

NONRETENTION PROCEDURES FOR NONTENURED TEACHERS

1. Scope. This administrative regulation governs the procedure for nonretaining nontenured teachers as authorized by AS 14.20.175(a). It applies where the District proposes to terminate a nontenured teacher at the expiration of the teacher's current contract. In this regulation, "days" means calendar days.
2. Reason for Nonretention. A nontenured teacher may be nonretained for any cause the District deems to be adequate. The Superintendent shall be responsible for making the initial decision on whether a teacher should be nonretained.
3. Notice of Nonretention – Statement of Cause.
 - a. On or before the last day of the school term, the District shall either personally deliver a written notice of nonretention to any teacher whom it proposes to nonretain or mail a written notice of nonretention to the teacher by registered mail. The notice of nonretention shall be in the form of a letter signed by the Superintendent informing the teacher that the teacher is not being retained for the school year immediately following expiration of the teacher's current contract.
 - b. Within five (5) days of receipt of the notice of nonretention, the teacher may submit a written request to the Superintendent for a written statement of the cause for nonretention. Failure to submit a timely written request constitutes waiver of the right to a written statement of cause and a waiver of the right to an informal hearing. The Superintendent shall deliver a written statement of cause to the teacher within ten (10) days of receipt of the teacher's timely written request.
4. Request for Hearing. The teacher shall be granted an informal hearing before the School Board in accordance with the procedures described in this regulation provided that the teacher delivers a written request for a hearing to the office of the Superintendent no later than ten (10) days after receipt of the statement of cause. The request shall specify the name of the person to represent the teacher at the hearing, if any, and whether, if any executive session may be appropriate, and if the teacher desires that the hearing be held in public. The hearing request will not be considered timely unless it is delivered or postmarked within the time specified herein. If a timely request for hearing is not submitted by the teacher, the teacher will forfeit the right to a hearing.

5. Prehearing Procedures.

a. Scheduling: The hearing shall be scheduled as soon as practicable after receipt of the request for hearing, and the teacher shall be provided with at least ten (10) days notice of the hearing date.

b. Witness Lists: At least four (4) days in advance of the hearing, the teacher and the District will exchange a list of the names of witnesses they plan to call at the hearing. Neither the District nor the teacher may call witnesses not on their respective witness lists, with the exception of rebuttal witnesses, unless granted permission to do so by the person presiding at the hearing.

6. Hearing Officer. The School Board will select one (1) of its members to preside. The presiding officer shall rule on all evidentiary objections and legal challenges.

7. Hearing Procedure and Rights. The following procedures shall be adhered to:

a. The entire proceeding shall be audio-recorded or recorded by a stenographer and the teacher provided a copy at cost.

b. Witnesses shall be placed under oath.

c. The teacher and the District shall be given an opportunity to call witnesses in support of their respective positions.

d. The teacher and the District shall be given an opportunity to cross-examine witnesses.

e. The teacher shall be given an opportunity to be represented at the hearing by a lawyer, union official or other representative.

f. Where an executive session appears appropriate, the teacher shall be given an opportunity to request that the hearing be held in public, pursuant to the Alaska Open Meetings Act, AS 44.62.310.

8. Order of Hearing. The hearing shall adhere to the following order unless the presiding officer or the School Board determines that good cause exists for varying the order of the hearing:

- a. The hearing will be called to order.
- b. The District and the teacher or the teacher's representative will be given an opportunity to present opening statements.
- c. The District will present its witnesses and evidence, and the teacher or the teacher's representative will be given an opportunity to cross-examine.
- d. The teacher or the teacher's representative may present witnesses and evidence, and the District will be given an opportunity to cross-examine.
- e. The District shall be given an opportunity to present rebuttal witnesses or evidence relating to the teacher's case. The teacher or the teacher's representative shall be given an opportunity to cross-examine such witnesses.
- f. Board members and the presiding officer may question witnesses after the District and the teacher have completed their examination of those witnesses.
- g. The District will present a closing argument.
- h. The teacher or the teacher's representative will present a closing argument.
- i. The District will be given an opportunity to make a rebuttal statement.

9. Evidence at Hearing. Relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to relying in the conduct of serious affairs regardless of whether it would be improper to admit that evidence in a civil action. Hearsay evidence may be admitted if it is reliable and useful. Hearsay evidence should be excluded if it appears untrustworthy.

10. Hearing Decision. The School Board will issue a written decision stating the reasons why cause exists or does not exist for nonretention within ten (10) days of the conclusion of the hearing. The School Board may direct the prevailing party to draft a proposed decision and findings of fact. Any decision to nonretain must be by a majority vote of the School Board members participating at the hearing.

