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DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

May 20, 1991

SUBJECT: Sectional analysis - (HB 326)

TO: Representative Eileen MacLean

FROM: Michael F. Ford *M. F.*
Legislative Counsel

The following is a section by section analysis of HB 326:

Section 1 - This is a statement of the purpose of the bill.

Section 2 - Allows a person to receive a limited teacher certificate, to teach Alaska Native language or culture, military science, or a vocational or technical course for which the state board of education determines that baccalaureate degree training is not sufficiently available. Provides that a limited teacher certificate may be issued only if the school board of the district in which the person will be teaching, through the chief school administrator, requests issuance of the certificate.

Section 3 - Amends the definition of "teacher".

Section 4 - Repeals the provision allowing issuance of a limited teacher certificate, as of June 30, 1997.

Section 5 - Requires the state board of education to report back to the legislature on the implementation of the limited teacher certificate.

Section 6 - Effective date.

MFF:pl
91-391.plm

SPONSOR STATEMENT

HB 326

REP. EILEEN MACLEAN

HB 326 provides for the certification of teachers in certain limited fields where baccalaureate degree training is not sufficiently available. The educational fields affected by this bill are Alaska Native language or culture, military science, and some vocational or technical subjects.

Limited certificates would be available only to teachers in these specified fields, and only because there is no baccalaureate degree training specific to these fields. These teachers would still be required to demonstrate both a mastery of the subject matter and teaching competency. Regulations adopted by the State Board of Education would assure the competency of teachers under this classification.

Limited certificates would be valid solely in the area of expertise for which they are issued, and they would be issued only upon the request of the local school board.

HB 326 is designed to resolve a longstanding problem of employment equity for certain teachers who are already providing instruction in our schools. For example, many Native language teachers have duties and responsibilities that are similar to certified teachers. Yet they are not getting the same recognition and encouragement. Instead of receiving a certificate, they are issued a "letter of authorization." Instead of being classified as teachers, they are called "recognized experts."

This disparity in status aggravates a number of problems for these teachers, including pay equity, peer respect and self-esteem. This bill does not compromise the powers of local school districts to set salary levels. Nor does it affect the tenure rights of these teachers. But it does confirm the value of the skills and experience these teachers offer to our students.

This legislation does not diminish the importance of the existing baccalaureate requirement. It merely recognizes that a specific group of teachers already participating in the education of our children possesses skills that cannot be acquired through the baccalaureate process. HB 326 assures these teachers are given comparable recognition in the certification process. At the same time, the bill gives the state board authority to require academic training for those holding a limited certificate.

This bill would equalize the status of teachers whose certification is based on criteria other than a baccalaureate degree. It would also allow DOE to achieve a standardization that does not currently exist. This could be done by combining all of these groups under a single certificate.

In addition, HB 326 clears up a longstanding ambiguity in the law related to the definition of "teacher." The existing definition is somewhat circular, and does not clearly identify those educational employees who are required to be certified. This bill more accurately defines a teacher.

Sponsor Sectional Analysis

HB 326

The following is a sectional analysis of HB 326:

Section 1 - This is a statement of purpose of the bill.

Section 2 - Allows a person to receive a limited teacher certificate to teach Alaska Native language or culture, military science, or a vocational or technical course for which the State Board of Education determines that baccalaureate degree training is not sufficiently available.

Provides that a limited teacher certificate may be issued only if it is requested by the school board of the district in which the person will be teaching.

Allows the state board to adopt regulations outlining the teaching skills and subject matter expertise that are required of applicants for a limited certificate. This section also permits the board to require academic training by persons issued a limited certificate.

Section 3 - Amends the definition of "teacher."

This section clears up a longstanding ambiguity in the law related to the definition of "teacher." This definition is important because it defines the class of people subject to the certification requirement. The existing statutory definition is unclear.

AS 14.20.215(6) contains the following definition of "teacher:"
"teacher" means a person serving in a teaching, counseling, or administrative capacity and required to be certificated in order to hold the position.

In combination with AS 14.20.010, this wording creates a circular definition in statute. Under AS 14.20.010, a teacher is required to hold a certificate, and under AS 14.20.215(6), a person is a teacher if he or she is required to hold a certificate.

Section 3 of this bill offers an improvement by defining the conditions under which a person must be considered a teacher, and therefore subject to the certification requirement.

After reviewing House Bill 326, the Department has reached the following conclusions:

1. AS 14.20.020 and 4AAC 12.070 currently provide for the issuance of certificates in limited fields where baccalaureate degree training is not readily available and/or the individual concerned has verifiable expertise in a particular subject area.

2. The Department has promulgated regulations which provide for a limited teaching certificate in any field, including Alaska native studies, military science and various vocational and technical areas for which baccalaureate programs may not be readily available.

3. AS 14.020.215(6) of the bill is very similar to the language contained in 4AAC 12.900(13). For this reason the Department does not believe that a need exists to put this definition in statute.

The costs associated with implementation of this bill are:

- a) Travel: Funds will be used to meet with university personnel and others interested in the implementation of this statute.

- b) Contractual: Funds will be used to advertise for the public notices concerning regulations, as well as for printing and distribution of same.

- c) Supplies: Purchase of necessary paper and supplies needed to implement the act.

RESPONSE TO DOE ANALYSIS

HB 326

DOE offers three conclusions in its fiscal note analysis. These conclusions warrant a response.

1. DOE points out that there are existing mechanisms for certifying teachers in fields where baccalaureate training is not available.

The department doesn't seem to recognize the problem. The existing certificate for teachers of Alaska Native language/culture and military science isn't even called a certificate. It's called a "Letter of Authorization," and these teachers are called "recognized experts" instead of teachers, despite the fact that they bring a wealth of knowledge to our classrooms and fulfill the same responsibilities as other teachers.

This certification regime has created a second-class status for these teachers. A Letter of Authorization creates the impression that they are equivalent to a substitute teacher, someone without special skills who is hired in an emergency. This has placed them in a certification ghetto. HB 326 represents an attempt to bring them out of that ghetto.

This legislation does not give these teachers greater status than they deserve. But at least it acknowledges their status as teachers. This change alone will encourage more respect and better treatment at the local level.

2. DOE states that existing regulations are adequate for the certification of teachers in these limited fields. While the regs may be adequate in DOE's view, they are not consistent. HB 326 offers DOE the opportunity to standardize its certification for all non-baccalaureate teachers.

Teachers of Alaska Native language or culture are currently certified for one year at a time, while Voc Ed teachers with similar certification renew every two years. For some reason, military science teachers are apparently no longer required to have any State certification. They teach solely on the basis of a Department of Defense approval. This could raise questions of liability for the State.

The creation of limited teacher certification in statute could be an opportunity for DOE to bring all these teachers into a single category with a single set of governing regulations.

3. DOE claims this bill's redefinition of "teacher" is unnecessary because it is similar to the current definition set out in regulations. The definition needs to be firmly established in statute, where it serves as the basis for a broad array of interpretations. That is the whole purpose of Section 3 in HB 326 - to provide greater clarity in the definition of "teacher."

Since "teacher" is already defined in statute, it should be accurately defined. A teacher should not be identified merely as someone who teaches. The existing

regulatory definition provides a clear indication of the category of people subject to certification. For this reason, it has been used as the basis for the refined definition in Section 3 of this bill.

POSITION PAPER: DEPARTMENT OF EDUCATION

Division Educational Finance & Support Services Bill Number HB 326

Bill Title "An Act relating to requirements for limited teacher certificates; defining 'teacher'; and providing for an effective date."

Sponsor MacLean

Position Statement: Explain briefly what the bill does, its impacts and Department's position, i.e., a) support, b) do not support, c) neutral or d) oppose.

After reviewing House Bill 326, the Department has reached the following conclusions:

1. AS 14.20.020, 4AAC 12.070 and 4AAC 12.050 currently provide for the issuance of certificates in limited fields where baccalaureate degree training is not readily available and /or the individual concerned has verifiable expertise in a particular subject area.

2. AS 14.020.215(6) of the bill is very similar to the language contained in 4AAC 12.900(13). For this reason the Department does not believe that a need exists to put this definition in statute.

The costs associated with implementation of this bill are:

a) Travel: Funds will be used to meet with university and Department of Education personnel in the implementation of this statute.

b) Contractual: Funds will be used to advertise for the public notices concerning regulations, as well as for printing and distribution of same.

c) Supplies: Purchase of necessary supplies needed to implement the act. Implementation of a new certification form and reprogramming computers.

The Department of Education's position on this bill is neutral.

APPROVED:

Director Duane Guiley Division EF&SS

Signature *Duane Guiley* Date 2/4/92

Commissioner/Deputy Jerry Covey

Signature *Karen R. Crane for* Date 2/4/92



ALASKA ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
326 Fourth St., Suite 408, Juneau, AK 99801-1101 (907) 586-9702 FAX (907) 586-5879

POSITION STATEMENT

HOUSE BILL NO. 326

"An Act relating to requirements for limited teacher certificates; defining 'teacher'; and providing for an effective date."

The Alaska Council of School Administrators is in support of House Bill #326.

The Alaska Council of School Administrators has been critical of past attempts to design special certificates without some safeguards to insure there are standards and the interest of the students served are met first and foremost.

This legislation addresses our major concerns regarding the limited nature of the certificate, the responsibility of the school district to request such a certificate and the ability of the district to require a person issued a limited certificate to undertake academic training.

We appreciate the sponsor's willingness to make the necessary changes to this legislation. We feel in the long run, the children will be better served.

NORTH SLOPE BOROUGH SCHOOL DISTRICT

Pouch 169 • Barrow, Alaska 99723

(907) 852-5311 • FAX (907) 852-5984

**Office of the
Superintendent****Patsy Aamodt, Superintendent****November 27, 1991**

*Nunamiat Wolves
Nunamiat School
Box 21029
Anaktuvuk Pass,
Alaska 99721
(907) 661-3226
FAX (907) 661-3402*

**Alaska State Board of Education
Mr. Joe Montgomery, President
1048 Beech Lane
Anchorage, Alaska 99501**

*Atkasuk Eagles
Meads River School
Atkasuk, Alaska 99791
(907) 633-6315
FAX (907) 633-6215*

Dear President Montgomery:

The North Slope Borough School District Board of Education has long recognized the importance that our Inupiaq language has for the strength and continuity of our Inupiaq culture.

*Barrow Whalers
Barrow High School
Pouch 8950
Barrow, Alaska 99723
(907) 852-8950*

It is with pride that we support the enclosed Resolution #91-015, which our young people presented at the American Federation of Natives Youth Convention. It is very gratifying to us that our young people express so strongly their wish to maintain their heritage.

*BMS Wolves
Barrow Middle School
Pouch 8950
Barrow, Alaska 99723
(907) 852-8950*

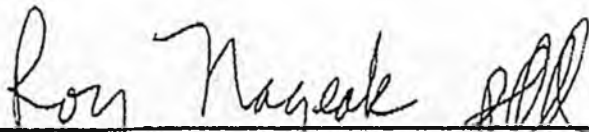
We, the Board of Education, fully endorse the attached Resolution #91-015 and are determined to support our students in their desire to maintain our native language.

*Arctic Fox
Fred Ipaloak
Elementary School
Box 450
Barrow, Alaska 99723
(907) 852-4711*

We request your support for any current or future native language/culture legislation that would achieve our goals.

*Kav-loak Rams
Harold Kavaloak School
Box 10
Kaktovik, Alaska 99747
(907) 640-6626
FAX (907) 640-6717*

*Nuiqna Trappers
Trapper School
Nuiqna, Alaska 99789
(907) 480-6712
FAX (907) 480-6621*


**Roy Nageak, President, Board of Education
North Slope Borough School District**

*Tikigaq Harpooners
Tikigaq School
Box 148
Point Hope, Alaska 99766
(907) 368-2662 or 2663
FAX (907) 368-2770*

*Cully Qavviks
Cully School
Point Lay, Alaska 99759
(907) 833-2312
(907) 833-2123*


**Patsy A. Aamodt, Superintendent
North Slope Borough School District**

*Alak Huskies
Alak School
Box 10
Barrowright, Alaska 99782
(907) 763-2541
FAX (907) 763-2550*

Governor's Council on Vocational Education

C.J. Thomas
Chair

Sue E. Miller
Vice Chair



Jerry Lewis
Executive Director

Alice Bergdoll
Administrative Assistant

211 Fourth Street, Suite 101 • Juneau, Alaska 99801
Phone: (907) 586-1736 • FAX: (907) 586-1250

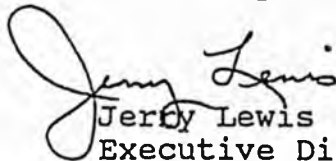
Representative Eileen MacLean
Box V
Juneau, AK 99811

Dear Representative MacLean,

The Governor's Council on Vocational Education discussed as an agenda item HB 326, an act relating to requirements for limited teacher certificates, at the council quarterly meeting in Juneau on February 8, 1992.

Although the discussion brought forth the consensus that persons in this category presently are covered by other provisions, the council felt that HB 326 would give the deserved recognition to those persons that are teaching Alaska Native language or culture, military science, and vocational or technical courses along side those teachers that have certificates now. I am pleased to advise you that the council voted to support this legislation.

Sincerely,


Jerry Lewis
Executive Director

/ab



UNIVERSITY OF ALASKA FAIRBANKS

Fairbanks, Alaska 99775

Judith Kleinfeld
Director, Northern Studies
College of Liberal Arts
University of Alaska
Fairbanks, Alaska 99775
January 29, 1992

Representative Eileen P. MacLean
Co-Chair, House Finance Committee
Box V
Juneau, Alaska 99811

Dear Representative MacLean:

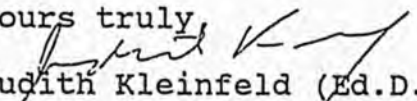
I strongly support HB 326, which provides for the certification of teachers in certain fields where baccalaureate degree training is not available or appropriate, for example, teachers of Alaska Native language and culture, military science, or vocational and technical education.

This alternative certification has long been needed in Alaska as it recognizes and rewards expertise that is not acquired in a traditional college program. To insist that persons with such expertise nonetheless go through a standard teacher certification program is unreasonable and keeps fine instructors out of the classroom.

The present bill is much improved from its earlier version, HB 203. I especially appreciated your incorporating into this new bill the opportunity to receive appropriate additional education in instructional skills. I had made this suggestion earlier.

This bill is in the forefront of contemporary efforts to improve the quality of teachers by making it possible for people with subject area expertise to enter the teaching force without undergoing a lengthy and inappropriate teacher training program.

Please let me know if I can do anything more to support this important legislation.

Yours truly,

Judith Kleinfeld (Ed.D.)

NOME PUBLIC SCHOOLS
Box 131, Nome, Alaska 99762 • Telephone (907) 443-2231



January 27, 1992

Representative Eileen P. MacLean
Co-Chair, House Finance Committee
P.O. Box V
Juneau, AK 99811

Dear Representative MacLean:

This letter will serve as indication of our support of your House Bill No. 326. Our school district has a need for this kind of certification in certain limited fields, ie. Alaska Native Language or Culture.

Thank you for your informative letter requesting support.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Robert G. Kinna".

Robert G. Kinna
Superintendent

/mmr

NORTH SLOPE BOROUGH SCHOOL DISTRICT

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Patsy Aamodt, Superintendent



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Ilia Ipakook
Elementary School
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Harold Kavealook School
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FAX (907) 640-6717

Nulqsut Trappers
Trapper School
Nulqsut, Alaska 99789
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FAX (907) 480-6621

Tiklgaq Harpooners
Tiklgaq School
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FAX (907) 368-2770

Cully Qavvika
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FAX (907) 833-2123

Wainwright Huskies
Alak School
Box 10
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(907) 763-2541
FAX (907) 763-2550

RESOLUTION 92-07 SUPPORTING HB 326 WHICH PROVIDES CERTIFICATION OF TEACHERS IN CERTAIN LIMITED FIELDS

WHEREAS the North Slope Borough Board of Education supports the preservation of our Inupiaq Language; and

WHEREAS the North Slope Borough Board of Education knows that the teaching of our Inupiaq Language is important in preserving our Inupiaq Culture; and

WHEREAS the North Slope Borough Board of Education recognizes that we have many excellent Inupiaq Language Teachers; and

WHEREAS the North Slope Borough Board of Education is aware that it is not possible to obtain a baccalaureate degree in Inupiaq Language;

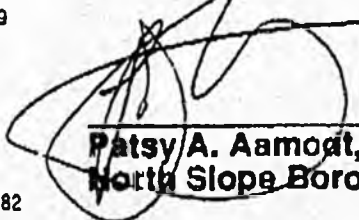
NOW, THEREFORE, BE IT RESOLVED that the North Slope Borough Board of Education support and approve House Bill 326 which provides Teacher Certification for certain limited fields; and

BE IT FURTHER RESOLVED that the North Slope Borough Board of Education desires passage of House Bill 326 by the State Legislature at the earliest opportunity.

INTRODUCED: February 11, 1992

ADOPTED: February 11, 1992


Roy Nageak, President
North Slope Borough Board of Education


Patsy A. Aamodt, Superintendent
North Slope Borough School District



NEA-ALASKA

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FAX: (907) 456-2159

February 12, 1992

To: Representatives Carney and Lincoln Co-Chairs of House HESS, members of the HESS Committee

From: Don Oberg, NEA-Alaska President

RE: HB326 "An Act relating to requirement for limited teacher certificate; defining 'teacher'; and providing for an effective date."

NEA-Alaska Supports passage of HB 326 providing for a limited certificate in certain areas of expertise where a teacher education program does not exist. Presently there are individuals providing these services to students of our state. We strongly encourage the attempt to standardized the job classifications of people performing the jobs of teachers but are classified differently around the state.

NEA-Alaska believes that Sections 1, 2, and 3 covers the statutory need to empower the Department of Education to grant a certificate to individuals identified as qualifying for limited certificates. It is our opinion that redefining "teacher" adds clarity but does not strengthen or broaden the meaning.

We would question the purpose of Section 4. What will be the status of teachers certified under this provision? How would these individuals' working relationships be altered by repeal of this provision? How does the repeal impact current teachers who hold other limited types of limited certificate under current DOE Regulations?

We are unclear of the reason for the repeal of Section 2 of this bill. It is our position that these "teaching" positions are critically needed in our schools. Until the University provides a mechanism for unlimited certification in these areas, we would urge an amendment to remove the limited enactment and recommend deletion of Section 4.

Thank you for your consideration of the issues identified in this position paper. NEA-Alaska supports the concept of limited certification of areas of expertise.

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 West 11th Street, Juneau, Alaska 99801-1510 • Tel. (907) 586-1083 • Fax (907) 586-2995

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HB 326 Support for Limited teacher certificates

The Association of Alaska School Boards (AASB) supports HB 326, providing limited teacher certificates in certain limited fields where baccalaureate degree training is not available, so long as the person demonstrates both subject matter expertise and teaching competency.

The Association of Alaska School Boards is also on record as supporting a bonafide postsecondary education certification program in the area of Alaska Native Language & Culture, in particular, to provide opportunities for Alaskan students to pursue a career in teaching. (AASB Resolution 92-29)

AASB also supports language in HB 326 allowing the State Board of Education to require by regulation additional academic training (and satisfactory progress) if it is deemed necessary.

2/12/92

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HOUSE BILL #326

Revision Date: 12/31/91

Department Affected: DOE

Title: "An Act relating to requirements for limited teacher certificates; defining 'teacher'; and providing for an effective date."

BKU: EF&SS

Sponsor: MacLean

Component: Teacher Certification

Requestor:

COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL	3.0	2.0	2.0	.0		
CONTRACTUAL	15.0	3.0	2.0	2.0		
SUPPLIES	1.0	1.0	1.0	.0		
EQUIPMENT						
LAND & STRUCTURES						
GRANTS. CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	19.0	6.0	5.0	2.0	0	0

CAPITAL						
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REVENUE						
FUND SOURCE:	PR	PR	PR	PR		

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE: PR	19.0	6.0	5.0	2.0	0	0
TOTAL						

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Attached

Prepared By: James E. Tozer

Phone: 465-2865

Division: EF&SS

Date: January 6, 1992

Approved by Commissioner:

Agency:

Date: 1/1/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

7-LS0624D ✓
Cramer
2/12/92

CS FOR HOUSE BILL NO. 326 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE MACLEAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to requirements for limited teacher certificates; defining 'teacher'; and
2 providing for an effective date."

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

4 * Section 1. PURPOSE. The purpose of this Act is to provide for the certification of teachers in
5 certain limited fields where baccalaureate degree training is not sufficiently available, so long as the
6 person demonstrates both subject matter expertise and teaching competency.

7 * Sec. 2. AS 14.20 is amended by adding a new section to read:

8 Sec. 14.20.025. OTHER TEACHER CERTIFICATES. Notwithstanding AS 14.20.020(b),
9 a person may be issued a limited certificate, valid only in the area of expertise for which it is
10 issued, to teach Alaska Native language or culture, military science, or a vocational or technical
11 course for which the board determines by regulation that baccalaureate degree training is not
12 sufficiently available. A limited certificate may be issued under this section only if the school
13 board of the district or regional educational attendance area in which the person will be teaching,
14 through the chief school administrator, has requested its issuance. A person who applies for a

1 limited certificate shall demonstrate, as required by regulations adopted by the board, instructional
2 skills and subject matter expertise sufficient to ensure the public that the person is competent as
3 a teacher. The board may require a person issued a limited certificate to undertake academic
4 training as may be required by the board by regulation and make satisfactory progress in the
5 academic training.

6 * Sec. 3. AS 14.20.215(6) is repealed and reenacted to read:

7 (6) "teacher" means an individual who, for compensation, has primary
8 responsibility to plan, instruct, and evaluate learning of elementary or secondary school students
9 in the classroom or an equivalent setting and also includes

10 (A) an individual serving in an administrative capacity who supervises
11 teachers;

12 (B) a provider of special education and related services;

13 (C) a school counselor;

14 (D) a school nurse; and

15 (E) a school psychologist.

16 * Sec. 4. AS 14.20.025 is repealed June 30, 1998.

17 * Sec. 5. The Board of Education shall report to the legislature on or before January 15, 1997,
18 concerning the implementation of AS 14.20.025, enacted by sec. 2 of this Act. The report must include
19 the number of certificates issued under that section and other relevant information.

20 * Sec. 6. This Act takes effect July 1, 1992.