

**HB**

**129**



Alaska Association Secondary School Principals  
Educational Leadership for Alaska's Future

P.O. Box 2889  
Palmer, Alaska 99645  
Phone: (907) 746-9300 Fax (907) 746-9301  
Email: aassp@alaska.net

APR 12 1999

André Layral, President  
North Pole Middle School  
North Pole

Margo Bellamy, President Elect  
Wendler Middle School  
Anchorage

Larry S. LeDoux, Past President  
North Star Elementary School  
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Carol G. Kane Exec. Director  
Palmer

**To: HESS LABOR & COMMERCE COMMITTEE**

|                |                          |
|----------------|--------------------------|
| Representative | Norman Rokeberg, Chair   |
| Representative | Andrew Halcro Vice Chair |
| Representative | John Harris              |
| Representative | Lisa Murkowski           |
| Representative | Jerry Sanders            |
| Representative | Tom Brice                |
| Representative | Sharon Cissna            |

**From: Carol G. Kane, Executive Director** *CGK*

**Date: 4/6/99**

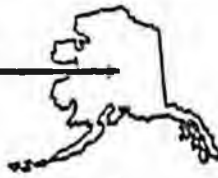
**Re: Joint Resolution Opposing HB 129**

**Thank you for hearing our concerns and please call upon us if we can be of any assistance to you or if you need additional information.**

**Please find attached the Joint Resolution Opposing HB 129 as presented by our professional organizations - Alaska Association of Secondary School Principals and Alaska Association of Elementary School Principals.**



LETTING THE FOCUS ON LEARNING FOR LIFE



Alaska Association Secondary School Principals  
Educational Leadership for Alaska's Future

## Resolution Opposing HB 129

By

Alaska Association of Secondary School Principals

&

Alaska Association of Elementary School Principals

*Whereas* HB129 adds "principals" into AS.23.40.250 (6) along with Superintendents which makes collective bargaining unavailable to both groups of administrators, and

*Whereas* AS 23.40.070 (1), Declaration of Policy, recognizes the right of public employees to organize for the purpose of collective bargaining, and

*Whereas* AS 23.40.070 (2) requires public employers to negotiate with and enter into written agreements with employee organizations on matters of wages, hours, and other terms and conditions of employment, and


*Whereas* under HB 129 principals would lose their voice in determining their conditions of work, paving the way for arbitrary reassignment, removal from their positions without just cause, and would have no formal means of appeal of grievances and termination, nor representation, and

*Whereas* HB 129 will further restrict the ability of school districts to recruit and retain qualified school principals in a market which already predicts severe shortages of principals in Alaska and the United States, and

*Whereas* the stability of schools and school districts throughout Alaska often calls on the longevity and commitment of dedicated principals when there is high turnover of superintendents in Alaska, now

*Therefore be it resolved* that the Alaska Association of Secondary School Principals and the Alaska Association of Elementary School Principals oppose HB 129 and would ask that HB 129 is defeated.

Dated: April 6, 1999



Alaska Association Secondary School Principals  
Educational Leadership for Alaska's Future

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Palmer, Alaska 99645  
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Palmer

To: Labor & Commerce Committee

Representative Norman Rokeberg, Chair  
Representative Andrew Halcro Vice Chair  
Representative John Harris  
Representative Lisa Murkowski  
Representative Jerry Sanders  
Representative Tom Brice  
Representative Sharon Cissna

From: Carol G. Kane, Executive Director 

Date: 4/2/99

As Executive Director of the Alaska Association of Secondary School Principals please accept our appreciation to be able to participate in the public testimony regarding HB 129. Our organization represents 235 administrative professionals throughout Alaska. Our Board of Directors of the Alaska Association of Secondary School Principals is opposed to HB 129 as it is currently written.

Let me open my comments with the following statements from Dr. Gerald Tirozzi - Executive Director of the National Association of Secondary School Principals as printed in the recent NewsLeader, March 1999 Issue.

Education in America - public education in particular - is at a critical crossroad. There is a growing frustration and concern regarding the quality of our public schools. It is against this backdrop that the drama of school reform is being played out in our nation's schoolhouses. I envision this as an opportune time for NASSP to ensure that the voice of the principal is heard and respected in the various policy forums, driving the engines of school reform.

He goes on to say...

The need for greater, more intensive involvement takes on added significance in an education environment where school-based accountability, state parochial schools are among the many issues

taking center stage in the school reform debates. There must emerge recognition that it is the principal of a school who is the instructional leader, the agent of change, and the manager and facilitator of the teaching and learning process....

**Concluding his comments...**

It is the principal who is the main architect of the instructional program --serving as the leader, facilitator, and manager of staff and resources in the demanding and complex mission of ensuring equity and excellence for all children.

My recent review and discussion with other colleagues regarding similar legislation in California, Idaho, Oregon, Utah, and Nevada is very clear that the role of principals would be negatively impacted by this legislation. The simple inclusion of "principals" to the existing language will have complex ramifications.

Absent are the implications and requirements for reassignment and the appeal process. In states, where legislation omitted this language, the need became very apparent and legislation passed or is being proposed to define those exact processes. Included in some legislation has been a hearing process with a representative board consisting of teachers, School Board, administrators, and the public. There are fiscal costs, which also need to be addressed.

While we realize that principals are a part of the "management team" continuity under this proposed legislation is very alarming when superintendents have an average longevity less than three years. How can building administrators who advocate for standards and quality schools build a foundation if there is no long-term commitment?

It is essential that principals maintain a role of the liaison between the school house and the central administration while at the same time maintain the "right" to protect due process, appeals, and contractual conditions. Clearly HB 129 negates that right.

As you have heard and will hear from our colleagues across the state, HB 129 is a distracter to essential educational issues requiring our immediate and necessary attention. Time and energy could be better spent on the issues of sustained funding for public education, quality schools, and safe schools.

We urge you to defeat HB 129. As Dr. Tirozzi stated, our principals are dedicated to being the main architect of the instructional program. We are and will be Alaska's educational leaders, facilitators, and managers. We do not need HB 129 to carry out the mission of ensuring equity and excellence for all children.

Please feel free to contact me if I can be of further assistance. Thank you.



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Educational Leadership for Alaska's Future

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**From: Carol G. Kane, Executive Director** *CGK*

**Date: 4/6/99**

**Re: Joint Resolution Opposing HB 129**

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SETTING THE FOCUS ON LEARNING FOR LIFE



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Educational Leadership for Alaska's Future

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*Therefore be it resolved* that the Alaska Association of Secondary School Principals and the Alaska Association of Elementary School Principals oppose HB 129 and would ask that HB 129 is defeated.

Dated: April 6, 1999

**Subject: Opposition to HB 129**

**Date: Fri, 26 Mar 1999 21:21:55 -0900**

**From: huudjv@northstar.k12.ak.us (Don Verstrate)**

**To: LIO@legis.state.ak.us**

As an assistant principal in the Fairbanks North Star Borough School District, I oppose HB 129. Time should be allowed to fully discuss and gather input across the state from school administrators through their respective associations.

Many of us just heard of this bill and have not had time to study it. Please forward my opposition. Thank you.

Don Verstrate, Hutchison Career Center

DON VERSTRATE  
3750 GEIST Rd.  
FAIRBANKS, AK 99709  
479-2261

**Subject: oppose HB 129**

**Date: Sun, 28 Mar 1999 08:40:57 -0800**

**From: michael hubbard <wvhfmlh@northstar.k12.ak.us>**

**To: LIO@legis.state.ak.us**

As a Assistant principal in the Fairbanks North Star Borough School District, I oppose HB 129. This bill has not been thought out completely. The ramifications of this bill has not been fully discussed. Time should be allowed to gather all information, fully discuss this information, gather principals input across the state through their respective associations, and then make an informed decision.

Please forward my opposition.

Thank you. Michael Hubbard West Valley High School

Michael L. Hubbard, Assistant Principal  
West Valley High School  
wvhfmlh@northstar.k12.ak.us

MICHAEL HUBBARD  
435 MCKINLEY VIEW  
FAIRBANKS, AK 99712

Date Referred to Committee: March 5, 1999

FURTHER REFERRALS: Labor and Commerce

Date of Committee Action: 3/27/99

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 129

HOUSE BILL NO. 129

COLLECTIVE BARGAINING; PRINCIPALS

"An Act excluding school principals from collectively bargaining under the Public Employment Relations Act."

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)

[X] zero fiscal note(s) Adm [ ] zero fiscal note(s)

Table with columns: SIGNING WITH RECOMMENDATIONS, DP, DNP, NR, AM. Includes handwritten signatures and checkmarks.

CHAIR'S SIGNATURE John C. ... Paul ...



# NEA-ALASKA

*Affiliated with the National Education Association*

## NEA-ALASKA POSITION PAPER

HB 129 – Excluding school principals from collective bargaining  
March 27, 1998

House HESS Committee

NEA-Alaska opposes efforts to weaken the Public Employment Relations Act (PERA). HB 129 weakens the Act by specifically excluding school principals from AS 23.40.250(6), which defines the list of public employees permitted to negotiate under PERA.

Since the early 1970's, state policy extended the statutory right to negotiate to public employees. School employees struggled for over ten years to establish their rights under PERA. The schools and school employees, including principals, have developed successful patterns of professional negotiations under PERA since inclusion.

Negotiations provides public school employees a reasonable participatory means to influence decisions affecting the work place. At the negotiations table, public employees share in the decision-making process concerning wages and the work place. As a result of the professional negotiations process, school principals exchange ideas and information on school operations with their employer.

We have seen in both the public and private sectors that management models designed to involve employees in meaningful participatory roles are most successful. Studies have shown that successful school reform occurs in school districts where mature bargaining relationships exist.

If HB 129 were to become law, labor relations between school districts and principals would be disrupted and in many instances cease. The communication inspired through the negotiations process would be muted. Good faith bargaining would give way to the politics of supremacy. The

superintendent and school boards would have unlimited control over principals. Parents, teachers and the public would lose.

If HB 129 were to become law, principals would be in the worst of all worlds. On one hand they would have no vehicle to collectively present their concerns and positions. On the other hand, as at-will employees with single year contracts, principals would have no opportunity to define, let alone, strengthen their employment rights. Morale would be weakened.

HB 129 shifts substantial power and control to the superintendent who serves as the agent of the school board. This shift is not in the best interest of the school community, since principals would be placed in labor environments dictated by the whims of a superintendent. What would happen to principals if several superintendents, with differing expectations or desires to employ friends and family, were employed in close succession? Principals would be without the stability offered by a collective bargaining agreement.

Furthermore, SB 36, passed by the 20<sup>th</sup> Alaska Legislature (AS 14.14.130) permits a school district to not employ a chief school officer. Principals must utilize the bargaining process to define professional and labor relationships with this new managerial creation provided by the new statute?

The principal is an integral and necessary part of a school district's management team, however, due to the nature of the principalship, a principal is answerable to the community as a whole and is not a servant of the superintendent. We expect the principal to be candid. Weakening a principal's rights places the person in situations where candid professionalism gives way to self-protection. As schools continue to change and reform, it is important for Alaska to continue its policy of allowing principals to bargain collectively with their employer.

To do less would weaken public education.



**SPONSOR STATEMENT**

**HB 129**

**HB 129 adds "principals" into AS 23.40.250 (6) along with superintendents thus making collective bargaining unavailable to both groups of administrators.**

**The purpose of HB 129 is to keep principals clear of collective agreements. Principals should serve as part of a management team of co-administrators and, as one principal who commented on the bill stated, to, "...not make, but enforce policy".**

**Boards are an extension of the public, Superintendents of the Board, and Principals of the Superintendent. HB 129 was introduced to help keep this chain of administration clear and unbroken.**

03/27/99  
10:08:35

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (TESTIFIERS ONLY)

LTN1150  
BY:JNU  
FOR:ALL

TCN:90425

SCHEDULED FOR:03/27/99 10:00 TO 13:00

PUBLIC HEARING

HOUSE HEALTH, EDUCATION & SOCIAL SERVICE

LOCATION: ANCHORAGE

|        |         |           |         |
|--------|---------|-----------|---------|
| ✓HB 85 | SANNA   | GREEN     | TESTIFY |
| ✓HB 85 | TERESA  | WILLIAMS  | TESTIFY |
| HB 129 | TODD    | HESS      | TESTIFY |
| HB 129 | KEITH   | TATON     | TESTIFY |
| HB 129 | SOPHIA  | MASEWICZ  | TESTIFY |
| HB 129 | MICHAEL | GRAHAM    | TESTIFY |
| HB 129 | LEWIS   | SEARS     | TESTIFY |
| HB 129 | FRED    | GIDDINGS  | TESTIFY |
| HB 129 | LANCE   | BOWIE     | TESTIFY |
| HB 129 | MARY    | JOHNSTONE | TESTIFY |

AAESP

LOCATION: FAIRBANKS

|        |     |        |        |                 |         |
|--------|-----|--------|--------|-----------------|---------|
| HB 129 | MR. | ANDRE' | LAYRAL | AK ASC OF PRINC | TESTIFY |
|--------|-----|--------|--------|-----------------|---------|

LOCATION: MATSU

|        |    |      |           |         |
|--------|----|------|-----------|---------|
| HB 129 | MR | DON  | CHICARELL | TESTIFY |
| HB 129 | MR | ERIC | HENDERSON | TESTIFY |

03/27/99 10:11:48 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
MESSAGE FROM: LIOCMMAM IN VALDEZ

LTN1120  
JNU

RE TCN: 90425 SCHEDULED FOR:03/27/99 10:00 TO 13:00  
SPONSOR: HOUSE HEALTH, EDUCATION & SOCIAL SERVI PURPOSE: PUBLIC HEARING

MESSAGE TEXT: VALDEZ HAS ONE HERE TO OBSERVE

03/27/99  
10:20:43

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PARTICIPANT LIST (TESTIFIERS ONLY)  
TCN:90425 SCHEDULED FOR:03/27/99 10:00 TO 13:00  
PUBLIC HEARING HOUSE HEALTH, EDUCATION & SOCIAL SERVICE

LTN1150  
BY:JNU  
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| HB 129 |  | MARY    | JOHNSTONE | AAESP | TESTIFY |

LOCATION: FAIRBANKS

|        |     |         |            |                 |         |
|--------|-----|---------|------------|-----------------|---------|
| HB 129 | MR. | ANDRE'  | LAYRAL     | AK ASC OF PRINC | TESTIFY |
| HB 129 | MR. | TIMOTHY | DORAN      |                 | TESTIFY |
| HB 129 | MS. | KYRA    | AIZSTRAUTS |                 | TESTIFY |
| HB 98  | MR. | DAN     | SWIRCEL    |                 | TESTIFY |

LOCATION: MATSU

|        |    |      |           |  |         |
|--------|----|------|-----------|--|---------|
| HB 129 | MR | DON  | CHICARELL |  | TESTIFY |
| HB 129 | MR | ERIC | HENDERSON |  | TESTIFY |

LOCATION: VALDEZ

03/27/99  
09:59:55

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LTN1150  
BY:JNU  
FOR:ALL

TCN:90425 SCHEDULED FOR:03/27/99 10:00 TO 13:00  
PUBLIC HEARING HOUSE HEALTH, EDUCATION & SOCIAL SERVICE

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03/27/99  
10:00:08

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# Alaska State Legislature

Please enter into the record my testimony to the HESS  
committee name

committee on HB 129, dated 03/27/99  
bill/subject

*I am speaking out against HB 129.*

*It is clear to me that school principals need whatever employment protection collective bargaining can bring them. One only needs to remember the attempted railroading of Bill Harlow, principal of Colony High School, in the fall of 1997. Also, pick up a copy of the Frontiersman dated March 23, 1999 and read the article entitled "Vindicated". Without collective bargaining and the resulting negotiated agreement justice would have never seen the light of day in the case of Dr. Chicarell.*

*Lastly, Rep. Ogan's premise for drafting this bill is in error; principals do not create policy, they are charged with carrying out policy.*

*Again, I am asking you not to support HB 129.*

Signed: Steven L. Levine *[Signature]*  
Testifier

Representing (Optional)

P.O. Box 875011, Wasilla, AK 99687  
Address

373-3220  
Phone No.

# ASSOCIATION OF ALASKA SCHOOL BOARDS

*Advocates for Alaska's Youth*

IN SUPPORT OF HB 129

## COLLECTIVE BARGAINING FOR PRINCIPALS

The Association of Alaska School Boards supports House Bill 129, which exempts principals from collective bargaining under the Public Employee Relations Act as Class (a)(3) employees with the unlimited right to strike.

This bill helps clarify that as educational leaders, principals are part of the management team. School boards do not believe it is appropriate to be negotiating with their front line people who articulate the district vision and mission within our communities and help implement strategies for effective public education.

We need to empower our principals to act as leaders, and let them take the risks necessary to organize their schools using available resources in a way that best promotes student achievement. Ties to unions can sometimes hinder that progress.

AASB believes that treating principals as management, while maintaining student contact, classroom instruction, and evaluating teachers, allows them to help shape the formulation of policy in a more meaningful way. Good policy is designed from diverse viewpoints. Let's give principals one more reason to think outside the box, to do whatever it takes to help improve student performance in the least restrictive environment.

# Matanuska-Susitna Borough School District

Dr. Robert A. Lehman, Superintendent

125 W. Evergreen, Palmer, AK 99645

Phone: (907) 746-9255 Fax: 745-0194



"Developing Productive Citizens  
in an Ever-Changing World"

**TO:** Representative Scott Ogan  
**FROM:** Dr. Robert A. Lehman, Superintendent  
**DATE:** March 24, 1999  
**SUBJECT:** Testimony Regarding House Bill 129

A handwritten signature in black ink, appearing to be 'R. Lehman', is written over the 'FROM:' line of the header.

Thank you for this opportunity to testify on House Bill 129. I am sorry that due to a prior commitment, I am unable to deliver my comments in person. I appreciate Representative Ogan reading this into the record on my behalf. I would like to recognize Scott Ogan for the foresight and awareness that led to his introduction of this bill, which would eliminate the unionization of school principals.

To be candid, when I first reviewed this legislation I had mixed feelings about it. This bill proposes a change in the way that we do business as educators. As both an experienced superintendent and trainer of school administrators, I felt an obligation to consider how this legislation would affect the children of Alaska. Several hours of contemplating this and discussing it with colleagues failed to generate one single reason that the unionization of principals in any way enhances student achievement.

In order to validate my findings, I surveyed professional research on principal unionization. I found that the elimination of principal unions and tenure is a national issue. Within the past few years several states, including Georgia, Massachusetts, North Carolina, Wisconsin and Oregon have eliminated the unionization of school leaders. New York, New Jersey and Pennsylvania are moving in this direction. Is it coincidental that these are some of the same states that have made the most progress in moving toward standards based instruction and accountability? According to the National Association of Secondary School Principals, only in 16 states, Alaska included, do principals receive tenure or equivalent rights to a continuing contract.

Why is the concept of collective bargaining for principals on the endangered species list? There are several reasons to eliminate unionization at this level.

The first has to do with the core of the principal's job. Let's make no bones about the fact that schools fail primarily because of poor teaching. Textbooks may be outdated or in short supply, teachers may be underpaid, classes may be too large and parents may even be neglectful, but new books, affluent teachers, smaller classes and attentive parents alone do not insure student learning. We seem to have lost sight of the main reason for principals. They exist not to maintain the status quo, but rather to lead the development of an effective learning relationship between teachers and students. Principals must be empowered to produce results in this realm and then be held accountable for those results.

Another reason that principals should be released from the constraints of unions has to do with the amount of authority delegated to them. They should have a great deal of authority. They need the freedom to organize their schools in a way that makes the best use of available resources for students. It is up to us as superintendents to foster the growth of principals and to determine how much power to delegate to each at any given time. Principals will end up with real authority and respect from the staff and community if they earn it through their actions. They cannot command it based on a union agreement, which by its nature has a ceiling defined by the limitations of the least qualified members. Rather than bargain collectively, they should actively be set free to compete to the ultimate benefit of excellence in schooling.

Additionally, most districts employ a management team operation. This provides a structure for administrators to participate in management planning under the leadership of the superintendent. The elimination of unions will allow principals to be included in the team and to help shape the formulation of policy.

Educational policy has to do with the specific things that make quality education happen. School boards set policy in terms of goals and purposes. They approve specific policies drawn by the administrative team. In this process, the first hand experience and perspective of principals is essential to the making of sound policies. Good policy is designed from diverse viewpoints, independent thinking, and objectivity. It also considers the minority viewpoint. Unions foster single points of view.

The most compelling reason that principals should stay out of unions is the fact that principals are management. Success should be measured based on how well the job is done in comparison to others in similar roles.

We want principals to continue to have a great influence on school systems in Alaska. We need to empower principals who unashamedly do the job better than anybody else and who want a reward system based on performance. These things are the bane and peril of unions. They also have little attraction for principals who are interested only in keeping the lid on and avoiding change.

The passage of this bill will be a landmark in your efforts to stop the decline of our system and enable us to improve the quality of instruction. As Sitting Bull said, "It is time to put our minds together and see what we can do for our children." The children of Alaska deserve no less.

cc: Carl Rose, Executive Director, Association of Alaska School Boards  
Darroll Hargraves, Executive Director, Alaska Council of School Administrators

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. HB 129

Revision Date: \_\_\_\_\_  
 Title: "An Act excluding school principals from collectively bargaining under the Public Employment Relations Act."  
 Sponsor: Representative Ogan  
 Requestor: (H) HES

Department Affected: Administration  
 BRU: \_\_\_\_\_  
 Component: Personnel  
 COMPONENT SERIAL NO. 56

**Expenditures/Revenues:** (Thousands of Dollars)

| OPERATING EXPENDITURES | FY 00      | FY 01      | FY 02      | FY 03      | FY 04      | FY 05      |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES      |            |            |            |            |            |            |
| TRAVEL                 |            |            |            |            |            |            |
| CONTRACTUAL            |            |            |            |            |            |            |
| SUPPLIES               |            |            |            |            |            |            |
| EQUIPMENT              |            |            |            |            |            |            |
| LAND & STRUCTURES      |            |            |            |            |            |            |
| GRANTS, CLAIMS         |            |            |            |            |            |            |
| MISCELLANEOUS          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

|                        |  |  |  |  |  |  |
|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES ( ) |  |  |  |  |  |  |
|------------------------|--|--|--|--|--|--|

**FUND SOURCE:** (Thousands of Dollars)

|                          |            |            |            |            |            |            |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts    |            |            |            |            |            |            |
| 1003 GF Match            |            |            |            |            |            |            |
| 1004 GF                  |            |            |            |            |            |            |
| 1005 GF/Program Receipts |            |            |            |            |            |            |
| 1037 GF/Mental Health    |            |            |            |            |            |            |
| OTHER (Specify Type)     |            |            |            |            |            |            |
| <b>TOTAL</b>             | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY 99) cost: \$ 0.0

**POSITIONS:**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary.)

This bill does not have a fiscal impact on the Department of Administration.

Prepared by: Mike McMullen  
 Division: Personnel

Phone: 465-4431  
 Date: \_\_\_\_\_

Approved by Commissioner: Robert Poe, Jr.  
 Agency: Department of Administration

Date: 3/23/99

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