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certain facts and circumstances which would lead a person, through the exercise of reasonable care, to know about a certain condition. Constructive knowledge may include, but is not limited to, situations where an employer: (i) fails to complete or improperly completes the Employment Eligibility Verification Form, I-9; (ii) has information available to it that would indicate that the alien is not authorized to work, such as Labor Certification and/or an Application for Prospective Employer; or (iii) acts with reckless and wanton disregard for the legal consequences of permitting another individual to introduce an unauthorized alien into its work force or to act on its behalf. Knowledge that an employee is unauthorized to work may not be inferred from an employee's foreign appearance or accent.

All new employees shall show appropriate documents which certify that they are legally eligible to work in the United States, as required by law. Nothing in this policy is intended to preclude the employment of teachers under the Exchange Visitor program in [22 C.F.R § 62.24](#). *Legal Reference:*

UNITED STATES CODE

[8 U.S.C. 1324](#) *Immigration and Nationality Act, as amended by Immigration Reform and Control Act of 1986 and Immigration Act of 1990*

CODE OF FEDERAL REGULATIONS

[8 C.F.R. Part 274\(a\)](#) *Control of Employment of Aliens*
[22 C.F.R. §62.24](#) *Teachers*

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AASB Policy Reference Manual

[BP 4112.1/4312.1 - CERTIFICATED PERSONNEL AND MANAGEMENT AND SUPERVISORY PERSONNEL - CONTRACTS](#)

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[WORKSHEETS for the district policy committee:](#)
[DISCARD WHEN FINISHED](#)

Note: Pursuant to [AS 14.20.130](#) the School Board may issue contracts after January 1 each year. [4 AAC 18.010](#) specifies minimum requirements for teacher and administrators contracts. Contracts must be signed by at least two School Board members and the teacher.

After January 1, the School Board may issue teacher [and principal/administrator](#) contracts for the following school year. Contracts shall be approved by the School Board and signed by at least two School Board members.

Note: [AS 14.20.145](#) grants automatic reemployment rights to teachers who are not dismissed or given notice of nonretention or layoff. Nontenured teachers must be given notice of nonretention or layoff by the end of the school year. Tenured teachers must be given notice of layoff or nonretention before May 15. (See 4117.6)

The School Board shall give or mail reemployment contracts to teachers who are not dismissed or given notice of nonretention or layoff in accordance with law. If an employee fails to notify the Superintendent or designee within 30 days after receipt of a contract of reemployment that he/she accepts reemployment, the School Board shall consider the employee to have declined reemployment and shall terminate the employee's services at the expiration of the existing contract. An employee on leave must [still](#) comply with the 30-day deadline.

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(cf. 4117.4 - Dismissal)

(cf. 4117.6 - Nonretention)

(cf. 4119.21/4219.21/4319.21 - Codes of Ethics)

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Note: Pursuant to [4 AAC 18.021](#) substitute teachers employed for the remainder of the school term when more than 20 school days remain must be employed under employment provisions for regular teachers.

Legal Reference:

ALASKA STATUTES

[14.20.130](#) Employment of teachers and administrators

[14.20.145](#) Automatic Reemployment

[14.20.158](#) Continued contract provisions

[14.20.010](#) Teacher certificate required

[14.20.020](#) Requirements for issuance of certificate

[14.20.120](#) Statement of qualifications

[14.20.215](#) Definitions

[14.20.620 - 14.20.650](#) Interstate agreement on qualification of educational personnel

[14.30.250](#) Teacher qualifications

ALASKA ADMINISTRATIVE CODE

[4 AAC 05.080](#) School curriculum and personnel

[4 AAC 12.300-4 AAC 12.900](#) Certification of professional personnel

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

[4 AAC 18.021](#) Employment of substitute teachers

Revised [12/2025](#)

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9/92

[WORKSHEETS for the district policy committee:](#)
[DISCARD WHEN FINISHED](#)

AASB Policy Reference Manual

BP 4112.5/4212.5/4312.5 - ALL PERSONNEL - SECURITY CHECK

Note: The following sample policy is based on material from the Juneau School District and may be modified or deleted as needed.

The School Board desires to hire personnel whose background, [conduct](#), and behavior [reflect the highest standards of integrity and professionalism, and are](#) deemed appropriate for [work](#) with children. [The District](#) will investigate the background of [all](#) applicants ([including volunteers](#)) prior to hire in the district. This investigation will include questions related to an applicant's background and criminal history, [including a background check](#), and may include a fingerprint check.

Falsification [or omission](#) of information during the interview or on the application shall be grounds for immediate removal from consideration for a position or dismissal from a currently held position. [For certified staff, a complaint may also be made with the Alaska Professional Teaching Practices Commission \(PTPC\).](#)

Revised [12/2025](#)
9/92

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AASB Policy Reference Manual

AR 4112.5/4212.5/4312.5 - ALL PERSONNEL - SECURITY CHECK

Note: The following sample regulation is based on material from the Juneau School District and may be modified or deleted as needed.

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[WORKSHEETS for the district policy committee:](#)
[DISCARD WHEN FINISHED](#)

1. No individual will be hired by the district until a background investigation has been completed. Under emergency circumstances, the Superintendent or designee can waive this requirement to allow someone to work until the investigation is complete.
2. No person who has ever been convicted, or plead guilty or no contest (including forfeiture of bail) to a crime involving violence or sexual abuse will be hired by the district.
3. No person who has been convicted, or plead guilty or no contest (including forfeiture of bail) to (1) a felony or (2) a crime or other violation involving a controlled substance within the five years preceding the application, will be hired by the district. If more than five years have elapsed since the crime or violation, a person may apply pursuant to the following paragraph.
4. Applications from persons who have been convicted, or plead guilty or no contest (including forfeiture or bail) to any crime or violation (excluding minor traffic violations) not covered in (2) nor (3) will be considered by the Superintendent or designee on a case by case basis and notice given to the School Board prior to hire or being hired by the district.
5. If charges are pending, no action will be taken on the individual's application until disposition of the charges.

Revised 9/01

9/92

AASB Policy Reference Manual

BP 4112.6/4212.6/4312.6 - ALL PERSONNEL - PERSONNEL RECORDS

Personnel records shall be kept for all current employees and shall include information usually expected in good personnel administration. Records shall be kept for all former employees, including such information as shall seem appropriate to the administration.

Note: The Alaska Supreme Court has upheld a broad policy of public access to records and has ruled that employment applications of police chief and city manager may not be exempt from disclosure in view of the public's strong interest in high level public officials. It is likely

[WORKSHEETS for the district policy committee:](#)
[DISCARD WHEN FINISHED](#)

therefore that Superintendent or designee applications, and possibly other employee applications, are subject to public disclosure.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

(cf. 1312.1 - Complaints Concerning Personnel)

Note: [4 AAC 19.040](#) exempts employee evaluations from public disclosure and requires districts to establish procedures as to which supervisory personnel may have access to evaluation documents. [AS 14.20.149](#) provides that information provided to a district under the district's certificated employee evaluation system is not a public record and is not subject to public disclosure. The Alaska Supreme Court in *Anchorage Daily News* has held that the evaluation of head public librarian is a public document. AASB recommends public requests for evaluations of district administrators be reviewed with district legal counsel on a case-by-case basis.

All personnel files are confidential and shall be available only to the employee, persons authorized by the employee, the Superintendent or designee, and those individuals authorized by the Superintendent or designee or School Board in accordance with administrative procedures.

The School Board may [collectively](#) request to review an employee's file at an [executive](#) session of the School Board, [pursuant to a specific employee action and/or complaint process, and in accordance with the Alaska Open Meetings Act](#).

Employees shall be notified whenever derogatory information is to be placed in their personnel files. Employee may review and comment on the contents of [their](#) personnel file. Personnel records shall be made available for inspection by the employee at an off-duty time. Inspection shall take place in the presence of an administrator.

Legal Reference:

ALASKA STATUTES

[44.62.310](#) *Government meetings public*

[40.25.120](#) *Inspection and copying of public records*

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

[14.20.149](#) *Employee Evaluation*

ALASKA ADMINISTRATIVE CODE

[4 AAC 19.040](#) *Use of the evaluation*

Municipality of Anchorage v. Anchorage Daily News, 794 P.2d 584 (Alaska 1990)

City of Kenai v. Kenai Peninsula Newspapers, Inc., 642 P.2d 1316 (Alaska 1982)

Revised [12/2025](#)

9/92

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AASB Policy Reference Manual

BP 4112.10 – CERTIFICATED PERSONNEL - EMPLOYMENT OF RETIRED TEACHERS

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Note: Effective November 8, 2018, [AS 14.20.136](#) authorizes schools districts to hire retired teachers in cases of teacher shortages. Retired teachers hired under this statutory provision may elect to continue receiving TRS benefit payments during the period of reemployment. A contract for reemployment of a retired teacher hired under [AS 14.20.136](#) may not be for more than 12 consecutive months. Under [AS 14.20.020\(g\)](#), a retired teacher may teach as a long-term substitute for not more than 165 consecutive days of a school term.

If the teacher retired under the defined benefit retirement system, the teacher must be retired for at least 60 days if 62 years of age or older, or at least six months if under 62 years of age, before reemployment. In addition, if the teacher is reemployed by the same district that employed the teacher upon retirement, the teacher must certify that there was no prearranged agreement with the school district to hire the teacher after retirement.

Prior to the hire of retired teachers under this statute, the school board must adopt a policy that permits the employment of retired teachers who are qualified to teach in those disciplines or specialties in which a shortage of teachers exists. The policy must describe the circumstances that constitute the shortage.

This optional policy may be utilized by districts desiring to hire retired teachers in cases of teacher shortages, as authorized by [AS 14.20.136](#).

It is the policy of the Board that teacher vacancies be filled in a timely manner by qualified personnel. The District administration is authorized to employ retired teachers in accordance with [AS 14.20.136](#) in cases of teacher shortages, and to notify the Administrator of the Teachers' Retirement System that it is hiring retired teachers pursuant to that statutory provision.

The hiring of retired teachers is authorized in those disciplines or specialties in which a shortage of teachers exists despite active recruitment efforts. A shortage is deemed to exist for those open positions that the administration has been unable to fill with qualified candidates, despite recruitment, public advertising for at least 10 business days, interviews, and the offering of positions to qualified candidates, if any.

[The hiring of retired teachers under this policy is distinct from a teacher holding a retired teacher certificate under 4 AAC 12.380.](#)

(cf. 4111/4211/4311 Recruitment and Selection)

Legal Reference

ALASKA STATUTES

[14.20.136](#) Employment of member of teachers' retirement system

[14.25.043](#) Reemployment of retired members

[14.20.165](#) Restoration of tenure rights

Revised [12/2025](#)

AASB POLICY REFERENCE MANUAL

9/92

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[WORKSHEETS for the district policy committee:](#)
[DISCARD WHEN FINISHED](#)

AASB Policy Reference Manual

BP 4112.61/4212.61/4312.61 - ALL PERSONNEL - EMPLOYMENT REFERENCES

The School Board desires to provide information about district employees to prospective employers to the extent that such information is factual and does not violate an employee's privacy rights.

The Superintendent or designee is responsible for processing all requests for references, letters of recommendation, or information about employee performance, including the causes or reasons for separation regarding all district employees other than the Superintendent.

References which are not secured through the Superintendent or designee reflect the personal views or opinions of the author and do not reflect the views of the District.

(cf. 4112.6/[4212.6/4312.6](#) - *Personnel Records*)

(cf. 4117.5/[4217.5/4317.5](#) - *Termination Agreements*)

Legal References:

ALASKA STATUTES

[AS 09.65.160](#) Job References

Revised [12/2025](#)

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AASB Policy Reference Manual

BP 4113 - CERTIFICATED PERSONNEL - ASSIGNMENT

Note: The following sample policy may be revised or deleted to reflect district philosophy. This subject area is covered by collective bargaining laws.

The School Board recognizes strategic assignments are essential to supporting student success and maintaining a healthy, consistent school environment. While assignments must comply with applicable laws and credentialing requirements, the strengths, experiences, and well-being of district staff are important considerations. Since both students and staff benefit from stability, continuity, and positive relationships, assignment decisions should also consider the impact on school climate by minimizing unnecessary disruptions, and promoting consistency in student-teacher relationships.

The Superintendent or designee may assign certificated personnel to any position for which their preparation, certification, experience and aptitude qualify them. Teachers may be assigned to any school within the district. Teachers shall not be assigned outside the scope of their teaching certificates or their fields of study except as allowed by law.

(cf. 4112.8/4212.8/4312.8 - *Employment of Relatives*)

Note: The following optional paragraph should be reviewed in conjunction with the district's collective bargaining agreement, if any, and revised or deleted as appropriate.

The assignment of certificated personnel shall comply with applicable collective bargaining agreements and alternative and charter school contracts.

Legal Reference:

ALASKA STATUTES

14.20.147 Transfer or absorption of attendance area or federal agency school

14.20.148 Intradistrict teacher assignment

14.20.158 Continued contract provisions

23.40.070 Declaration of policy (PERA)

UNITED STATES CODE, TITLE 20

Every Student Succeeds Act, *P.L. 114-95*

Revised 12/2025

AASB POLICY REFERENCE MANUAL

9/92

AASB Policy Reference Manual

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BP 4115 – CERTIFICATED PERSONNEL - EVALUATION/SUPERVISION

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Note: [AS 14.20.149](#) requires school districts to have a certificated employee evaluation system. The School Board is required to consider information from students, parents, community members, classroom teachers, affected collective bargaining units, and administrators in the design and periodic review of the system. The evaluation must be based on observation of the employee in the employee’s work place. In addition, the law mandates a number of requirements for the system including the establishment of district performance standards, a minimum number of evaluations each year, the preparation and implementation of a plan of improvement, and opportunity for students, parents, community members, teachers, and administrators to provide information on the performance of the person being evaluated. Department of Education and Early Development regulations require a district’s certificated employee evaluation system to evaluate a teacher or administrator’s performance on applicable professional content standards as exemplary, proficient, basic, or unsatisfactory. In addition, overall performance must be evaluated with these same four ratings. No later than July 1, 2016, a district shall adopt for teachers and administrators standards for performance based on student learning data. [4 AAC 04.205](#). A district shall report to the department not later than September 15th of each year evaluation results as to tenured and non-tenured teachers, administrators and special service providers and performance levels, as prescribed in [4 AAC 19.055](#). The Educator Evaluation regulations are found at [4 AAC 19.010-19.099](#).

The School Board believes that evaluations can provide important information relevant to employment decisions, help staff improve their professional skills, improve the effectiveness of instruction, and raise student achievement levels. In accordance with the district’s certificated employee evaluation system, the Superintendent or designee shall evaluate certificated personnel annually, including teachers, administrators, and special service providers. The evaluation system shall evaluate whether the certificated employee is exemplary, proficient, basic, or unsatisfactory on applicable content standards and in overall performance. The district’s certificated employee evaluation system will incorporate those procedures and mandates required by law.

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WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED

The district shall provide in-service training to all certificated employees subject to the evaluation system. The training will assure inter-rater reliability and address the evaluation procedures, the standards used by the district in evaluating performance, and other information that may be helpful to a thorough understanding of the evaluation system.

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Individuals conducting an evaluation must hold a type B administrator certificate or be a site administrator under the supervision of a person with a type B certificate, be employed by the school district as an administrator, and complete training in the use of the district's evaluation system.

A certificated employee has a right to comment within 10 days on the evaluation and may not be retaliated against for doing so.

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The certificated employee evaluation system will be periodically reviewed. The district will consider input from students, parents, community members, classroom teachers, affected collective bargaining units, and administrators. The district will make a form, template, or checklist that the district uses in the evaluation of certificated employees available to the public, including posting the form, template, or checklist on the district's website. The posting will explain how the district has considered the input of these groups in the design of the evaluation system.

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(cf. 4116 - ~~Probationary/Permanent Status~~ Nontenured/Tenured)

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(cf. 4117.4 - Dismissal)

(cf. 4117.6 - Nonretention)

(cf. 4315.1 - Competence in Evaluation of Teachers)

Legal Reference:

ALASKA STATUTES

14.20.149 Employee Evaluation

14.08.111 Duties

14.14.090 Duties of school boards

23.40.070 Declaration of policy (PERA)

ALASKA ADMINISTRATIVE CODE

4 AAC 19.010-4 AAC 19.099 Evaluation of professional employees

4 AAC 04.200 Professional content and performance standards

4 AAC 04.205 District performance standards

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AASB Policy Reference Manual

BP 4117.2/4217.1/4317.2 - ALL PERSONNEL – RESIGNATION

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The Superintendent or designee is authorized to accept the written resignation of any employee on behalf of the School Board, and the resignation shall become effective immediately upon

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