

SB430

SENATE FINANCE COMMITTEE REPORT

DATE: 3/18/92

FURTHER:

DATE TURNED INTO OFFICE: 3-31-92

The Finance Committee considered SENATE BILL NO. 430

"An Act relating to qualifications for teachers."

and recommends.

replace with _____ CS SB 430 (FINANCE)
or adopt previous _____ CS (/)
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____
DOE/POST SECONDARY 3-17-92

fiscal notes DOE 3-31-92 19.0

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

DO PASS:

Al Adams
Dick Skates
Armen Hoffmann
[Signature]

OTHER RECOMMENDATIONS:

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

2. _____
Co-Chair: Signature/Recommendation

REPORTED OUT OF SFC 3-31-92

FISCAL NOTE

STATE OF ALASKA 1992 LEGISLATIVE SESSION

BILL NO. SB 430

Revision Date: 3-31-92

Department Affected: Education

Title: An Act relating to qualifications for teachers.

BRU: Educational Finance and Support Services

Component: Teacher Certification

Sponsor: Senator Shultz

Requestor: (S) Finance

COMPONENT SERIAL NO. 1 2 4 0

Expenditures/Revenues: (Thousands of Dollars)

Table with 7 columns: OPERATING, FY 93, FY 94, FY 95, FY 96, FY 97, FY 98. Rows include PERSONAL SERVICES, TRAVEL, CONTRACTUAL, SUPPLIES, EQUIPMENT, LAND & STRUCTURES, GRANTS, CLAIMS, MISCELLANEOUS, and TOTAL OPERATING.

CAPITAL table with 7 columns: OPERATING, FY 93, FY 94, FY 95, FY 96, FY 97, FY 98.

REVENUE FUND SOURCE table with 7 columns: OPERATING, FY 93, FY 94, FY 95, FY 96, FY 97, FY 98.

FUNDING: (Thousands of Dollars)

Table with 7 columns: GENERAL FUND, FEDERAL FUNDS, OTHER FUND SOURCE: PR, TOTAL. Rows include GENERAL FUND, FEDERAL FUNDS, OTHER FUND SOURCE: PR, and TOTAL.

POSITIONS:

Table with 7 columns: FULL-TIME, PART-TIME, TEMPORARY. Rows include FULL-TIME, PART-TIME, and TEMPORARY.

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

The funding source for this fiscal note is General Fund Program Receipts derived from teacher certification fees. See attached.

Prepared by: Charlie Mae Moore
Division: Educational Finance and Support Services

Phone: 465-2865
Date: 3-31-92

Approved by Commissioner: [Signature]
Agency: Education

Jerry Covey
Date: 3-31-92

Distribution (by preparer): Log. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Logis. Ofc., & Impacted Agency(ies). Rev 10/07/91

Page ___ of ___

Changes in CSSB 430 (FIN) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate. 3-31-92 [Signature] date Comte Aide (initial)

SB 430
Fiscal Note
3-31-92

The costs associated with the implementation of this bill are:

1. Travel: Funds will be used to meet with university and Department of Education personnel in the implementation of this statute.
2. Contractual: Funds will be used to advertise for the public notices concerning regulations, as well as for printing and distribution of same.
3. Supplies: Purchase of necessary supplies needed to implement the act. Implementation of a new certification form and reprogramming computers.

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. CSSB 430(HES)

Revision Date: _____ Department Affected: Education
 Title: "An Act relating to BRU: Postsecondary Education Commission
qualifications for teachers." Component: Program Administration
 Sponsor: Senator Schultz
 Requestor: (H) HES COMPONENT SERIAL NO.

0	2	1	2
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.00					
TRAVEL	0.00					
CONTRACTUAL	0.00					
SUPPLIES	0.00					
EQUIPMENT	0.00					
LAND & STRUCTURES	0.00					
GRANTS, CLAIMS	0.00					
MISCELLANEOUS	0.00					
TOTAL OPERATING	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL	0.00	0.00	0.00	0.00	0.00	0.00

REVENUE FUND SOURCE:	N/A					
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.00	0.00	0.00	0.00	0.00	0.00
FEDERAL FUNDS	0.00					
OTHER FUND SOURCE:	0.00					
TOTAL	0.00	0.00	0.00	0.00	0.00	0.00

POSITIONS:

FULL-TIME	0.0					
PART-TIME	0.0					
TEMPORARY	0.0					

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

See Attached

Prepared By: Allan Barnes Phone: 465-2962
 Division: Commission on Postsecondary Education Date: March 17, 1992
 Approved by Commissioner: _____ Date: _____
 Agency: _____ Date: _____

FISCAL NOTE ANALYSIS
CSSB430 (HES)

Staff review of original program intent shows that the Teacher Scholarship Loan Program has been operating at an unanticipatedly low level since 1985. While the expansion of the "rural" definition to include those communities, of a certain maximum size, on road or rail to Anchorage or Fairbanks, may result in a larger number of program participants than the status quo, it is unlikely that the impact would exceed the originally expected level.

For the first few years of the program, it was administered with a 90 nominee per year cap. However, because of the attrition rate experienced by the program, the cap was removed. The most students to participate in any one year was 175 in the 1991-92 academic year. With the addition of seven districts newly eligible to nominate program participants, the level of program activity would be monitored and if necessary in the future, the cap would be reinstated.

It is estimated the the current level of staffing will be adequate to meet any increased program demand.

CS FOR SENATE BILL NO. 430 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR SHULTZ

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to qualifications for teachers; and the teacher scholarship loan program."

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

3 * Section 1. AS 14.20.020 is amended by adding a new subsection to read:

4 (h) A person is not eligible for a teacher certificate unless the person has completed three
5 semester hours in Alaska studies and three semester hours in multicultural education or cross-
6 cultural communications. However, the commissioner may issue a provisional certificate, valid
7 for no longer than two years, to an applicant who has not completed the semester hours required
8 under this subsection at the time of application if there are insufficient applicants for that type
9 of certificate who have completed the semester hours required under this subsection.

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

11 Sec. 14.20.035. EVALUATION OF TRAINING AND EXPERIENCE. In evaluating an
12 applicant for a position in a district or regional educational attendance area, a district or regional
13 educational attendance area shall give preference to those applicants who demonstrate training
14 or experience that establishes that the applicant is likely to be sensitive to the traditions and

1 culture of the cultural backgrounds represented in the student population.

2 * Sec. 3. AS 14.43.700 is amended to read:

3 Sec. 14.43.700. DEFINITION. In AS 14.43.600 - 14.43.700, "rural" means

4 [(1)] a community [IN THE SECOND, THIRD, OR FOURTH JUDICIAL
5 DISTRICT OF THE STATE] with a population of 5,500 [4,500] or less that is not connected by
6 road or rail to Anchorage or Fairbanks or with a population of 1,500 or less that is connected
7 by road or rail to Anchorage or Fairbanks [; OR

8 (2) A COMMUNITY IN THE FIRST JUDICIAL DISTRICT OF THE STATE
9 WITH A POPULATION OF 4,500 OR LESS].

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

March 9, 1992

SUBJECT: Qualifications for teachers (CSSB 430 (), dated 3/3/92, Work Order No. 7-LS1581\D)

TO: Senator Dick Shultz

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have asked whether CSSB 430 () would be likely to withstand constitutional challenge.

In my opinion, it probably would.

The first two sections of the bill address eligibility for teacher certificates and for evaluating applicants for teaching positions. The third section addresses eligibility for the teacher scholarship loan program.

Section 1 requires that applicants for teaching certificates have training in Alaska studies and multicultural education or cross cultural communications. Teachers may not receive teaching certificates until they complete that course work.

Under state equal protection analysis, the court

uses a "uniform-balancing' test which place[s] a greater or lesser burden on the state to justify a classification depending on the importance of the individual right involved." The minimum burden the state must meet is the rational basis test . . . This rational basis test questions whether the classification is "reasonable, not arbitrary" and rests "upon some ground of difference having a fair and substantial relation to the object of the legislation." . . . The burden on the state increases in proportion to the primacy of the interest involved. Eventually this burden reaches the function equivalent of the federal compelling state interest test in those cases where fundamental rights and suspect categories are at issue.

Senator Dick Shultz
March 9, 1992
Page 2

Herrick's Aero-Auto-Aqua Repair Service v. State, 754 P.2d 1111, 1114 (Alaska 1988) (citations omitted). The opportunity to work has been held to be an important right, requiring the court to closely scrutinize the law. State v. Enserch, 787 P.2d 624 (Alaska 1989). Close scrutiny requires that the state's interest underlying the enactment be an important interest and that the nexus between the enactment and the important interest it serves be close. The court's decision depends on the particular facts and justification presented in the case. It seems likely that the state could justify the requirement for the course work required by sec. 1 of the bill. The classification does not involve a suspect category (race or residence, for example) and the goal of the legislation (better informed teachers) is directly related to the requirement that sets up the two categories of teachers.

Section 2 requires that, in districts in which a significant number of the students are from diverse cultural backgrounds, school districts give preference to applicants demonstrating by training or experience that they are likely to be sensitive to the traditions and culture of the backgrounds represented in the student population. The equal protection analysis discussed above would apply to examination of this bill section, too. If school districts are able to demonstrate an important governmental interest in fostering sensitivity to the diverse cultural background of students at the time of hire, rather than in later on-the-job training, the hiring preference should be able to withstand an equal protection challenge.

Section 3 of the bill changes the definition of rural as it applies to the teacher scholarship loan program. The change made by the bill, increasing the maximum population of a community and including smaller communities that are connected by road or rail to Anchorage or Fairbanks, should be supportable against an equal protection challenge to the amendment. I have not considered the question of whether the rural preference created by the existing statute would be subject to challenge.

If I may be of further assistance, please advise.

TC:p!
92-167.plm

POSITION PAPER: DEPARTMENT OF EDUCATION

Division Educational Finance & Support Services Bill Number S B 430

Bill Title An Act Relating to Qualifications for Teachers

Sponsor Senator Shultz

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.

This bill provides for a "temporary" teaching certificate, valid for no longer than 2 school years, to be issued to a person lacking 3 semester hours in Alaska studies and 3 semester hours in multicultural education or cross-cultural communications.

The department would request the following changes:

1. Change "temporary" to "provisional" so as not to conflict with existing regulations pertaining to Temporary teacher certificates. *HES CS did this (qual this)*
2. Change "two school years" to "two years" because currently the department's computer system is able to automatically track expiration dates of certificates based on the date of issuance.

This bill will impact school districts by reducing local control in district hires. Districts would not be aware of cleared certificates at time of hire unless the Certification Office has issued the certificates.

The department does not support this legislation.

APPROVED:

Director Duane Guiley Division EFSS

Signature *M. L. Melvin for D.G.* Date 3-5-92

Commissioner/Deputy _____ Jerrv Covey

Signature *Karen R. Cannon* Date 3/5/92

SB 430
Fiscal Note
3-5-92

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*Rec'd after
bill R/o*

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

APR 06 1992 **REL NO.** CSSB 430(FIN)

Revision Date: _____ Department Affected: Education
 Title: "An Act relating to qualifications for teachers." BRU: Postsecondary Education Commission
 Component: Program Administration
 Sponsor: Senator Schultz
 Requestor: (S) FIN **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	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE FUND SOURCE:	N/A					
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

See Attached

Prepared By: Allan Barnes, Executive Director *AB* Phone: 465-2962
 Division: Alaska Commission on Postsecondary Education Date: April 3, 1992

Approved by Commissioner: _____ Date: _____
 Agency: _____

FISCAL NOTE ANALYSIS
CSSB430 (FIN)

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