

HB

74

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: AB 74

Sponsor: GRUENBERG

Date referred to committee: 4/4

Synopsis completed:

Fiscal note:

Further referrals: FINANCE

CONTACTS:

of ✓ Nancy Bennett - Gruenberg
call after mtg. ✓ Muee Ronnekepp - Bethel 543-2748 (543-3611 X288)
✓ Bill Wallers - Guild Jones
✓ Glen Robertson BIA - 586-7177
Don Stout - Retirement; Benefits -
✓ Jon Binkley
✓ Ken Humphreys - Retirement; Benefits
✓ Bob Stallmaker 4470 - Retirement; Benefits

STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House State Affairs Committee 2/5/1985, 3:00 pm
" " " " 2/7/1985, 3:00 pm

**COMMITTEE REPORT
SENATE**

FURTHER: FINANCE

4/4/85

Date 4-16-85

Mr. President

The Committee on HESS considered CSHB 74(SA)am

participation of certain former BIA employees in the Teachers' Retirement System.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

**MEMBERS SIGNING
DO PASS**

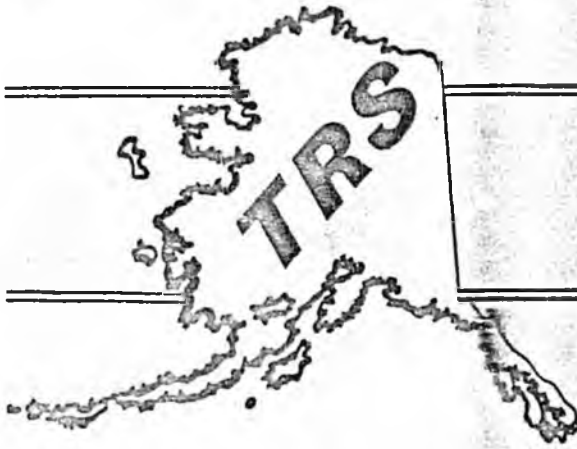
[Handwritten signatures]

**MEMBERS HAVING
OTHER RECOMMENDATIONS**

[Handwritten signature]

Chairman
[Handwritten signature]

Chairman recommendation



**ALASKA
TEACHERS'
RETIREMENT
SYSTEM**

**Including
GROUP HEALTH AND LIFE INSURANCE**

STATES

July 1982

(8) "BIA service" means service, including partial years, as a teacher in a school operated by the Bureau of Indian Affairs in Alaska;

(9) "compensation" means the total remuneration paid under contract to a member for services rendered during a school year, including cost-of-living differentials, payments for leave that is actually used by the member, the amount by which the member's wages are reduced under AS 39.30.150(c), and the amount deferred under an employer-sponsored deferred compensation plan or the tax shelter annuity plan approved by the Department of Education but does not include retirement benefits, welfare benefits, per diem, expense allowances, workers' compensation payments, or payments for leave not used by the member, whether those leave payments are scheduled payments, lump-sum payments, donations, or cash-ins; for purposes of AS 14.25.050, compensation paid includes any payment made after June 30 of a school year for services rendered before the end of the school year;

(10) "credited service" means all membership service as provided in (20) of this section, territorial employment as defined in (41) of this section, plus outside, military, and Alaska BIA service with outside and military service limited to 10 years except under the conditions set out in AS 14.25.100;

(11) "deferred vested member" means an inactive member who meets the service requirements of a vested member;

(12) "dependent child" means an unmarried child of a member, including an adopted child, who is dependent upon the member for support and who is either (A) less than 19 years old, or (B) less than 23 years old and registered at and attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education; the age limits set out in this paragraph do not apply to a child who is totally and permanently disabled;

(13) "disabled member" means a member who is terminated, who has not received a refund from the system, and who is receiving a disability benefit from the system;

(14) "early retirement" means retirement under AS 14.25.110(b);

(15) "employer" means a public school district, the Board of Regents of the University of Alaska, the Department of Education, the National Education Association of Alaska, the Regional Resource Centers or the state legislature with respect to a state legislator who elects membership under AS 14.25.040(b);

(16) "former member" means a member who is terminated and who received a total refund of the balance of the mandatory contribution account, or who has requested in writing a refund of the balance of the mandatory contribution account;

(17) "full-time teacher" means a ~~teacher~~ occupying a position requiring teaching on a regular basis ~~for~~ the normal work period per day or week at a teaching assignment ~~excluding~~ teaching as an assistant or graduate assistant or ~~teacher~~ on a substitute, temporary, or per diem basis;

(18) "inactive teacher or member" ~~means~~ a member who is terminated and who has not received a refund ~~from~~ the system or a member who is on leave of absence and who is ~~not~~ making contributions under AS 14.20.345;

(19) "member contribution account" ~~means~~ the total maintained by the system of the member's mandatory contributions, indebtedness principal and interest contributions, interest credited to each of those accounts, and adjustments to the ~~account~~ in accordance with AS 14.25.170;

(20) "membership service" means

(A) full or part-time service as a ~~teacher~~ in a public school in the Territory or State of Alaska, or both, ~~under~~ the supervision and control of the Territorial Board of Education ~~or~~ the Department of Education or the school board of a city, regional ~~educational~~ attendance area, or borough school district;

(B) full-time or part-time teaching ~~at~~ the University of Alaska or a full-time administrative position at ~~the~~ University of Alaska which requires academic standing and which ~~has~~ been approved for inclusion in the system by the administrator;

(C) any period during which the ~~teacher~~ receives a disability benefit under this system or is on an approved ~~sabbatical~~ leave granted in accordance with AS 14.20.310; or

(D) continuous service as a state ~~legislator~~ when performed by a state legislator who elects membership ~~under~~ AS 14.25.040(b), subject to the requirements of AS 14.25.040(c);

(21) "military service" means ~~active~~ in the armed forces of the United States;

(22) "nonpublic school" means a ~~school~~ established by an agency other than a state which is primarily ~~supported~~ by other than public funds, and operation of whose programs ~~is~~ with other than publicly elected or appointed officials, and is ~~state~~ approved or accredited;

(23) "non-vested member" means ~~an~~ active or inactive member who does not meet the requirements of a ~~vested~~ member or deferred vested member;

(24) "normal retirement" means ~~retirement~~ under AS 14.25.110(a);

(25) "outside service" means service

(A) as a certificated full-time elementary or secondary teacher or a certificated person in a full-time position requiring a teaching certificate as a condition of employment ~~in~~ out-of-state public school

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 2

<p>REQUEST (State Bill/Resolution No.: <u>CSHB 74 Affairs</u>) Title: <u>"...Participation of Former Professional Educators..."</u> Sponsor: <u>Gruenberg</u> Requestor: <u>Hurley</u> Date of Request: _____</p>	<p>FISCAL DETAIL Agency Affected: <u>Department of Education</u> Program Category Affected: <u>TRS</u> BRU, Program or Subprogram(s) Affected: _____</p>
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EXPENDITURES/REVENUES: (Thousands of Dollars)

Operating	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 Personal Svcs						
100 Ptmnt & Bnfts		12.4	13.4	14.5	15.6	16.9
200 Travel						
300 Contractual						
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match		72.2	78.0	84.2	91.0	98.2
TOTAL OPERATING	-0-	84.6	91.4	98.7	106.6	115.1

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		84.6	91.4	98.7	106.6	115.1
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	84.6	91.4	98.7	106.6	115.1

POSITIONS:	-0-	-0-	-0-	-0-	-0-	-0-
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FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

J.K. Humphreys

Prepared By: J.K. Humphreys, Director Phone: 465-4470
 Division: Retirement & Benefits Date: 2/11/85

Approved by Commissioner: Lisa Rudd Date: 2-15-85
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

CS for House Bill 74 (State Affairs)
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

February 11, 1985

Analysis: Passage of this bill would allow those former BIA employees acting in the capacity of a BIA professional educator to claim that service in the Teachers' Retirement System (TRS) establishing a date, January 1, 1986, for interest to accumulate on any unpaid balance. The BIA administrative office has advised us that this would involve approximately 20 people having an average of 6½ years of qualified service.

This bill would result in an estimated .0347% increase in the TRS Employer contribution rate. The FY 86 TRS State Match estimated payroll is \$416,297,654.00.

The State cost of \$84.6 is calculated as follows:

one half of the change in TRS contribution rate [(.0347% divided by 2) = .01735%] times the estimated FY 86 State TRS salaries (\$71,490,744.00) equaling	\$12,400.00
plus one half of the change in TRS contribution rate (.01735%) times the estimated FY 86 State Match Payroll (\$416,297,654.00) (equaling \$72,200.00).	<u>\$72,200.00</u>
	<u>\$84,600.00</u>

The estimated costs to school districts are as follows:

<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
\$59.8	\$64.6	\$70.8	\$76.5	\$82.6

The present value of the cost of this bill is \$1,300,000.00; this would produce a .15% decrease in the TRS funding ratio.

EDUCATION
Appointment of Educators

APPENDIX A - PROCESSING CONTRACTS

4.1 Recruitment and appointment functions. Responsibilities of Education Management included in the recruitment and appointment functions for personnel actions are:

A. Applicant Lists

(1) Accepting applications;

(2) Noting applications: The Education Position Categories and Qualifications Handbook contains the minimum standards used when filling positions established as Education positions. Professional educators (Teachers, Guidance Counselors, etc.) must have appropriate state certification;

EDUCATION
Appointment of Educators
Contract Documents and Requirements

4.15 State Certification. All professional employees shall be required to obtain appropriate state certification in the state where employed. If official documentation of such certification is not received by contract renewal time, the contract shall not be renewed. Such non-renewal is not grievable or appealable.

EDUCATION
POSITION CATEGORIES AND QUALIFICATIONS
HANDBOOK

1. POLICY.

Educators employed under the contract provisions of P.L. 95-501 will be paid on an hourly rate basis, computed on the basis of the relative value of the position and the education and experience of the individual contract employee. As a minimum, the professional educator qualification standards (teacher, guidance counselor, principal, etc.) will be equivalent to those requirements established by the appropriate certification authorities of the state in which the position is located or the Bureau standard shown, whichever is higher.

2. CERTIFICATION REQUIREMENTS.

All professional educators must meet and maintain the certification standards for their position in the state where the position is located. If the state does not have certification requirement for a particular position, the qualification standard in this BIAA supplement will apply as the minimum standard for qualification for the job. If the state has a certification requirement for a position which is higher than the standard in this manual, the state certification standard is the minimum qualification requirement. If the state has a certification standard for position which is lower than the standard required by this manual, the standard in this manual is the minimum qualification standard required for the job. Emergency and provisional state certification will be accepted for all positions meeting state standards as long as the certificate is valid.

§31e.18 Certification.

(a) All Bureau educators shall be required to obtain and hold valid certificates established for their positions by the appropriate licensing and certification authorities of the State in which the positions are located within one year from the publication date of this Part unless the Director approves a written justification from the Agency superintendent for Education for extending the time limit.

§31e.77 Certification.

All pre-kindergarten educators shall be required to hold a valid certification in early childhood education by the appropriate licensing and certification authorities in the State, including Federal programs (e.g., Headstart, Child Development Associate).

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 2

REQUEST
 Bill/Resolution No.: HB 74
 Title: "...Participation of Former
 BIA School Administrators..."
 Sponsor: Gruenberg
 Requestor: Hurley
 Date of Request: 1/30/85

FISCAL DETAIL University of Alaska
 Agency Affected: Department of Education
 Program Category Affected: TRS
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 85	FY 87	FY 88	FY 89	FY 90
Operating						
100 Personal Svcs						
100 Rtmnt & Bnfts		12.4	13.4	14.5	15.6	16.9
200 Travel						
300 Contractual						
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match		72.2	78.0	84.2	91.0	98.2
TOTAL OPERATING	-0-	84.6	91.4	98.7	106.6	115.1
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		84.6	91.4	98.7	106.6	115.1
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	84.6	91.4	98.7	106.6	115.1

POSITIONS:

	-0-	-0-	-0-	-0-	-0-	-0-
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: J.K. Humphreys, Director *J.K. Humphreys* ^{HR} Phone: 465-4470
 Division: Retirement & Benefits Date: 1/31/85

Approved by Commissioner: Lisa Rudd *L.R.* Date: 2/4/85
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

EDUCATION
Appointment of Educators

APPENDIX A - PROCESSING CONTRACTS

1. Recruitment and appointment functions. Responsibilities of Education Management included in the recruitment and appointment functions for personnel actions are:

A. Applicant Lists

(1) Accepting applications;

(2) Rating applications: The Education Position Categories and Qualifications Handbook contains the minimum standards used when filling positions established as Education positions. Professional educators (Teachers, Guidance Counselors, etc.) must have appropriate state certification;

(3) Establishing lists according to job category and according to Indian preference;

(4) Notifying applicant if qualified or not qualified. If applicant is not qualified, the application will be so noted and returned;

(5) Referring qualified applicant to job holding office for review by selecting official and for consultation with the School Board;

(6) Notification of selection: Selectees will be notified by letter and supplied a new-employee package. This package will consist of the following:

(a) Copy of Contract. The contract, with addendum for Provisional Appointments when required, will be signed and returned within fifteen (15) days of the date on the notification letter.

(b) Employee Handbook. This handbook will cover such items as:

- i. Contract Renewal
- ii. Working Conditions
- iii. Employee Benefits
- iv. Employee Rights
- v. General Information

(7) Providing a pre-employment package to selectees. The package will consist of the following:

(a) Copy of Standard Form 85, National Agency Check Investigation Form (NACI) to be completed in draft form prior to the effective date of the appointment.

(b) Standard Form 78, Certificate of Medical Examination, to be completed by selectee's medical doctor and returned to appointing office for review and approval prior to entry in duty.

EDUCATION

Appointment of Educators
Contract Documents and Requirements

4.15 State Certification. All professional employees shall be required to obtain appropriate state certification in the state where employed. If official documentation of such certification is not received by contract renewal time, the contract shall not be renewed. Such non-renewal is not grievable or appealable.

If the employee can demonstrate that he/she requested state certification within 60 days of appointment but has not received any response from the state, a copy of the documentation shall suffice for one contract renewal. Certification shall be required for any subsequent contract renewal.

4.16 Suitability Disqualifications. Employees in education positions will be assigned the task of helping to shape the lives and futures of Indian students. An applicant will be disqualified on a suitability basis when serious question is raised in reference to his/her character, reputation and fitness. An applicant may be denied appointment for the following reasons:

- A. Removal from employment for delinquency or misconduct;
- B. Criminal, infamous, dishonest, immoral or notoriously disgraceful conduct;
- C. Membership in an organization having as its objective the overthrow of the Constitutional government of the U.S. by force or violence and when membership is with the specific intent of furthering that objective.
- D. Intentional false statements, deception or fraud in examination or appointment;
- E. Refusal to furnish testimony as required by §5.3 of rule V;
- F. Habitual use of drugs, (including alcoholic beverages) affecting job performance;
- G. Any legal or other disqualification which makes the person unfit for the service.

In making suitability determinations, the following factors will be taken into account; (1) the kind of position involved; (2) the nature and seriousness of the conduct; (3) the circumstances surrounding the conduct; (4) the recency of the conduct; (5) the age of the applicant at the time of the conduct; (6) contributing social or environmental conditions; and (7) the absence or presence of rehabilitation or efforts toward rehabilitation. Elimination of an applicant from employment consideration on suitability grounds requires a determination by the Agency Superintendent for Education that the applicant's conduct may interfere with his ability to function in the position or the Agency's ability to discharge its duties and responsibilities. An objection will document the existence of a rational and direct relationship between the conduct of the applicant and nature of the work involved in the position.

1. POLICY.

Educators employed under the contract provisions of P.L. 88-501 will be paid on an hourly rate basis, computed on the basis of the relative value of the position and the education and experience of the individual contract employee. As a minimum, the professional educator qualification standards (teacher, guidance counselor, principal, etc.) will be equivalent to those requirements established by the appropriate certification authorities of the state in which the position is located or the Bureau standard shown, whichever is higher.

2. INSTRUCTIONS TO USERS.

The specific position categories and qualification standard to be used will depend on the duties of the position involved. Each standard has a general description of the duties and levels of responsibility of the position listed at the top of the standard.

3. CATEGORIES OF POSITIONS.

Current existing position descriptions will be converted to the contract categories personnel system and will be exempt from further classification in relation to contract positions. A title conversion to an identified education position title will not constitute a change in position description and will not require reclassification. Categorization of positions will be the responsibility of the school supervisor and the Agency Superintendent for Education or the Area Education Programs Administrator (for off-reservation boarding school supervisors.) All positions presently classified will not be reviewed when the position converts or is changed to the contract system. It has been administratively determined that a change in position title does not constitute reason for reclassification of the position if there are no substantial changes in the duties and responsibilities of the position.

The Agency Superintendent for Education or the Area Education Programs Administrator (for off-reservation boarding schools) will determine the proper categorization of new and revised positions. The school supervisor will forward suggested adjustments of position descriptions according to the needs of the local education program to the Agency Superintendent for Education or the Area Education Programs Administrator (with respect to off-reservation boarding schools). Such changes will be reviewed and approved by the Agency Superintendent for Education or the Area Education Programs Administrator (with respect to off-reservation boarding schools) for categorization purposes before being placed into effect.

Form 5-6233, Categories of Duties for Determining Pay of Education Positions initial page of each position description, replacing the CF-8.

A completed copy of the position description will be distributed to the following:

1. employee
2. supervisor
3. administrative file
4. official personnel file

- C. An increase in the qualifications of the individual does not automatically entitle the employee to advance to another pay level, unless he/she is assigned to a position of greater difficulty and responsibility as reflected by the position description and category of responsibility.

8. CERTIFICATION REQUIREMENTS.

All professional educators must meet and maintain a certification standards for their position in the state where the position is located. If the state does not have certification requirement for a particular position, the qualification standard in this FIA supplement will apply as the minimum standard for qualification for the job. If the state has a certification requirement for a position which is higher than the standard in this manual, the state certification standard is the minimum qualification requirement. If the state has a certification standard for a position which is lower than the standard required by this manual, the standard in this manual is the minimum qualification standard required for the job. Emergency and provisional state certification will be accepted for all positions as meeting state standards as long as the certificate is valid.

9. PROVISIONAL APPOINTMENT.

When a vacancy exists for which no fully qualified applicant can be found who meets the full performance level of a position, the following procedures may be used in filling the position:

- A. Applicants who will require the least amount of time to become fully qualified will be rated as the best qualified applicant.
- B. The incumbent will be required to make satisfactory progress toward certification requirements and/or DIA qualification standards. A memorandum of agreement will be attached to the employee contract listing the conditions of the appointment and the requirements placed upon the incumbent relative to eligibility for issuance of a new contract each consecutive year.
- C. The incumbent will be paid at a rate of pay based upon education positions with comparable qualifications as that held by the incumbent until the incumbent becomes fully qualified for the position held.
- D. The selected incumbent will not be replaced with a better qualified applicant unless they fail to make satisfactory progress toward full qualification standards or it is demonstrated that the program is suffering because of the lack of a qualified person. Removal before the incumbent meets full qualification standards is not grievable or appealable.

10. AWARDING INCREMENTS FOR EDUCATION.

Increments will be awarded employees in accordance with 62 DIAM 11.5. Examples: (1) a selected employee for an Education Aid position will receive one (1) increment for having a high school certificate even though a high school education is required to meet basic qualifications; (2) a selected employee will receive increments for a related masters degree at the (2) level although a Masters degree is a minimum education requirement for that position.

§31e.18 Certification.

(a) All Bureau educators shall be required to obtain and hold valid certificates established for their positions by the appropriate licensing and certification authorities of the State in which the positions are located within one year from the publication date of this Part unless the Director approves a written justification from the Agency superintendent for Education for extending the time limit.

(b) Cultural traditional leader positions in bilingual and/or bi-cultural programs may have this requirement waived by the appropriate school board.

§31e.19 Student enrollment.

The Agency Superintendent for Education, with the advice and consent of the agency school board, shall implement a mandatory student enrollment policy and procedure for schools under his/her jurisdiction which will include, but not be limited to, the following:

- (a) An eligibility criteria;
- (b) School enrollment boundaries; and
- (c) A standard application form.

§31e.20 Student attendance policy.

Each school shall have a written student attendance policy in compliance with the statutes of the State in which the school is located. However, for those enrolled students who are members of a Tribe having an attendance code, that Tribal Code shall take precedence for such students.

§31e.21 School year.

The length of the school year shall be, for all levels, no less than one hundred eighty (180) student instructional days.

§31e.22 School day.

Students shall be in school directed instructional activities, exclusive of lunch, in accordance with the following minimum clock hours:

<u>Level</u>	<u>Hours Day</u>
Kindergarten	3.0
Grades one to six	5.0
Junior high or middle school	5.5
High school	6.0

(b) Provide a base for special programs for exceptional children, coordinated with the required medical, dental, psychological, and social services as well as with parent education;

(c) Bilingual and multicultural education coordinated with parent education; and

(d) Educational programs for parents and the community which extend their role as educators of their children; as partners in the schooling experiences; and as decision makers and participants in the management of the early childhood pre-kindergarten program.

§31e.76 Accreditation.

Each pre-kindergarten program shall have official and current credentials which comply with not less than other like Federal (e.g., Headstart) and State agencies and tribal governments toward assurance of optimal educational opportunities based on the total development needs of the children.

§31e.77 Certification.

All pre-kindergarten educators shall be required to hold a valid certification in early childhood education by the appropriate licensing and certification authorities in the State, including Federal programs (e.g., Headstart, Child Development Associate).

§31e.78 Staff.

Each pre-kindergarten program shall have qualified staff with appropriate education and experience in the services provided in adequate numbers to meet program standards and assure effective delivery of comprehensive services.

§31e.79 School year.

The length of the school year shall be no less than one hundred and four (104) student instructional days.

§31e.80 School day.

Students shall be in directed instructional activities appropriate to their individual development level, exclusive of lunch, for a minimum of three clock hours daily.

§31e.81 Staffing patterns and ratios.

(a) Staffing patterns for each pre-kindergarten programs shall, at a minimum, meet applicable State or Tribal accreditation requirements.

(b) The size of the pre-kindergarten class for 3-4 year olds shall not exceed 15 students.

January 23, 1985

Mr. Dave Stout
Division of Retirement & Benefits
State of Alaska
Pouch CR
Juneau, Alaska 99811

Dear Mr. Stout:

In response to your verbal request of January 18, 1985, the following information is provided concerning the State Certification requirements of employees hired by the Bureau of Indian Affairs (BIA) to fill contract Education positions under the provisions of Public Law 95-561 and 62 BIAM 11.

On February 19, 1980, the Commissioner of Indian Affairs and the Director, Office of Indian Education Programs, BIA, jointly published 62 BIAM 11, Education Contract Personnel Manual, which implemented the contract Education Personnel system as provided in Public Law 95-561, November 1, 1978, and 25 CFR 31.9, November 8, 1979. The procedures in this manual applied to new employees who were appointed by contract in certain Education positions and to present employees who elected to convert to a contract position.

62 BIAM 11.4, Appendix A, Processing Contracts, outlined the contract documents and requirements for the appointment of Educators. Section 1.A. (2) is quoted as follows:

"(2) Rating Applications: Indian Education Qualification Handbook contains the minimum standards used when filling positions established as Education positions. Professional educators (Teachers, Guidance Counselors, etc.) must have state certification."

62 BIAM 11.1.3 contains the following definitions which are quoted as follows:

"G. Education Function means the administration and implementation of the Bureau's education programs and activities (including school operations).

"H. Education Position as defined in Section 1131 (n) (1) Pub. L. 95-561 means a position in the Bureau, the duties and responsibilities of which:

1. Are performed on a school year basis principally in a Bureau elementary or secondary school which involve:

Mr. Dave Stout
January 23, 1985
Page Two

(a) classroom or other instruction or the supervision or direction of classroom or other instruction;

(b) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education; or

(c) any activity in or related to the field of education notwithstanding that academic credits in education theory and practice are not a formal requirement for the conduct of such activity; or

2. Are performed at the Agency level of the Bureau and involve the implementation of education-related Bureau programs. The position of Agency Superintendent for Education is excluded.

J. Educator as defined in Section 1131(n)(2) of Pub. L. 95-561, means an individual whose services are required, or who is employed, in an education position as defined in 31g 2.(h)."

62 BIAM 11.1.4 is quoted as follows:

"1.4 Education Contract Positions. The following are examples of the kinds of positions in the Office of Education programs which will be filled by contract:

Classroom - teachers, instructors, education aides, librarians, etc.
Dormitory - home living specialist, dormitory aides, school social worker, etc.

Agency Office - education specialists, etc.

See 62 BIAM 11.3 for a listing of positions. This list will change as program needs are reviewed."

62 BIAM 11.3.2 contains the following definition which is quoted as follows:

"K. Education Specialist - Performs a variety of professional education related services. This position may operate outside the classroom in a specialized area."

On December 10, 1980, 62 BIAM 11 was revised. The changes were basically editorial in nature, a revision of forms, amendments in terms of how pay was determined, and expansion and clarification of problem areas encountered in the preceding year. On December 20, 1982, 62 BIAM 11 was again revised. The changes addressed such issues as restoration to duty rights, retention order in reduction-in-force, temporary advancement, removal of veteran's preference requirements, and provisional contracts. None of the changes had any drastic effect on the sections previously quoted herein. As I pointed out, there were some editorial changes which resulted in language being rewritten for clarity

Mr. Dave Stout
January 23, 1985
Page Three

of meaning. As an example, the statement contained in 62 BIAM 11.4, Appendix A, 1.A.(2), regarding state certification requirements for professional Educators was expanded and added as a separate section under 11.4 in December 1980. It now reads and is quoted as follows:

"4.15 State Certification. All professional employees shall be required to obtain appropriate state certification in the state where employed. If official documentation of such certification is not received by contract renewal time, the contract shall not be renewed. Such non renewal is not grievable or appealable.

If the employee can demonstrate that he/she requested state certification within sixty (60) days of appointment, but has not received any response from the state, a copy of the documentation shall suffice for one contract renewal. Certification shall be required for any subsequent contract renewal."

In conjunction with the publishing of 62 BIAM 11, on March 28, 1980, the Indian Education Qualifications Handbook was published, which contained the qualification standards to be used for Education contract positions. At this time, the qualification standards had not yet been approved by the Office of Personnel Management. On March 19, 1981, the standards were approved and the Handbook was reissued that date. The following quotes are from the March 19, 1981 Handbook and contain editorial changes from the 1980 Handbook which made the paragraphs or sections a sentence or two longer.

"1. POLICY.

Educators employed under the contract provisions of P.L. 95-561 will be paid on an hourly rate basis, computed on the basis of the relative value of the position and the education and experience of the individual contract employee. As a minimum, the professional educator qualification standards (teacher, guidance counselor, principal, etc.) will be equivalent to those requirements established by the appropriate certification authorities of the state in which the position is located or the Bureau standard shown, whichever is higher.

8. CERTIFICATION REQUIREMENTS.

All professional educators must meet and maintain the certification standards for their position in the state where the position is located. If the state does not have certification requirements for a particular position, the qualification standard in this BIAM supplement will apply as the minimum standard for qualification for the job. If the state has a certification requirement for a position which is higher than the standard in this manual, the state certification standard is the minimum qualification requirement. If the state has a certification standard for (the) position which is lower than the standard required by this manual, the standard in this manual is the minimum qualification standard required for the job. Emergency and provisional state

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certification will be accepted for all positions as meeting state standards as long as the certificate is valid."

Education Specialists have always been and continue to be an integral part of the BIA Education program. I would say that about 99% of the Education Specialists in BIA come from the ranks of the Teachers, Principals and Guidance Counselors. The normal line of progression for advancement is pretty much along these same lines. Handbook X-118, Qualification Standards for Positions Under the General Schedule, published by the Office of Personnel Management, contains the qualification standards for positions under Chapter 51, Title 5, of the U.S. Code, which exist in more than one agency. It contains the current experience and training requirements coded to the appropriate series established under the Federal Position Classification Plan. Under the Education and Vocational Training Series, GS-1710, are included such positions as Teacher, Principal Teacher, Principal, Instructor, Guidance Counselor, Education Specialists, Education Program Administrator, Education Service Officers and Education Service Assistants. Parenthetical titles are included and used in many instances to identify specific area(s) of responsibility (i.e., Teacher (Elementary), Teacher (appropriate subject), Education Specialist (Special Education) (Remedial Reading) (Instructional Media) (Administration), etc.). In addition to the basic qualifications (usually a bachelor's degree and successful completion of a Teacher Education Program under an "Approved Program" approach), these positions required additional specified amounts of from 6 to 24 semester hours of appropriate subject matter in certain Education courses. The following is quoted from Handbook X-118 to describe the kinds of work performed by employees in this series:

"Employees in these positions perform professional work in Federally operated programs of education and vocational training. Many of them serve as teachers, instructors, supervisors, and administrators in academic, technical-vocational, or special education programs at elementary or secondary schools, college or graduate levels. Others provide professional support to the education staff by serving as education specialists who evaluate, develop, or advise on educational materials and instructional aids, and who specialize in subject-matter areas or in such functional areas as guidance, educational tests and measurements, training aids, and education administration. Some employees serve as education advisers on and managers of education programs for military personnel..."

Handbook X-118 was used as the basis for establishing the qualification standards to be used for Education contract positions, and published in the Indian Education Qualifications Handbook. Attachment 1 to this letter is a copy of qualification standards for Education Specialists as approved on March 19, 1981, and published in the Indian Education Qualifications Handbook.

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Many of the Education Specialists formerly employed by the BIA at the various agencies throughout Alaska were not strictly "administrators" per se. They were Education Specialists with parenthetical titles of (Special Education), (Remedial Reading), (Remedial Math), (Information Systems), and (Instructional Media). They were responsible for developing curricula, testing procedures and programs, instructional methods, techniques, devices, aids and, in some cases, working with "exceptional" students. These individuals traveled extensively to BIA schools throughout the state and worked directly with principals, teachers and students. As the BIA gradually closed their schools, over the past five (5) years, the need for these positions decreased, and the employees transferred to other areas, were separated through reduction-in-force, retired or, in one case, went back to teaching in a day school.

I believe the foregoing pretty well establishes the fact that professional educators hired by the BIA under the Education Contract Personnel system were and are required to have state certification. What we have not looked at, however, is those positions that are exempt from conversion to the contract system, known as "status quo employees," who are still not required to have state certification. I have already quoted you from 62 BIA 11.1.3.H.2. which states, "The position of Agency Superintendent for Education is excluded." That is, the head Education position at each agency, must remain a General Schedule position, may not convert to the contract personnel system, and the incumbent does not have to have state certification. Additionally, all Education positions at the Area Office level are excluded from converting to the contract personnel system under P.L. 95-561. In Alaska, this includes all the positions at the Anchorage Education Field Office, Anchorage, Alaska, which consists of an Education Technician and several Education Specialists. The only Education position remaining at the Juneau Area Office itself is the Area Education Program Administrator, however, there were several Education Specialist positions that were abolished due to reductions-in-force. None of the incumbents of these positions were required to have state certification.

While the individuals that have occupied the various Agency Superintendent for Education positions at the agency level and the Education Specialists at the Area Office level were not required to have state certification, many did have it. The majority of these individuals obtained either a "Type A" or "Type B" certification while occupying a Teacher, Principal, or Principal-Teacher position at one of the Bureau day schools. The Personnel Office would not be able to identify those individuals holding state certification, however, since once an individual is separated from Federal service, their Official Personnel Folder is retired to the Federal Records Center and not available to this office. The only way that I know you could verify state certification would be by having the individual provide the state certificate or to verify it through the state office that issued the certificate.

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I hope that the foregoing information is sufficient and will be helpful to you in solving your problem. If there is any more information that I can provide you, please call me.

Sincerely,

A. E. Giroux
Area Personnel Officer

Attachment

AEGIROUX:dp 1/23/85

STATE OF ALASKA
THE LEGISLATURE

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907-465-3800

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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HESS 4-16-85 1:38pm