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Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: SB 217

Sponsor: SACKETT

Date referred to committee: 3/7/85

Synopsis completed:

Fiscal note:

Further referrals: FINANCE

CONTACTS:

✓ Max (Sackett) 3753

✓ NEA (Gayle Pearce) 586-3090

✓ Don McKinnon, Sch Admin

✓ Mary Hakala, DOE

**COMMITTEE REPORT
SENATE**

FURTHER: FINANCE

3/7/85

Date _____

Mr. President

The Committee on HSS considered SB 117

relating to participation in a negotiating unit by administrators who also teach; efd.

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

MEMBERS HAVING
OTHER RECOMMENDATIONS

Robert J. ...
Chairman

Chairman recommendation

RECEIVED FEB 28 1985

District Offices
P.O. Box 00309
Nenana, Alaska 99760
(907) 832-5594



Joe B. Cooper Ed.D.
Superintendent

February 22, 1985

Senator John Sackett
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator *John*

I am not sure if I mentioned to you or not but the teacher's union through the State NEA office in Fairbanks is suing the school district because we have refused to require the Principal-Teachers in the district to be represented by the teacher's association. The board has recognized and met with the Principal-Teachers and Principals of the district as a unit of their own and have reached agreement with them. We have since reached agreement with the Teacher's Association on a three year contract but they are still pursuing the law suit trying to force us to let them represent the Principal-Teachers in the district. The Principal-Teachers in our district by secret election have opted out and desire to be represented by their own group. The State Law regarding opting out of the Teachers Union is very unclear in that it states that Principals and Assistant Principals as well as other Administrative types may opt out of the teachers union bargaining group, however, the Teacher's union is maintaining that Principal-Teachers are not Administrators.

I would like to request that you consider an amendment to that current law which would simply allow Principal-Teachers to be included in the group that can opt out. We are not asking that they be denied the right to collective bargaining, but only allow them to decide what group would represent them in collective bargaining. There would be nothing to prevent them from going with the Teacher's Association if that was their wish or they could be represented by their own group. To me, I know the Teacher's Union will totally oppose this. However, I don't see how they can get much support for forcing some group to be represented by them that wishes other representation.

Page 2
Senator Sackett
February 22, 1985

If you have any questions or thoughts on this, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe B. Cooper".

Joe B. Cooper, Ed.D.
Superintendent

JBC/vls

Alaska State Legislature

SENATOR

John C. Sackett

CO-CHAIRMAN
SENATE FINANCE COMMITTEE

MEMBER
LABOR & COMMERCE COMMITTEE
BUDGET & AUDIT COMMITTEE
SENATE ADVISORY COUNCIL
COMMITTEE ON COMMITTEES



Senate

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JUNEAU, ALASKA 99811
TELEPHONE 465-3753

ANCHORAGE
TELEPHONE L72-3404

M E M O R A N D U M

Date: March 7, 1985

To: SENATOR BETTYE FAHRENKAMP
Chair - Health and Social Services

From: SENATOR JOHN C. SACKETT *JCS*

Subj: SB-217, an Act relating to participation in a negotiating unit by administrators who also teach.

Today, I introduced SB-217, and it was referred to the Health, Education, and Social Services Committee. I am very interested in the bill and would appreciate your scheduling it before the committee as soon as possible.

Attached, is a letter that I received from Dr. Joe B. Cooper, the Superintendent of the Yukon-Koyukuk School District, which I think outlines the need for the bill. SB-217 simply places in statute the right for those who both teach and serve in an administrative capacity to choose which bargaining unit they prefer to represent them in contract discussions with a given school district.

Please contact me, or my Assistant, Max Gifford, if you have any questions. Thank you.

attachment

adoption information. Adult adoptees would continue to have access to the name and address of their biological parents. However, the biological parents would be notified of the request by certified mail, and be given 90 days to respond. If no response was received, disclosure would be made.

In addition, because of the demand for non-identifying information on the biological parents (blood type, ethnic background, etc.), SB 187 would require that a petitioner for adoption file with the state registrar specific "non-identifying" information regarding the biological parent. This information would be released upon the request of an adoptive parent or child.

SB 192, Waiving restrictions on use of sick leave banks.

SB 192 would waive the limit on the amount of sick leave a teacher may draw in cases of severe illness or extreme hardship. This waiver would be at the discretion of the local school board.

Currently, school boards may establish sick leave banks from which a teacher, in an unusual circumstance, may draw up to twice the number of days of sick leave accumulated before the first day of school, or 24 days whichever is greater. However, in an isolated case of severe illness, a teacher may not have accrued enough sick leave to sufficiently cover the duration of an illness. SB 192 would allow individual school boards to consider the merits of each request before granting approval.

SB 217, An Act relating to participation in a negotiating unit by administrators who also teach.

Under current statute, certificated employees in a school district may by majority vote designate an educational organization to bargain for them, and the school board must recognize the organization as the bargaining agent for all certificated staff. However, current statute also allows certificated administrative personnel groups, including principals, to "opt out" and negotiate independently of the other certificated personnel.

A specific category of certificated personnel, "principal-teachers", is not addressed in existing law. SB 217 would clarify that teachers who also serve as administrators may "opt out" and choose to bargain with the certificated administrative personnel rather than with the teachers.

The National Education Association (NEA) and the Yukon Koyukuk School District are currently involved in litigation over the ability of principal-teachers to opt out.

TO: BETTYE
FROM: SANDRA
RE: SB 217, RELATING TO PARTICIPATION IN A NEGOTIATING UNIT
BY ADMINISTRATORS WHO ALSO TEACH
DATE: MARCH 20, 1985

All administrators must have a current teaching certificate. "Teacher-principals" and even principals are not required by state law to have an administrative certificate. However, ^{many} districts will require an administrative certificate for principals. (Superintendents must have one.)

AMENDS THE TEACHER'S COLLECTIVE BARGAINING LAW, WHICH CURRENTLY ALLOWS CERTIFICATED TEACHERS AND ADMINISTRATORS TO BE REPRESENTED BY A BARGAINING AGENT (N.E.A....), BUT ALLOWS ADMINISTRATORS TO "OPT OUT" AND BE REPRESENTED AND NEGOTIATE SEPARATELY. THE LAW DOES NOT ADDRESS TEACHER-PRINCIPALS. SACKETT INTRODUCED THE BILL BECUASE OF A LAWSUIT FILED BY N.E.A. AGAINST THE YUKON-KOYUKUK SCHOOL DISTRICT, WHO ALLOWED ITS TEACHER-PRINCIPALS TO OPT OUT AND BARGAIN WITH THE ADMINISTRATORS.

QUESTIONS:

1. WHAT IS THE STATUS OF THE LITIGATION? WOULD PASSAGE OF THIS LEGISLATION HAVE ANY EFFECT ON THAT LAWSUIT? (Legal has advised that technically legislative action has no effect on an ongoing lawsuit. However, the court is attempting to interpret what the legislature was authorizing principal-teachers to do when they enacted the statute, and a legislative clarification at this time could render that point moot.)
2. THE GOVERNOR HAS INTRODUCED BINDING ARBITRATION LEGISLATION. DOES IT ADDRESS THIS PROVISION? (Not specifically, but it would establish a labor relations agency, consisting of 3 governor's appointees, to administer the collective bargaining law. One thing they could do is decide the fate of the teacher-principals, and NEA prefers to have this group of professionals make this decision rather than have it set in statute.)
3. DO WE HAVE MANY TEACHER-PRINCIPALS IN THE STATE? (Probably close to 100, generally in rural or very small schools.)
4. WHY IS N.E.A. OPPOSED TO TEACHER-PRINCIPALS OPTING OUT? (NEA feels they share more interests and responsibilities with teachers than with administrators. IS N.E.A. CONCERNED ABOUT A REDUCTION IN THEIR MEMBERSHIP?)

Alaska State Legislature

SENATOR

John C. Sackett

CO-CHAIRMAN
SENATE FINANCE COMMITTEE

MEMBER

LABOR & COMMERCE COMMITTEE
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Senate

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TELEPHONE 272-3404

M E M O R A N D U M

Date: March 22, 1985

To: Senator Bettye Fahrenkamp
Chair - Health, Education, Social Services

Attention: Sandra Schubert

From: Max Gifford, A.A.
Senator John C. Sackett 

Subj: SB-217, An Act relating to participation in a negotiating unit by administrators who also teach;.....

HESS committee substitute should read as follows:

(f) Nothing in this section shall be construed to prevent standard certificated administrative personnel groups, including principals, [AND] assistant principals and principal-teachers from having the right to negotiate independently of the other certificated personnel if they choose to do so as the result of a secret ballot.

(All new language contained in the original version of SB-217, is struck.)

Please call me if you have questions.

Introduced: 3/7/85
Referred: Health, Education and
Social Services and
Finance

Sandra

1 IN THE SENATE

BY SACKETT

2

CS SENATE BILL NO. 217 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to participation in a negotiating
7 unit by [^{principal teachers}administrators who also teach] and providing
8 for an effective date."

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

10 * Section 1. AS 14.20.560(f) is amended to read:

11 (f) Nothing in this section shall be construed to prevent ^{standard} cer-
12 tificated administrative personnel groups, including principals, [and]
13 ^{and principal teachers} assistant principals, from having the right to negotiate independently
14 of the other certificated personnel if they choose to do so as the
15 result of a secret ballot. [~~A teacher who also serves as an adminis-
16 trator may elect to participate in a unit composed of certificated
17 administrative personnel.~~]

18 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
19 10.070(c).

HESS
C.S.

RATIONALE: This language, provided by the Department of Education, is intended to clarify just what groups may "opt out". Further, it provides that individual principal-teachers may not choose to opt out; the principal-teachers as a group would be governed by existing statutory guidelines (secret ballot).

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB-217
 Title: participation in a negoti-
ating unit by teaching administrators
 Sponsor: Sackett
 Requestor: Senate HESS
 Date of Request: 3-20-85

FISCAL DETAIL

Agency Affected: Education
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		0	0	0	0	0
800 MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Marv Hakala Phone: 2800
 Division: Commissioner's Office Date: 3-20-85
 Approved by Commissioner: Harold Reynolds, Jr. Date: 3-20-85
 Agency: Education

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
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 Impacted Agency(ies)

7/1/84

STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99811
907-465-3800

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 3-21-85 1:37pm