

Sitka School District Mission:
The Sitka School District will intentionally develop
Haa Latseení
(Our Strength of Mind, Body, and Spirit)
to inspire and prepare students to be compassionate, empowered,
and equipped critical thinkers within a global community.

School Board Meeting

Wednesday, April 24, 2024 | 6:00 PM | District Office Board Room, 300 Kostrometinoff Street, Sitka,
AK 99835

Proposed Agenda

1. AK Statutes RIF and Non-retention Notification

Note: All items listed under Agenda & Consent Agenda are considered routine by the School Board and will be approved in one motion. Items may be removed at the request of a School Board Member.

Note: Meetings will adjourn by 10:30 p.m. Alaska Standard Time (or Alaska Daylight Standard Time) unless by a majority vote of the board the meeting is extended 30 minutes to 11:00 p.m. Further 30-minute extensions will require each a separate motion that will require a unanimous vote of those members present and constituting a quorum.

Note: The School Board reserves the right to go into executive session as and to the extent permitted by AS 44.62.310 and Board Bylaw 9321. An executive session may be called to consider the following subjects: (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the District; (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; (3) matters which by law, municipal charter, or ordinance are required to be confidential; and (4) matters involving consideration of government records that by law are not subject to public disclosure. The motion to go into executive session must clearly specify the subject of the proposed session without defeating the purpose of addressing the subject in executive session.

Sec. 14.20.177. Reductions in force.

(a) A school district may implement a layoff plan under this section if it is necessary for the district to reduce the number of tenured teachers because

(1) school attendance in the district has decreased; or

(2) the basic need of the school district determined under AS 14.17.410(b)(1) decreases by three percent or more from the previous year.

(b) Before a school district lays off any tenured teacher, the school board shall adopt a layoff plan. The plan must identify academic and other programs that the district intends to maintain in implementing the layoff plan. The plan must also include procedures for layoff and recall of tenured teachers consistent with this section.

(c) Except as provided in this subsection, a school district may place a tenured teacher on layoff status only after the district has given notice of nonretention to all nontenured teachers. However, a school district may retain a nontenured teacher and place on layoff status a tenured teacher if there is no tenured teacher in the district who is qualified to replace the nontenured teacher. The school district shall comply with the notice requirements set out in AS 14.20.140 in placing a tenured or nontenured teacher on layoff status.

(d) For purposes of this section, a tenured teacher is considered qualified for a position if the position is in

(1) grades K – 8 and the teacher has an elementary endorsement;

(2) an established middle school and the teacher has
(A) an elementary endorsement;

(B) a middle school endorsement; or

(C) a secondary certificate with a subject area endorsement in the area of assignment in which the teacher filling the position will spend at least 40 percent of the teacher's time or the teacher

has, within the five years immediately preceding the last date on which the teacher performed teaching services in the district before being laid off, received an evaluation stating that the teacher's performance in the subject or subjects meets the district performance standards; or

(3) grades 9 – 12 and the teacher has an endorsement for each subject area in which the teacher filling the position will spend at least 40 percent of the teacher's time or the teacher has, within the five years immediately preceding the last date on which the teacher performed teaching services in the district before being laid off, received an evaluation stating that the teacher's performance in the subject or subjects meets the district performance standards.

(e) For a period of three years after layoff, a teacher is on layoff status and is entitled to a hiring preference in the district where the teacher had been employed. The hiring preference applies only to vacant teaching positions for which the teacher is qualified. If a teacher is offered a teaching position under this subsection and the teacher declines the offer or fails to accept it within 30 days, the teacher is no longer considered to be on layoff status and is no longer entitled to a hiring preference under this section unless the teacher declines the offer because the teacher is contractually obligated to provide professional services to another private or public educational program.

(f) Notwithstanding any provision of [AS 23.40](#), the terms of a collective bargaining agreement entered into between a school district and a bargaining organization representing teachers on or after August 16, 1996, may not be in conflict with the provisions of this section.

(g) A teacher on layoff status is not entitled to be reemployed under [AS 14.20.145](#) and does not accrue leave. However, layoff status does not constitute a break in service for retaining tenure rights and accrued sick leave.

(h) In this section, “school district” or “district” means a city or borough school district or a regional educational attendance area.

BP 4117.3 Certificated Personnel - PERSONNEL REDUCTION

Note: Under [A.S. 14.20.177](#), a district may implement a layoff plan if it is necessary to reduce the number of tenured teachers because school attendance has decreased or the basic need of the school district, as determined in accordance with [A.S. 14.17.410\(b\)\(1\)](#), decreases by three percent or more from the previous year. We recommend that school districts consult with legal counsel well before instituting layoff proceedings because of the complexity of legal provisions which must be followed.

The School Board may determine that a reduction in certificated personnel is necessary due to declining enrollment or due to a reduction in the district's basic need in an amount established by law.

The Board authorizes the Superintendent or designee to lay off employees in accordance with law, district procedures, and any applicable collective bargaining provisions.

(cf. 4117.6 - Nonretention)

Prior to layoff of any tenured teacher, the Board shall adopt a layoff plan. The plan will identify academic and other programs the district will maintain in implementing the plan. The plan will also include procedures for layoff and recall of tenured teachers.

Note: The district may place a tenured teacher on layoff status only after the district has given notice of nonretention to all nontenured teachers. However, a district may retain a nontenured teacher and place on layoff status a tenured teacher if there is no tenured teacher in the district who is "qualified" to replace the nontenured teacher. The qualifications of teachers for purposes of layoff are set forth in [A.S. 14.20.177](#). This statute contains detailed provisions which must be consulted in making a determination of whether a tenured teacher is qualified for the position.

Any tenured teacher laid off pursuant to the Board's layoff plan is entitled to a hiring preference for three years following the layoff. The hiring preference applies to vacant teaching positions for which the teacher is qualified. A teacher who declines an offer of employment from the district will lose the hiring preference unless the teacher is contractually bound to teach elsewhere.

Note: The Board may not enter into a collective bargaining agreement with the teachers' union which contains terms conflicting with the layoff rights and procedures set forth in [A.S. 14.20.177](#). This does not affect a collective bargaining agreement in effect of August 16, 1996.

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*

[14.20.215](#) *Definitions*

[23.40.070](#) *Declaration of Policy (PERA)*

ALASKA ADMINISTRATIVE CODE

[4 AAC 18.010](#) *Teachers' and administrators 'contracts*

Adoption Date: December 5, 1995

Revision Date: December 1, 1998

Revision Date: June 27, 2006

Sitka School District

BP 4117.6 Certificated Personnel - NONRETENTION

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

The Superintendent 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 Superintendent does not give nontenured teachers written notice of nonretention by ten working days prior to the end of the school year the employee shall be offered a contract for the following year.

Nonretention of nontenured teachers may be based on any cause (see AR 4117.4) 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 May 15.

(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

Adoption Date: December 5, 1995

Revision Date: October 16, 1998

Revision Date: October 6, 2014

Sitka School District

Sec. 14.20.140. Notification of lay off or nonretention.

(a) If a teacher who has 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 nonretention by writing, delivered before May 15, or by registered mail postmarked before May 15.

(b) 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 nonretention 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.

(c) Notwithstanding a teacher's right to continued employment under [AS 39.20.500](#) – 39.20.550, a school district may notify a teacher of layoff or nonretention under this section for the following school year for a permissible reason.