

Commentary

Let's bring teachers' tenure rights up to date

by Representative Ivan M. Ivan

During the last legislative session, I introduced legislation (HB 217) that addressed issues of teacher tenure and employment rights. In essence, HB 217 would have allowed school districts to lay off tenured teachers due to declining enrollment or declining revenues; increased tenure time requirements from two to four years; removed the costly trial de novo portion of our statutes and sub-

stituted a less costly appeal procedure; and added a retirement incentive program. Unfortunately for Alaska's school children, the Governor vetoed the bill.

In his veto message, the Governor cited the lack of a comprehensive evaluation process for teachers and administrators; the length of time required before the acquisition of tenure; layoffs under financial emergency provisions; and little fiscal impact or savings from the elimination of the trial de novo portions of the statutes. Al-

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though I still do not believe the reasons for the veto were justified, I have continued to work on legislation that would give our school districts the flexibility that's needed in order to address the increased costs associated with our educational system while promoting the quality education our children deserve. That is one of the reasons why I introduced House Bill 465.

The elements discussed in the Governor's veto message are the main points addressed in HB 465. First, a comprehensive evaluation system is established in this legislation. Each school district will adopt evaluation system procedures for the evaluation and for performance improvements of its district's certificated employees. A teacher who receives an evaluation that is less than acceptable will be provided a plan of improvement by the local school board. This plan will address ways in which the teacher can improve his or her performance within a year. It is also my intention to amend the legislation so that an administrator will have to follow standards of performance in the evaluation process or else face possible dismissal.

Such safeguards will only assist each school district and educators in providing a quality education for our children.

Another key issue resolved by this bill is the time it takes to acquire tenure. The most important reason why last year's bill was vetoed was that HB 217 extended tenure acquisition for too long of a period. HB 465 extends tenure acquisition from two to three years; the same is proposed by the Governor. Other provisions of the bill would allow school districts to implement a reduction in force plan in order to lay off teachers who may have acquired tenure rights, but only if the school district finds it necessary to reduce the number of teachers due to declining enrollment or circumstances involving declines in revenues; implement qualification standards that will ensure a teacher assignment in the class for which they have received a certificate of endorsement and will not force school districts to rehire teachers based solely on seniority; and removes the trial de novo portion of our statutes. New procedures for appealing a decision to dismiss or nonretain a tenured or non-

tenured teacher are established. The record established during the various hearings will be available for use if a suit is filed in superior court. This could provide significant cost savings to school districts.

A provision for public involvement is also included in House Bill 465. This provision will allow for public involvement on issues to be addressed in the collective bargaining process with some of the proposals being considered during negotiations between a school board and the collective bargaining unit.

It is time we moved teacher's tenure rights into the 21st century. Since tenure was first instituted, there has been a string of federal law enacted to protect citizens from such things as age discrimination. Civil rights legislation was passed. Our constitution protects every individual's freedom of speech, religion and other basic fundamental rights. Tenured teachers are

covered by these same principles.

It is my belief that a balance is needed between the teacher's union and a publicly elected school board that must deal with rising costs of providing quality education to our children. With the teachers having strong PERA laws, the right to strike, and a virtual guarantee of life long employment, the balance tips heavily toward the teachers and its union. I am not saying they do not deserve the benefits nor the salaries they have fought so hard to achieve. However, the playing field needs to be more level. HB 465 is one of the solutions that could help us accomplish that balance. This legislation is one step that will give our administrators, teachers, school boards and parents the tools needed in developing standards that will assist in the improvement of the performance of educators who help shape the future of our youths.