

HB

512

MEMORANDUM

April 29, 1981

TO: Linn Asper
Legal Services

FROM: Mike Belrne
Representative

RE: House Bill 512

I have taken a closer look at HB 512, which you drafted and discovered that Section 2 is not quite what I wanted. I realize that this bill may have some questionable legality, yet I'm only introducing it to make a point.

Therefore, I would like something added to Section 2 which would allow the PTA to initiate dismissal proceedings against an incompetent teacher. As presently worded, the bill only allows them to approve or disapprove such proceedings after they have been started by someone else. Unfortunately, such proceedings are very rarely instituted once the teacher has acquired tenure rights, even though their value or competency as a teacher is questionable.

Should you have any questions, please contact Jens in my office at 3759.

WORK ORDER REQUEST FORM

N12- 1403

KEYWORDS: teachers
education
rights

ASSIGNED TO ASST

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT PTA Veto Over Teacher Employment

REQUESTED FOR Rep. Weirne BY Weirne EX. 3772

DELIVER TO Representative Weirne TAKEN BY ASST

INSTRUCTIONS, EXPLANATIONS Grant PTA of a sch. of district the right to review and veto the hiring and firing of a teacher.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH _____

RETURN _____

TO REQUESTER

APPROVED: 4/78 Director, Legal Services

REVIEWED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

IN 4/5 DUE _____

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

DRAFT

FINAL

- HB 495 (HESS) Beirne - increases the school year to 210 days at minimal cost since "teachers are already paid for a full year's work whether they work a full year or not".
- HB 512 (HESS) Beirne - provides that the PTA shall have the right of review of all employment contracts, dismissals, and non-retention of teachers.
- SB 437 (HESS, Judiciary) Stimson, Fischer, Rodey, Kelly; protects confidential communications between students and teachers.
- SB 463 (HESS, State Affairs, Finance) Ferguson: Establishes the Alaska State Teachers College.

END OF SESSION?!?

Current speculation is that adjournment will not come before the end of May. However, if differences can be resolved and closure given to the Operating and Capital Projects budget, look for the legislators to become extremely anxious about adjournment.

MORE ON ARBITRATION

The efforts of NEA-Alaska members on arbitration, one of our highest priorities for a number of years, have been extremely positive, effective and significant. Previously reluctant legislators have worked closely with those who have been committed to the issue to find a fair and equitable solution to the need for finality in the bargaining law. We are closer but certainly not at a point where we have a solution. Opposition from the State Board of Education after being neutral for a number of years, the traditional opposition from AASB, a vacillating and somewhat inconsistent position by the Anchorage Board of Education, and resistance from some interest groups continue to stand in the way of a final legislative remedy. Interestingly, the Superintendents Association, while philosophically opposed to arbitration, has worked in conferences and committee meetings to help in defining the best kind of arbitration process should a bill be passed. We anticipate and look forward to participation in an interim legislative committee charged with the responsibility to come up with comprehensive reform to the teacher bargaining law.

MORE ON SCHOOL BOARDS

At their National annual convention in Dallas on 10 - 12 April, after an evening of entertainment by Johnny Cash, the delegates got down to business and took a strong position in opposition to Reagan's budget cuts which are devastating to education. Their position in opposition is extremely close to the one which NEA had taken when the budget cuts were first announced.

FLY-IN WRAP UP

See the current Alaska Teacher for a more comprehensive report. It was an excellent session and Senator Charlie Parr and Representative Don Clocksin were extremely cooperative in providing forums in the formal HESS Committee hearings for issues which were extremely important to teachers. A lot of individual contacts combined with a variety of hearing circumstances did give us an excellent opportunity to put our issues before the Legislature. To all Associations who were represented at the Fly-In, a very sincere thanks!!!

LOBBYISTS DILEMMA

Where is the commonality in: support for Mini Title IX, need to carry a concealed weapon, 210 day school year, renewable contract marriages, and PTA prerogative in hiring and firing teachers?? Answer: Representative Mike Beirne, R, Anchorage.

NOTES

Senator Mike Colletta, R-Anch., continues to work closely with us on getting an arbitration bill which closes the question of finality. Representative Mike Miller, D-Juneau, testified in behalf of the arbitration bill in House HESS in a very positive and emphatic way and continues to work closely with us on the retirement issues. Senator Vic Fischer, D-Anch., and his staff are also working closely with us on the retirement issues. Rep. Don Cl, D-Anch., and his staff have been extremely cooperative on all teacher issues and did schedule a significant number of them for hearing during Fly-In. Senator Dick Eliason, R-Sitka, continues to be open on issues which are important to NEA-Alaska including the Foundation Funding Program. Senator Tim Kelly, R-Anch., is working closely with us on two major priorities - Arbitration and Mini-Title IX. Senator Arliss Sturgulovski, R-Anch., has been extremely positive on a "need to know" perspective on both sides of the arbitration issue. Senator Pat Rodey, D-Anch., and his staff have been working closely with us on retirement and personnel file issues. Representative Thelma Buchholdt, D-Anch., has been a key person throughout on Title IX and deserves credit from everyone to whom this effort has been a major issue. Senator Charlie Parr, D-Fairbanks, has been a major advocate on the Title IX issue. A lot of credit goes to a lot of people on this issue which

STATE OF ALASKA
THE LEGISLATURE

FOUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 9, 1981

SUBJECT: Delegation of review authority on teacher
employment decisions; local PTA's (Work Order
No. 12-1404)

TO: Representative Michael F. Reirne

FROM: *C.H.A.* Linn H. Asper
Legislative Counsel

You have asked for a bill giving PTA's a veto power over school district teacher employment decisions. I have drafted the bill according to your request, but there are some major problems with this proposal. In the first place, the partial delegation of authority over teacher employment to private organizations may exceed the power of the legislature under the state constitution. It is clear from the constitution that the legislature has power over public education in the state (Article VII, section 1). The delegation of educational functions to local school boards has been upheld by the Alaska Supreme Court, Macauley v. Hildebrand, 491 P.2d 120 (1971). The Court has not, however, considered a delegation of teacher employment authority to a private, unincorporated association such as a PTA. Nor can I find instances in other states where this kind of power has been delegated to a PTA. My opinion is that the Court is likely to strike down the proposed delegation as exceeding Article VII, section 1 of the constitution by distinguishing between delegations to publicly elected school boards and delegations to privately organized PTA's.

A second problem, assuming that the PTA delegation referred to above is valid, concerns the nature of a PTA. A PTA is essentially a club or association with no real form or substance under Alaska law. If this bill is passed situations will arise such as the creation of rival PTA's competing for the power to review teacher employment decisions. Which one would be recognized? Who would do the

Representative Michael F. Beirne
Page 2
April 9, 1981

recognizing? In short order there would be a need for legislation to certify PTA's to exercise statutory veto power, and a corresponding need to require PTA's to follow certain procedures in exercising that power. The PTA's would find themselves regulated by the Department of Education and forced into a certification process to determine which organizations would represent which schools.

In summary, it seems that this power over teacher employment may not be delegable to a PTA, and if it is, there will have to be extensive guidelines established on how the power is exercised and by whom. Please review the bill in light of these comments and let me know how you want to proceed on this matter.

LHA:ljb

Enclosure



Official Business

Alaska State Legislature

House of Representatives

Committee on

Health, Education & Social Services

March 1, 1982

Pouch V
State Capitol
Juneau, Alaska 99811

Agenda

SCSB 119(Fin) Teacher Housing ✓

Witnesses:

Sen. Terry Stimson ✓
Bob Cooksey, NEA ✓ *Bob Mander NEA ✓*
Steve Hole, Dept. of Ed. ✓
Bob Greene ✓ School Boards

HB 353 School Class Size

Witnesses:

Rep. Mike Miller ✓ *Margorie Gorauch - concerned parent.*
Steve Hole, Dept. of Ed. ✓ *Bob Greene, Sch Bd*
Bob Cooksey, NEA ✓

HB 238 Transfer/Reassignment of teachers

Witnesses:

Rep. Pappy Moss(?) ✓
Steve Hole, Dept. of Ed. ✓ *Bob Greene*
Bob Cooksey, NEA ✓

HB 512 PTA approval Hiring/Dismissal of Teachers

Witnesses:

Steve Hole, Dept. of Ed. ✓
Bob Cooksey, NEA ✓

Bob Greene
Sent 1 no
" 2 - yes

Tenure

April 2, 1982

Mr. Mike Beirn
Health, Education and Social Services' Committee
Room 112 Capitol Building
Juneau, Ak. 99811

Dear Rep. Beirn;

The Glennallen P.T.A. at its March 18th meeting considered HB 512 and decided that the concept of having P.T.A. input into the non-retention or dismissal of teachers would probably degenerate into a witch hunt, in the community. However we feel that P.T.A. input into the selection of our teachers would have a positive effect and increase the sense of involvement within the local community.

Sincerely

Margaret Willis
Acting Secretary
Glennallen P.T.A.

*sports - coaches - school loyalty -
Beirne Medal winning coach*

Original sponsor: Beirne
Matlabatta Is.

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 512 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

30% turnout

4 TWELFTH LEGISLATURE - SECOND SESSION

*Congratulations to The Warriors
young girls Baseball team -*

A BILL

old crumbly - serial -

5 For an Act entitled: "An Act relating to the employment and dismissal of
6 teachers; and providing for an effective date."
7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 14.20.130 is amended by adding a new subsection to read:

10 (b) Before a contract is issued to a teacher who has not been
11 employed in the district during the school year preceding the year for
12 which the contract is to be issued, the employer shall submit the con-
13 tract to the parent-teacher organization, if any, for the location where
14 the teacher is to be employed. The parent-teacher organization may
15 recommend approval or disapproval of the contract within 30 days after
16 the contract is received for review. The employer shall consider a
17 parent-teacher organization recommendation in making a decision on the
18 issuance of the contract. *in addition the employer shall allow the*

19 * Sec. 2. AS 14.20.170 *PTA delegate to participate in future teacher interview* is amended by adding a new subsection to read:

20 (c) A school board shall consider dismissing a teacher if the
21 parent-teacher organization, if any, for the location of the teacher's
22 employment files a request for the dismissal with the school board
23 containing a statement of the reasons for dismissal. If the school
24 board determines that there is cause for dismissal under (a) of this
25 section after considering the parent-teacher organization statement and
26 other relevant information, the teacher shall be dismissed.

27 * Sec. 3. This Act takes effect July 1, 1982.
28
29

Introduced: 5/6/81
Referred: Health, Education &
Social Services

1 IN THE HOUSE

BY BEIRNE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 512

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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12 which the contract is to be issued, the employer shall submit the
13 contract to the parent-teacher organization for the location where the
14 teacher is to be employed. The parent-teacher organization may approve
15 or disapprove the contract within 30 days after the contract is received
16 for review. If the parent-teacher organization disapproves the contract
17 within the prescribed time limit, the contract may not be issued by the
18 employer. If the parent-teacher organization approves the contract, or
19 fails to take action within the prescribed time limit, or if there is
20 no parent-teacher organization for the location where the teacher is to
21 be employed, the contract may be issued by the employer.

22 * Sec. 2. AS 14.20.170 is amended by adding a new subsection to read:

23 (c) A school board shall dismiss a teacher if the parent-teacher
24 organization for the location of the teacher's employment files a
25 request for the dismissal with the school board containing a statement
26 of the reasons for dismissal, and the school board determines that the
27 statement establishes cause for dismissal under (a) of this section.

28 * Sec. 3. This Act takes effect July 1, 1981.

1 IN THE HOUSE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 512 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

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13 ~~tract~~ ^{of} to the parent-teacher organization, if any, for the location where
14 the teacher is to be employed. ^{of which the employer shall allow a PTA to participate} The parent-teacher organization may
15 recommend approval or disapproval of the contract within 30 days after
16 the contract is received for review. The employer shall consider a
17 parent-teacher organization recommendation in making a decision on the
18 issuance of the contract. ^{In addition, the employer shall allow a PTA}
^{delegate the opportunity to participate in all}

19 * Sec. 2. AS 14.20.170 is amended by adding a new ^{sub} subsection to read:

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21 parent-teacher organization, if any, for the location of the teacher's
22 employment files a request for the dismissal with the school board
23 containing a statement of the reasons for dismissal. If the school
24 board determines that there is cause for dismissal under (a) of this
25 section after considering the parent-teacher organization statement and
26 other relevant information, the teacher shall be dismissed.

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Official Business

Alaska State Legislature

House of Representatives

Committee on

Health, Education & Social Services

Pouch V
State Capitol
Juneau, Alaska 99811

April 20, 1982

Agenda

CSSSSB 778	Blind Vendors ✓
HJR 86	Encourage Passage H.R. 5313
SB 517	Extend loan repayment of Child Care facilities
HB 512	PTA approval hiring/dismissal teachers

a Memo from

PELICAN SCHOOL DISTRICT

P.O. BOX 603 • PELICAN, ALASKA 99832

Phone (907) 735-4411

attn Chairman
to House (NESS) Committee

date 3-22-82

subject HB 512 - STA

message

Sirs - I am writing to express opposition to HB 512. Of parents do not like the kind of teachers that are selected they should give the administration of hiring and firing recommendations as taken from the administration you will render the "local" ineffective.

reply no later than

no reply necessary

PLEASE REPLY TO

signed

Joseph J. Allen
Superintendent

reply

date

answered by

ONE 4108

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 512
 Title An Act relating to employment and dismissal of teachers
 Requested by House HESS Date 2-26-82

II. FISCAL DETAIL
 Agency Affected Education
 Program Category Affected Elementary and Secondary
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
POSITIONS		-0-	-0-	-0-	-0-	-0-

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

This bill has no fiscal impact on this department.

IV. DATE February 26, 1982 PREPARED BY Steve Holm
 AGENCY Education
 Original: Legislative Finance PHONE 465-2800
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

North Slope Borough School District

P. O. Box 169 • BARROW, ALASKA 99723 • 852-5311

May 13, 1981

Health, Education and Social Services Committee
The Honorable Mike Beirne
Pouch V
State Capitol
Juneau, Alaska 99811

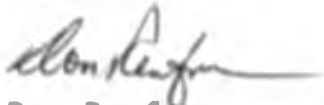
Dear Representative Beirne:

This is in response to House Bill No. 512 entitled "An Act Relating to the Employment, Non-Retention or Dismissal of Teachers." It appears to me that the bill would violate the authority given school boards to operate and control the school in Sec. 14.14.130(c).

Being illeget, notwithstanding, the placing of matters of employing, non-retaining and/or dismissing teachers in hands of non-professionals would be a significant step backwards in public education. There are a multiplicity of areas which must be evaluated in order to determine the competency or incompetency of teachers. In all areas except teacher/Community relationships, the evaluation, to be valid, must be done by persons trained to make that evaluation. If this bill is passed, I envision a contest where a complex array of teaching skills would be overlooked in favor of popularity.

I urge you to let this bill die a natural and just death.

Sincerely



Don Renfroe
Superintendent

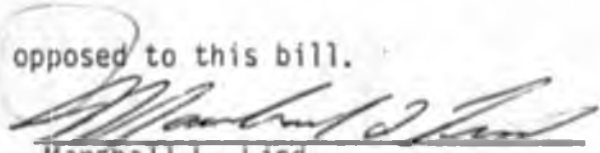
DR:jk

DEPARTMENT OF EDUCATION

POSITION PAPER HB 512

February 26, 1982

The State Board of Education is opposed to this bill.

A handwritten signature in dark ink, appearing to read "Marshall L. Lind", is written over a horizontal line.

Marshall L. Lind
Commissioner

OTHER BILLS OF INTEREST

- HB 495 (HESS) Bairne - increases the school year to 210 days at minimal cost since "teachers are already paid for a full year's work whether they work a full year or not".
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27 April 1981

Lobbyists: Carolyn Doggett, Bob Manners, Bob Cooksey, Jim Alter

Your April 7 (Number 5) issue of the Legislative Newsletter contained a composite list of all legislation which may be of interest in addition to the status report of our priority legislation. Rather than repeat the entire list we will only be adding to it in subsequent issues and, of course, reporting on the status of key bills. Hopefully, you have retained a copy of issue Number 5. If not, call the Juneau office and we will forward one to you.

PRIORITY LEGISLATION

ARBITRATION

- CS SB 126 In Senate Community and Regional Affairs; should be passed out on Tuesday 28 April; goes to Rules (Chair: Senator Tim Kelly) for calendaring for floor action.
- CS HB 163 Passed out of House HESS on 21 April, goes to House Judiciary (Chair: Rep. Fred Brown).

RURAL HOUSING

- CS SB 119 Passed out of Senate HESS, goes to Senate Finance (Co-Chairs: Senators Don Bennett and Ed Dankworth).
- CS HB 302 Passed out of House HESS, goes to House Finance (Chair: Rep. Sam Cotten)
- SB 176 Rental subsidy for rural teacher housing; still in Senate HESS.

MINI-TITLE IX

- CS SB 99 Passed Senate on 10 April, 16-2 (Against: Sackett, Ziegler; Absent: Rodey, Fahrenkamp).
- HCS HB 99 Passed House HESS on 16 April, passed 24 April on House Floor by 32-2; Against: Blysm, Randolph Absent: Bairne, Bettisworth, Fanning, Haugen, O'Connell, Chuckwak. Goes back to Senate for concurrence on changes; we don't anticipate any major problems.

RETIREMENT

- HB 121 PRPA, 2 1/2 Multiplier; in House State Affairs, we are working on a committee substitute; the Administration has set some parameters relative to costs which may be a serious problem for teachers.
- HB 35
- SB 60 In Senate Labor and Commerce; PRPA, 2 1/2 multiplier; will also be working on an appropriate committee substitute.
- SB 61 Gives TRS Board authority to adopt regulations; passed Senate HESS, in Judiciary with hearing scheduled for 27 April.
- SB 101 Retirement credit for BIA, Peace Corps; in Senate State Affairs; working on a committee substitute as a housekeeping bill which clears up a lot of issues relative to retirement.
- SB 199

FOUNDATION FUNDING: There is a significant reluctance to increase the Instructional Unit allotment beyond the level set in the last legislative session. Since the program is forward funded by one year the urgency of doing something now is somewhat diminished. Our effort must be to continue the forward funding concept which means that the legislation should deal with the program for FY 83 now. We need to continue to emphasize the importance of supplemental special education funding, some of the capital project requests which provide for renovation and construction, and the need for supplemental funds from Districts with legitimate requests for housing and excessive costs attendant to energy and maintenance. The Endowment Fund concept probably will not move in the current session but we must continue to explore the positive potential in this option and in the Constitutional amendment consideration for a public school fund as put forth by Senator Dick E. Ianson in SJR 1.

OTHER PROFESSIONAL ISSUES

- HB 238 In House HESS, restricts involuntary transfers.
- HB 268 In House HESS, pertains to Health and Safety issues for teachers.
- HB 353 In House HESS, class size.
- SB 90 In Senate Judiciary; hearings on 27 April; pertains to privacy and public information; our concerns attendant to teachers' personnel files are being effectively addressed.
- HB 397 In House HESS, hearings on 7 May; provides for certificated staff in-service programs and staff development.

CALENDAR

15, 16	May	NEA-Alaska Board of Directors	Fairbanks
16 - 20	August	Annual Leadership Academy	Anchorage

PLAN NOW!!

4-2-82

STI Tham - 7885, Ed. done

Kay Bunnell - OddC

INvolvement!

Tennise

SATCH CARLSON

Butler H.S. - 9 yrs.
NO PTA

Chuck O'Connell.

Jean Krause - W. Hill 11 yrs.
dead horse

Tom Crandall - Twin Hills

12

Current system

4-1-81

June

① Bill to extend school year
to a full 10 mo. or 12 mo.

already paying teachers so no add costs

" have schools " " " "

Revenue during it

Ed. is Flagship of State

What is
Purpose -

Confidential

② Bill to give PTA authority to veto the
hiring of a certain Teacher.

Committee of Commerce

③ 2/ Mayor of Juneau

All why they ask him why no support for Citizen Participation Bill?
why they don't even support it?