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FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. SB 430

Revision Date: \_\_\_\_\_

Department Affected: Education

Title: An Act Relating to Qualifications for Teachers

BRU: EFSS

Sponsor: Senator Shultz

Component: Teacher Certification

Requestor: (S) HESS

COMPONENT SERIAL NO. 

1	2	4	0
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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						
<b>TOTAL OPERATING</b>	<b>19.0</b>	<b>6.0</b>	<b>5.0</b>	<b>2.0</b>	<b>0</b>	<b>0</b>

CAPITAL						
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REVENUE FUND SOURCE:	PR	PR	PR	PR		
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FUNDING: (Thousands of Dollars)

GENERAL FUND	19.0	6.0	5.0	2.0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE: PR						
<b>TOTAL</b>	<b>19.0</b>	<b>6.0</b>	<b>5.0</b>	<b>2.0</b>	<b>0</b>	<b>0</b>

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: Eddy Jeans / Bill Wright

Phone: 465-2865

Division: EFSS

Date: 3-5-92

Approved by Commissioner: 

Jerry Covey

Agency: Education

Date: 3-5-92

SB 430  
Fiscal Note  
3-5-92

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.

## 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.
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. A. Melin* Date 3-5-92

Commissioner/Deputy Jerry Covey

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

**FISCAL NOTE**

**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					
<b>TOTAL OPERATING</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

<b>CAPITAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
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<b>REVENUE FUND SOURCE:</b>	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					
<b>TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**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: \_\_\_\_\_  
 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.

# Alaska State Legislature

SENATOR DICK SHULTZ

P.O. Box V  
Juneau, Alaska 99811  
(907) 465-4940  
Home: P.O. Box 487  
Tok, Alaska 99780


Member  
Finance Committee  
Transportation Committee  
Special Committee on Oil & Gas

Senate  
District J

District 17

ALCAN BORDER  
ANDERSON  
BIG DELTA  
BOUNDARY  
CANTWELL  
CHICKEN  
CHISTOCHINA  
CLEAR  
COPPER CENTER  
DELTA JUNCTION  
DENALI PARK  
DUT LAKE  
DRY CREEK  
EAGLE  
EAGLE VILLAGE  
GAKONA  
GLENNALLEN  
GULKANA  
HEALY  
HEALY LAKE  
KENNY LAKE  
MENDELTA  
MENTASTA LAKE  
NABESNA  
NELCHINA  
NENANA  
NORTHWAY  
PAXSON  
SLANA  
TANACROSS  
TAZLINA  
TETLIN  
TOK  
TOLSONA  
TONSINA

## MEMORANDUM OF REQUEST

TO: SENATOR STURGELEWSKI / CHAIR SENATE HESS  
FROM: SENATOR SHULTZ   
DATE: FEB. 26, 1992  
RE: SENATE BILL 430

\*\*\*\*\*

I have introduced Senate Bill 430 to assist Alaskans in two ways. The first is to give a preference to Alaskan teaching applicants. The second is to put more emphasis on the importance of multi-cultural / cross cultural training for all teachers applying for work in Alaska.

District 18

BADGER ROAD  
EIELSON/  
MOOSE CREEK  
NEWBY  
NORTH POLE  
PLACK  
RICHARDSON  
SALCHIA

Your scheduling of SB 430 in the near future would be sincerely appreciated. I know you have been very supportive of these type of issues in the past and I look forward to working with you on this legislation.

7-LS158IND  
Cramer  
3/3/92

*CS 430  
Cramer*

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

BY

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 <sup>provisional</sup> temporary certificate, valid  
7 for no longer than two ~~school~~ years, to an applicant who has not completed the semester hours  
8 required under this subsection at the time of application if there are insufficient applicants for that  
9 type 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 in which significant  
13 numbers of the students are from diverse cultural backgrounds, the district or attendance area  
14 shall give preference to those applicants who demonstrate training or experience that establishes

1 that the applicant is likely to be sensitive to the traditions and culture of the cultural backgrounds  
2 represented in the student population.

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

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

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

9 (2) A COMMUNITY IN THE FIRST JUDICIAL DISTRICT OF THE STATE  
10 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

*same?*

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:pl  
92-167.plm

# MEMORANDUM

State of Alaska  
Department of Education

TO: Jerry Covey  
Commissioner

DATE: March 12, 1992

FILE NO: EPSADMIN1789

TELEPHONE NO: 465-2026

THRU: Duane Guiley *DG*  
Director, EF&SS

SUBJECT: SB430

FROM: Charlie Mae Moore, Administrator *CM*  
Teacher Education and Certification

The attached report addresses concerns raised during Senate Public Hearing on SB 430.

If I may be of further assistance, please do not hesitate to contact me.

## Teacher Training Programs

	Four Year Program		Certification	
	Alaska Studies	Multi-Cultural Cross-Cultural	Alaska Studies	Multi-Cultural Cross-Cultural
University of Alaska Anchorage*		X		
University of Alaska Southeast	X	X	X	X
University of Alaska Fairbanks**		X		
Alaska Pacific University	X	X	X	X
Sheldon Jackson College	X	recommended		

\*Except for History and Social Science, majors are required to take Alaska Studies and Multicultural as part of their program.

\*\*Only those students of education are required to take both courses.

Bristol Bay Campus, Dillingham  
Chukchi Campus, Kotzebue  
Interior Campus, Fairbanks

Kuskokwim Campus, Bethel  
Northwest Campus, Nome

ALASKAN STUDIES

- ANS 250 Current Alaska Native  
Leadership Perspectives
- ANS 310 Alaska Native Corporations
- ANS 320 Language and Culture:  
Applications to Alaska
- ANS 325 Native Self Government
- ANS 401 Knowledge of Native Elders
- ANS 415 Comparative Economic  
Development Processes: Applica-  
tions for Native Alaska
- ANS 425 Federal Indian Law and  
Alaska Natives
- ANS 430 Alaska Native Education
- ANS 475 Alaska Native Social  
Change
- Anth 123 Origins of Alaska's  
Native Peoples
- Anth 242 Native Cultures in Alaska
- Anth 245 Native Cultures in Alaska
- Anth 293 Contemporary Inupiat  
Culture and Culture Changes
- Hist 115 Alaska, Land and It's  
People
- Hist 484 Seminar in Northern  
Studies
- P.S. 263 Alaska Native Politics
- R.D. 265 Perspectives on  
Subsistence

CD 493. Native Studies  
MULTICULTURAL EDUCATION

- Psy 655 Healing: Implications for  
Clinical/Community Practice
- Psy 661 Cross-Cultural Counseling
- ANTH 104 Social/Cultural  
Anthropology

Psy 240 - OK Mult-Cul

MULTICULTURAL EDUCATION

- Ed 350 Communication in Cross-  
Cultural Classrooms
- Ed 380 Cultural Influences in Education
- Ed 424 Small High School Programs
- Ed 430 Multicultural Teaching Techniques
- Ed 450 Education and Cultural Transmission
- Ed 456 Orientation to Teaching in Rural Alaska
- Ed 490 Curriculum Development in Cultural  
Perspective
- Ed 582 Teaching as Reflective Inquiry
- Ed 583 Teaching as Decision-Making and  
Invention
- Ed 584 Practicum: Teaching in Small and  
Large Schools
- Ed 610 Education and Cultural Processes
- Ed 611 Learning, Thinking and Perception  
in Cultural Perspectives
- Ed 612 Cultural and Philosophical  
Foundations of Education
- Ed 615 Social Organization of Classrooms  
and Learning
- Ed 619 Reflective Inquiry into Multicultural
- Ed 620 Language, Literacy and Learning
- Ed 621 Cultural Aspects of Language Acquisition
- Ed 631 Small Schools Curriculum Design
- Ed 645 Small Schools Institute
- Ed 660 Educational Administration in Cultural  
Perspective
- Ed 682 Designing Learning Environments
- Ed 690 Seminar in Cross-Cultural Studies
- Ed 375. Exceptional Learner  
COURSES NOT ACCEPTABLE
- ANS 375 Native American Religion and  
Philosophy

UNIVERSITY OF ALASKA - ANCHORAGE

Kenai Peninsula College, Soldotna  
Kodiak College, Kodiak  
Matanuska Susitna College, Palmer  
Prince William Sound, Valdez

11/27/90

ALASKAN STUDIES

- Anth 200 Natives in Alaska
- Anth 250 Rural Education
- Anth 325 Anthropology Cook Inlet
- Anth 371 Dena'ina Language and Mythology
- Anth 440 Structures of an Alaskan Native Language
- Hist 341 History of Alaska
- Hist 342 History of Russian America
- Hist 343 History of American Alaska
- Ed 351 Workshop on Alaska
- Ed 485 Rural Special Education
- Ed 650 Alaska Economic Issues
- PAdm Administrative Problems in Alaska
- PS 231 Alaska State Government
- PS 340 Topics in Contemporary Politics: Alaska Native Politics
- Alaska State Government (Distant Delivery)

MULTICULTURAL EDUCATION

- Anth 210 Introduction to Anthropological Linguistics
- Anth 202 Cultural Anthropology
- Anth 335 Native North Americans
- Anth 340 Urban Anthropology
- Anth 403 Anthropological Perspectives on Education
- Anth 456 Anthropology and the Law
- Soc 222 Small and Rural Communities
- Soc 309 Urban Sociology
- Soc 408 American Minority Groups
- Just 455 Rural Justice
- Just 456 Anthropology and the Law
- Just 462 Indian Law and the Settlement Act
- Ed 240 Developmental Psychology in a Cross-Cultural Perspective
- Ed 350 Cross-cultural Communications
- Ed 419 Exceptionalities: Culture and Learning
- Ed 477 ESL/Second Language Methods
- Ed 478 Methods and Materials for Bilingual Education
- Ed 479 Assessment of Bilingual/ESL Education
- Ed 480 Education of Culturally Different Youth
- Ed 621 Culture, Language and Literacy
- NS 315 or NS 423 Transcultural Nursing
- Ed 617 Partners across the Pacific

Geo 300  
 Ed 651 - Economics for Educators  
 Similar topic in Economics for Educators;  
 "Alaska's Economic Future"

Islands Campus, Sitka  
Ketchikan Campus, Ketchikan

ALASKAN STUDIES

Anth 200 Introduction to Native  
Cultures of Alaska

Anth 225 The Art and Legends of  
Alaska Natives

Anth 342 Anthropology of the  
Natives of Alaska and the  
Arctic

Hist 341 History of Alaska

Hist 497 Local History and  
Education (Independent Study)

Geog 302 Geography of Alaska:  
People, Places and Potential

CROSSCULTURAL COMMUNICATIONS

Spch 330 Intercultural Communications

MULTICULTURAL EDUCATION

Ed 478 Methods and Materials for Bilingual  
Education

Ed 480 The Multicultural Classroom / 250 - class

Ed 693 Multicultural Education Seminar

COURSES NOT ACCEPTABLE

Hist 493 Museum Course (Per J. Pugh 3/6/89)

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Ed 593-6 multecultural Interdisiplinary  
Ed 680 Mult.cultural Ed Seminar

UNIVERSITY OF ALASKA SOUTHEAST  
8/23/91

Alaskan Studies

Anth 200 Introduction to Native Cultures of Alaska  
Anth 225 The Art and Legends of Alaska Natives  
Anth 342 Anthropology of the Natives of Alaska and the Arctic  
Hist 341 History of Alaska  
Geog 302 Geography of Alaska: People, Places, and Potential

Multicultural Education

Ed 480 The Multicultural Classroom  
Ed 680 Multicultural Education Seminar  
Spch 330 Intercultural Communications

ALASKAN STUDIES

SS 375/SO 675 History of the Native Peoples of Alaska

SBS 292 ST: Alaska Native Issues - ANCSA and 1991

SBS 292 ST: Alaska Native History Pre-ANCSA

SS 192 ST: Alaska Native Claims Settlement Act

SO Athabascan Culture

AN 427 History and Culture of Alaska Natives

SD 627

MULTICULTURAL EDUCATION

Edu 3/6 Multicultural Education

Edu 453 Multicultural Education

Edu 455 Introduction to Teaching English as a Second Language

Edu 456 Field Work and Study in Bilingualism and TESL

Edu 457 Workshop in Bilingual Education and Teaching English as a Second Language

Edu 652 History and Philosophy of Bilingual/Multicultural Education

Edu 675 Culture and Communication

Edu 688 Seminar: Bilingual Multicultural Education

Edu 692 ST: Cross-Cultural Learning Theories

Edu 650 Bilingual Reading Process

ALASKAN STUDIES

Hist 201 Alaska History

Hist 331 Alaska History: National  
and Global Significance

Anth 230 Natives of Alaska

MULTICULTURAL EDUCATION

Anth 225 Intercultural Experience

Anth 325 Intercultural Experience (Advanced)

Anth 360 Culture and Personality

Anth 365 Cultures of the World

Ed 479 The Culturally Different Child

James L. Lindsey  
P.O. Box 809  
Waldez, Alaska 99686

March 5, 1992

Senator Arliss Sturgulewski  
Room 427, State Capitol Building  
Juneau, Alaska 99801

Dear Senator Sturgulewski:

Regarding S.B. 430, Qualifications of Teachers, please consider:

Section 1. While Alaska studies and multicultural education undoubtedly have value in some, even many educational situations, I oppose a) the legislation at the state level on principle; b) mandating it for all types of teachers as unrealistic; c) placing a two year limit on the acquisition as impractical, less flexible, expensive, and an imposition on a new teacher who may well need to devote time to increasing expertise in a technical field related to his/her teaching assignment.

Section 2. This is bound to be damaging to education by mandating preference be given applicants who can claim some cross-cultural advantage either through course-work or, I assume, experience with a background other than his own.

It will be tragic if any class of chemistry students is denied the best possible teacher available because a less capable one can claim a course in "ethnic awareness".

Decisions as to the best match of available teacher to a group of students must be left to the decision makers closest to the situation.

VTY,



Jim Lindsey