

SB

65

8-LS0302N

Ford

3/29/93

CS FOR SENATE BILL NO. 65()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): SENATOR DUNCAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to centralized correspondence study; and providing for an
2 effective date."

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

4 * Section 1. AS 14.16 is amended by adding a new section to read:

5 ARTICLE 2. CENTRALIZED CORRESPONDENCE STUDY.

6 Sec. 14.16.100. CENTRALIZED CORRESPONDENCE STUDY. (a) The
7 state centralized correspondence study program is a public school of the state. A
8 school term for a student enrolled in a centralized correspondence study program
9 operated by the department consists of a minimum of 180 days, unless the
10 commissioner approves a shorter term.

11 (b) The board shall establish the salaries and benefits to be paid centralized
12 correspondence study teachers employed by the department and shall establish
13 procedures for teacher evaluation and training.

14 (c) The following provisions apply with respect to the operation and

1 management of the state centralized correspondence study program as if it were a
2 school district:

- 3 (1) AS 14.14.105 and 14.14.107 (relating to sick leave);
4 (2) AS 14.17.080 (relating to student count estimates);
5 (3) AS 14.17.082 (relating to school operating fund balances);
6 (4) AS 14.17.160 - 14.17.200 (setting out the procedure for payment
7 of financial assistance and imposing general requirements and limits on money paid);
8 (5) AS 14.20.095 - 14.20.120 and 14.20.215 (relating to freedom of
9 speech and the employment of teachers);
10 (6) AS 14.20.220 (relating to the salaries of teachers employed);
11 (7) AS 14.20.280 - 14.20.350 (relating to sabbatical leave provisions
12 for teachers);
13 (8) AS 23.40.070 - 23.40.260 (authorizing collective bargaining by
14 certificated employees) except with regard to teachers who are administrators and
15 except that the board may delegate some or all of its responsibilities under those
16 statutes.

17 * Sec. 2. AS 14.17.022 is amended to read:

18 Sec. 14.17.022. MONEY FOR CENTRALIZED CORRESPONDENCE
19 STUDY. Money for providing centralized correspondence study programs for students
20 not enrolled in an approved school district correspondence study program includes an
21 allocation from the public school foundation account in an amount calculated by
22 multiplying the instructional unit value in AS 14.17.056 by the total number of
23 instructional units, as determined by applying the number of correspondence students
24 to the formula [FOR ELEMENTARY SCHOOLS] in AS 14.17.041(b)
25 [AS 14.17.041(b)(1)], then multiplying that product by 65 percent.

26 * Sec. 3. This Act takes effect July 1, 1993.

SENATE BILL NO. 65
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 EIGHTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR DUNCAN

Introduced: 1/25/93
 Referred: HES. CRA, FIN

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4 (2) AS 14.17.080 (relating to student count estimates);

5 (3) AS 14.17.082 (relating to school operating fund balances);

6 ~~(4) AS 14.17.160 - 14.17.220~~ ³⁰⁰ (setting out the procedure for payment
7 of financial assistance and imposing general requirements and limits on money paid);

8 ~~(5) AS 14.20.095 - 14.20.215~~ ¹²⁰ (relating to the employment ^{freedom of speech and}
9 of teachers); ~~(6) AS ~~14.20.215~~ 14.20.215~~ ^(Definitions)

10 ~~(7) AS 14.20.220~~ (relating to the salaries of teachers employed);

11 ~~(8) AS 14.20.280 - 14.20.350~~ (relating to sabbatical leave provisions
12 for teachers);

13 ~~(9) AS 23.40.070 - 23.40.260~~ (authorizing collective bargaining by
14 certificated employees) except with regard to teachers who are administrators and
15 except that the board may delegate some or all of its responsibilities under those
16 statutes.

17 ~~(d) A person employed as a teacher in the state centralized correspondence~~
18 ~~study program on July 1, 1993, acquires tenure rights under AS 14.20.150 and~~
19 ~~14.20.155 as though the person had been employed by a school district.~~

20 * Sec. 2. AS 14.17.022 is amended to read:

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22 STUDY. Money for providing centralized correspondence study programs for students
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24 allocation from the public school foundation account in an amount calculated by
25 multiplying the instructional unit value in AS 14.17.056 by the total number of
26 instructional units, as determined by applying the number of correspondence students
27 to the formula [FOR ELEMENTARY SCHOOLS] in AS 14.17.04 (b)
28 [AS 14.17.041(b)(1)], then multiplying that product by 65 percent.

29 * Sec. 3. This Act takes effect July 1, 1993.

Section 1

Department position: Reference to the statutes contained in the proposed language for 14.16.100 (a)(1-8) are unnecessary for the following reasons:

(1) AS 14.14.105 (re: Sick Leave Bank) is already collectively bargained on behalf of the CCS teachers;

(2) AS 14.14.107 is unnecessary because DOE employees are already covered by reference.

~~(3) AS 14.17.080 is unnecessary because the enrollment numbers are part and parcel of the division's budget planning requirements for the Department of Education budget. Regardless of its status as a "school district," CCS is a division of the Executive Branch.~~

(4) AS 14.17.082: no argument

(5) AS 14.17.160 - .220:

14.17.160: no argument

14.17.170: no argument

14.17.190: no argument

14.17.200: no argument

~~14.17.210: does not apply to CCS; CCS is not now, nor will it be an REAA~~

~~14.17.220: no argument, but does not apply to CCS, even as a "school~~

~~district~~

(6) AS 14.20.095 - .215:

14.20.095: unnecessary; provides unfettered freedom of speech, a Constitutional right.

14.20.097: unnecessary; this protection is collectively bargained and is inappropriately applied to CCS, which has no student population.

14.20.100: unnecessary; coverage provided by federal Title VII and AS 44.

14.20.110: unnecessary; sets penalty for 14.20.100

14.20.120: no argument

~~14.20.130: arguability undetermined at this time; it the State's position that state employees are covered by AS 23.40, and as such, are prevented from having individually contracted employment.~~

~~14.20.143: non-retention is a subject of collective bargaining under AS 23.40.~~

14.20.145: unnecessary; CCS teachers holding collectively bargained "permanent status" enjoy the job security and rights as 'tenured' teachers.

14.20.147: unnecessary; CCS is a division of the Executive Branch, and the teachers are state employees. Other than Mt. Edgescombe, there are no other 'districts' to which CCS could be transferred, or which could transfer to CCS.

14.20.148: not applicable

14.20.150: unnecessary; tenure laws were established to provide job security for teachers; CCS teachers have the protection of contractually mandated permanent status

14.20.155: unnecessary; see 14.20.150.

14.20.158: unnecessary; no individual contracts exist, positions are currently 12-month positions.

~~14.20.160: unnecessary; no tenure applies.
14.20.163: unnecessary; no tenure applies.
14.20.170: unnecessary; dismissal of a CCS teacher is covered by provisions
of collective bargaining.
14.20.175: unnecessary; this section deals with rights equivalent to
"probationary status" afforded by existing collective bargaining.
14.20.180: unnecessary; covered by collective bargaining.
14.20.205: unnecessary; covered by collective bargaining.
14.20.210: no argument~~

14.20.215 unnecessary; definitions either do not apply or are address in existing bargaining agreement.

(7) AS 14.20.220 is unnecessary because CCS teacher salaries are collectively bargained.

(8) AS 14.20.280 - .350 dealing with sabbatical are unnecessary as CCS teachers have negotiated contract language allowing professional development.

(9) AS 23.40.070 - .260: It is the position of the State of Alaska, Department of Administration, Division of Personnel/EEO, Labor Relations Section, that the employees of CCS are already covered by 23.40.070 - 23.40.260.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 65

Revision Date: _____
Title: Centralized Correspondence Study

Department Affected: Department of Education
BRU: Centralized Correspondence School
Component: _____

Sponsor: Senator Duncan
Requestor: Senator Duncan

COMPONENT SERIAL NO. 172

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	135.0	148.5	155.4	170.4	187.4	205.4
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL	95.0	110.0	130.0	143.0	154.0	165.0
SUPPLIES	108.4	120.3	132.1	146.7	165.5	187.9
EQUIPMENT	8.0	3.0	3.0	3.0	3.0	3.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	351.4	386.8	425.5	468.1	514.9	566.3

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other Foundation	351.4	386.8	425.5	468.1	514.9	566.3
TOTAL	351.4	386.8	425.5	468.1	514.9	566.3

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$None

ANALYSIS: (Attach a separate page if necessary.)

This fiscal note is based on a yearly increase of 10% in student enrollment.

Prepared by: Darby Anderson/Mike Maher
Division: Centralized Correspondence School

Phone: 465-2835
Date: 2/8/93

Approved by Commissioner: _____
Agency: Education

Jerry Covey
Date: 2-9-93

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Analysis of Funding

SB 65: Centralized Correspondence School

Personnel

102.0	Advisory Teachers
12.0	Warehouse Stockhandler (25%)
9.0	Clerk Typist III (25%)
<u>12.0</u>	Registrar (25%)
135.0	

Travel

1.5	Administer Student Testing Juneau to Anchorage 3 @ \$500
.5	Parent training Juneau to Anchorage 1 @ \$500
1.5	Student Activities 3 students @ \$500
.5	Secondary Teacher Training 1 @ \$500
<u>1.0</u>	Student Visitation for At-Risk 2 @ \$500
5.0	

Contractual

4.5	Userids for secondary students on UACN
5.0	Telephone and postage
83.5	Printing of secondary courses and educational materials
<u>2.0</u>	Printing of secondary courses and educational materials
95.0	

Supplies

70.4	Textbooks, course materials, educational supplies
<u>38.0</u>	Purchasing secondary course materials for electives
108.4	

Equipment

8.0	IBM Word Processing Terminals for data, student records and lessons 2 @ \$4,000
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Comment on CS for SB 65

Title 14 Reference	Topic	Dept. Position	Reason
14.14.105	Sick Leave Bank	con	Sick bank language already in place in negotiated agreement; this language less advantageous to teachers
14.14.107	Sick Leave Transfer	con	CCS teachers are already covered by this section as DOE employees
14.17.080	Student Count Estimates	neutral	
14.17.082	Fund Balance	pro	DOE supports
14.17.160	Student Counting Periods	neutral	
14.17.170	Distribution Of Foundation Aid	neutral	
14.17.190	Restrictions/ Receipt And Expenditure	neutral	
14.17.200	Regulations	neutral	
14.20.095	Right To Comment/Criticize Not/Restricted	neutral	Constitutional right; contractual right by collective bargaining
14.20.097	Duty-Free Time	neutral	This language is mirrored in collective bargaining agreement
14.20.100	Unlawful Require/Religious/Political Affiliation	neutral	Mirrored in current contract language, federal Title VII
14.20.110	Penalty For Violation Of As 14.20.100	neutral	Civil and criminal remedies already exist under contract and Title VII
14.20.120	Statement Of Qualifications	neutral	
14.20.215	Definitions	neutral	terms are defined in collective bargaining
14.20.220	School Experience For Salary Scales	con	CCS teacher salaries are collectively bargained
14.20.280-350	Sabbatical Leave and Other Leave	con	CCS teachers have negotiated language dealing with professional development, leaves of absence, military leave, etc.
23.40.070	Organization/Collective Bargaining	neutral	DOE believes that CCS teachers are already covered by AS 23.40

POSITION PAPER: DEPARTMENT OF EDUCATION

Division Centralized Correspondence School Bill Number SB 65

Bill Title Centralized Correspondence Study

Sponsor Senator Duncan

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.

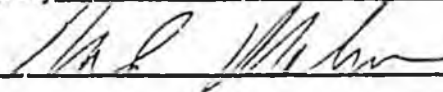
See attached.

APPROVED:

Director Darby Anderson Division Centralized Correspondence School

Signature  Date 2/22/93

Commissioner/Deputy Mike Maher

Signature  Date 2/23/93

SB 65 recognizes the Centralized Correspondence (CCS) program as a public school of the State and makes adjustments in the funding to make it equitable for secondary students. The school was established 53 years ago to provide an option for students that wanted to go to school at home.

Section 1

The Department position on Section 1 is that the majority of references to statutes contained in the proposed language for 14.16.100 (2) (1-8) are unnecessary. The formal recognition as a school and being able to operate with a fund balance (3) AS 14.17.082 are the relevant points. Please see the attached summary that provides the justification for the Department position on this section.

Section 2

The following changes in the program justify the need to change the funding to provide equitable resources to serve secondary students:

- The school operates primarily on foundation funds based on the number of students served.
- The school is allowed to use 65% of the elementary formula.
- The average cost per pupil for FY93 is \$2,600.
- The school is the 15th largest school district, if it were compared to the other 54 school districts.
- Over 51% of the students are in the Anchorage, Matsu and Fairbanks areas.
- The enrollment in the school increased by 70% since 1979.
- Secondary students now make up 50% of the enrollment.
- Teachers have developed more secondary courses to meet the needs of secondary students. The costs associated with preparing the courses, publishing the materials, ordering text books, distributing the material and teaching the courses have increased.
- A portion of the secondary students are considered at-risk and require more counseling services and instructional alternatives.
- Secondary students require more time for career development, identifying academic and vocational options. This means there is often a greater cost for secondary courses and materials.
- Since 1987, the Summer School by Mail funds supplemented the basic secondary program. The program was cut by 2 million dollars in 1992 and lack of secondary support was more apparent.

The school needs to be able to access secondary funds to provide a basic quality of service for secondary students. The funding change is needed to maintain and continue the secondary program. Secondary students deserve equitable funding. The Department supports SB 65 with the amendments to Section 1.

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DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY
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Juneau, Alaska 99801-2105

M E M O R A N D U M

March 2, 1993

SUBJECT: Sectional Summary of SB 65

TO: Senator Jim Duncan

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

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Adds a new section of law that would establish the state centralized correspondence study program as a public school of the state. Provides for a minimum school year of 180 days, and for establishment of teacher salaries, benefits, and training. Provides that the correspondence study program shall be treated as a school district for purposes of funding, collective bargaining, tenure, and other provisions listed in subsection (c).

Section 2. Increases the funding for the correspondence study program, by including students in secondary school (AS 14.17.041(B)(2)) within the formula determining the money allocated to correspondence study.

Section 3. Effective date.

MFF:gc
93-180.glc



Alaska State Legislature

SENATOR JIM DUNCAN

MEMORANDUM

Date: March 1, 1993

To: Senator Steve Reiger, Chair
Senate Health, Education and Social Services Committee

From: Senator Jim Duncan

Re: SB 65, relating to centralized correspondence study

I request that you schedule SB 65, relating to state centralized correspondence study for a hearing as soon as possible.

Currently, the Centralized Correspondence Study program receives its funding under 14.17.022 which only allows counting of elementary students and is prorated at 65 percent of the unit value. This funding scenario has created an inequity because they provide services to over 1,160 students, half of which are in high school. The result is that the Correspondence Study program is grossly under funded to continue the valuable service it provides throughout the state. The current year proposed cuts to the summer school program further exacerbate the problem.

This bill will amend the centralized correspondence study statutes to recognize the Correspondence Study program as a public school of the state with a term of 180 days. With the bill, the State Board of Education serves as the school board for correspondence study teachers, and these teachers will be fully recognized as public school teachers rather than state employees.

I believe this bill will acknowledge the valuable contribution made to education in this state by the Centralized Correspondence Program and enable it to continue. Thank you for your favorable action on this request.

Attachments

