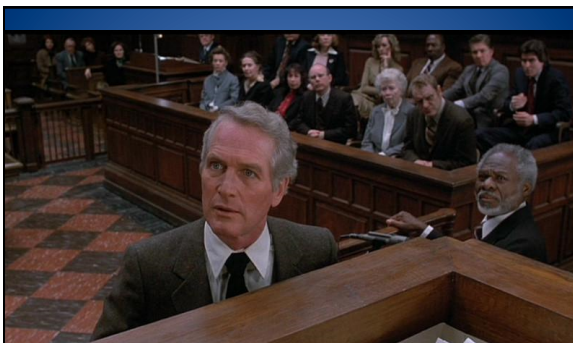
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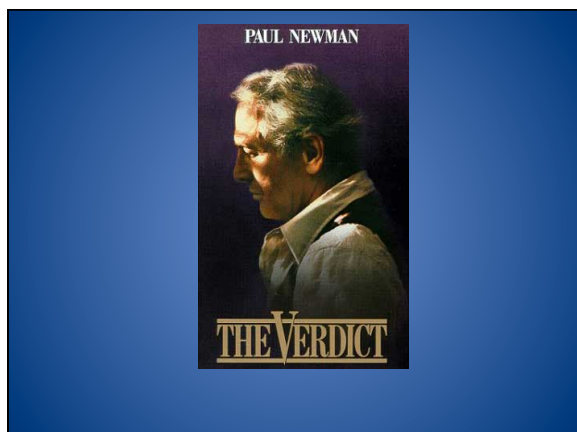
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### Tenured Teachers Can Challenge Dismissal – AS 14.20.180

- Written Notice
- Pre-Termination Hearing
- Board hearing or Arbitration
- Tenured dismissal can cost from \$10,000-\$100,000

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### Tenured Teachers are Automatically Employed

- Even if the Board does not offer a contract to a tenured teacher
- The District must dismiss or non-retain a tenured teacher to prevent them from coming back during the next school year

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## 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

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### 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

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### 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.

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### Who Decides?

- To Offer a New Contract or to Non-Retain?
- The Board or the Superintendent?

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### 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

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### 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

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### The Board's Role

- Micromanagement?
- Tenured Teachers will likely outlast the Superintendent that hired them

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### 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

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### 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

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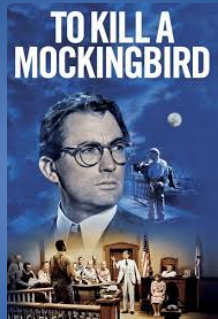
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### Sedor Wendlandt Evans Fillipi

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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**Boards Role in  
Personnel**  
**Clint Champion**  
**Sedor Wendlandt Evans and Fillipi**

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