

HB

93

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 93

Revision Date: _____

Department Affected: Education

Title: Teacher Duty-Free Mealltime

BRU: Executive Administration

Component: Commissioner's Office

Sponsor: Representative James

Requestor: Representative James

COMPONENT SERIAL NO. 185

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)

Passage of this legislation will have no fiscal impact on the Department of Education.

Prepared by: Kimberly Homme, Special Assistant

Phone: 465-2803

Division: Commissioner's Office

Date: February 11, 1996

Approved by Commissioner: *[Signature]*

Shirley Holloway, Ph. D.

Agency: Education

Date: February 11, 1996

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HOUSE COMMITTEE REPORT

(7)

Date Referred: January 18, 1995

FURTHER REFERRALS:

Finance

Date of Committee Action: 3/12/96

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 93

HOUSE BILL NO. 93

TEACHER DUTY-FREE MEALTIME

"An Act relating to the duty-free mealtime for teachers in certain school facilities."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____
 zero fiscal note(s) DOE zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jan L. ...</i>			<input checked="" type="checkbox"/>	
<i>...</i>			<input checked="" type="checkbox"/>	
<i>Car Beardsley</i>		<input checked="" type="checkbox"/>		
<i>...</i>	<input checked="" type="checkbox"/>			
<i>Caren Robinson</i>		<input checked="" type="checkbox"/>		
<i>...</i>		<input checked="" type="checkbox"/>		
<i>...</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE *Car Beardsley*

Alaska State Legislature

REPRESENTATIVE
ANNETTE JAMES
P.O. Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-4271



While in Juneau
State Capitol
Juneau, Alaska
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House Of Representatives

House District 34

SPONSOR STATEMENT

HOUSE BILL 93

"An Act relating to the duty-free mealtime for teachers in certain school facilities."

This bill was introduced at the request of the Fairbanks North Star Borough School District Board of Education. The Fairbanks School Board and the District Administration strongly support the bill.

It would eliminate the underlined portion of Section 14.20.097 which reads: *"Duty-free time. Each body shall allow its teachers in school facilities with four or more teachers a daily duty-free mealtime of at least 30 minutes between 11:00 a.m. and 1:00 p.m."* This requirement directly restricts the administration's ability to create schedules that best serve interests of Fairbanks area students.

This amendment to Section 14.20.097 would allow adjustment to changing conditions and create more efficient use of facilities. Teachers would still have daily mid-day duty-free mealtimes, but eliminating the strict 11:00 - 1:00 time frame would simply allow more freedom in scheduling classes and bell times, thus providing more flexibility and cost-efficiency in meeting students' educational needs.

Sec. 14.20.097. Duty-free time. Each governing body shall allow its teachers in school facilities with four or more teachers a daily duty-free mealtime of at least 30 minutes between 11:00 a.m. and 1:00 p.m. (§ 1 ch 11 SLA 1969)

Sec. 14.20.100. Unlawful to require statement of religious or political affiliation. A school board, or a member of a school board, may not require or compel a person applying for the position of teacher in the public schools of the state to state a religious or political affiliation. (§ 37-5-1 ACLA 1949)

Collateral references. — Discrimination because of race, color, or creed in respect of appointment, duties, compensation, etc., of schoolteachers or other public officers or employees. 130 ALR 1512. Validity of governmental requirement of oath of allegiance or loyalty as applied to college curators. 18 ALR2d 303. Dismissal or rejection of public schoolteacher because of disloyalty. 27 ALR2d 487.

Sec. 14.20.110. Penalty for violation of AS 14.20.100. A person violating AS 14.20.100 is punishable by a fine of not more than \$100. (§ 37-5-2 ACLA 1949)

Sec. 14.20.120. Statement of qualifications. A statement of the qualifications of each teacher and superintendent employed by the state or a school district shall be filed with the commissioner. The statement must contain the credits earned in college, normal school, or university, and the number of years of teaching experience both in the state and elsewhere in the form and manner prescribed by the commissioner. (§ 37-6-5 ACLA 1949; am § 5 ch 179 SLA 1957; am § 12 ch 46 SLA 1970)

Sec. 14.20.130. Employment of teachers and administrators. An employer may, after January 1, issue contracts for the following school year to employees regularly qualified in accordance with the regulations of the department. The contract for a superintendent may be for more than one school year but may not exceed three consecutive school years. (§ 1 ch 92 SLA 1960; am § 14 ch 98 SLA 1966)

NOTES TO DECISIONS

Authority of school district to employ teachers. — A school district has no authority to employ teachers except as prescribed by statute and regulation. *Spicer v. Anchorage Indep. Sch. Dist.*, 410 P.2d 995 (Alaska 1966). Letter from superintendent of schools held not to be an offer of a contract. — See *Spicer v. Anchorage Indep. Sch. Dist.*, 410 P.2d 995 (Alaska 1966). Cited in *Skagway City Sch. Bd. v. Davis*, 543 P.2d 218 (Alaska 1975).



FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

520 Fifth Avenue

Fairbanks, Alaska 99701-4758

(907) 452-2000

Board of Education March 9, 1993

John Wilken
Member
District A
1-0941

Representative Jeanette James
Alaska State Legislature
MS 3100
Juneau, Alaska 99801-1182

Bill Burrows
Vice President
District B
1-0985

Dear Representative James:

John Haigh
Member
District D
1-7834

Thank you for responding to the Fairbanks School Board's request to introduce HB93 to repeal unnecessary restriction in law regarding strict duty-free mealtime's for teachers. The Fairbanks School Board of Education and our District Administration strongly supports this bill.


Bill Boko
Member
District O
1-9081

Current law directly impacts our ability to create high school schedules that best serve the interests of students. With the repeal of AS14.20.097 the Fairbanks Board of Education and the District's Administration will gain needed flexibility in managing daily schedules for our 15,700 students, resulting in a more efficient utilization of our facilities.

John Warwick
Member
District F
1-8148

As you know, it is the intent of the District to ensure teachers of a scheduled duty-free mealtime. We value our teaching staff and will continue to accommodate their needs in providing a positive work environment. HB93 is an important management tool and will allow us to adjust to changing conditions.

John Henry
Member
District B
1-0034

Sincerely,

Bill Burrows
Vice President
Board of Education

Bill Helms, Lt. Col.
Alaska Air Force Base
Representative
77-3259

John Papp, Major
Fort Wainwright Army Post
Representative
59-3771

cc: Interior Delegation
Rick Cross, Superintendent
Linda Anderson, Legislative Liaison

Ray McAlpin
Student Representative
1-88-9001



FAIRBANKS EDUCATION ASSOCIATION

2118 S. CUSHMAN
 FAIRBANKS, ALASKA 99701-6626
 (907) 456-1435
 FAX (907) 456-2159

February 27, 1996

Representative Cynthia Toohey and Representative Con Bunde
 House HESS Co-Chairs
 Alaska State Legislature
 Juneau, AK 99801-1182

Dear Representative Cynthia Toohey and Representative Con Bunde ,

I am writing you to urge you to do not pass HB 93. AS 14.20.097 has not been an issue in Fairbanks because the Fairbanks Education Association and the Fairbanks North Star Borough School District have mutually agreed to address individual building concerns.

The Fairbanks Education Association has agreed with the Fairbanks North Star Borough School District that in some situations, lunches outside the 11:00- 1:00 window are appropriate. Teachers in the two schools where we have addressed the issue have the option of eating during a lunch period within the 11:00-1:00 window or at a later lunch. This latitude has allowed a diabetic teacher, who had to eat lunch to maintain her blood sugar level, to eat lunch within the current 11:00-1:00 window.

If AS 14.20.097 is amended as proposed in HB 93, "lunch" could occur at any time within the day. In this district lunch could be as early as 7:15 am or as late as 4:00pm. Our concern is that "lunch" should occur near midday.

Sincerely,

Bill Bjork, President
 Fairbanks Education Association

Post-it [®] Fax Note	7671	Date	2/27	# of pages	▶
To	Vernon M.	From	SBH		
Co/Dept.		Co.	FEA		
Phone #		Phone #			
Fax #		Fax #			

Rod McCoy, Teacher
7749 Old Harbor Rd.
Anchorage, Ak. 99504
February 25, 1996

House of Representatives
Hess Committee

Regarding: HR 93 Teacher duty free lunch

I met with HFSS secretary Lynne Smith during my recent trip to Juneau. She showed me a letter from the Fairbanks School Administration that supported this bill saying they are interested in continuing their offer for a duty free mealtime for their teachers. The letter made no indication of whether their intended meal was breakfast, lunch, or dinner.

I am sure the Fairbanks district has the best of intentions. However we can not remove this provision. It would allow the duty free lunch time to be abused and make the original intention of protection for the physical and emotional needs of the teacher to be abrogated.

I believe there is a need for the Department of Education to create in consensus with employee organizations a committee that will allow certain short term waivers for legislation. There would need to be protection of all interests. A district could not obtain a waiver if their employees did not support the agreement. Employees could not obtain a waiver if the district could not support it. There needs to be local community/parent group agreement.

However, I do not believe there is agreement between the Fairbanks district and its employees. If there were such an agreement, I do not believe they would be requesting this change. The issue would have already been solved locally without the participation of the state.

Please do not support this bill. Most but not all administrations understand the importance of maintaining this minimum regard for the needs of their teachers.

Respectfully,


Rod McCoy

more money should be spent on studies directed toward the effects of bottom trawling on fish habitat.

I have enclosed a copy of a letter to the Juneau Empire which deals with the issues addressed in the reports and which would, perhaps, be interesting to you.

Thank you.

Very Truly Yours,

W.R. 

**William R. Tonsgard, Jr.
Chairman of the Board,
Channel Corporations**

Attachments

HB 93

Amend to read

Each governing body shall allow its teachers in school facilities with four or more teachers a daily duty-free mealtime of at least 30 minutes between 11:00 a.m. and 1:00 p.m. or between such other hours as the governing body and the union representing teachers in a school district may specify.