

Board's Role in Personnel

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What Do We Get Most Calls About?

- Board members overstepping on personnel issues!



Board's Responsibilities

- Recruits and hires the superintendent, establishes and approves their contract, gives direction through written goals.
- Conducts an annual evaluation of the superintendent, *the Board's only direct employee.*
- Approves recommendation of the superintendent for the hiring of certificated and classified staff members.
- Establishes or approves criteria to be used in hiring all personnel.
- Adopts policies for personnel management.
- Delegates to the superintendent the authority and responsibility to supervise the management of all personnel.
- Ensures job descriptions are in place for classified staff.

Board's Responsibilities Continued

- Promotes good working relations with staff and maintain lines of communication with staff as appropriate.
- Does not undermine or bypass the authority of the superintendent as the primary personnel manager.

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Superintendent's Responsibilities

- **Responsible for the overall operation of the schools**
- Recommends to the Board the employment of all certified and classified staff.
- Responsible for the supervision of all employees of the district.
- Establishes job descriptions for all positions.
- Establishes procedures for the recruitment, hiring, and assignment of staff and establishes expectations for staff.
- Recommend staff disciplinary actions to the board in accordance with board policies and legal requirements.
- Serves as the board's liaison with staff. Notifies personnel of the board's actions.

Superintendent's Responsibilities Continued

- Fosters good working relationships with staff and maintains lines of communication with individual staff members and employee organizations.
- Delegate authority to staff members, as appropriate.
- Supervises the evaluation of all staff.
- Documents recommendations for tenure, retention, or dismissal.



Tenured Issues

- In the State of Alaska, teachers holding a valid teaching certificate *achieve tenure* (AS14.20.150) when:
- Employed continuously in the same district **for three years;**
- Receives an **evaluation in 3rd year;** and
- Accepts a **contract for the 4th year and teaches one day in the district.**

Can't you just fire them?



A tenured teacher may only be non-retained or dismissed by the district for these reasons:

- 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)
- Anything that is in the District’s Negotiated Agreement

Teachers can challenge dismissal (AS 14.20.180) when:

- They provide written notice
- A pre-termination hearing is scheduled
- The Board conducts a hearing or enters into 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-retain** a tenured teacher to prevent them from coming back during the next school year

What should we say?

- **AS 14.20.175. Non-retention.**
- (a) A teacher who has not acquired tenure rights is subject to non-retention for the school year following the expiration of the teacher's contract for any cause that the employer determines to be adequate. However, at the teacher's request, the teacher is entitled to a written statement of the cause for non-retention. The boards of city and borough school districts and regional educational attendance areas shall provide by regulation or bylaw a procedure under which a non-retained teacher may request and receive an informal hearing by the board.

Non-retention of non-tenured teachers (AS 14.20.175):

- Non-retained for any legal and adequate cause
- The board shall provide a procedure through regulation or bylaw which provides an informal hearing – check your Board Policy (give a # of policy or insert theirs?)
- 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)
- If a teacher who has not acquired tenure rights is to be laid off under AS [14.20.177](#) or is not to be retained for the following school year the employer shall notify the teacher of the layoff or non retention by **writing** delivered on or before the last day of the school term or by registered mail postmarked on or before the last day of the school term.
- Unless the Negotiated Agreement sets an earlier date.
- If the District misses the deadline, the teacher is ***automatically employed*** for the next school year.

Teacher contracts:

- The “employer” may after January 1, issue contract – AS 14.20.130
- “Employer” is school board via the superintendent
- 4 AAC 18.010 – contract must be signed by two school board members and the teacher



Best practice protocols for Board approval of staff hiring

- The Board has the final authority to approve the hiring recommendations and contracts for all personnel.
- The Board has delegated the work of recruiting and recommending for hire personnel to the Superintendent.
- The Board should refrain from interfering with personnel recommendations unless there is specific, verifiable evidence that the recommended hire is unfit, not properly licensed or credentialed, or has a background record (criminal offense) that makes them ineligible for employment.
- No Board member shall use their position to influence the hiring, non-retention, disciplinary action or dismissal of an employee based on their personal disposition or relationship with the person being recommended for action.

Conflicts

- Board members should declare a conflict of interest and abstain from voting on any personnel action in which an immediate family member is involved.
- No single Board member, no matter their office on the Board, has any authority to demand or commit the Board or superintendent to any action.
- **Authority only exists with the Board acting as a whole.**

Let's Practice

- At your tables read through the scenarios and discuss the situation.
 - What are the issues?
 - What should the board member(s) have done?
 - How do we move forward?

Scenario 1

- Board member calls Superintendent and says the following,

“I’m not sure if you saw the Facebook post or not, but Mrs. McGillicuddy had a big party at her house and there were a lot of teachers there appearing to be drunk. Looks like they had a grand ‘ol time. What do you plan to do about this?”

Scenario 2

- Board member catches you in the parking lot:

“Good morning. Can I meet with you to discuss a couple of teachers who are on the agenda for contract approval? I’m not sure we want a few of these in our classrooms. My nephew, knows one of these teachers because he works with him in his district, says that Mr. Welk is just a jerk and kids didn’t learn anything. I’ve also heard things about a couple others I want to share.”

Scenario 3

- Board member stops into Superintendent's office:

"I heard Jimmy (Maintenance Director) was leaving. I don't want to over step, but I know someone who would be great at that job and they want to move back to town. They have three kids, so it would help enrollment. It is my niece's husband. He's a really great guy and he would do a really great job."

Questions? Thank You

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