

**ALASKA STATE LEGISLATURE  
HOUSE EDUCATION STANDING COMMITTEE**

March 28, 2016  
8:04 a.m.

**MEMBERS PRESENT**

Representative Wes Keller, Chair  
Representative Jim Colver  
Representative Paul Seaton  
Representative David Talerico  
Representative Harriet Drummond  
Representative Ivy Spohnholz

**MEMBERS ABSENT**

Representative Liz Vazquez, Vice Chair

**OTHER MEMBERS PRESENT**

Representative Dan Ortiz  
Representative Lora Reinbold

**COMMITTEE CALENDAR**

HOUSE BILL NO. 298

"An Act relating to school districts; and relating to layoff plans for tenured teachers."

- HEARD & HELD

CS FOR HOUSE BILL NO. 305(EDC)

"An Act relating to an exemption from the regulation of postsecondary educational institutions."

- MOVED CSHB 305(EDC) OUT OF COMMITTEE

HOUSE BILL NO. 357

"An Act relating to the Board of Education and Early Development; and relating to the Board of Regents of the University of Alaska."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 298

SHORT TITLE: LAYOFF OF TENURED TEACHERS  
SPONSOR(s): REPRESENTATIVE(s) TILTON

02/05/16	(H)	READ THE FIRST TIME - REFERRALS
02/05/16	(H)	EDC
03/23/16	(H)	EDC AT 8:00 AM CAPITOL 106
03/23/16	(H)	Heard & Held
03/23/16	(H)	MINUTE (EDC)
03/28/16	(H)	EDC AT 8:00 AM CAPITOL 106

BILL: HB 305

SHORT TITLE: EDUCATIONAL EXEMPTION FOR YOGA TRAINING  
SPONSOR(s): REPRESENTATIVE(s) GATTIS

02/08/16	(H)	READ THE FIRST TIME - REFERRALS
02/08/16	(H)	EDC
03/28/16	(H)	EDC AT 8:00 AM CAPITOL 106

#### **WITNESS REGISTER**

REPRESENTATIVE CATHY TILTON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 298, as prime sponsor.

ANDY HOLLERMAN, President  
Anchorage Teacher's Association (ATA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 298.

JESSE BJORKMAN, Teacher  
Kenai, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 298.

BARBARA CLARK, Teacher  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 298.

NORM WOOTEN, Executive Director  
Association of Alaska School Boards (AASB)  
Juneau, Alaska

Testified in support of HB 298

**POSITION STATEMENT:**

RAY ARCHOLETA, Teacher  
Kenai Peninsula Education Association (KPEA)  
Homer, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 298.

MARK FRAAD, Teacher  
Kenai Peninsula Education (KPEA)  
Seward, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 298.

ERIK PIERSON, Representative  
Matanuska-Susitna Education Association (MSEA)  
Palmer, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 298.

PAMELA LLOYD, Teacher  
Anchorage Education Association (AEA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 298.

DAVID BRIGHTON, Teacher  
KPEA  
Kenai, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 298.

DIANE SHIBE, Teacher  
Matanuska-Susitna School District  
Wasilla, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 298.

DON GRAY, Teacher  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 298.

KEVIN SHIPLEY, Superintendent  
Kake City School District  
Kake, Alaska

**POSITION STATEMENT:** Testified in support of HB 298.

LISA PARADY, Executive Director  
Alaska Council of School Administrators (ACSA)  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 298.

ROBIN GRAY, Superintendent  
Yakutat School District  
Yakutat, Alaska

**POSITION STATEMENT:** Testified in support of HB 298.

DEENA PARAMO, Superintendent

Matanuska-Susitna Borough School District  
Palmer, Alaska

**POSITION STATEMENT:** Testified in support of HB 298.

RON FUHRER, President  
National Education Association (NEA) Alaska  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 298.

PATRICK MAYER, Superintendent  
Wrangell Public Schools  
Wrangell, Alaska

**POSITION STATEMENT:** Testified in support of HB 298.

BYRON CHARLES  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 298.

BOB CRUMLEY, Superintendent  
Chugach School District  
Valdez, Alaska

**POSITION STATEMENT:** Testified in support of 298.

KAREN GABORIK, Superintendent  
Fairbanks North Star Borough School District  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 298.

REPRESENTATIVE LYNN GATTIS  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented the proposed committee substitute (CS) for HB 305, as prime sponsor.

CHRYSTAL RANDOLPH, Staff  
Representative Lynn Gattis  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided the sectional analysis for HB 305, on behalf of Representative Gattis, prime sponsor.

STEPHANIE BUTLER, Director of Operations  
Postsecondary Education Commission  
Department of Education and Early Development (EED)  
Juneau, Alaska

**POSITION STATEMENT:** Responded to questions during the hearing on SB 305.

JODEE DIXON, Owner  
The Yoga Path  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 305.

BARBARA DOBBERTHIEN, Executive Director  
Yoga Alliance  
Arlington, Virginia

**POSITION STATEMENT:** Testified in support of HB 305.

## **ACTION NARRATIVE**

[8:04:32 AM](#)

**CHAIR WES KELLER** called the House Education Standing Committee meeting to order at 8:04 a.m. Representatives Keller, Colver, Spohnholz, Talerico, and Seaton were present at the call to order. Representative Drummond arrived as the meeting was in progress.

### **HB 298-LAYOFF OF TENURED TEACHERS**

[8:05:10 AM](#)

CHAIR KELLER announced that the first order of business would be HOUSE BILL NO. 298 "An Act relating to school districts; and relating to layoff plans for tenured teachers."

[8:05:32 AM](#)

REPRESENTATIVE TALERICO moved to adopt the proposed committee substitute (CS) for HB 298, Version 29-LS1372\W, as the working document. There being no objection, Version W was before the committee.

[8:06:20 AM](#)

REPRESENTATIVE CATHY TILTON, Alaska State Legislature, explained that the change in the proposed CS is represented in the title change. She said that under AS 14.20.177, two triggers exist which allow districts to layoff tenured teachers. The bill retains the statutes pertaining to the protection of teacher tenure and removes the layoff triggers to create an even playing field.

CHAIR KELLER opened public testimony.

8:08:21 AM

ANDY HOLLERMAN, President, Anchorage Teacher's Association (ATA), state opposition to HB 298, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I'm a 20 year educator with the Anchorage School District, and for the past 4 years, president of the AEA. In that capacity I've been involved in the process of layoffs and involuntary displacements that happen when there is a reduction in force in the district. I've spent a lot of time on the phone with my members to discuss the details they needed to decide if they were going to stay in the profession or find a district that could offer more security, or buy a house, or truly commit themselves to the state.

I'm here to speak in opposition to HB 298. Our key concern about the changes that are proposed in this bill are that it introduces more uncertainty into the professional lives of your educator staff. As is the case with the fiscal problems we face, there's plenty of uncertainty there already. There's a broad assumption that teachers with tenure can be unconcerned when cuts are being made to the classroom, and I can tell you this is certainly not the case. A few years back when Anchorage cut more than 50 positions, there many tenured and experienced educators that were displaced - literally hundreds - as well as many among those teachers that were laid off. The system that's in place protects programs and integrity of programs that are deemed more important to principals and administration, and minimizes disruptions to school staffs as much as possible, at the expense of educators being more at risk.

While this isn't great for our members, it's good for education and it's good for students. But backing this up are a few provisions in the law about tenure and this law that limits the times and conditions under which we face reductions. It's not clear to me what a superintendent gains, by being able to call for a reduction in force when their budget isn't being cut or their student numbers are not decreasing.

We have had a recruiting problem already. This change will directly affect retention. Each time the district goes through the process, the uncertainty that is induced, even as we're conducting our classes, is widespread. It absolutely has the effect of causing educators to choose other professions or move to more stable states. I've talked with former educators in Anchorage as they were making this decision.

I hope you'll look carefully at what this bill really gains. It would appear some expediency perhaps. But it offers some professional security to Alaskans without much cost to you. I would suggest that the Legislature needs to look carefully at anything they can offer that's meaningful to your staff that doesn't cost you much in the way of funds. Fairness and reasonable protections matter a great deal in a climate where money will be less and less of an option. I would urge you not to pass this bill to the floor.

8:13:09 AM

REPRESENTATIVE SEATON clarified how the layoff pool relates to tenured teachers.

MR. HOLLERMAN responded that it's fairly complicated, but teachers are displaced based on programs being cut in the district as a whole, without regard to tenure or seniority. At the end of a cutback cycle, a pool of displaced teachers exists with a variety of qualifications. He said he has been teaching middle school business education, although his actual field is secondary science; a class that he hasn't taught for 18 years. Should the program he teaches be cut, and there are no other business education positions available, he said, even as a 20 year teach, he would be laid off rather than displacing a tenured, or non-tenured, teacher in their existing position. Teachers have had this type of action occur, and he provided anecdotal situations of tenured teachers being placed on displacement status. The human resources staff are, at times, taxed, by the details and complications of the current statutes.

8:16:16 AM

REPRESENTATIVE COLVER described a theoretical scenario of a politically motivated, activist teacher, and asked whether, due to their actions in the district, their tenure may be jeopardized.

MR. HOLLERMAN acknowledged that such a teacher may be displaced, although a principal will not openly condemn a teachers political actions. A tenured teacher would feel more secure in such a situation.

[8:18:31 AM](#)

JESSE BJORKMAN, Teacher, stated opposition to HB 298, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

Teaching in a place as unique as Alaska is an excellent example of why tenure laws are so important to students, communities, and successful schools.

Many students do not have good advocates who fight for them. Students need bold teachers to provide firm guidance and grace. Students in the best schools require teachers who teach controversial topics from multiple points of view. Students in the most successful schools require teachers that provide an effective and exciting education without fear.

The tenure laws of Alaska provide our teachers with confidence to be the best child advocates and educators possible; without fear of unjust reprisal from a school administrator.

Tenure does not mean that a teacher cannot be fired. In fact, if a school needs to dismiss a tenured teacher there is a straight forward process to follow and it often happens quite quickly.

The current law simply means that there is a fair process which must be followed. By striking this process, kids will lose strong advocates who are bold and exciting teachers.

In my own teaching practice, I educate kids about topics that some may find objectionable. In this Easter season I have the privilege to teach my 7th grade students about the Hebrews and their celebration

of Passover in remembrance of the Israelites escape from bondage. I also teach them about the Easter story of Jesus' resurrection from the dead and what Christ's passion and resurrection means to Christians around the world.

Aside from exciting histories, some of my most exciting lessons occur in outdoor education programs where kids build fires, learn to hunt and trap, and even butcher a beaver and eat it for lunch.

I am able to teach these stories and skills without fear of reprisal and being dismissed without cause. Tenure laws give me this security.

There are times when teachers need to disagree with administration on issues involving policy, programs, best practice, or how to respond to unique situations that will have huge impacts on student's futures.

Being able to advocate for students without fear of losing your livelihood is extremely important.

We should not expect teachers to bite their tongue or hold their breath when the future of their students is at stake. Teachers should not be scared to rock the boat when poor policies are foisted upon kids.

Teachers must stand up and advocate for kids! No one should be forced to sit quietly and agree politely when our children's plight hangs in the balance because a teacher feels that any contradiction might cost them their job.

Tenure is very important for the future of strong schools on the Kenai Peninsula and throughout Alaska! Our kids deserve good, bold, effective, teachers who are the best instructors and strongest advocates they can be.

[8:22:30 AM](#)

BARBARA CLARK, Teacher, stated opposition to HB 298, and said it's getting difficult to recommend to her student's that entering the teaching profession is a good career choice. Given the demands and uncertainty of the profession in today's climate, committing to a teaching career is becoming less

attractive. As a professional, a teacher should be able to become established in a community and contribute to the local economy with pride. Student teaching interns, with a passion for a fringe subject, must consider teaching the middle of the road courses as the safe route to a stable career. Teachers count on each other to properly prepare students for succeeding levels, as they pass through the grades, she said, making the hiring and retention of good teachers imperative. Additionally, she opined, the due process system for cultivating good teachers works. Administrators and principals should have the flexibility to choose the best staff, by having a wide range of options and offering attractive positions, which this bill does not accomplish, she finished.

[8:25:57 AM](#)

REPRESENTATIVE COLVER inquired what attracted her to a teaching career.

MS. CLARK responded that it isn't about money, but an adequate compensation and fair treatment is important. Her love of young people and a passion for the subjects she teaches is what keeps her in the classroom, she shared.

[8:27:29 AM](#)

NORM WOOTEN, Executive Director, Association of Alaska School Boards (AASB), Juneau, Alaska, testified in support of HB 298, and said a good teacher in front of students is the most important factor for increasing student achievement. Given the dire fiscal situation of the state, it's critical for school districts to have access to every possible tool available. The bill is important for preservation of programs that best serve the students. Flexibility will enable districts to continue to work toward increasing student achievement.

[8:28:36 AM](#)

REPRESENTATIVE SEATON pointed out that the bill doesn't indicate that a dire financial situation is a requirement for not retaining tenured teachers, student numbers need not be on a decline, neither does the [base student allocation (BSA)] come into question. The financial reasons don't appear to be a consideration, in HB 298, and he asked for an explanation of the dichotomy.

MR. WOOTEN said that the existing statute stipulates two scenarios for reducing tenured staff: 1) school attendance is decreasing, or 2) the basic need of a school district experiences a reduction of three percent from the previous year. Typically, the last in, is the first out, when reducing staff, which relates to non-tenured teachers. The bill allows protection of school programs, versus retaining tenured teachers. Otherwise it's possible to end up with a staff of tenured teachers who all share the same field of expertise, he cautioned.

REPRESENTATIVE SEATON noted that HB 298 eliminates the two triggers, but an explanation addressing the dire financial justification was not addressed in the response, he lamented.

[8:31:48 AM](#)

RAY ARCHOLETA, Teacher, Kenai Peninsula Education Association (KPEA), state opposition to HB 298, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I am the proud parent of two school age children, both whom are products of the Alaska public school system. Each of them built rapport with numerous teachers. This took time and dedication from each teacher and could not have otherwise been possible without consistent staff. This bill would open the door to inconsistency.

I am a special education teacher of over 10 years. I work with a select group of students many of whom come from dysfunctional homes: some with one parent, some adopted, some in transition. Why is this relevant to HB 298? I state that these children are exactly like my own - they need responsible, consistent, adults in their lives. Beyond my children, often times this population demonstrates attachment difficulties. People come and go so frequently they don't know what a healthy relationship looks like. Often, it is those in positions such as mine who fulfill the role teaching and modeling healthy relationships. Should a bill such as HB 298 pass, all educators could subjectively be part of a budget balancing act that would interrupt, or worse, scar this fragile population of students.

My 3rd and final point as to why I disapprove of HB 298. My spouse, who is also an educator, and I would not have been able to settle into Homer, or any Alaskan community if it had not been for the security of our jobs. However, HB 298, if passed, would not grant us a sense of stability.

For the sake of time, I conclude my testimony in restating that HB 298 should not pass. This is based on the best interest of students and their families, as well as the best interests of the educational communities. This bill could do more harm than good and is unnecessary.

[8:34:45 AM](#)

MARK FRAAD, Teacher, Kenai Peninsula Education (KPEA), state opposition to HB 298, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I am a teacher at Seward Elementary School. I am in my 33rd year of teaching. I have taught for five school districts in Alaska and at the American International School in Israel. I have taught everything from full time kindergarten to high school science.

I stand in opposition to HB 298.

Tenure is a far different thing in small communities like Seward. On the Kenai and in Seward we are already having trouble attracting teachers and filling positions. After all, times in Alaska are troubling; there is no defined benefit and wages are stagnant. Without tenure teachers will find it even less attractive to invest in Alaska and buy a home. The tenure system currently in place works and is effective.

Alaska is unique and should not be modeled like the Lower 48.

Parents in Seward know their teachers and take comfort in knowing that in this ever changing world at least there is security and consistency in their teachers and their child's education.

8:36:42 AM

ERIK PIERSON, Representative, Matanuska-Susitna Education Association (MSEA), state opposition to HB 298, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I teach 4th and 5th grade at Fronteras Spanish Immersion School, a K-8 school in the Mat-Su Valley. With that said, I'd like to say "thank you" many of you for your support in our acquiring the funding for our new school. Without such help from our elected officials, who knows how long we'd remain in the gravel pit we've been renting.

I made it through a three-year probationary period, which came with feeling more secure in my role as an educator. Now I've been looking at buying my first home ever, right here in Alaska. Just this morning they said on the radio that the Mat-Su Borough is now the second largest populated area in the state - a growing community that I would like to grow with. If HB 298 were to pass, I'm not certain if I ought to own a home if my sense of job security diminishes. I'm very confident in my job, so much so that I've been approached by parents telling me they'd love for me to loop with their students to middle school. However this bill doesn't translate well to my students if I'm easily replaced by a teacher whose salary might be less because of lack of experience or because I might have a difference of opinion with my principal. We need to maintain our qualified teachers and the fair process.

I am passionate about teaching and getting students fired up about learning. I would love to continue doing so in what I deem to be the best state in the union, despite the compensation I plan to earn upon retirement. However, a bill that would allow undefined "flexibility" to districts to layoff as they see fit would prompt me to look at more hospitable states. The lack of consistency would harm student achievement, thus I oppose HB 298.

8:38:57 AM

PAMELA LLOYD, Teacher, Anchorage Education Association (AEA), state opposition to HB 298, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I am an occupational therapist of 34 years and have worked with the Anchorage School District for 24 years. I have also worked for Providence Hospital, am an adjunct professor Creighton University, and the doctorate program at University of Alaska Anchorage (UAA).

I am speaking against HB 298. Changing the language and intent of the original bill will have an adverse effect on attracting qualified educators. Occupational therapists, physical therapists, speech language pathologists, school psychologists, and adaptive physical education teachers are a few of the educators grouped under related services. We are all very short staffed in Anchorage even with a small retention bonus. My department needs to hire contract people through outside agencies to meet our student needs. I work with the special education population. Like most students they need a stable school environment where their teachers, therapists and support staff remain stable. At one of my schools the speech language pathologist has changed every year for the past four years. This contract person will be replaced by another. One of our contract occupational therapists that I mentor would like to stay in Anchorage but there is not the security of retirement or a salary she can live with. HB 298 will add to the list of reasons why qualified educators will not stay in Alaska. That list also includes not having a defined benefit retirement or the ability to collect their full social security benefits from other states. Tenure allows security for our students and educators.

[8:40:45 AM](#)

DAVID BRIGHTON, President, Kenia Peninsula Education Association (KPEA), state opposition to HB 298, and said layoffs are currently underway. The bill is not necessary to make the appropriate staff adjustments and budgetary cuts, he opined. As KPEA president, he reported that he is working closely with the human resources department in the layoff process, which involves mandatory, involuntary transfers of tenured teachers. The Kenai

district, once able to attract a plethora of teacher prospects, is experiencing hiring difficulties. Certainly, teachers don't teach for the money, but they may decide not to enter the profession because of the lack of compensation. Tenure is a clear benefit and included in a teacher's contract. The study released by the Institute of Social and Economic Research (ISER), in the fall 2015, valued teacher tenure at \$16,000. It reported that if tenure were to be cut, or harmed, in order to attract the same level of teachers, a salary increase of \$16,000 would need to be included as a benefit balance. Better contracts attract better teachers, and better teachers provide a better education to students, and that is paramount, he finished.

[8:43:36 AM](#)

CHAIR KELLER clarified that the \$16,000, increase would be per teacher.

[8:43:59 AM](#)

REPRESENTATIVE DRUMMOND asked about the involuntary transfer among staff, and how HB 298 would effect that process.

MR. BRIGHTON explained the pupil teacher ratio (PTR) is reviewed, and when it's reduced, a full or halftime teaching position may be identified for redundancy. If two halftime positions exist they equal one fulltime position, but may be located in two different facilities. A teacher could accept the situation and it would be considered an involuntary transfer, as it is not a departure from the original contract.

[8:45:15 AM](#)

DIANE SHIBE, Teacher, Matanuska-Susitna School District, state opposition to HB 298, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

This bill destroys tenure. Please, don't be afraid of tenure. The word "tenure" is grossly misunderstood by many. Tenure simply means that a teacher has passed his probationary period. A probationary period is common in most professions. What's uncommon for teachers is that our probationary period lasts three years - much longer than most professions.

After we pass our probationary period, we then simply have rights to the seven steps of just cause if we are disciplined or dismissed. There's nothing mythical about the process.

My concern about HB 298 is that the ramifications will be widespread and are unknown. There remains too many questions about the impact of this bill and the degree to which it will disrupt schools.

Alaska's layoff statues have been in place for decades, through good budget years and bad. What is the difference now that makes this statute necessary?

What district with more students needs fewer teachers? Where would the extra money go if not in the classroom? Where are the studies that indicate this bill will improve student outcome?

Please do not pass HB 298.

[8:47:06 AM](#)

DON GRAY, Teacher, state opposition to HB 298, and said that given the brevity of time remaining in the legislative session, time could be better spent by taking other fiscal actions to improve state revenues, and he offered suggestions. Additionally, he described the economic drivers that are of more importance, for developing Alaska's economic stability. House Bill 298, he predicted, will cause law suits and other disruptions that will be of no benefit to the civic responsibility that the legislature must address.

[8:51:23 AM](#)

KEVIN SHIPLEY, Superintendent, Kake City School District, stated support for HB 298, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

Our teachers are the districts greatest assets and keeping them secure in their professional life is important. While I firmly believe that there should be robust protections to staff under statute in regards to a Reduction in Force, I also feel that the current law placing districts in a position where they do not have the flexibility or tools needed to decide what educational programs will be provided, to ensure

that we have qualified staff in those positions and in these uncertain financial times it provides little flexibility to be able to adjust to monetary concerns outside of their control.

Even if this bill passes there are still appropriate checks and balances and require each districts school board to approve the RIF plan. While this bill eliminates requirements on when a RIF could be implemented, it does not eliminate the tenure system.

There are several scenarios' I can envision where a district could lose significant revenue and not meet the current conditions set out in statute. This bill would allow those districts some flexibility when those financial extengencies arise.

I agree with the sentiment of the educators that have testified today, there are several things the legislature could do to make the teaching profession more appealing to prospective teachers, which would not cost the state additional funds.

Two scenarios:

TRS/PERS bill being introduced today would reduce the money available to districts but would not affect the districts basic need. As our schools are already to a reduced level

Money is cut after budget is set and districts cuts occur that year and districts decide to keep teachers and use.

[8:52:54 AM](#)

LISA PARADY, Executive Director, Alaska Council of School Administrators (ACSA), stated support for HB 298, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

Whilst unable to attend, I still need to express ACSA's support for HB 298, which would eliminate the two statutory provisions required in order to access a Reduction In Force (RIF) process. Those two provisions currently are:

- School attendance in the district has decreased;  
or
- The basic need of the school district determined by AS 14.17.410(b)(1) decreases by 3% or more from the previous year.

As Alaska's fiscal situation continues school districts are going to need every available tool to ensure we are to deliver a quality instructional program to our students. This is not about devaluing teachers. It is about ensuring we are able to place the "right" teachers in front of students. We need to have statues in place before the need exists so districts are able to quickly move to serve students.

For example, in the proposed TRS/PERS bill, the legislature is "being creative" to (a) not reduce "basic need" while (b) changing the financial situation/paradigm of the District. The PERS/TRS approach to reducing net state revenue to the District would not hit the very limited trigger of the current statute even though in effect the legislature would be using PERS/TRS to reduce state revenue to districts.

It should be noted that HB 298 does not eliminate the robust protections currently in statute for teacher seniority. By definition (as set out in the current statute for RIF implementation), any teacher that is RIF'd would be (a) a non-tenured teacher or (b) a tenured teacher less senior to another tenured teacher or (c) a tenured teacher who is not qualified (as set out in the current statute) for any position in the district.

Districts should not be asked to be responsible for limited resources without the flexibility or tools to (a) decide what educational programs will be provided by the district and (b) place qualified staff in those positions and (c) in times of limited resources, be able to consider all of their staff in making these decisions. As legislature asks Districts to do more with less, it should enable them to make fundamental staffing decisions.

Also note that there is a fundamental check on any RIF plans, in that they have to be approved by the Board. Thus the Board - as the reflection of the community -

decides that a RIF is needed in light of the educational offerings and resources of the District.

As Alaska's fiscal challenge continues, there will be more districts in this situation. The effect of the current statute is to hit larger districts with increased costs and program changes/cuts that leave a District "warehousing" or maintaining unneeded or unaffordable programs. It also leaves smaller districts with a significant percentage of tenured staff with insufficient room to make staffing decisions with the only "moveable" parts being non-tenured staff.

[8:57:25 AM](#)

REPRESENTATIVE SPOHNHOLZ asked about schools nationwide, and if this type of criteria is being applied to tenure, and whether it has effected recruitment and retention of teachers.

MA. PARADY said Alaska may be unique, and she agreed to provide further information.

[8:58:23 AM](#)

ROBIN GRAY, Superintendent, Yakutat School District, stated support for HB 298, and said it will not change the process but will allow more districts the ability to access the process. She predicted that HB 298 will prove to be very helpful in the smaller districts, such as Yakutat, where management of staff is critical. Seniority protections to the tenured staff will remain intact, and she said, tenured staff comprise the entire faculty in Yakutat. The smaller districts have very little adjustment room, when making staffing decisions. Invoking the two existing trigger criteria negatively impacts students in the classroom. The districts need as many options as possible, and the loss of programs does not serve students. She urged passage of HB 298.

[9:00:27 AM](#)

DR. DEENA PARAMO, Superintendent, Matanuska-Susitna Borough School District, stated support for HB 298, and pointed out that the bill addresses AS 14.20.177, reduction in force, while the majority of the testimony provided speaks to AS 14.20.175, non-retention. The bill isn't about saving money, she said, it's about a reduction in force. Displacement and transfer of

teachers are not laid off and, thus, do not relate to reduction in force. The bill is not about attraction, or recruitment of teachers, it's about reduction in force. It's neither about releasing non-tenured teachers who have administrative disagreements, nor teacher evaluations. In fact, she stressed, it's about putting the best teachers in front of students. She opined that the bill will allow appropriate placement of teachers and keep qualified teachers instructing the subjects they are best suited to deliver. She addressed Representative Seaton's previous question, and offered that expanding the statute to allow a reduction in force under certain fiscal situations, may be helpful. The local school boards need this type of control to support administrators who must appropriately place teachers during programmatic cut backs. She stressed the importance for focusing on the reduction in force, as the bill intends, versus the retention of tenured and non-tenured teachers, which is not part of HB 298. The appropriate statute needs to be understood, and the two, limiting triggers that are under AS 14.20.177.

[9:04:16 AM](#)

RON FUHRER, President, National Education Association (NEA) Alaska, state opposition to HB 298, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I am here to testify against House Bill 298.

These are difficult fiscal times for the State of Alaska and our school districts. Alaska's educators understand this, and we know that layoffs are coming. What we don't want to see is an upending of the layoff procedures that have been in statute for decades, which allow for local input and a collaborative approach to making difficult decisions.

Layoffs are never easy - they impact teachers, students, and communities. HB 298 would make an already stressful layoff process more unpredictable, more arbitrary, and ultimately lead to more uncertainty for teachers, parents, students, and administrators.

The bill also raises a number of questions - why are school districts finding it necessary to lay off teachers when student counts in some districts are

going up? Where does the additional funding go? How will this bill effect Alaska's ESSA implementation? What unintended consequences could result from the passage of HB 298?

The rule we have operated under for decades is that less experienced teachers should be laid off before more experienced teachers. For the most part, this keeps the highest qualified professionals in the classroom working with students.

It also allows teachers, tenured and non-tenured alike, some degree of certainty about where they can spend their careers and raise their families. When our members don't know if, or when, they might be laid off from one school year to the next, we lose our best and brightest to other states.

Is the current system perfect? No, and no layoff system ever will be. But we remain committed to working with superintendents and school boards at the local level and their state organizations to collaboratively find solutions to this question and others that address the needs of students across Alaska in a manner that is fair to our most qualified and experienced educators.

Today you have heard from teachers from across Alaska about their perspectives on this legislation, and their own experiences with layoff procedures. As you have seen, what makes sense in one community often isn't the right fit for another. But, by addressing these issues at the local level and working together, we can continue to create a positive result for our students.

[9:07:04 AM](#)

PATRICK MAYER, Superintendent, Wrangell Public Schools, stated support for HB 298, and said the quality of teachers in the district is evident in the consistently high test scores. He echoed the sentiments of Dr. Paramo, regarding the need to focus on the reduction in force process and the two triggers that are stipulated in statute. The bill provides an additional tool for prioritizing student needs and, if a reduction in force situation occurs, ensuring that the experts in any field are placed in the appropriate classroom. Smaller districts with

limited faculty have narrow margins and minimal wiggle room for making staffing decisions, when the only movable parts are non-tenured teachers.

[9:09:01 AM](#)

BYRON CHARLES testified on HB 298, and said young people are a fount of technological wisdom. New tools are important to understand, and require education and knowledge to implement. We're talking about qualifications, he underscored, people who are qualified to provide education for our younger generation. As opposed to dwelling on layoffs and cutbacks, the focus should be on the students, not the adults. He mentioned the Alaska statehood act as a prime example of a tool that was afforded to the state. The mechanics of yesterday are being retrained on the new technology of today's engines. Taking up new tools applies everywhere and it's important to consider qualifications, he stressed. What can we offer that will benefit the young people of the future generation, he finished.

[9:12:30 AM](#)

BOB CRUMLEY, Superintendent, Chugach School District, stated support for HB 298, and predicted that the current practices at Chugach will not be changed. However, if changes were afoot, the bill will be helpful in ensuring the least disruption to student programs. The bill will not erode the current protections in place for tenured staff, he opined.

[9:15:48 AM](#)

KAREN GABORIK, Superintendent, Fairbanks North Star Borough School District, stated support for HB 298, and said her comments reflect the sentiments of the superintendents who have previously testified, as well as Lisa Parady. The bill will allow districts the necessary flexibility to implement programmatic and staffing changes based on reasonable criteria that respond to district, student, and community needs. The local school boards will be empowered to make important choices regarding reduction in force. The Fairbanks district is currently projecting a growth cycle; however, that doesn't exempt the need to scrutinize programs for possible cuts. Under the current limiting, statutory, criteria, she said the district cannot reduce tenured staff regardless of the financial state or the resources that may not be sufficient to carry out current programs. She described a possible scenario to illustrate her point conjecturing how a tenured French instructor, lacking

other qualifications and skills would require being "warehoused." Further, she reiterated that HB 298 addresses reduction in force, versus the retention of tenured and non-tenured teachers. The local school board would still be required to approve a layoff plan, and a teacher's due process is fully retained. Regarding redirection of funds, she said operation costs vary from year to year and the formula allocation doesn't always cover the increases.

[9:21:01 AM](#)

CHAIR KELLER closed public testimony and announced HB 298 as held over.

#

**HB 305-EDUCATIONAL EXEMPTION FOR YOGA TRAINING**

[9:21:16 AM](#)

CHAIR KELLER announced that the final order of business would be HOUSE BILL NO. 305, "An Act relating to yoga training programs; and relating to an exemption from the regulation of postsecondary educational institutions."

[9:21:49 AM](#)

REPRESENTATIVE TALERICO moved to adopt the proposed committee substitute (CS) for HB 305, Version 29-LS1401\H, as the working document. There being no objection Version H was before the committee.

[9:22:16 AM](#)

REPRESENTATIVE LYNN GATTIS, Alaska State Legislature, introduced HB 305, as prime sponsor, paraphrasing from a prepared statement which read as follows [original punctuation provided]:

This bill may seem small or even trivial, but it is indicative of a larger issue. As we work through significant budget cuts, sometimes departments look to offset the loss of those funds by finding other sources of revenue. This is oftentimes done by charging more for services or implementing fees on new things. That's what this bill prevents, Mr. Chair. It is ultimately about defending our fellow Alaskans from an overreaching government. With this bill, we are proposing sideboards for the regulatory powers of the

Alaska Commission on Postsecondary Education—also known as ACPE. We need to prioritize smaller government and we must do everything we can to ensure that the government is helping Alaskans when they need it, by getting out of their way when they don't. This bill simply exempts programs done primarily for enjoyment and not as a career.

[9:23:41 AM](#)

CHRYSTAL RANDOLPH, Staff, Representative Lynn Gattis, Alaska State Legislature, provided the sectional analysis of the proposed CS, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

Section 1:

AS 14.48.030 (a). Adds new lines.

Exemptions to the Regulations of Postsecondary Institutions.

Exempts programs that are in a field that:

A. Does not require a professional or occupational license under AS 08.

B. Provides training primarily for recreational purposes; and

C. At the advanced training level, prepares program graduates to teach or instruct in that field.

Section 2:

AS 14.48.030. Adds new subsection.

Exemptions to the Regulations of Postsecondary Institutions.

Requires the educational programs or institutions that are exempt under (a)(5) to provide students with written notice, before enrollment, that the program or institution is exempt from state authorization requirements.

Section 3:

AS 14.48.030. Adds new paragraphs.

Exemptions to the Regulations of Postsecondary Institutions.

Provides definitions to the terms "avocational," "recreational," and "vocational".

[9:25:55 AM](#)

REPRESENTATIVE COLVER noted that the CS appears to keep government overreach in check.

REPRESENTATIVE GATTIS concurred.

[9:26:27 AM](#)

REPRESENTATIVE SEATON noted that massage therapists are not included, and surmised that such activity is governed under an occupational licenses bill.

REPRESENTATIVE GATTIS confirmed the members understanding.

REPRESENTATIVE SEATON asked about advanced training levels for teaching and whether it includes activities such as ski instruction.

REPRESENTATIVE GATTIS deferred.

MS. RANDOLPH responded that the intent would not be inclusive of enjoyment sports.

REPRESENTATIVE SEATON asked whether ski instructors are regulated under a commission.

MS. RANDOLPH responded no.

REPRESENTATIVE SEATON requested information that clearly defines the parameters of the bill.

[9:29:13 AM](#)

REPRESENTATIVE GATTIS said no activities are being taken out of regulation, and the intent is to protect other activities from being included in existing regulation.

[9:30:12 AM](#)

REPRESENTATIVE COLVER questioned whether the bill would result in a cost savings to instructors who are seeking a license.

REPRESENTATIVE GATTIS answered that it eliminates any costs associated with receiving a license, if one is not required.

9:31:33 AM

REPRESENTATIVE SEATON asked whether the bill removes any requirements relating to current positions under purview of the commission, pertaining to instructor training courses.

STEPHANIE BUTLER, Director of Operations, Postsecondary Education Commission, Department of Education and Early Development (EED), answered that only the yoga programs would be impacted by this change.

REPRESENTATIVE SEATON noted that the commission is currently regulating the yoga programs, and asked for an analysis of the benefits/necessity for continuing the oversight.

MS. BUTLER responded that the commission is charged with education consumer protection oversight and the staff analysis indicates that no consumer protections will be jeopardized by exempting the yoga programs via passage of the bill.

9:33:25 AM

JODEE DIXON, Owner, The Yoga Path, stated support for HB 305, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I have been practicing the art of yoga for 17 years. Yoga is a lifestyle for the people who practice it. I opened my studio here in Juneau one and a half years ago. I've been instructing yoga for over 10 years. Last year I had 5 people enrolled in my yoga teacher training program, or as we call it YTT. This program is advance yoga for people who want to expand their yoga experience and possibly instruct yoga. After completion of the program these individuals sometimes teach a couple of yoga classes in exchange for studio time or fill in for people like myself when I'm on vacation or travelling for business.

Last year ACPE contacted me and informed me that I needed to register with their agency because I was offering a YTT that exceeded a 15 days or 120 hours and upon completion I issued a certificate of completion. The certificate I issue is only good for one thing, to build a personal profile on the Yoga Alliance Registry. ACPE informed me that I could

complete the training for the 5 people I had already started, but if I want to continue offering YTT I would need to complete their application and pay a \$2,500 fee. When I reviewed the application I realized that I would have to purchase insurance above the level that my insurance broker and I determined I need. I determined I would need a minimum of 6 people in my program just to break even, so I have discontinued offering my YTT program at this time.

The State of Alaska does not regulate yoga studios or people like me that teach yoga. I do not have to possess a specialty license like massage therapist or barbers. In fact, any one of you can open a yoga studio and teach yoga without any formal training. We have been told it we stopped calling our program a yoga teacher training and stopped issuing certificates of completion we would not be subjected to register and pay the \$2,500 fee to ACPE.

I am a member of the Yoga Alliance, a non-profit membership trade association that represents yoga teachers and yoga studios. Yoga Alliance has established voluntary yoga industry standards for YTT programs and maintains a registry of people who have completed YTT programs.

Please support the passage of HB 305.

[9:36:01 AM](#)

REPRESENTATIVE COLVER asked what triggered the involvement of the commission to contact her about regulatory compliance.

MA. DIXON responded that the statutory threshold of 120 hours was exceeded. The standard yoga instructor certification training requires 200 hours.

[9:36:46 AM](#)

BARBARA DOBBERTHIEN, Executive Director, Yoga Alliance, stated support for HB 305, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

Yoga Alliance is an international association representing nearly 80,000 small businesses and

individuals in the yoga industry; 232 of those are in Alaska.

As you know, the effect of HB 305 would be to clarify that the Alaska Commission on Postsecondary Education (ACPE) institutional authorization process does not apply to yoga teacher training programs (YTTs). This clarification is important because institutional authorization by ACPE is designed for programs that provide "for attainment of educational, professional, or vocational objectives." Alaska Stat. 14.48.210. Since participants in YTT programs primarily attend for recreational and avocational purposes, exempting these programs from ACPE regulation is appropriate and necessary to prevent undue burden on small yoga studios.

[9:38:03 AM](#)

CHAIR KELLER closed public testimony.

[9:38:14 AM](#)

REPRESENTATIVE COLVER stated support for HB 305 and said it would remove unnecessary regulation and increase access to yoga.

[9:38:30 AM](#)

REPRESENTATIVE TALERICO moved to report the proposed CS for HB 305, Version 29-LS1401\H, with individual recommendations and the accompanying fiscal notes. There being no objection CSHB 305(EDC) was reported from the House Education Standing Committee.

[9:39:20 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:39 a.m.