

**HOUSE BILL NO. 111**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE NICHOLIA**

**Introduced: 2/3/97**

**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 Alaska Native culture and**  
3 **history, and to Alaska Native teachers."**

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

5 **\* Section 1. FINDINGS.** The legislature finds that

6 (1) Alaska's indigenous Native cultures and languages are unique, essential  
7 elements of Alaska's heritage;

8 (2) Alaska's indigenous Native languages are an integral part of Alaska Native  
9 people's culture and well-being;

10 (3) knowledge of one's indigenous language is important for the development  
11 of social skills and self-esteem; it further contributes to the development of the individual, and  
12 the ability to communicate;

13 (4) translations from a Native language into English result in the loss of  
14 context and deprivation of the full range of social and cultural understanding necessary to

1 function in the individual's environment;

2 (5) when Native children are proficient in their primary indigenous language,  
3 they are also more likely to develop a higher degree of proficiency in the English language;

4 (6) historically, Alaska Native children first learned their Native language in  
5 their homes and communities but with the passing of Native elders and with a current  
6 generation of parents who are not fluent in their Native language, younger generations are less  
7 knowledgeable about their language and culture;

8 (7) the loss of indigenous Native languages dates back to the late 1800's when  
9 mainstream American missionaries enforced federal policies that forbade the use of Native  
10 languages, punished children for speaking their own language, and urged parents to speak only  
11 English to their children;

12 (8) the continuation of "no Native language" policies in federal, territorial, and  
13 state school systems between 1910 and 1970 resulted in the loss of many Native languages;

14 (9) the fact that only two of the 20 Alaska Native languages are fluently  
15 spoken by children today is an indicator of the impending extinction of Native languages;

16 (10) unless action is taken, by the year 2055 only five of the 20 Alaska Native  
17 languages will be spoken by anyone, and soon thereafter the Native languages of Alaska may  
18 vanish.

19 \* **Sec. 2.** AS 14.03 is amended by adding new sections to read:

20 **Article 3. Alaska Native Language and**  
21 **Culture Education Programs.**

22 **Sec. 14.03.310. Native language and culture education.** (a) A school board  
23 shall establish a local Native language and culture curriculum advisory board for each  
24 school in the district in which a majority of the students are Alaska Natives. If the  
25 local Native language curriculum advisory board recommends the establishment of an  
26 Alaska Native language and culture education program for a school, the school board  
27 may initiate and conduct the program within grades K through 12 at that school under  
28 AS 14.03.310 - 14.03.500.

29 **Sec. 14.03.320. Program described.** (a) An Alaska Native language and  
30 culture education program is a program in an elementary or secondary school that  
31 enrolls Alaska Native children. The purpose of the program is to provide an

1 understanding of the language, history, and cultural heritage of the Alaska Native  
2 children enrolled in the school. The program shall be designed to

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

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

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

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

13 (1) instruction in Alaska Native language, literature, history, and  
14 culture;

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

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

19 (4) provision of personal and vocational counseling to Alaska Native  
20 students;

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

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

26 **Sec. 14.03.330. Enrollment.** (a) Enrollment in a program established under  
27 AS 14.03.310 - 14.03.500 may only be voluntary. Districts shall

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

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

31 (3) provide visits by school staff to parents' homes to explain the

1 nature of the programs.

2 (b) To the extent that it is economically feasible, a district may provide for the  
3 voluntary enrollment of children who are not Alaska Natives in the instructional  
4 components of an Alaska Native language and culture education program so that the  
5 children who are not Alaska Natives may acquire an understanding of the cultural  
6 heritage of the Alaska Native children for whom the particular program is designed.

7 (c) Alaska Native children and other children enrolled in a nonpublic school  
8 may be enrolled on a shared-time basis in Alaska Native language and culture  
9 education programs.

10 **Sec. 14.03.340. Location and assignment of students.** (a) A district shall  
11 hold programs under AS 14.03.310 - 14.03.500, in facilities in which regular classes  
12 in a variety of subjects are offered on a daily basis.

13 (b) In providing a program under AS 14.03.310 - 14.03.500, a district may not  
14 assign students to schools in a way that has the effect of segregating students by race,  
15 sex, color, or national origin.

16 **Sec. 14.03.350. Nonverbal courses and extracurricular activities.** In school  
17 classes in predominantly nonverbal subjects, including art, music, and physical  
18 education, Alaska Native students shall participate fully and on an equal basis with  
19 their contemporaries. A district participating in a program under AS 14.03.310 -  
20 14.03.500 shall ensure that children enrolled in the program have an equal and  
21 meaningful opportunity to participate fully with other children in all extracurricular  
22 activities. This section may not be construed to prohibit instruction in nonverbal  
23 subjects or extracurricular activities that relate to the cultural heritage of Alaska Native  
24 children or that are otherwise necessary to accomplish the objectives described in  
25 AS 14.03.310 - 14.03.500.

26 **Sec. 14.03.360. Alaska Native language and culture education teacher**  
27 **certificates.** (a) The board shall grant teacher certificates in Alaska Native language  
28 and culture education as provided in AS 14.20.025(b). The board shall grant a  
29 certificate in Alaska Native language and culture education to a person who

30 (1) possesses competence in an Alaska Native language or unique  
31 qualifications relating to, or knowledge and understanding of, Alaska Native history

1 and culture;

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

4 (3) meets other requirements as to course of study and training as the  
5 board may prescribe by regulation or possesses the experience required by the board  
6 by regulation.

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

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

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

17 **Sec. 14.03.370. Employment of teachers.** (a) A district may not use the  
18 employment of a teacher in an Alaska Native language and culture program as grounds  
19 for the replacement of a teacher who otherwise would not be replaced.

20 (b) A person certificated under AS 14.03.360 is eligible for employment as a  
21 teacher in an Alaska Native language and culture education program that includes  
22 instruction in the language or culture in which the person holds a certificate. A  
23 district may adopt only those additional qualifications for teachers certificated under  
24 AS 14.03.360 or exempt under this section as are approved by the board. The  
25 commissioner may permit a school board that applies for an exemption from the  
26 certification requirements of AS 14.03.360 under this section to hire one or more  
27 uncertificated teachers for a program for a school year if the commissioner finds that  
28 compliance would create a hardship in securing teachers for the program.

29 (c) A teacher holding a certificate under AS 14.03.360 or an exemption under  
30 this section shall be compensated according to a schedule that is at least equivalent to  
31 the schedule applicable to teachers holding standard teaching certificates.

1 (d) In filling a position in a program, the district shall make affirmative efforts  
2 to seek and recruit teacher applicants who share the culture of the Alaska Native  
3 children who are enrolled in the program. The district shall provide procedures to  
4 involve the parent committees established under AS 14.03.390 in designing the  
5 procedures for the recruitment, screening, and selection of applicants. However, this  
6 subsection may not be construed to limit the school board's authority to hire and  
7 discharge personnel.

8 **Sec. 14.03.380. Teachers' aides; community coordinators.** (a) In addition  
9 to employing Alaska Native language and culture education teachers, a district  
10 providing a program under AS 14.03.310 - 14.03.500 may employ teachers' aides.  
11 However, aides may not be employed to supplant Alaska Native language and culture  
12 education teachers.

13 (b) A district that conducts Alaska Native language and culture education  
14 programs under AS 14.03.310 - 14.03.500 may employ a community coordinator to  
15 promote communication, understanding, and cooperation between the schools and the  
16 community. The coordinator's activities may include visiting the homes of children  
17 who are to be enrolled in a program in order to convey information about the program.

18 **Sec. 14.03.390. Parent and community participation.** (a) Each school board  
19 in a district providing a program shall provide for the maximum involvement of  
20 parents of the children enrolled in the programs and shall establish a parent committee  
21 for the district. If a committee of parents of Alaska Native children that meets the  
22 requirements of this section has been established according to federal, tribal, or other  
23 state law, the committee shall serve as the committee required by this section.

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

31 (c) Each year by December 1, the school board shall submit to the department

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

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

19 **Sec. 14.03.400. Duties of the board and the commissioner.** (a) In the  
20 formulation of the policy and procedures relating to the administration of AS 14.03.310  
21 - 14.03.500, the board shall provide for the maximum involvement of parents of  
22 Alaska Native children, secondary students eligible to be served by the programs,  
23 Alaska Native language and culture education teachers and teachers' aides, teachers  
24 who are of Alaska Native heritage, representatives of community groups, and persons  
25 knowledgeable in the field of Alaska Native education.

26 (b) Districts shall make available technical assistance for preservice and in-  
27 service training for Alaska Native education teachers and teachers' aides, teaching  
28 methods, curriculum development, testing and testing mechanisms, and the  
29 development of materials for Alaska Native education programs.

30 (c) The commissioner shall apply for money that may be available under  
31 federal programs for Alaska Native education that require application from the state,

1 including funds for administration, demonstration projects, training, technical  
2 assistance, planning, and evaluation.

3 **Sec. 14.03.500. Definitions.** In AS 14.03.310 - 14.03.500,

4 (1) "Alaska Native" means a person of one-fourth degree or more  
5 Alaskan Indian, Eskimo, or Aleut blood;

6 (2) "district" has the meaning given in AS 14.17.250;

7 (3) "program" means an Alaska Native language and culture education  
8 program established under AS 14.03.310 - 14.03.500.

9 \* **Sec. 3.** AS 14.20.025 is amended to read:

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

24 \* **Sec. 4.** AS 14.20.025 is amended by adding a new subsection to read:

25 (b) In accordance with AS 14.03.360 - 14.03.370 and notwithstanding  
26 AS 14.20.020(b) or (h), a person may be issued a certificate, valid only in the area of  
27 expertise for which it is issued, to teach an Alaska Native language or Alaska Native  
28 history and culture. A teacher who holds a certificate under this subsection is  
29 considered a certificated teacher for purposes of the teachers' retirement system and  
30 acquires tenure as a certificated teacher under AS 14.20.150.

31 \* **Sec. 5.** AS 14.20 is amended by adding a new section to read:

1           **Sec. 14.20.135. Recruiting Alaska Native teachers.** A school district in  
2 which there are at least 10 Alaska Native students enrolled shall actively recruit  
3 teacher applicants who are Alaska Native beginning from the time it is reasonably  
4 expected that a position will become available until the position is filled or  
5 September 1, whichever is earlier.