

HOUSE BILL NO. 167

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES NICHOLIA, B.Davis, Ivan

Introduced: 2/8/95

Referred: Community and Regional Affairs, Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to educational programs for Alaska Native languages, culture,**
2 **and history, to teachers of Alaska Native languages and culture and history, and**
3 **to Alaska Native Teachers."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 14.03 is amended by adding new sections to read:

6 **ARTICLE 2. ALASKA NATIVE LANGUAGE AND**
7 **CULTURE EDUCATION PROGRAMS.**

8 **Sec. 14.03.210. PROGRAM DESCRIBED.** (a) An Alaska Native language
9 and culture education program is a program in an elementary or secondary school that
10 enrolls Alaska Native children. The purpose of the program is to provide an
11 understanding of the language, history, and cultural heritage of the Alaska Native
12 children enrolled in the school. The program shall be designed to

13 (1) make the curriculum more relevant to the needs, interests, and
14 cultural heritage of the Alaska Native students;

1 (2) provide positive reinforcement of the self-image of Alaska Native
2 students; and

3 (3) develop intercultural awareness among students, parents, and staff.

4 (b) A school district that offers Alaska Native language and culture programs
5 may enter into contracts for the provision of program components by nonsectarian
6 schools including nonpublic, community, tribal, or alternative schools. The district
7 may also include these programs as components of early childhood and family
8 education programs. The program components may include

9 (1) instruction in Alaska Native language, literature, history, and
10 culture;

11 (2) development of support components for staff, including in-service
12 training and technical assistance in methods of teaching Alaska Native students;

13 (3) research projects, including experimentation with and evaluation of
14 methods of relating to Alaska Native students;

15 (4) provision of personal and vocational counseling to Alaska Native
16 students;

17 (5) modification of curriculum, instructional methods, and
18 administrative procedures to meet the needs of Alaska Native students; and

19 (6) establishment of cooperative liaisons with nonsectarian nonpublic,
20 community, tribal, or alternative schools offering curricula that reflect Alaska Native
21 culture.

22 Sec. 14.03.220. ENROLLMENT. (a) Enrollment in a program established
23 under AS 14.03.210 - 14.03.400 may only be voluntary. School districts shall

24 (1) encourage enrollment of Alaska Native children in the programs;

25 (2) encourage the parents of potential enrollees to visit classes or come
26 to the school for a conference explaining the nature of the programs; and

27 (3) provide visits by school staff to parents' homes to explain the nature
28 of the programs.

29 (b) To the extent that it is economically feasible, a school district may provide
30 for the voluntary enrollment of children who are not Alaska Natives in the instructional
31 components of an Alaska Native language and culture education program so that the

1 children who are not Alaska Natives may acquire an understanding of the cultural
2 heritage of the Alaska Native children for whom the particular program is designed.

3 (c) Alaska Native children and other children enrolled in a nonpublic school
4 may be enrolled on a shared time basis in Alaska Native language and culture
5 education programs.

6 Sec. 14.03.230. LOCATION AND ASSIGNMENT OF STUDENTS. (a) A
7 school district shall hold programs under AS 14.03.210 - 14.03.400 in facilities in
8 which regular classes in a variety of subjects are offered on a daily basis.

9 (b) In providing a program under AS 14.03.210 - 14.03.400, a school district
10 may not assign students to schools in a way that has the effect of segregating students
11 by race, sex, color, or national origin.

12 Sec. 14.03.240. NONVERBAL COURSES AND EXTRACURRICULAR
13 ACTIVITIES. In school classes in predominantly nonverbal subjects including art,
14 music, and physical education, Alaska Native students shall participate fully and on an
15 equal basis with their contemporaries. A school district participating in a program
16 under AS 14.03.210 - 14.03.400 shall ensure that children enrolled in the program have
17 an equal and meaningful opportunity to participate fully with other children in all
18 extracurricular activities. This section may not be construed to prohibit instruction in
19 nonverbal subjects or extracurricular activities that relate to the cultural heritage of
20 Alaska Native children or that are otherwise necessary to accomplish the objectives
21 described in AS 14.03.210 - 14.03.400.

22 Sec. 14.03.250. ALASKA NATIVE LANGUAGE AND CULTURE
23 EDUCATION TEACHER CERTIFICATES. (a) The board shall grant teacher
24 certificates in Alaska Native language and culture education as provided in
25 AS 14.20.025. The board shall grant a certificate to a person who

26 (1) possesses competence in an Alaska Native language or unique
27 qualifications relating to, or knowledge and understanding of, Alaska Native history
28 and culture;

29 (2) possesses a bachelor's degree or other academic degree approved
30 by the board; or

31 (3) meets other requirements as to course of study and training as the

1 board may prescribe by regulation or possesses the experience required by the board
2 by regulation.

3 (b) Evidence of a person's qualifications may be presented by affidavits,
4 resolutions, or other methods as the board may prescribe. A person may present an
5 application on the person's own behalf, or the superintendent or other authorized
6 official of a school district may submit an application on behalf of the person.

7 (c) A person who holds a standard teaching certificate who presents the board
8 with satisfactory evidence of competence in an Alaska Native language, or knowledge
9 and understanding of Alaska Native history and culture, may be certificated under this
10 section.

11 (d) The board may approve programs at colleges or universities designed for
12 training teachers of Alaska Native language and culture.

13 Sec. 14.03.260. EMPLOYMENT OF TEACHERS. (a) A school district may
14 not use the employment of a teacher in an Alaska Native language and culture program
15 as grounds for the replacement of a teacher who otherwise would not be replaced.

16 (b) A person certificated under AS 14.03.250 is eligible for employment as a
17 teacher in an Alaska Native language and culture education program that includes
18 instruction in the language or culture in which the person holds a certificate. A school
19 district may adopt only those additional qualifications for teachers certificated under
20 this section as are approved by the board. The commissioner may permit a school
21 board that applies for an exemption from the certification requirements of
22 AS 14.03.250 - 14.03.260 to hire one or more uncertificated teachers for a program for
23 a school year if the commissioner finds that compliance would create a hardship in
24 securing teachers for the program.

25 (c) A teacher holding a certificate or exemption under this section shall be
26 compensated according to a schedule that is at least equivalent to the schedule
27 applicable to teachers holding standard teaching certificates.

28 (d) In hiring for a position in a program, the school district shall give
29 preference to and make affirmative efforts to seek, recruit, and employ persons who
30 share the culture of the Alaska Native children who are enrolled in the program. The
31 district shall provide procedures to involve the parent committees established under

1 AS 14.03.290 in designing the procedures for the recruitment, screening, and selection
2 of applicants. However, this subsection may not be construed to limit the school
3 board's authority to hire and discharge personnel.

4 Sec. 14.03.270. TEACHERS' AIDES; COMMUNITY COORDINATORS. (a)
5 In addition to employing Alaska Native language and culture education teachers, a
6 school district providing a program under AS 14.03.210 - 14.03.400 may employ
7 teachers' aides. However, aides may not be employed to supplant Alaska Native
8 language and culture education teachers.

9 (b) A school district that conducts Alaska Native language and culture
10 education programs under AS 14.03.210 - 14.03.400 may employ a community
11 coordinator to promote communication, understanding, and cooperation between the
12 schools and the community. The coordinator's activities may include visiting the
13 homes of children who are to be enrolled in a program in order to convey information
14 about the program.

15 Sec. 14.03.280. PARENT AND COMMUNITY PARTICIPATION. (a)
16 School boards shall provide for the maximum involvement of parents of the children
17 enrolled in the programs. The school board of a school district in which there are 10
18 or more Alaska Native children enrolled shall establish a parent committee. If a
19 committee of parents of Alaska Native children that meets the requirements of this
20 section has been established according to federal, tribal, or other state law, the
21 committee shall serve as the committee required by this section.

22 (b) The parent committee shall give parents the information and the
23 opportunity to express their views effectively concerning all aspects of Alaska Native
24 education and the educational needs of the Alaska Native children enrolled in the
25 school or program. The committee shall also address the need for adult education
26 programs for Alaska Native people in the community. The school board shall ensure
27 that programs are planned, operated, and evaluated with the involvement of and in
28 consultation with parents of children served by the programs.

29 (c) Each year by December 1, the school board shall submit to the department
30 a copy of a resolution adopted by the parent committee. The copy must be signed by
31 the chair of the committee and must state whether the committee concurs with the

1 education programs for Alaska Native children offered by the school board. If the
2 committee does not concur with the education programs, the committee shall submit
3 the reasons for nonconcurrence and its recommendations for changes with the
4 resolution. In cases of nonconcurrence, the school board shall respond, by resolution,
5 to each recommendation made by the committee and, if it fails to implement a
6 recommendation of the committee, state its reasons for declining implementation.

7 (d) A parent committee shall be composed of parents of children eligible to
8 be enrolled in Alaska Native education programs, secondary students eligible to be
9 served by the programs, Alaska Native language and culture education teachers and
10 teachers' aides, teachers who are of Alaska Native heritage, counselors, adult Alaska
11 Native people enrolled in educational programs, and representatives from community
12 groups. A majority of each committee shall be made up of parents of children
13 enrolled or eligible to be enrolled in the programs. The proportion of parents of
14 Alaska Native children to parents of children who are not Alaska Native children shall
15 approximately reflect the proportion of children of those groups enrolled in the
16 programs.

17 Sec. 14.03.290. DUTIES OF THE BOARD AND THE COMMISSIONER.

18 (a) In the formulation of the policy and procedures relating to the administration of
19 AS 14.03.210 - 14.03.400, the board shall provide for the maximum involvement of
20 parents of Alaska Native children, secondary students eligible to be served by the
21 programs, Alaska Native language and culture education teachers and teachers' aides,
22 teachers who are of Alaska Native heritage, representatives of community groups, and
23 persons knowledgeable in the field of Alaska Native education.

24 (b) The commissioner shall provide technical assistance to school districts,
25 schools, and post-secondary institutions for preservice and in-service training for
26 Alaska Native education teachers and teachers' aides, teaching methods, curriculum
27 development, testing and testing mechanisms, and the development of materials for
28 Alaska Native education programs.

29 (c) The commissioner shall apply for money that may be available under
30 federal programs for Alaska Native education, including funds for administration,
31 demonstration projects, training, technical assistance, planning, and evaluation.

1 Sec. 14.03.400. DEFINITIONS. In AS 14.03.210 - 14.03.400,

2 (1) "program" means an Alaska Native language and culture education
3 program established under AS 14.03.210 - 14.03.400;

4 (2) "school district" means a city or borough school district or a
5 regional educational attendance area.

6 * **Sec. 2.** AS 14.20.025 is amended to read:

7 Sec. 14.20.025. OTHER TEACHER CERTIFICATES. Notwithstanding
8 AS 14.20.020(b), a person may be issued a limited certificate, valid only in the area
9 of expertise for which it is issued, to teach [ALASKA NATIVE LANGUAGE OR
10 CULTURE,] military science [,] or a vocational or technical course for which the
11 board determines by regulation that baccalaureate degree training is not sufficiently
12 available. A limited certificate may be issued under this **subsection** [SECTION] only
13 if the school board of the district or regional educational attendance area in which the
14 person will be teaching, through the chief school administrator, has requested its
15 issuance. A person who applies for a limited certificate shall demonstrate, as required
16 by regulations adopted by the board, instructional skills and subject matter expertise
17 sufficient to ensure the public that the person is competent as a teacher. The board
18 may require a person issued a limited certificate to undertake academic training as may
19 be required by the board by regulation and make satisfactory progress in the academic
20 training.

21 * **Sec. 3.** AS 14.20.025 is amended by adding a new subsection to read:

22 (b) In accordance with AS 14.03.250 - 14.03.260 and notwithstanding
23 AS 14.20.020(b) or (h), a person may be issued a certificate, valid only in the area of
24 expertise for which it is issued, to teach an Alaska Native language or Alaska Native
25 history and culture. A teacher who holds a certificate under this subsection is
26 considered a certificated teacher for purposes of the teachers' retirement system. A
27 certificate issued under this subsection is considered a standard teaching certificate for
28 purposes of acquiring tenure under AS 14.20.150.

29 * **Sec. 4.** AS 14.20 is amended by adding a new section to read:

30 Sec. 14.20.135. RECRUITING ALASKA NATIVE TEACHERS. A school
31 district in which there are at least 10 Alaska Native students enrolled shall actively

1 recruit teacher applicants who are Alaska Native beginning from the time it is
2 reasonably expected that a position will become available until the position is filled
3 or September 1, whichever is earlier.