

HB 326

SENATE FINANCE COMMITTEE REPORT

DATE: 4/29/92

FURTHER:

DATE TURNED INTO OFFICE: 5-4-92

The Finance Committee considered CS FOR HOUSE BILL NO. 326 (FINANCE)

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

and recommends:

[ ] replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)

or [ ] adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

[ ] attaches amendment(s)

[ ] same title  
[ ] new title  
[ ] technical title change (HB only)

adopts ~~H/E/C~~ Letter of Intent

[ ] further referral to the \_\_\_\_\_

do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

**NEW FISCAL NOTES:** Dept/Date

[ ] zero fiscal notes \_\_\_\_\_

[ ] fiscal notes \_\_\_\_\_

[ ] appropriation--no fiscal note

**DO PASS:**

*[Handwritten signatures]*  
1. *[Signature]*  
Co-Chair: Signature/Recommendation

**PREVIOUS FISCAL NOTES:** Dept/Date

[ ] zero fiscal notes \_\_\_\_\_

fiscal notes ~~DOE 1/23/6/92 (REVISED)~~

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
2. \_\_\_\_\_  
Co-Chair: Signature/Recommendation

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

No. 2 - CORRECTED  
Bill Version: CSHB 326(FIN)  
(H) Publish Date: 3/23/92

Revision Date: 3/02/92 Department Affected: DOE  
Title: "An Act relating to requirements for limited teacher certificates; defining "teacher" and providing for a retroactive date." MacLean  
BRU: EF&SS  
Component: Teacher Certification  
Requestor: HFC 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						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE FUND SOURCE:	19.0	6.0	5.0	2.0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER PR FUND SOURCE:	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.)

Prepared By: Co-Chair Eileen MacLean *E MacLean* Phone: 465-4833  
Co-Chair Mike Navarre *M Navarre* Phone: 465-3779  
Division: House Finance Committee Date: 3/06/92

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
Agency: \_\_\_\_\_

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



# Alaska State Legislature

HOUSE OF REPRESENTATIVES

*Committee on Finance*

Official Business

SFC-92  
5-6-92 pm  
*Adopted*  
P.O. Box V  
State Capitol  
Juneau, Alaska 99811

HOUSE FINANCE COMMITTEE  
LETTER OF INTENT  
FOR  
CS HB 326 (FINANCE)

It is the intent of the legislature that the Board of Education shall make a report available to the legislature concerning the implementation of AS 14.20.025, enacted by sec. 2 of CS HB 326 (Finance). The department shall notify members of the legislature of the availability of the report on or before January 15, 1997. A copy will be sent to those members indicating interest in receipt of the report.

*Mike Navarre*

Co-Chair Mike Navarre  
Date: March 6, 1992

*Eileen MacLean*

Co-Chair Eileen MacLean

NEW BILL IN  
COMMITTEE 4-29-92

CS FOR HOUSE BILL NO. 326 (FINANCE)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/9/92  
Referred: Rules

Sponsor(s): REPRESENTATIVES MACLEAN, Gruenberg, Leman, Lincoln, B.Davis, Ivan, Uimer

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 individuals holding other positions as  
10 determined by the department by regulation.

11 \* Sec. 4. The Board of Education shall make a report available to the legislature on or before January  
12 15, 1997, concerning the implementation of AS 14.20.025, enacted by sec. 2 of this Act. The report  
13 must include the number of certificates issued under that section and other relevant information.

14 \* Sec. 5. This Act takes effect July 1, 1992.

## SPONSOR STATEMENT

CS HB 326 (FIN)  
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 all teachers whose certification is based on criteria other than a baccalaureate degree. The Voc Ed teachers in this category now work under authorization of a Type D certificate. However, military science teachers and Native language teachers instead are issued a Letter of Authorization. By combining all of these groups under a single certificate, this bill would allow DOE to achieve a standardization that does not currently exist.

In addition, HB 326 clarifies the law related to the definition of "teacher." The existing definition is not very useful in that it defines a teacher as "a person serving in a teaching...capacity." The teacher definition is important because it defines the group of people subject to the certification requirement in AS 14.20.010. This bill more accurately defines that category of employee.

# Sectional Analysis

## CS HB 326 (FIN)

The following is a sectional analysis of CS HB 326 (FIN):

**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 certification requirement is already established in AS 14.20.010.

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. It also eliminates specific reference to administrators and counselors, since these are not the only additional categories of employees required to be certificated. This definition leaves it to the department to enumerate in regulations all those additional categories subject to the certification requirement.

**Section 4** - Requires the Board of Education to complete a report to the Legislature evaluating the implementation of the act by January 15, 1997.

**Section 5** - Sets July 1, 1992 as the effective date of the act.

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  Date 2/4/92

Commissioner/Deputy Jerry Covey

Signature  Date 2/4/92



# NEA-ALASKA

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## FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701  
(907) 456-4435  
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

*Advocates for Alaska's Youth*



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### DIRECTOR

W.N. Rose

## **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

# 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

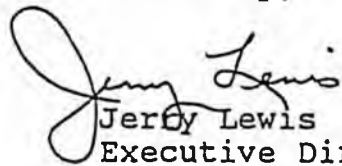
Representative Eileen MacLean  
Box V  
Juneau, AK 99811

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



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.



Office of the Dean  
College of Rural Alaska  
(907) 474-7143

# UNIVERSITY OF ALASKA FAIRBANKS

Fairbanks, Alaska 99775-0900

February 27, 1992

Eileen MacLean  
Representative  
Room 507, Capitol  
P.O. Box V  
Juneau, AK 99811

Dear Representative MacLean:

Thank you for your letter describing your continued efforts to improve teacher certification in the area of the Native languages and culture as well as vocational education and ROTC. I strongly support the bill you have proposed. Previously as Chair of the Former State Council on Certification I supported the concept and methods to ensure a certification route for these areas. I am particularly interested in guaranteeing a route for credentialed experts in the area of Native language and culture who may not have a bachelor's degree. As we know the bachelor's degree provides the subject matter knowledge necessary to teach a respective subject. In the case of most Native languages and culturally-based knowledge, it is not available at the university. Additionally, the expertise and knowledge is available primarily from Elders. Within Native communities the knowledge has been transmitted and resides in cultural experts.

I, therefore, strongly support your proposed bill HB 326. Thank you for the opportunity to provide input. If I can be of any further assistance please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerald V. Mohatt".

Gerald V. Mohatt, Dean  
College of Rural Alaska

GVM:hms



ANCHORAGE  
SCHOOL DISTRICT

4600 DeBarr Avenue  
P.O. Box 196614  
Anchorage, Alaska 99519-6614  
AREA CODE [907] 333-9561

February 7, 1992

SCHOOL BOARD

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Sharon Richards  
Past President

SUPERINTENDENT

Thomas C. O'Rourke

Representative Eileen P. MacLean  
Co-Chair, House Finance Committee  
P.O. Box 830  
Barrow, AK 99723

Dear Representative MacLean:

Thank you for taking the time to write to me about HB 326. As Superintendent for the Anchorage School District, I fully support alternative forms of certification.

Best of luck with the task you have undertaken.

Sincerely yours,

Thomas C. O'Rourke  
Superintendent

cc: Bob Christal, Asst. Superintendent for Instruction

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 black ink, appearing to read "Robert G. Kinna". The signature is fluid and cursive.

Robert G. Kinna  
Superintendent

/mmr

**Yupit School District**

P.O. Box 100

Akiachak, Alaska 99551

(907) 825-4428 or 825-4127

February 17, 1992

Representative Eileen Panigeo MacLean  
Capitol Room 507  
Box V  
Juneau, Alaska 99811

Dear Representative MacLean:

The Yupit School District Board of Education voted unanimously at their February 8, 1992 meeting to support your HB326.

It is the feeling of the Board that several of our classified instructors should be considered for certification under this bill.

If I can be of additional service to you on this issue, please contact me.

Professionally yours,



Leland L. Dishman  
Superintendent

LLD:ar