

ALASKA STATE LEGISLATURE
SENATE SPECIAL COMMITTEE ON EDUCATION

February 13, 2008

8:00 a.m.

MEMBERS PRESENT

Senator Gary Stevens, Chair
Senator Charlie Huggins, Vice Chair
Senator Bettye Davis
Senator Donald Olson
Senator Gary Wilken

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 192(HES)

"An Act relating to notification to teachers of layoff or non retention."

HEARD AND HELD

SENATE BILL NO. 14

"An Act raising the compulsory school attendance age; relating to the crime of contributing to the delinquency of a minor; relating to duties of the Department of Education and Early Development; relating to truancy; and relating to employment of a minor."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 192

SHORT TITLE: LAYOFF/NONRETENTION OF TEACHERS

SPONSOR(S): REPRESENTATIVE(S) DOOGAN

03/12/07	(H)	READ THE FIRST TIME - REFERRALS
03/12/07	(H)	HES, FIN
04/24/07	(H)	HES AT 3:00 PM CAPITOL 106
04/24/07	(H)	Moved CSHB 192(HES) Out of Committee
04/24/07	(H)	MINUTE(HES)
04/25/07	(H)	HES RPT CS(HES) 3DP 1DNP 2NR 1AM
04/25/07	(H)	DP: GARDNER, FAIRCLOUGH, WILSON
04/25/07	(H)	DNP: SEATON
04/25/07	(H)	NR: CISSNA, NEUMAN

04/25/07 (H) AM: ROSES
05/02/07 (H) FIN RPT CS(HES) 6DP 4NR
05/02/07 (H) DP: GARA, FOSTER, CRAWFORD, NELSON,
JOULE, MEYER
05/02/07 (H) NR: STOLTZE, KELLY, HAWKER, CHENAULT
05/02/07 (H) FIN AT 8:30 AM HOUSE FINANCE 519
05/02/07 (H) Moved CSHB 192(HES) Out of Committee
05/02/07 (H) MINUTE(FIN)
05/09/07 (H) TRANSMITTED TO (S)
05/09/07 (H) VERSION: CSHB 192(HES)
05/09/07 (S) READ THE FIRST TIME - REFERRALS
05/09/07 (S) SED, HES
02/13/08 (S) SED AT 8:00 AM BUTROVICH 205

BILL: SB 14

SHORT TITLE: RAISE COMP. SCHOOL ATTENDANCE AGE
SPONSOR(s): SENATOR(s) DAVIS

01/16/07 (S) PREFILE RELEASED 1/5/07
01/16/07 (S) READ THE FIRST TIME - REFERRALS
01/16/07 (S) SED, JUD, FIN
04/18/07 (S) SED AT 8:00 AM BUTROVICH 205
04/18/07 (S) Heard & Held
04/18/07 (S) MINUTE(SED)
08/17/07 (S) SED AT 10:00 AM Anch LIO Conf Rm
08/17/07 (S) Heard & Held
08/17/07 (S) MINUTE(SED)
02/13/08 (S) SED AT 8:00 AM BUTROVICH 205

WITNESS REGISTER

REPRESENTATIVE MIKE DOOGAN
State Capitol
Juneau, AK

POSITION STATEMENT: Presented overview of HB 192.

JOHN ALCANTRA, Government Relations Director
NEA-Alaska
Juneau AK

POSITION STATEMENT: Opposed HB192 and supported SB 14.

CARL ROSE, Executive Director
Association of Alaska School Boards (AASB)
Anchorage AK

POSITION STATEMENT: Opposed HB192 and supported SB 14.

TOM OBERMEYER
Staff to Senator Davis
Alaska State Capitol
Juneau, AK

POSITION STATEMENT: Answered questions on SB 14.

RICH PATTON, Superintendent of Instruction
Lower Yukon School District
Mountain Village, AK

POSITION STATEMENT: Expressed concerns about school attendance in his district.

LAURIE SCANDLING, Principal
Yaakoosgé Daakahídi Alternative High School
and HomeBRIDGE
Juneau, AK

POSITION STATEMENT: Supported SB 14.

DEBBIE JOCELYN, President
Eagle Forum Alaska
No address provided

POSITION STATEMENT: Opposed SB 14.

ACTION NARRATIVE

CHAIR GARY STEVENS called the Senate Special Committee on Education meeting to order at [8:00:07 AM](#). Present at the call to order were Senators Donald Olson, Gary Wilken, Charlie Huggins, Bettye Davis and Gary Stevens.

^#HB 192

CSHB 192(HES)-LAYOFF/NONRETENTION OF TEACHERS

[8:00:07 AM](#)

CHAIR STEVENS announced consideration of CSHB 192(HES).

REPRESENTATIVE MIKE DOOGAN, sponsor of HB 192, said this bill makes a simple change in existing law. Currently school districts are required to notify tenured teachers by March 16 if they might be laid off because the education funding hasn't passed the legislature yet. Because education funding rarely gets passed by March 16, many districts send out what they think of as "pre-emptive pink slips."

In the 1990's when the budget was being cut, rafts of pink slips were sent out in Anchorage. It's not quite as big a problem for the larger communities now because teacher population is turning

over; teachers are younger and, therefore, non-tenured and the law doesn't cover non-tenured teachers. However, any community that has a relatively small teacher workforce and a high percentage of tenured teachers will still have this problem.

REPRESENTATIVE DOOGAN said that unless the education funding bill is passed by March 1, both tenured and non-tenured teachers would receive notification at the same time at the end of the school year [not March 16]. If education funding is out by March 1, then the March 16 notification date for tenured teachers applies. He hoped this would relieve the need for these pre-emptive pink slips.

He remembered in the 1990's how distribution of the pink slips caused a great deal of angst among Anchorage teachers because they were never really sure if they were going to be out of a job or if this was just a notification the district was doing to comply with state law. Teachers began leaving after that happened three or four years in a row.

CHAIR STEVENS remembered having to pink slip a whole lot of teachers in Kodiak too and it was a terrible situation because they got jobs elsewhere and weren't available to be hired back. He asked what this bill actually does for the teachers; finding out that they are losing their jobs later in the year could be a disadvantage.

8:04:28 AM

REPRESENTATIVE DOOGAN replied that if the board actually intends to terminate a teacher, the teacher is at a disadvantage in terms of being able to find new employment; but it's a balancing act. In his view, small school districts that depend heavily on experienced teachers to teach more than one course are in substantial danger of having those teachers get tired of receiving those pink slips and walk off. He said he is sponsoring the bill because he doesn't think the state should be in the position of telling local government how to handle their labor relations and it has caused a great deal of consternation in his community. If teachers want the March 16 date, they can negotiate it; nothing in this bill that would keep a school district from doing this.

CHAIR STEVENS asked about the difference between giving pink slips to tenured and non-tenured teachers.

REPRESENTATIVE DOOGAN replied that currently non-tenured teachers don't have to be notified by March 16. Mr. Alcantra could explain it better.

SENATOR HUGGINS said this bill takes them from March 16 to "date uncertain" and school years end on different dates; and asked if that would pose unintended consequences.

REPRESENTATIVE DOOGAN replied that the reason it went to the end of the school year is because the state's budgeting is uncertain, which makes pegging a pink slip to an actual budget is very difficult. He picked the end of the school year simply because that is the date for non-tenured teachers in the existing statute.

SENATOR HUGGINS asked if this precludes districts from mailing out pink slips to tenured teachers any time they choose.

REPRESENTATIVE DOOGAN answered that is correct.

8:08:08 AM

JOHN ALCANTRA, Government Relations Director, The National Education Association of Alaska (NEA-Alaska), opposed HB 192. He said this idea is just as bad now as it was three years ago when it was first introduced in the Senate. Currently tenured teachers must be notified by March 16 if they are to be laid off because then they will have time to attend job fairs, most often held in April, to search for new employment. Furthermore, many schools lock their staff in by having them sign individual contracts prior to the end of the school year. Significant penalties are attached to those contracts if teachers break them anywhere close to the end of the school year.

This bill puts all the hardship on the teachers by requiring them to notify their districts early of their intent to return while allowing the districts the option of laying them off on the last day of school - when major recruiting drives have already been completed.

MR. ALCANTRA stated that Alaska should be doing everything in its power to recruit and retain teachers. A 2006 Internet Special Education Resources (ISER) report verified that about 75 percent of teachers are hired from outside Alaska. Studies also show that 50 percent of teachers leave the profession after five years. Alaska should not be in the business of making things more difficult for teachers, he asserted; and while he's sure

the sponsor's heart is in the right place, this legislation would be a step backwards.

He reflected that what seems to drive this legislation is that school districts never know what their funding level will be by March 16; but supporting the forward funding of education would seem a more appropriate response. The important work done by the Education Funding Task Force and the drive to fund education by March 1 would seem to make this legislation superfluous.

CHAIR STEVENS asked Mr. Alcantra to clarify when a teacher has to give notification to the district.

MR. ALCANTRA replied that it depends on the individual contract signed to retain the teacher. Serious problems arise when tenured teachers are laid off and there is excessive teacher turnover. Four hundred teachers were hired in Anchorage just in the last two school years. It is an earned right to have that notification by March 16.

CHAIR STEVENS asked what normal notification for tenured teachers is if the districts want them to continue.

MR. ALCANTRA replied that if the school chooses to retain a teacher, a contract is signed before the end of the school year. There is no specific date.

CHAIR STEVENS asked when the district has to notify the teacher, since the teacher has to notify the district.

MR. ALCANTRA replied that statute sets no specific date. If the teacher wishes to be retained for the following year, she or he must go to the principal and work out a contract.

SENATOR HUGGINS asked if the teacher has a window in which to sign the contract.

MR. ALCANTRA replied that plenty of contracts, especially for new teachers, are signed even after the school year has been completed.

SENATOR DAVIS said she understands that he doesn't want to see this bill passed, but asked if he is satisfied with the status quo.

[8:13:57 AM](#)

MR. ALCANTRA replied a large number of teachers don't have tenure in the Anchorage School District and throughout Alaska. He does not want to see tenured teachers put in the same situation as non-tenured teachers.

[8:15:58 AM](#)

SENATOR DAVIS asked him what he would suggest as a solution.

MR. ALCANTRA that NEA-Alaska has not talked about an alternative date so he didn't have a good answer for her.

SENATOR HUGGINS said another factor that affects tenured teachers is declining enrollment and asked if the provisions in the bill would have any affect on that scenario.

[8:17:15 AM](#)

MR. ALCANTRA replied that as enrollment declines it will affect teacher layoffs; but he didn't know how that would affect individual districts.

SENATOR WILKEN opined that this is not a very good bill. He said the public education fund that the legislature put in place three years ago has over \$1 billion in it and he couldn't imagine they would have the political courage to spend that fund and not replenish it; so they will always have that billion dollars or so set aside when they return in January. There is no reason they shouldn't be able to get an education bill out of there if they just concentrate on education bills and don't let them get "balled up" in PERS and TERS and revenue sharing. He recalled in 2003 when the education bill sat for a month because someone wanted a bulldozer in Rampart; so if they just keep politics out of it and focus on what they campaign on as one of their highest priorities, and they have the money in the bank, there is no reason they can't have a March 15th education bill. This bill removes one of the levers that will move the legislature towards that; and the legislature needs the pressure from teachers being somewhat at risk to let them know how important it is that they have an education bill, have it free of politics and have it passed early.

He said he can't support this bill; he agrees with Mr. Alcantra.

[8:21:14 AM](#)

CARL ROSE, Executive Director, Association of Alaska School Boards (AASB), said the [March 16] date has created a "healthy pressure" and this bill destabilizes the school districts. Teachers understand economic conditions and can see when things

aren't looking good; they would be looking elsewhere even without a layoff notice.

He said there was a time when AASB would have supported this bill, but it was very reactionary at that time and concerned with labor management issues. They have learned to live with these dates he said and suggested the solution is to forward-fund and give school districts an opportunity to plan early.

Another consequence for teachers is if they sign a contract and break it, they must go before the Professional Teacher Practices Commission and possibly lose their certificate. Even if they find something better, they are already bound to the district they have signed with.

CHAIR STEVENS asked Mr. Rose if "step-down funding" from loss of student population has an impact on pink slips.

MR. ROSE answered the intent of the law was to allow tenured teachers to be laid off because of student attrition. He explained as school districts tried to reduce their workforce, they found it necessary to maintain certain course offerings. For example, if there is a non-tenured math or science teacher and four or five tenured history or music teachers, the layoff provisions allow a district to lay off a tenured teacher and retain a non-tenured teacher based on qualifications. The Haines and Hoonah school districts tried to do that a couple of years ago; they were taken to court and lost, so people are reluctant to go there.

SENATOR OLSON asked what the school boards' take is on this bill.

MR. ROSE responded that some in his membership look upon tenure as a real problem, but it's not the kind of problem that it used to be. NEA-Alaska and AASB used to be on opposite sides of that issue, but that has changed because now they both focus on student achievement and hiring the most qualified teachers.

It is possible to discharge a tenured teacher, but it involves a detailed evaluation process. Districts also work with teachers now on plans to improve their abilities and quality of instruction.

SENATOR OLSON said it sounds like there is a divergence of opinion on this bill within the school boards.

MR. ROSE responded not as much as there used to be.

REPRESENTATIVE DOOGAN said this might not be a problem now because the state has a lot of money which tends to dissolve differences. However, there won't always be a lot of money in the budget. He said this is not just a matter between the unions and the school boards. Parents and students get caught up in this as well. The pink slip policy that the state imposes on the districts will cause problems in the future.

SENATOR WILKEN said this bill would work better in a year when the legislature depletes the education fund and doesn't replenish it. He said there will be a year's warning and time to creep up on this issue in the future.

REPRESENTATIVE DOOGAN said he would bet the issue of the school budget will not be resolved by the trigger date.

CHAIR STEVENS said that CSHB 192(HES) would be held over.

^#sb14

SB 14-RAISE COMP. SCHOOL ATTENDANCE AGE

[8:32:14 AM](#)

CHAIR STEVENS announced consideration of SB 14 and invited comments from the sponsor, Senator Davis.

SENATOR DAVIS said there have been many changes to this bill and what was before the committee dealt with just one issue, the compulsory age of 18.

SENATOR HUGGINS moved to adopt the proposed committee substitute to SB 14, labeled 25-LS0134, Mischel, Version L, as the working document. There were no objections and it was so ordered.

TOM OBERMEYER, staff to Senator Davis, said there was a new CS to SB 14 labeled CSSB 14() 25-LS0134\O.

8: 34 at ease [8:36:04 AM](#)

CHAIR STEVENS called the meeting back to order at [8:36:04 AM](#).

MR. OBERMEYER said the only change in Version O deleted subsection (2) on page 4 describing the requirement for a review body in every school district. The current version of this bill removed the mandatory truant officers and the required truancy

review bodies. The hope is that the compulsory school age portion of this bill will solve some of the problems of truancy.

8:37:58 AM

SENATOR HUGGINS moved to adopt the proposed committee substitute to CSSB 14, labeled 25-LS0134, Mischel, Version 0, as the working document of the committee. There being no objection, the motion carried.

CHAIR STEVENS confirmed that the only change has to do with the review body. He asked if there were other changes.

8:38:47 AM

SENATOR HUGGINS asked in which version of the bill the transition away from truancy officers took place.

MR. OBERMEYER replied he thought it was in the K version.

SENATOR DAVIS explained that when these bills were first introduced, they were two separate bills. She was asked by the Special Committee on Education to combine the two. One hearing was held and no action has been taken since that time. She decided to postpone the truancy issue for another bill and asked if she could bring forward a CS so she could address the compulsory age issue, which is in this bill.

MR. OBERMEYER said truant officers were still in the K version. When the bill moved to Version L, truant officers were removed. The bill then went to Version 0 that removed the procedures to prevent and reduce truancy in section (2) from page 4. He explained that two control mechanisms were essentially taken out of the bill - the mandatory truancy officers for a large district of 1000 Average Daily Membership (ADM) or more which produced only 13 truant officers throughout the state and was a very expensive process, and the mandatory review body, because districts were already working internally to deal with the problem.

CHAIR STEVENS said for clarification that the current bill has no truancy officers and no review body and that it primarily deals with changing the age from 16 to 18.

8:41:53 AM

RICH PATTON, Superintendent of Instruction, Lower Yukon School District, Mountain Village, AK, said he's been working in education in Alaska for 12 years. His district's concerns might not necessarily relate to this bill, but are more about

enforcing attendance laws that are currently on the books. A fair percentage of younger children in rural Alaska don't attend school as regularly as they should and there aren't sufficient resources to help families deal with this problem. He informed the committee that his district had recently hired an attendance specialist to support families and perform the duties of a truancy officer, but the main problem is enforcement.

8:44:22 AM

LAURIE SCANDLING, Principal, Yaakoosgé Daakahídi Alternative High School and the HomeBRIDGE Home School Program, Juneau, AK, said she has been with the school system for 15 years. She shared that recently she had parents come to her office and ask her if their kid knew he could drop out of school at age 16. She replied of course not, she was there to encourage drop-outs to remain in school. Both parents asked that he not be told because they felt they had no power to stop him if he decided to drop out after he turned 16. She also related that she worked at the main high school for nine years and during that time had several students bring her the drop-out form on their sixteenth birthday.

MS. SCANDLING said brain research has shown that teenagers are not hard-wired, particularly in the area of judgment, until their early 20's. So it cannot be assumed that when they turn 16 they are suddenly ready to make life-changing decisions. She said a similar bill two years ago attempted to raise the compulsory age to attend school and it received the endorsement of student government officers across the state as well as the Alaska Association of School Boards (AASB).

She saw this as a bill for parent empowerment and emphasized that "Right now parents have no authority to keep their child in school past their sixteenth birthday; and it's very stressful to meet with parents when their kid has in their mind that they are going to leave school."

MS. SCANDLING stated that Alaska is sixth from the bottom in the country regarding the on-time graduation rate. About one in three students do not graduate on time; nationally about half of those who don't graduate on time never graduate at all. Nationally, the highest drop-out rate is among American Indian and Alaska Natives and Alaska has the highest percentage of these two groups enrolled in school. Twenty-six states plus DC, American Samoa and Puerto Rico already have compulsory age attendance until 17 or 18, according to the Education Commission of the States as of last summer.

She stated further that dropping out perpetuates and correlates directly to poverty, partly because drop-outs cannot walk into life-long secure employment. Those who don't have a high school diploma have a 50 percent greater chance of being unemployed. One in four kids living in the lowest 20 percent income brackets in the country don't finish high school and perpetuate the poverty cycle. Data from the 2000 census shows those who don't earn a high school diploma earn a quarter million dollars less over their lifetimes than people who graduate. Non-graduates are a drag on the economy in terms of public assistance and a reduction in tax revenues, and drop-outs are three times more likely to be incarcerated.

She encouraged the committee to raise the compulsory minimum age to 18 rather than 17. A Canadian study showed that every year the compulsory age was raised lowered the probability of being unemployed and boosted weekly earnings, which in many areas increased tax revenues. She also felt the bill should make clear that any alternative school, especially at the high school level, should be an accredited alternative. She explained that, as principal of the home school program, she guides parents to choose accredited materials rather than unaccredited because it assures quality, particularly in a time when online high schools have proliferated across the nation without accreditation. She also encourages them to insure that if someone is excused from school because they are being educated at home, regular evidence of progress is required.

MS. SCANDLING said the Juneau school district adopted a new system which allows truant officers to issue tickets requiring students to appear in court immediately rather than working with the District Attorney's office, which was cumbersome, arduous and was not a priority compared to other actual crimes that were being committed in the community.

She concluded by urging them to change the compulsory age to 18.

CHAIR DAVIS said age 17 is in the bill because the drafters put it in and she didn't know why. Her intention was that the designated age be 18.

MS. SCANDLING said she thought it read "at the end of their 17th year they could depart school."

[8:50:44 AM](#)

CHAIR STEVENS asked Mr. Obermeyer to explain.

MR. OBERMEYER clarified that Senator Davis' intention was that students be required to stay in school through age 18. However, that required bumping into the majority age of 18; so Version O says "under 18 years of age" on page 2. This age was in all the drafts because the legislative legal staff indicated that was the only option given the intention of the bill.

[8:53:26 AM](#)

SENATOR OLSON asked how a record of progress is implemented.

MS. SCANDLING answered that under Alaska law, which regulates the state-wide correspondence school, regular evidence of progress can be verbal, written or by telephone. Written evidence is requested on a quarterly basis and can be a copy of a received grade or copies of completed work. If nothing comes in on a quarterly basis, the family is contacted.

SENATOR HUGGINS said the problem may be with the parents rather than the children. Therefore, changing the age may not change the behavior. He asked if there is any data that shows an increase in the graduation rate in states with a higher mandatory age.

MS. SCANDLING replied that a data clearing house may have that information.

SENATOR HUGGINS said he had seen a study that said, although more students were staying in school as a result of the age change, the graduation rate remained relatively unchanged.

MS. SCANDLING replied that graduation in many states is defined as on-time graduation, and what Senator Huggins referred to could be affected by that definition. Extended research is needed regarding who eventually graduates.

[8:57:57 AM](#)

JOHN ALCANTRA, Government Relation Director, NEA-Alaska, said NEA-Alaska has supported the policy in this bill as far back as 1980. He said as a parent and uncle of 59 nieces and nephews, he has seen in his own family how it's not a given that all children have appropriate parental involvement.

[9:00:26 AM](#)

CARL ROSE, Executive Director, Association of Alaska School Boards (AASB), thanked the sponsor for removing the review committee, which would have been a very cumbersome requirement.

Age is the most important issue he said, and asked the members if they thought they could have made an important decision at age 15. The longer the legislature can keep kids in school and give parents something to help them enforce this, the more successful the kids can become. He said AASB supports the bill.

[9:02:14 AM](#)

MR. OBERMEYER said he would check on Senator Huggins' question about higher graduation rates. He said New York had a similar problem and it created four new "graduation-plus" high schools to get kids through age 18 and through the process. Their success rate is going up, but he could not say what their overall graduation rate was. He also pointed out that on page 2 of the sponsor statement is the definition of "graduation rate" in Alaska and that there are different definitions of this term throughout the country.

[9:04:07 AM](#)

DEBBIE JOCELYN, President, Eagle Forum Alaska, Eagle River, AK, opposed SB 14 because changing the compulsory age was not the answer to the problem. She related that she home-schools her four children, who are all doing well in school and have aspirations of going to college; but she recognizes that is not the case with many children in Alaska. Many children in the situation the bill attempts to address come from broken families, don't have fathers at home and/or live in situations where education is not highly valued. These children are not getting the encouragement they need at an early age. She was not sure that government could fix the root cause of their problem, but it could encourage society to value education more.

CHAIR DAVIS said she appreciated the caller's comments and agreed there is no single thing that will resolve these problems. She said this bill is just one tool that might help.

CHAIR STEVENS thanked everyone for their testimony and adjourned the meeting at [9:08:13 AM](#).

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