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, notification of nonretention shall be in writing hand-delivered, emailed, or sent by certified mail postmarked on or before May 1.

2. Statement of Cause. Within ten (10) day of receipt of the notification of nonretention, the teacher may submit a written request to the Superintendent or designee 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 or designee shall deliver to the teacher a written statement of cause for the nonretention within ten (10) days.

3. Right to Informal Hearing: Within then (10) days of receipt of the notice of nonretention, a nontenured teacher may submit a written request to the Superintendent or designee for an informal hearing before the School Board. Failure to submit a written request constitutes waiver of the right to an informal hearing. The Superintendent or designee 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.

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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 School 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 one hour and shall proceed as follows:

   i. District administration presentation (20 min.);
   ii. Teacher presentation (20 min.)
   iii. Rebuttal presentation by district (5 min.)
   iv. Rebuttal by teacher (5 min.)
   v. District closing statement (5 min.)
   vi. Teacher closing statement (5 min.)

f. The School Board may, in its discretion, vary the proceedings.

6. Decision. Following deliberation in executive session, the School Board shall render an oral decision to affirm or revoke the notice of nonretention. The decision will be made by majority vote of the School Board members participating at the informal hearing. The School Board shall issue written notice of its decision within ten (10) days after the hearing.

In cases of non-retention based on lack of funds or reduced need of services, the Board may, at its discretion, hear all such cases at one time and render a joint decision covering all or part of the cases heard together.

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