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FISCAL NOTE

No. 1

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill Version: SB 458

(S) Publish Date: 3-23-92

Revision Date: _____ Department Affected: Education
 Title: An Act providing advisory arbitration BRU: K-12 Support
or school employees prior to striking and teacher
ayoff procedures Component: Foundation
 Sponsor: Rules Committee
 Requestor: Governor COMPONENT SERIAL NO.

1	4	1
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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:						
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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-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: None to the Department of Education

ANALYSIS: (Attach a separate page if necessary.)

PLEASE SEE ATTACHED.

Changes in SSB 458 (L+C) have no fiscal impact. This fiscal note is appropriate.

4/7/92 Blue
date Comte Aide (initial)

Prepared By: Mike Maher Phone: 465-2800
 Division: Commissioner's Office Date: March 20, 1992
 Approved by Commissioner: Mike Maher for Jerry Covey
 Agency: Education Date: March 20, 1992

Fiscal Note
Page 2 of 2
March 20, 1992

An Act providing advisory arbitration for school employees prior to striking and teacher layoff procedures.

Analysis:

The Department will provide technical assistance for the striking districts, contingent upon district reimbursement of travel and per diem. There will no impact to the foundation program because funding is based on average daily membership (ADM) not the number of days in session. The impact on districts could be considerable, but undetermined, based on the length and nature of the strike.

This bill provides for the release of tenured teachers if the employer determines that a reduction in staff is necessary due to a decrease in enrollment or due to budgetary or fiscal circumstances of the school district. In addition, it allows school districts more options when dealing with budgetary shortfalls, and provides for a greater degree of local control at critical economic times.

FISCAL NOTE

No. 2

Bill Version: SB 458

(S) Publish Date: 4-8-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____

Title: Act providing advisory arbitration for school employees
prior to striking.

Sponsor: Rules

Requestor: Governor

Department Affected: Administration

BRU: Personnel/OEEO

Component: Labor Relations

COMPONENT SERIAL NO.

0	0	5	8
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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	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

The advisory arbitration provisions of this bill will affect only one State teacher bargaining unit (Mt. Edgecumbe). This fiscal note assumes that no advisory arbitrations will be required for this unit and that any additional negotiation workload will be absorbed by current staff.

Prepared by: R. H. King *Richard P. The Miller*
Division: Personnel/OEEO

Phone: 465-4430
Date: March 23, 1992

Approved by Commissioner: Nancy Bear Usery
Agency: Administration

Date: 3/23/92

Distribution (by prepare): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies)

Changes in CSB 458 (LC) have no fiscal impact. This fiscal note is appropriate.

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date Comte Aide (initial)

STATE OF ALASKA

DEPARTMENT OF EDUCATION

WALTER J. HICKEL, GOVERNOR

GOLDBELT PLACE
801 WEST 10TH STREET, SUITE 200
JUNEAU, ALASKA 99801-1894

OFFICE OF THE COMMISSIONER

April 13, 1992

The Honorable Arliss Sturgulewski, Chairman
Senate HESS Committee
P.O. Box V
Juneau, AK 99811


Dear Senator Sturgulewski:

The purpose of this letter is to formally request your assistance in scheduling SB 458, "An Act relating to teacher tenure; providing for teacher layoff procedures; and providing for an effective date."

This bill gives local school boards the authority and flexibility they need to adjust programs in a responsible manner when necessitated due to declining budgets.

If you have any questions or require additional information please contact me.

Sincerely,


Jerry Covey
Commissioner

cc: Lori Nottingham, Office of the Governor

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

150

March 23, 1992

The Honorable Richard I. Eliason
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Eliason:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to certain rights of public school employees. The bill does two things:

First, it has the effect of reintroducing SB 16, which deals with the rights of school district employees to strike, and which I vetoed on March 20, 1992.

Secondly, it gives local school boards the authority and flexibility they need to adjust programs in a responsible manner when necessitated due to declining budgets.

This bill, in my view, strikes a necessary balance between the rights of employees and those of employers as our public schools deal with the harsh realities of declining state revenue. I urge your prompt and favorable consideration of this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel
Governor

A BILL

FOR AN ACT ENTITLED

"An Act relating to teacher tenure; providing for teacher layoff procedures; and providing for an effective date."

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

*Section 1. AS 14.20.175(b) is amended to read:

(b) A teacher who has acquired tenure rights is subject to nonretention for the following school year only for the following causes:

(1) incompetency, which is defined as the inability or the unintentional or intentional failure to perform the teacher's customary teaching duties in a satisfactory manner;

(2) immorality, which is defined as the commission of an act which, under the laws of the state, constitutes a crime involving moral turpitude;

(3) substantial noncompliance with the school laws of the state, the regulations or bylaws of the department, the bylaws of the district, or the written rules of the superintendent [; OR].

[(4) A NECESSARY REDUCTION OF STAFF OCCASIONED BY A DECREASE IN SCHOOL ATTENDANCE.]

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

Sec. 14.20.176. LAYOFF AND REHIRE. (a) A teacher is subject to layoff for the following school year by reason of a necessary reduction of staff, as determined by the employer, occasioned by a decrease in school attendance.

(b) A teacher is subject to layoff at any time, in a manner determined by the employer, because of budgetary or fiscal circumstances of the municipal school district or regional educational attendance area. Before placing a teacher on layoff status under this subsection, a municipal school district or regional educational attendance area shall demonstrate, to the commissioner's satisfaction, that a budgetary or fiscal circumstance necessitates the layoff.

(c) For a period of three years after layoff, a teacher who has been laid off under this section is entitled to hiring preference, in the district or regional educational attendance area where the teacher had been employed, to fill a vacant teaching position for which the teacher is qualified, as necessitated by program need. If a teacher is offered a teaching position under this subsection and the teacher declines the offer, the teacher is no longer entitled to the hiring preference.

(d) Notwithstanding any provision of AS 23.40, the terms of a collective bargaining agreement entered into between a teacher and a school district or regional educational attendance area on or after the effective date of this section may not be inconsistent with the provisions of this section.

(e) This section applies to a teacher regardless of whether the teacher has acquired tenure rights.

(f) The commissioner shall adopt regulations under the Administrative Procedure Act (AS 44.62) necessary to carry out the satisfaction requirement set forth in AS 14.20.176(b).

*Section 3. AS 14.20 is amended by adding a new section to read:

Sec. 14.20.177. JUDICIAL REVIEW OF LAYOFFS. Judicial review of determinations by the employer and/or the Commissioner regarding the layoff of teachers pursuant to AS 14.20.176(a) and (b) shall be pursuant to the Administrative Procedure Act (AS 44.62).

*Section 4. Nothing in this Act terminates or modifies a collective bargaining agreement if the agreement is in effect on the effective date of this Act.

*Section 5. This Act takes effect immediately under AS 01.10.070(c).

P.O. Box 84
Dillingham, Ak 99576
April 8, 1992

Senator Arliss Sturgulewski,
Senate
Juneau, Alaska

Dear Senator Sturgulewski,

I am writing this to urge you to vote against SB 458. This bill would be devastating to education in the bush. Stability of a teaching staff directly relates to the health of a school district. The high teacher turn-over in many villages and the subsequent problem of low achievement scores is testimony to not having experienced, well-established teachers in the classroom.

Dillingham has had an experienced and stable staff and the results show it. In 1985 we had the highest SAT scores in the state of Alaska.

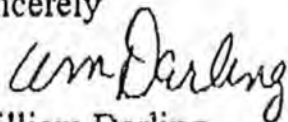
If teachers can be fired due to economic restrictions in the district, you will never have teachers becoming part of the community, buying houses, and making an area their home. Teachers will not have the freedom to teach the curriculum for fear that a special interest group will try to oust them under the guise of an *economic hardship*.

Tenure is there to protect the teacher from arbitrary and capricious judgements by an administrator or school board.

We must demand that teachers be constantly and fairly evaluated and action taken if there are deficiencies.

Again, please vote against a bill that will literally destabilize our school system and that will allow top teachers to lose the security of being able to teach effectively. I also ask you to urge your colleagues to vote against SB 458. Thank-you.

Sincerely



William Darling

math/science/computer teacher, 20 years experience

Testimony presented on April 24, 1992 to Senate HESS Committee
Regarding SB 458, relating to teacher tenure.

I am Janie Hill, a tenured bush Alaska teacher from Dillingham. I am very concerned about the future of the teaching profession in Alaska if the current tenure law is modified to provide for "layoff" of tenured teachers due to "fiscal circumstances." I am also concerned about the impact such a bill would have on me personally. Even though I was selected Alaska Teacher of the Year in 1991, if a "financial circumstance" such as a decrease in the number of special education students causes the administration to decrease staff, I could, as one of the most experienced and highly paid teachers be laid off with no provision in the bill for my seniority, expertise, or education to be used in the event the position would once again be filled.

I am very concerned about the motivation behind the administrative support for modification of the tenure law. If there is such a concern in rural district that have on staff tenured teachers not qualified to teach in areas where the administration would like to place non-tenured teachers, then why do rural districts continue to hire teachers with certification in one area and then place them in another area? I believe that practice is routinely followed in bush Alaska. Here is an example from my district. This year a new teacher was hired to teach English, however he is a science teacher. When he was hired our district already had 4 teachers on staff qualified to teach high school science. Two years ago the same teacher was hired to teach math in another bush Alaska district. In both instances the superintendents knew he was a science teacher, so why did they hire him? I believe they hired him because he seemed to be a good teacher, with the flexibility to teach multiple preparations in a wide range of fields as is so often expected of bush Alaska teachers. I also suspect he was hired because he was certified secondary and his wife was being offered an elementary position. The important point is that his area of training and certification were not the primary considerations when he was hired.

I believe the real reason for superintendent and school board support of these bills is to weaken tenure as the Dillingham City School Superintendent stated in a letter to Representative Lincoln in support of HB 516, "If we could get rid of the teachers we do not want, I wouldn't care if they never raised the foundation unit." Should teacher tenure be lost or weakened so administrators can get rid of teachers they don't like? Statute

already provides administrators with an avenue for dismissing the tenured teacher for incompetence, immorality, substantial insubordination and reduced enrollment. During the 20 years I have been a teacher, I have never seen the adopted evaluation process whole-heartedly followed. The evaluation procedure in my district is a lengthy document with multiple steps, which if followed would allow the administration to dismiss the tenured or the non-tenured teacher who has demonstrated substandard performance. An example of not following procedure for evaluating tenured teachers occurred in our district in a recent year. A tenured teacher in my district was given a very poor preliminary evaluation, as a teacher representative, I worked with that teacher and the administration to isolate the areas of concern and to establish a plan for improvement. The teacher did implement the plan and there was definite improvement. However, at year's end, no final evaluation was completed by the administrator, thus there is no formal evaluation on that teacher by that administrator in the teacher's personnel file. There is no documentation of the concerns nor that improvement had occurred. The blame for continued employment of poor quality tenured teachers should not be placed on the teachers' right to tenure but on the lack of administrative implementation of adopted evaluation procedures.

I believe that the weakening of the tenure law is one of the most damaging blows that the legislative body could give to education, especially in rural Alaska.

I have taught in Dillingham for the last twelve years. During that time our district, which is generally described as "very stable" has had four superintendents, four elementary principals, seven high school principals, and when the last School Board election occurred, all five school board seats were vacant. We tenured teachers keep on teaching, and are ready for school each fall no matter who the new leaders may be.

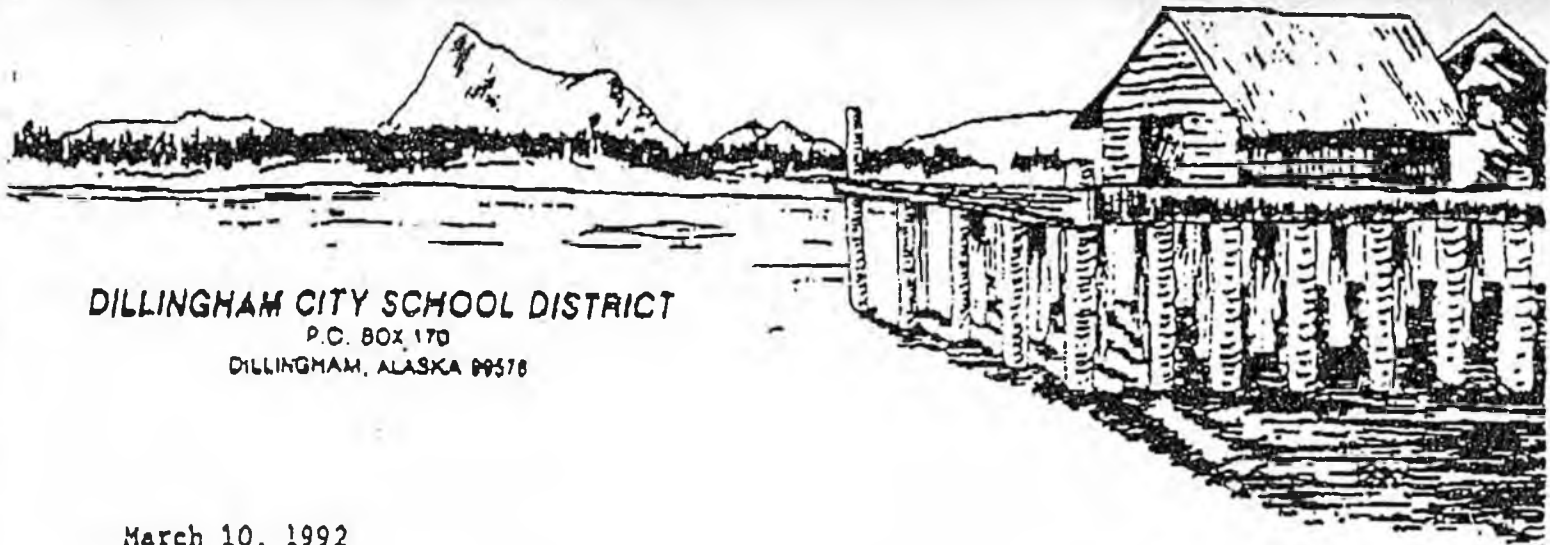
I believe the life-blood of the schools in rural Alaska towns like Dillingham is the tenured teacher. We tenured teachers not only provide stability and continuity to the school system, we are also the volunteers who are depended upon by the many community organizations. During my 12 years in Dillingham, I have been among the teachers who have served not only as classroom teachers but also as Boy and Girl Scout leaders, officers in the Arts Council, supporters and workers for the Friends of the Library and the Friends of the Museum, crisis line volunteers for SAFE, volunteer EMTs, Special Olympic coaches, PTA activists, church leaders, etc. Tenured teachers are typically key community activists. It is very rare to see a superintendent or a principal become so involved in community affairs. Their years in the districts are fewer and often their community commitments seem less. Tenured teachers make contributions to their communities and to their schools that, in my opinion, can never be made by first and second year teachers and are rarely made by the administrators.

I fear that the threat of losing a job at anytime during the school due to "financial circumstances" will cause the good teachers, teachers with families, teachers who have more extensive educational backgrounds to not choose to pursue careers in Alaska, especially in bush Alaska. Through the years Dillingham has had a good reputation for providing a quality education and supporting the students in such activities as ASAAG, Problem Solving, the Science Fair, Academic Decathlon, sports, etc. Most of the teachers who have kept students involved in those activities have been tenured teachers who have somehow kept up the hectic pace even though they had to take on increased fund raising responsibilities. As some of those teachers have retired early, many of the programs were dropped until they again were picked up by tenured teachers who were settled in their jobs and in the community.

There are several Dillingham teachers with Masters degrees. Most of them are tenured, experienced and more expensive. In the past years Dillingham has hired experienced, well educated teachers and it has paid off in quality programs and high achieving students.

I cannot help but fear that we Master level teachers with long term experience will be the targets of the budget cuts if tenured teachers can be dismissed for budgetary reasons. If long term job security depends on maintaining oneself as a "cheap" teacher, as I have heard one of our first year teachers describe herself, then you will have legislated a system of encouraging teachers to get little training and experience. You will have legislated a disincentive for becoming a more trained and skilled teacher. I must, ask, if you need the services of a doctor for your sick child, would you seek out the least experienced and least trained doctor or would you seek out the most trained and experienced doctor to care for your child? I believe that education is the key to every child's future. All children, but most especially the many living in crisis in rural Alaska, need the best trained and experienced teachers, not the "cheapest."

As a professional educator who has devoted the last 12 years to the education of students in rural Alaska, I am saddened to see such bills even being considered. I view it as a "slap in the face" of all teaching professionals who have chosen to live in Alaska, to build and buy homes, to become key community leaders and volunteers, who have chosen to have their own children go to school in Alaska. I believe all schools, including Alaska schools need the professionalism, the experience, the drive, the tenacity, the ethical voices of the tenured teachers. You may indeed save money by dismissing tenured teachers, but you will also greatly reduce the quality of education and you will lose a very vital form of internal oversight of misdeeds and misappropriations.



DILLINGHAM CITY SCHOOL DISTRICT
P.O. BOX 170
DILLINGHAM, ALASKA 99576

March 10, 1992

Georgianna "Georg" Lincoln
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Post-It™ brand fax transmittal memo 7571 # of pages •

To	From
Co.	Co.
Dept.	Phone #
Fax #	Fax #

Dear Representative Lincoln

I am following your bill pertaining to non retention of teachers for budgeting reasons with great interest.

I have attended countless meetings with school board members from all around our state who have made the following remark in one way or another, "if we could get rid of the teachers we do not want, I wouldn't care if they never raised the foundation unit."

Perhaps that is a little strong, but the message is clear. We can employ excellent teachers at half the cost of some of our veterans who are burned out and coasting to retirement.

I understand you are holding a hearing on HB 516. I hope your testimonies run heavy for changing the present tenure laws. I hope we can get back to letting the educational program drive our employment practices. I hope we can do what is best for kids.

If I can lend support to your effort, please don't hesitate to call on me.

Sincerely

Don Renfro
Don Renfro
Superintendent

mrk

Fiscal Note
Page 2 of 2
March 20, 1992

An Act providing advisory arbitration for school employees prior to striking and teacher layoff procedures.

Analysis:

The Department will provide technical assistance for the striking districts, contingent upon district reimbursement of travel and per diem. There will no impact to the foundation program because funding is based on average daily membership (ADM) not the number of days in session. The impact on districts could be considerable, but undetermined, based on the length and nature of the strike.

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STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE

No. 2

Bill Version: SB 458

(S) Publish Date: 4-8-92

Revision Date: _____

Title: Act providing advisory arbitration for school employees prior to striking.

Sponsor: Rules

Requestor: Governor

Department Affected: Administration

BRU: Personnel/OEEO

Component: Labor Relations

COMPONENT SERIAL NO.

0	0	5	8
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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	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

The advisory arbitration provisions of this bill will affect only one State teacher bargaining unit (Mt. Edgecumbe). This fiscal note assumes that no advisory arbitrations will be required for this unit and that any additional negotiation workload will be absorbed by current staff.

Prepared by: R. H. King *Richard P. The Hallen*
Division: Personnel/OEEO

Phone: 465-4430
Date: March 23, 1992

Approved by Commissioner: Nancy Bear Usery
Agency: Administration

Date: 3/23/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agencies

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