

Teacher Tenure in Alaska

ALASBO Power Lunch

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What is tenure?

- Tenure provides teachers with an expectation of continued employment.
- Creates an obligation for due process before dismissal or non-retention.
- Impacts evaluations
- Does not mean a teacher cannot be fired.

Purpose of Tenure

“Tenure laws are intended to give job security to experienced teachers and to ensure that they will not be discharged for inadequate reasons.”

“A system of tenure has as its objective the retention of able personnel after they have undergone an adequate period of probation with the concomitant result that more talented personnel will be attracted to enter the teaching profession”

State v. Redman, 491 P.2d 157 (Alaska 1971)

Acquiring Tenure

AS 14.20.150 Acquisition and Reacquisition of tenure rights

- Possesses a valid teaching certificate
- Has been employed as a teacher in the district continuously for three full school years.
- Receives, in the third year, an evaluation that the teacher's performance meets the districts performance standards.
- Before Oct 15th
 - Receives a contract
 - Performs a day of teaching service

Reacquiring Tenure

- Portability of Tenure
- In the same district
 - Same as acquiring tenure – but after one year
- In another district in Alaska
 - Same as acquiring tenure – but after two years

Recommend verification from former district if hiring a previously tenured teacher.

Important Definitions – “Year”

AS 14.20.215 – “Continuous Employment” – means employment that is without interruption except for temporary absences approved by the employer or its designee, or except for the interval between consecutive school terms if the teacher is employed only for the months of the school term.

4 AAC 18.900 – fractions of years – DOES NOT CONTROL

AS 14.20.345 – Leaves of Absence – Not a break for tenure but does not count in the accumulation.

Important Definitions – “Teacher”

AS 14.20.215 “Teacher” – means an individual who, for compensation, has primary responsibility to plan, instruct, and evaluate learning of elementary or secondary school students in the classroom or an individual holding another position as determine by the department by regulation.

4 AAC 12.900 – expands this to include counselors, nurses, related service providers and administrators. Excludes student teachers, volunteers, and administrators not otherwise supervising students/teachers.

Note: Be mindful of AS 14.20.158

Loss of Tenure

AS 14.20.160

Tenure rights are lost when the teacher's employment in the district is interrupted or terminated. However, a teacher on layoff status does not lose tenure rights during the period of layoff except as provided under AS. 14.20.177.

Impacts of Tenure – Non-Retention

AS 14.20.140 and 14.20.175

- Non-Tenured:
 - Notice before the last day of the school term
 - In accordance with AS 14.20.177
 - Any cause that the employer determines to be adequate
- Tenured:
 - Notice before May 15th
 - Only in accordance with AS 14.20.177
 - Incompetence, Immorality, Substantial non-compliance

Impacts of Tenure – Evaluation

AS 14.20.149

- Non-Tenured
 - Require at least two observations
- Tenured
 - Allows for evaluations to be completed once every two years when performance standards are consistently exceeded
 - Requires a Plan of Improvement when the individual does not meet the performance standards which shall last from between 90 and 180 workdays

Impacts of Tenure – Reduction In Force

AS 14.20.177

- Non-Tenured:
 - Layoff plan and recall are not required under law – check with your Collective Bargaining Agreement
- Tenured:
 - Only allowable when
 - School attendance has decreased
 - Basic need decreases by 3%
 - Layoff plan required
 - Must layoff non-tenured first

Tenure exclusions

AS 14.20.150(c) – Superintendent

AS 14.20.022 – Subject-matter expert limited teacher certificate.

AS 14.20.025 – Limited teacher certificates

Extending Non-Tenured Status

Discuss with your District's attorney before taking any formal action

- Poor performance – If in the third year the teacher does not receive an evaluation that does not meet the standards, tenure would not be granted.
- Continuation agreement – Some district formalize an agreement by which a teacher must meet certain conditions in order to have their employment continue beyond the fourth year.

Relevant Cases regarding Tenure

[State v. Redman, 1971, 491 P.2d 157](#)

[Fairbanks North Star Borough School District v. NEA-Alaska, Inc., 1991, 817 P.2d 923](#)

Additional Information and Reading

- CAEPR Studies
 - [Salary & Benefits Schedule and Teacher Tenure Study](#)
 - [Statute and implementation: How phantom policies affect tenure value and support](#) (available for purchase)
- National Council on Teacher Quality
 - [District Trendline – Teacher Tenure across the US](#)

Questions?