

Additions are shown in **highlighted bold italic text**  
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## **Certificated Personnel**

BP 4117.2

### **RESIGNATION**

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 receipt by the Superintendent or designee. A resignation received by the Superintendent or designee may not be withdrawn by the employee.

A certificated staff member should provide notice as early as possible to the District when the staff member knows that he or she does not plan to return for the following school year.

If a request to release a certificated staff member from his or her contract is made when fewer than thirty calendar days remain before the staff member's first contract day, or anytime thereafter, the district will consider filing a Professional Teaching Practices Commission (PTPC) complaint. When considering if the filing of a PTPC complaint is warranted, the District will weigh any mitigating circumstances including, but not limited to, factors impacting the staff member's family or health, or unforeseen changes in the circumstances impacting the staff member's ability to continue employment with the District.

If a certificated staff member is currently under contract with the District and the District learns the staff member has contracted with another district without obtaining a written release, the District will consider a PTPC complaint against the staff member.

*Legal Reference:*

ALASKA ADMINISTRATIVE CODE

*4 AAC 18.010 Teachers' and administrators' contracts*

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## Certificated Personnel

BP 4117.3

### PERSONNEL REDUCTION

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 shall authorize 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 in consultation with the District's legal counsel. 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.

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.

*Legal Reference:*

ALASKA STATUTES

*14.20.140 Notification of nonretention*

*14.20.145 Automatic re-employment*

*14.20.175 Nonretention*

*14.20.177 Reductions in force*

*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*

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## **Certificated Personnel**

AR 4117.4

### **DISMISSAL**

Certificated employees shall not be deprived of their position during the school year except when cause for the dismissal can be shown. Employees shall be accorded their due process rights provided by law. Prior to initiating dismissal proceedings, the Superintendent shall consult with the District's legal counsel.

*(cf. 4116 - Probationary/Permanent Status)*  
*(cf. 4117.6 - Nonretention)*

#### *Legal References:*

##### ALASKA STATUTES

*14.20.140 Notification of nonretention*

*14.20.145 Automatic re-employment*

*14.20.170 Dismissal*

*14.20.175 Nonretention*

*14.20.180 Procedure and hearing upon notice of dismissal or nonretention*

*14.20.205 Judicial review*

*14.20.215 Definitions*

##### ALASKA ADMINISTRATIVE CODE

*4 AAC 18.010 Teachers' and administrators' contracts*

*Nichols v. Eckers, 504 P. 2d 1359 (Alaska 1973)*

*Kenai Peninsula Borough Bd of Education v. Brown, 691 P. 2d 1034 (Alaska 1984)*

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**All Personnel**

BP 4117.5

4217.5

**TERMINATION AGREEMENTS**

4317.5

The School Board believes that it is incumbent upon the School Districts to provide a truthful account of the reasons why an employee has left District employment. The Board therefore does not look with favor on termination settlement agreements which prevent the District from giving prospective employers this information. If a termination agreement is made, the Superintendent or designee shall inform prospective employers that such an agreement has been made unless prohibited by the agreement and may give out information as provided for in the agreement.

*(cf. 4112.61 - Employment References)*

In all cases in which an employee's conduct warrants probable cause for the suspension or revocation of the employee's teaching credential, the Superintendent or designee shall report the employee's suspension, termination or resignation to the Professional Teaching Practices Commission.

*Legal Reference:*

*Anchorage School District v. Anchorage Daily News, 779 P.2d 1991 (Alaska 1989)*

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## Certificated Personnel

BP 4117.6

### NONRETENTION

*Note: AS 14.20.145 provide automatic reemployment rights to employees who do not receive notice of nonretention in accordance with AS 14.20.140. This sample policy should be reviewed in conjunction with the district's collective bargaining agreement, if any, to determine whether a notice date earlier than that required by law is specified.*

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

*The School Board 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 School Board does not give nontenured teachers written notice of nonretention by the last day of the school term, the employee shall be offered a contract for the following year.*

~~The Superintendent or designee may nonretain certificated employees subject to the approval of the Board. Prior to initiating nonretention proceedings, the Superintendent shall consult with the District's legal counsel.~~

*Note: AS 14.20.175 mandates School Boards to provide by regulation or bylaw procedures by which nontenured teachers may request and receive an informal School Board hearing regarding nonretention.*

Nonretention of nontenured teachers may be based on any cause 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 providing for an informal hearing before the Board upon teacher request. Written notice of nonretention of a nontenured teacher must occur no later than the last day of the school term.

The nonretention of tenured teachers shall comply with the cause and procedural requirements specified in law, including written notice of nonretention before May 15.

(c.f. 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 **layoff or** nonretention  
14.20.145 Automatic re-employment  
14.20.175 Nonretention  
14.20.180 Procedure and hearing upon notice of dismissal or nonretention  
14.20.210 Authority of school board or department to adopt bylaws

Revised 4/21/16

**HYDABURG CITY SCHOOL DISTRICT  
ADOPTED: 12/07/09**

## Certificated Personnel

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).
2. Statement of Cause. Within ten (10) days after the date 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 after the date of receipt of the written request.
3. Right to Informal Hearing. Within ten (10) days after the date 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 date of 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 the teacher submits a written request that the hearing be in open session prior to the time scheduled for the meeting.
  - 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 parties 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 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:
    - 1) District administration presentation (20 min.);
    - 2) Teacher presentation (20 min.);
    - 3) Rebuttal presentation by District (5 min.);
    - 4) Rebuttal by teacher (5 min.);
    - 5) District closing statement (5 min.);
    - 6) Teacher closing statement (5 min.);
  - f. The Board may, in its discretion, vary the proceedings.

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## **Certificated Personnel**

AR 4117.6(b)

### **INFORMAL HEARING FOR NONRETENTION OF NONTENURED STAFF** (continued)

6. 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. Written notice of the decision shall be mailed or otherwise delivered to the teacher within ten (10) days after the date of the hearing

**HYDABURG CITY SCHOOL DISTRICT  
ADOPTED: 12/07/09**

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## **Certificated Personnel**

BP 4118

### **SUSPENSION/DISCIPLINARY ACTION**

The School Board expects its employees to perform their duties in accordance with state law and Board policy and administrative regulations.

*(cf. 4119.21 - Codes of Ethics)*

*(cf. 4117.4 - Dismissal)*

*(cf. 4117.6 - Nonretention)*

The Superintendent or designee may take disciplinary action including verbal warning, written warning, reassignment, suspension with or without pay, and dismissal as he/she deems appropriate and may deviate from the progressive order of disciplinary actions in light of the particular facts and circumstances involved. Disciplinary actions excluding suspension without pay and dismissal are subject to the grievance procedure under the collective bargaining agreement. A suspension without pay may be appealed to the Board. Dismissal is subject to AR 4117.4.

The Superintendent or designee shall document all disciplinary actions thoroughly and accurately and shall ensure that such actions are taken in a consistent, nondiscriminatory manner.

*Legal Reference:*

ALASKA STATUTES

*14.20.030 Causes for revocation and suspension*

*14.20.170 Dismissal*



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## All Personnel

BP 4119.11(a)  
4219.11  
4319.11

## SEXUAL HARASSMENT

The Board is committed to the elimination of sexual harassment in the school and school activities. Sexual harassment is strictly prohibited and will not be tolerated. This policy prohibits sexual harassment of students or staff by other students, staff, Board members, or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors, or others engaged in District business.

*(cf. 4119.21 – Code of Ethics)*  
*(cf. 4030 - Nondiscrimination in Employment)*  
*(cf. 4117.4 - Dismissal)*  
*(cf. 9020 – Standards)*  
*(cf. 9271 – Code of Ethics)*

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is made either an explicit or implicit condition of employment, status or promotion.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee.
3. The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.
4. Submission to, or rejection of, the conduct is the basis for any decision affecting benefits, services, honors, programs, or other available activities.

An employee or Board member who feels that he/she is being harassed should immediately report the incident to the Superintendent without fear of reprisal. If the Superintendent is the alleged harasser, the incident should be reported to the Board President. All complaints about behavior that may violate this policy shall be promptly investigated. An employee making a complaint of sexual harassment shall not be required to resolve the complaint directly with the offending person.

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the terms or conditions of employment or the work environment of the complainant. There shall be no retaliation by the District against any person who, in good faith, reports, files a complaint, or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the District to stop the sexual harassment, prevent its recurrence, and address negative consequences. Employees in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent or Board.

The Superintendent or designee shall ensure prompt and strict enforcement of Board policy.

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## All Personnel

BP 4119.11(b)  
4219.11  
4319.11

## SEXUAL HARASSMENT (continued)

*(cf. 4031 - Complaint Concerning Discrimination)*  
*(cf. 1312.1 - Complaints Concerning School Personnel)*

### Legal Reference:

*Meritor Savings Bank, FSB v. Vinson et al.*,  
477 U.S. 57 (1986)  
*Ellison v. Brady*, 924 F.2d 872 (9th Cir. 1991)

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## All Personnel

BP 4119.12

### HARASSMENT

The School Board recognizes that harassment can cause embarrassment, feelings of powerlessness, loss of self-confidence, reduced ability to perform work, and increased absenteeism or tardiness. The Board shall not tolerate the harassment of any student by any other student or District employee. Any student or employee who is found guilty of harassment shall be subject to disciplinary action.

Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, marital status, or disability.

*(cf. 5145.7 Sexual Harassment)*  
*(cf. 4118 - Suspension/Disciplinary Action)*  
*(cf. 4119.11 – Sexual Harassment)*  
*(cf. 4119.21 – Code of Ethics)*

To promote an environment free of harassment, the Superintendent or designee shall take appropriate actions such as removing vulgar or offending graffiti, establishing rules rules, and providing staff inservice or student instruction and counseling. The principal shall discuss this policy with his/her employees and shall assure them that they need not endure any form of harassment.

The Board encourages students or staff to immediately report incidences of harassment to the principal or designee. The Superintendent or designee shall promptly investigate each complaint of harassment in a way that ensures the privacy of all parties concerned. In no case shall the student or staff member be required to resolve the complaint directly with the offending person.

This policy will be incorporated in the teacher and student handbooks.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 1312.3 - Complaints Concerning Discrimination)*  
*(cf. 4030 - Nondiscrimination in employment)*

#### Legal References:

##### ALASKA STATUTES

AS 14.18.010 - 14.18.100 Prohibition Against Sex and Race Discrimination

##### ALASKA ADMINISTRATIVE CODE

4 AAC 06.500 - 4 AAC 06.600 Prohibition of Gender or Race Discrimination

##### TITLE VI, CIVIL RIGHTS ACT OF 1964

##### TITLE IX, EDUCATION AMENDMENTS OF 1972

##### INDIVIDUALS WITH DISABILITIES EDUCATION ACT

##### AMERICANS WITH DISABILITIES ACT

**HYDABURG CITY SCHOOL DISTRICT**  
**ADOPTED: 12/07/09**