

AR 4117.6 Certificated Personnel - Informal Hearing for Nonretention of Nontenured Staff

Note: This regulation provides informal hearing procedures for nontenured staff who are nonretained. Pursuant to AS 14.21.075, [14.20.175](#) a nonretained nontenured teacher may request an informal hearing by the Board. That statute also provides that the Board, by bylaw or regulation, define the procedure under which the informal hearing can be requested and obtained.

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.

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 certified mail postmarked on or before the last day of the school term.

1. 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.
2. 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.
3. Representation. The teacher may appear individually or be represented by a person of the teacher's choosing.
4. 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.
 - 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 documentary evidence 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;
 - ii. Teacher presentation;
 - iii. Rebuttal presentation by District;
 - iv. District closing statement;
 - v. Teacher closing statement;
 - f. The Board may, in its discretion, vary the proceedings.
5. 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.

Added 6/04

Reviewed 11/2007, 3/2017

Adoption Date: 04/09/98

Southeast Island School District