



June 8, 2016

Final Investigative Report Concerning Ombudsman Complaint OM20151088

COMPLAINT

A constituent contacted the Ombudsman's Office on October 30th, 2015 alleging that the Anchorage School District (ASD) is forcing senior, more experienced teachers into resigning or retiring, then hiring less qualified, inexperienced and less expensive teachers to replace them. The constituent suggested that an exit survey be conducted to determine the reasons ASD employees are resigning or retiring from their jobs.

FINDINGS

This complaint against Anchorage School District, regarding their hiring practices is **UNSUPPORTED**.

ANALYSIS AND CONCLUSIONS

A constituent contacted the Ombudsman's Office alleging that the Anchorage School District (ASD) is forcing senior, more experienced teachers into resigning or retiring, then hiring less qualified, inexperienced and less expensive teachers to replace them. The constituent suggested that an exit survey be conducted to determine the reasons ASD employees are resigning or retiring from their jobs.

The most current hiring and employment data available for the Anchorage School District is from the 2013 Certified Accountability report and the 2014-15 and 2015-16 Anchorage Education Association (AEA) New Hire Data. This data was provided to the Ombudsman's Office by the ASD's Executive Director EEO/Compliance, Margo Bellamy and the ASD's Chief Human Resources Officer, Todd Hess,

The Deputy Ombudsman reviewed the data provided by the ASD and found no evidence to support the allegation that more experienced teachers were being "forced" out of the ASD. Executive Director Bellamy stated that "The district does not force employees to retire." She noted that the ASD has not offered a "retirement incentive" since 1996. The available data shows that in 2013, 243 teachers retired. With over 3000 certified teachers, it does not seem unreasonable to have 7-8% retirement given the aging population of the ASD certified staff (see figure 1.) AEA President Andy Holloman, stated that the AEA is vigilant in looking for patterns or trends in their available data that may show evidence that their teachers are not being treated fairly, or that the bargaining agreement between the ASD and the AEA is being violated. He also stated that there is no evidence which shows that the ASD methodically forces teachers into retirement. The Ombudsman finds this part of the allegation **UNSUPPORTED**.

Regarding the second part of the allegation, that less experienced, less expensive teachers are being hired by the ASD to replace more experienced, expensive teachers who are being “forced” to retire, the ASD stated that their objective in recruitment is to hire the best qualified, certificated personnel, with due consideration to the ASD’s needs, and Diversity Recruitment Plan. (ASD Policy 532.2)

ASD Policy 527 states that “The District shall meet all federal, state, and local criteria required to be an equal opportunity employer. The District shall provide equal opportunity for employment, prohibiting discrimination in employment practices because of race, color, religion, sex, national origin, physical or mental disability, political affiliation, marital status, change in marital status, pregnancy, and age.”

Most certified teachers employed by the Anchorage School District must meet the U.S. Department of Education’s standards for Highly Qualified Teachers (HQT). Exceptions include physical education and some elective teachers, as well as nurses, librarians and counselors. Currently 97.5 % of the required HQT classes taught in ASD are taught by HQT teachers. All of the ASD’s new hires must be highly qualified for the subject they are hired to teach. A teacher will not be considered for a job without this required designation.

When hiring, the ASD must follow the terms of the bargaining agreement between the AEA and the ASD. Teachers selected for open positions in the ASD may be new hires or current ASD employees. After an applicant is determined to be eligible for further consideration by the ASD, the candidate’s information is placed in electronic folders that the principals or unit administrators can view online. There may also be transfer candidates currently working for the ASD available for open teaching positions. These include displaced teachers, teachers returning from leave and teachers requesting a transfer from a different work location. When filling a vacancy, site interviews are conducted by the unit administrator. It is the ASD’s practice that no less than 5 total applicants are interviewed per vacancy, and the AEA bargaining agreement requires at least 3 be from the available transfer list. The principal chooses the most qualified teacher from these interviews, or they may request to interview more candidates. There is no evidence the cost of the teacher influences the unit administrator’s decision in any way.

The ASD’s teachers are currently an aging group. 2% of the teachers are over 69 years old. 41% of the teachers are between 50 and 68. 42% of the teachers are between 34 and 49, and 15% are between 22 and 33. As these older teachers retire, younger, less experienced new hires are inevitably going to be less expensive to the ASD than the more experienced teachers. The district is only allowed to pay new hires up to five years service credit if they are coming into the ASD with experience attained outside of the ASD. Compared to a retiring teacher with significant experience, a new hire, with less experience, may initially cost the ASD as much as \$30,000 less.

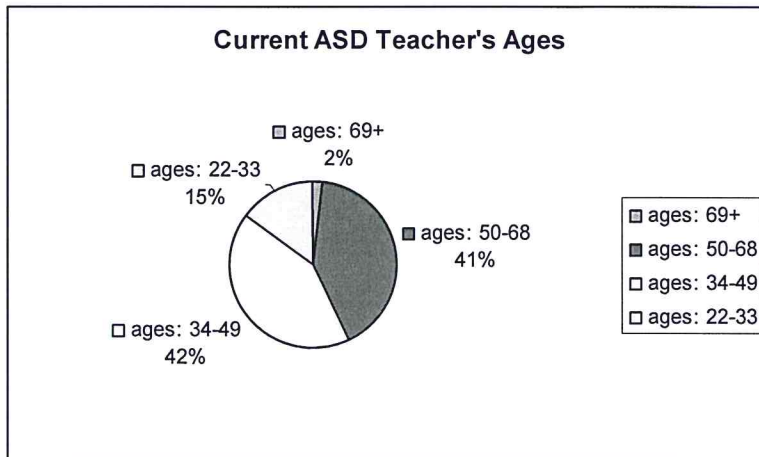


Figure 1

The available data does not support the allegation that the ASD is deliberately hiring the youngest teachers available (those just out of college). Of the 259 teachers hired for the 2013-14 school year, 14% were between the ages 50 and 62, 30% were between the ages 34 and 49, and 56% were between the ages 22 and 33. The data for 2014-15 school year shows that 7% of new hires were between the age of 50 and 62, 42% were between the ages of 34 and 49, and 51% were between the age of 22 and 33. Almost half of the new hires for 2014-15 were at least 34 years old. The 2015-16 new hire data shows that 8% are between the ages 50-62, 28% are between 34 and 49, and 64% are between the ages 22-33. Over one-third of the new employees for the 2015-16 school year were at least 34 years old and one teacher hired was over 69 years old! (See figure 2.)

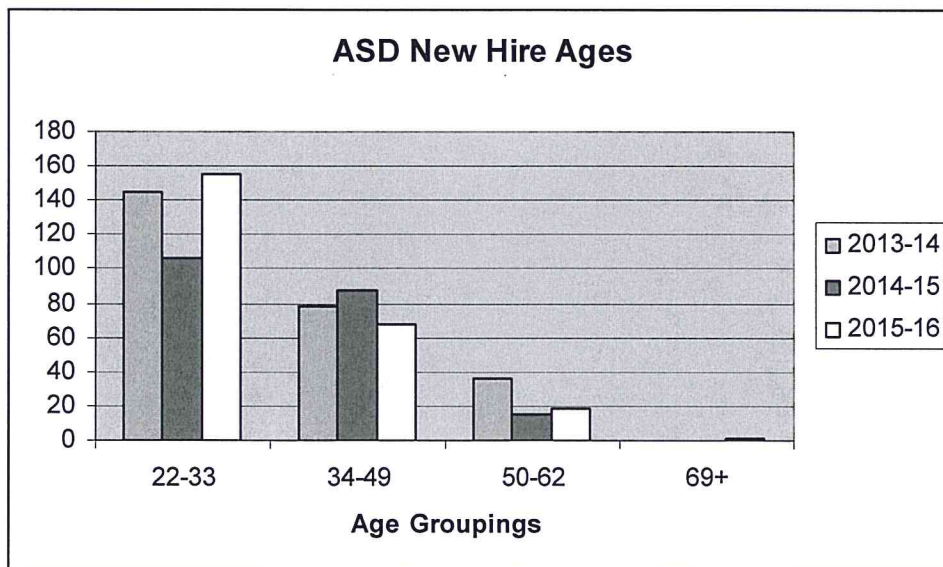


Figure 2

The available data shows that the new hires are entering employment with advanced degrees and experience. For the 2013-14 school year, 40% of the new teachers hired brought in service credit from another district. Of the new hires for 2103-14 school year, 44% had obtained their Master's degree or higher. Just 53% were hired with a Bachelor's degree only. According to AEA President Holloman, the average starting salary has increased significantly in the past few years, from \$35,000 to \$55,000. The current trend is for starting teachers to have more experience and education when hired, significantly reducing the difference between the cost of retiring teachers and newly hired teachers.

The available data supports the policy that the ASD is looking for the most qualified candidate for every teaching position. The ASD is facing the same challenges as school districts across the country, but are actively working to provide quality teachers for every classroom. The available data does not demonstrate any age, experience or expense favoritism within the retirement and hiring processes. The ASD works with the AEA to allow current teachers the flexibility to transfer into other teaching positions within the ASD. Finally, it appears that the local principals are allowed to select teacher candidates that best fit their schools, with the assurance that all teacher's hired meet the standards for Highly Qualified Teachers. The Ombudsman finds this part of the allegation, that the ASD is hiring less qualified, inexperienced and less expensive teachers, to be **UNSUPPORTED.**

As for the suggestion that the ASD conduct an exit survey to determine the reasons for employees resigning and retiring, an exit survey was instituted in September, 2015. As of December, 2015, 37 ASD employees had responded to the survey. The data will be collected and analyzed by the ASD, and will be used to improve employee retention and relations.

Because the analysis of the most current data for the Anchorage School District shows no evidence of unfair hiring practices or teachers being forced into resigning or retirement, the Municipal Ombudsman finds the complaint to be UNSUPPORTED.

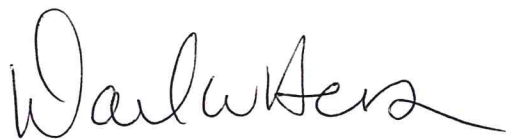
Based on these findings, this case is closed.

A preliminary report regarding this matter was provided to the Anchorage School District. They requested minor edits.

If you object to the Ombudsman's decision to decline or discontinue this investigation or review, you may file a grievance with the Ombudsman as specified in A.M.C.R. 2.60.006.



Elizabeth A. Eisses
Deputy Ombudsman



Darrel W. Hess
Municipal Ombudsman