



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

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MEMORANDUM

TO: Board of Education

FROM: Sam Stewart, Assistant Superintendent

SUBJECT: Worksession Review of New AR 4117.6

Attached is the new *AR 4117.6 Informal Hearing for Nonretention of Nontenured Staff* for your review and discussion in worksession prior to the request for approval at the Board Meeting. This administrative regulation supplements BP4117.6 by providing the procedures for an informal hearing for nonretained nontenured staff.

This administrative regulation is as recommended by our legal counsel.

We have attached a copy of *BP 4117.6 Nonretention* for informational purposes.

Attachments: *AR 4117.6 Informal Hearing for Nonretention of Nontenured Staff*
BP 4117.6 Nonretention

NEW ADMINISTRATIVE REGULATION

Certificated Personnel

AR 4117.6(a)

INFORMAL HEARING FOR NONRETENTION OF NONTENURED STAFF

A nontenured teacher may be nonretained for any cause that the employer determines to be adequate. The following procedures shall apply to the nonretention of nontenured teachers. Unless otherwise noted, all days refer to calendar days.

1. Notification. The District shall notify a nontenured teacher of nonretention in accordance with AS 14.20.140(b) and any applicable provisions of the negotiated agreement with certificated staff. Unless an earlier date is set forth in the negotiated agreement, the teacher shall be notified in writing delivered or registered mail postmarked on or before the last day of the school term.
2. Statement of Cause. Within ten (10) days of receipt of the notification of nonretention, the teacher may submit a written request to the Superintendent for a written statement of cause for the nonretention. Failure to submit a timely written request constitutes waiver of this right. On the teacher's timely written request, the Superintendent shall deliver to the teacher a written statement of cause for the nonretention within ten (10) days.
3. Right to Informal Hearing. Within ten (10) days of receipt of the notice of nonretention, a nontenured teacher may submit a written request to the Superintendent for an informal hearing before the School Board. Failure to submit a timely written request constitutes waiver of the right to an informal hearing. The Superintendent shall schedule an informal hearing and shall inform the teacher of the date, time and place of the hearing not less than ten (10) days prior to the informal hearing.
4. Representation. The teacher may appear individually or be represented by a person of the teacher's choosing.
5. Hearing Procedures.
 - a. The informal hearing shall be held in closed session, unless opened by mutual consent.
 - b. The District shall record the informal hearing. On the teacher's written request, a copy shall be provided at the teacher's expense.

INFORMAL HEARING FOR NONRETENTION OF NONTENURED STAFF
(continued)

- c. The representatives may submit whatever written documents they feel are germane to the arguments they will present, including affidavits. No witnesses may testify, except that the teacher's representative and a representative of District administration shall have the right to make a statement or presentation to the Board. Additionally, the teacher can speak on his or her own behalf, even if represented.
 - d. Any written argument or documents that the parties expect to present at the informal hearing shall be exchanged by the parties no later than three (3) days prior to the informal hearing.
 - e. The informal hearing shall be scheduled for 40 minutes and shall proceed as follows:
 - i. District administration presentation (15 min.);
 - ii. Teacher presentation (15 min.);
 - iii. Rebuttal and closing presentation by District (5 min.);
 - iv. Rebuttal and closing presentation by teacher (5 min.);
 - f. The Board may, in its discretion, vary the proceedings.
6. Decision. Following deliberation in executive session, the Board shall render an oral decision to affirm or revoke the notice of nonretention. The decision will be made by majority vote of the Board members participating at the informal hearing. The Board shall issue written notice of its decision within ten (10) days after the hearing.

NONRETENTION

The Superintendent or designee shall provide the Board with his/her recommendations regarding the nonretention of certificated employees.

The Board may decide not to rehire a nontenured employee at the end of his/her first, second, or third year and give written notice of its decision to the employee at any time during the year. If the Board does not give nontenured teachers written notice of nonretention prior to May 15, the employee shall be rehired for the following year.

Nonretention of nontenured teachers may be based on any cause deemed adequate by the Superintendent or designee or, if an informal Board hearing is held, any cause deemed adequate by the Board. The Superintendent or designee shall establish administrative regulations which provide appeal procedures for the nonretention of nontenured teachers, including the opportunity for an informal hearing before the Board.

The nonretention of tenured teachers shall comply with the cause and procedural requirements specified in law, including notice of nonretention before March 16.

*(4112.1 - Contracts)
(cf. 4117.4 - Dismissal)
(cf. 4116 - Nontenured/Tenured Status)
(cf. 4117.3 - Personnel Reduction)*

Legal Reference:

ALASKA STATUTES

- 14.20.140 Notification of nonretention*
- 14.20.145 Automatic re-employment*
- 14.20.175 Nonretention*
- 14.20.180 Procedure and hearing upon notice of dismissal or nonretention*
- 14.20.205 Judicial review*
- 14.20.210 Authority of school board or department to adopt bylaws*

Shatting and Dillingham City School District