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# FISCAL NOTE

**STATE OF ALASKA  
1999 LEGISLATIVE SESSION**

**BILL NO. SB 98**

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Education  
 Title An Act relating to teacher tenure BRU \_\_\_\_\_  
 \_\_\_\_\_ Component \_\_\_\_\_  
 Sponsor Senator Green \_\_\_\_\_  
 Requester Senate HESS Component Serial No. \_\_\_\_\_

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**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 (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill allows a teacher who has acquired tenure and loses tenure in a district because of a break in service to reacquire tenure in that school district if the break wasn't the result of dismissal.

This bill has no fiscal impact on the department. The fiscal impact on school districts cannot be determined at this time.

Prepared by Barbara Thompson Phone 465-4685  
 Division Teaching and Learning Support Date/Time 3/19/99 5:01 PM  
 Approved by Commissioner: Shirley J. Holloway, Ph.D. Date 3-19-99  
 Agency Department of Education

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**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 3/10/99

FURTHER:

Date of 5-Day Notice: 3/11/99  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 3/29/99

Health, Education and Social Services Committee considered SENATE BILL NO. 98

"An Act relating to teacher tenure."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
- new title
- House Bill:**
- same title
- technical title
- new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>George White</i>	✓				
<i>Clarence</i>	✓				
		<i>Robert Kelly</i>	✓		
		<i>K-S-24</i>		✓	
CHAIR:		CHAIR: <i>M. L. Miller</i>	✓		

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

<i>Educational</i>	<i>3/29/99</i>	✓	

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal

<i>Ed</i>	<i>3/29/99</i>	✓	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill



**WRANGELL  
PUBLIC SCHOOLS  
DISTRICT OFFICE**

P.O. BOX 2319  
WRANGELL, ALASKA 99929  
Telephone (907) 874-2347  
Fax # (907) 874-3137

GATEWAY TO THE STIKINE

March 22, 1999

Senator Lyda Green  
Room 125, State Capitol  
Juneau, AK 99801-1182

Dear Senator Green:

We are writing this letter of support of Senate Bill 98 which repeals the "portability" provision regarding acquisition of tenure.

Hiring districts are reluctant to take a chance on hiring teachers with only a one year evaluation window. Good teachers are losing good opportunities due to the tenure portability provision.

Thank you for supporting this bill.

Sincerely,

*William T. Messmer*

William T. Messmer  
School Board President

*by K. Gile*

WM:kg

# ALASKA STATE LEGISLATURE



*Interim:*

600 East Railroad Avenue  
Wasilla, Alaska 99654  
(907) 376-3370  
(907) 376-3157 Fax

*Session:*

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-6600  
Fax (907) 465-3805

## SENATOR LYDA GREEN SENATE DISTRICT N

### SPONSOR STATEMENT

#### Senate Bill 98 An Act Relating to Teacher Tenure

There have been unintended consequences for both teachers and school districts since the issue of "portability of tenure" was addressed in HB 465, 1996 Act Relating to Employment of Teachers and School Administrators.

The legislative intent of HB 465 pertaining to acquisition of tenure rights was to give both the newly hired teacher and the hiring district adequate time to "judge the match." Tenure is acquired in a district if, along with other requirements, the teacher is properly certified, has been employed as a teacher in the same district continuously for three full years, and has received evaluations that meet the district's performance standards.

The problem arises when a teacher voluntarily leaves one district to work in another. Changing districts constitutes a break in service and thus the issue of tenure is subject to the current wording in AS 14.20.150(d) which describes rights to reacquire tenure after a break in service, even in "...another school district..." and which provides only one year to make a determination about a new hire. Currently, some districts do not feel they have enough time to thoroughly evaluate a newly hired teacher (previously tenured) who has moved in from another district.

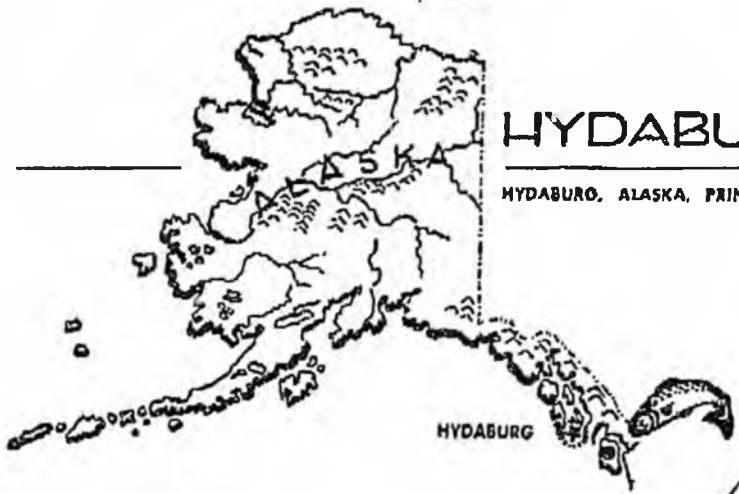
School districts are/may be forced to reject teacher applicants who have been previously tenured in another district because the hiring district is limited to only one year for evaluation, development of a meaningful improvement plan, and re-evaluation. This is a recruitment concern for those districts that routinely hire experienced teachers who have been tenured in another district.

Senator\_Lyda\_Green@legis.state.ak.us

Alexander Creek • Big Lake • Butte • Caswell • Chickaloon • Chulitna • Finger Lake • Goose Bay • Hatcher Pass • Houston  
Knik • Kashwitna • Lake Louise • Lazy Mountain • Montana Creek • Nancy Lake • Nelchima • Palmer • Petersville • Point Mackenzie  
Sheep Mountain • Skwentna • Sunshine • Sutton • Talkeetna • Trail Lakes • Trapper Creek • Wasilla • Willow

Districts may be reluctant to hire a teacher or to retain that teacher for over one year. Both school districts and teachers new to a district deserve more time to establish tenure. Until that time, districts and teachers will continue to be at a disadvantage.

Under SB 98, a previously tenured teacher who moves into a new district would be eligible to reacquire tenure after having sufficient time to meet the new district's standards. The hiring district would be able to offer, with confidence, continued employment and tenure to the "new" teacher.



# HYDABURG CITY SCHOOL

HYDABURG, ALASKA, PRINCE OF WALES ISLAND 99922

A handwritten signature in cursive script, appearing to read "mmj".

TO: All Senators  
 FROM: Marsha M. Johnson, Superintendent Hyaburg City School District  
 RE: SB 98  
 DATE: March 18, 1999

Hydaburg City School District supports SB 98 introduced by Senator Green. In the future, our district will be very reluctant to hire a tenured teacher. When you have a teacher with questionable teaching or judgment behaviors, one year is not enough time to adequately gather information. Thus, a good teacher could be let go just because the district does not want to take a chance on granting tenure to a teacher who may not fit philosophically with the district.

We hope that you will support SB 98.



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citizens for an ever changing world.*

**MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT**  
**Office of the Superintendent**

125 W. Evergreen Ave.  
Palmer, Alaska 99645

ph (907) 746-9255 fax (907) 745-0667

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March 19, 1999

Senator Lyda Green:

We are writing in support of SB 98 which seeks to repeal the portability of tenure. We have exercised caution before recommending the employment of a teacher with tenure portability as one year is just not adequate for evaluation purposes.

Portability of tenure assumes that success in one school district equals success in another school district which is clearly not the case. This law also affects our ability to retain and non-retain based on district-wide seniority by area of endorsement. Which means a teacher who has served the students of our district on an extended probationary period for more than two years would actually have less rights than one who is hired by our district and serves one year and one day.

The previous tenure law (prior to HB 465) provided inadequate time for administrators to thoroughly evaluate new teachers and implement a meaningful plan of improvement. The new law extended the time it takes to acquire tenure for new Alaskan teachers from two to three years. This helps to ensure these teachers are provided an opportunity to enhance their teaching skills and demonstrate their ability. This was very carefully thought out and is extremely helpful to all districts, however, the "Portability" part of this law was not as well thought out and is problematic for many Alaskan districts. We appreciate your consideration on SB 98.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Robert A. Lehman, Superintendent

**Subject: SB 98**

**Date: Fri, 19 Mar 1999 18:26:23 EST**

**From: MCarter897@aol.com**

**To: aasb@ptialaska.net, Senator\_Lyda\_Green@legis.state.ak.us**

Senator Lyda Green  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

Dear Senator Green

The Yukon Flats School District was in Juneau February 22,23 1999.  
When we met  
with you during our visit we discussed several issues, one of which  
was  
'Teacher Tenure Portability". I have been made aware of SB 98  
Introduced by  
you, the changes you are suggesting will give back the ability of  
School  
Districts to ensue that a Teacher we hire to work with our Children  
meets the  
Standards that we as the Yukon Flats School District require, and  
the State.  
Thank You for Listening to us and I hope your bill receives the  
support it  
needs and is passed.

Yukon Flats School District  
Board Of Education  
Fort Yukon Alaska

mcarter897@aol.com

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## SUBJECT AREA: PERSONNEL

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### 4.1 PORTABILITY OF TENURE

AASB requests the State of Alaska Legislature repeal the section of Chapter 31 which provides for portability of teacher tenure.

**Rationale.** Chapter 31 includes a tenure portability feature which assures the attainment of tenure after only one year in a new district. All districts need ample time to judge whether a newly hired teacher in the district will be a proper match and meet the standards of the new district.

There is an absence of clear and universal teacher evaluation standards across the state making valid evaluation of past performance extremely difficult. *Amended 1997*

### 4.2 NATIONAL CERTIFICATION OF TEACHERS

AASB supports efforts to establish a financial incentive mechanism for state support of teachers and districts wishing to participate in the National Board for Professional Teaching Standards (NBPTS) process. State support for this resolution should be outside the foundation formula.

**Rationale.** NBPTS is an organization of teachers, administrators, board members, and other education stakeholders working to advance the teaching profession and to improve student learning. The mission of the NBPTS is to establish high and rigorous standards for what accomplished teachers should know and be able to do. Linked to these standards will be a new generation of fair and trustworthy assessment processes that honor the complexities and demands of teaching. The NBPTS certification process is offered on a voluntary basis for teachers wishing to demonstrate exemplary performance around the five core propositions:

1. Teachers are committed to students and their learning.
2. Teachers know the subjects they teach, and how to teach those subjects to students.
3. Teachers are responsible for managing and monitoring students learning.
4. Teachers think systematically about their practice and learn from experience.
5. Teachers are members of learning communities.

These standards are well-aligned with the Alaska State Board of Education adopted teaching standards. *Amended 1998*

### 4.3 TEACHER PREPARATION AND CERTIFICATION IN RURAL COMMUNITIES

AASB urges improved teacher preparation and certification for those intending to teach in small rural communities, and that opportunities are provided for potential candidates currently living in small rural communities to become certified teachers.

**Rationale.** Teacher preparation is a key to successful instructional experiences for teachers and students. A high level of intellectual rigor and connection to the reality of the classroom interactions is required. Teacher preparation needs to include a variety of experiences with several teachers and several sites.

### 4.4 MANDATED STAFF TRAINING

AASB urges the Department of Education to continue to provide professional quality videotape programs for all school districts to use in providing consistent mandated training to employees. AASB also urges the Department of Education or another state educational agency to be a clearinghouse for training tapes that have been developed by other school districts and agencies to be used by districts throughout the state.

**Rationale.** Mandated training affects all school districts in Alaska. State laws and regulations increasingly require school districts to provide training in specific areas such as sex/race equity, child abuse and fetal alcohol syndrome and suicide prevention. This training must be provided to all new employees and on a cyclical basis to continuing employees. Employees required to receive this training may be employed at many different locations, making it difficult to provide required training at a central location. Yet the state does not provide school districts with additional funding to implement the training.

### 4.5 DEVELOPMENT OF POST SECONDARY SPECIAL EDUCATION PROGRAMS IN ALASKA AND EDUCATIONAL OPPORTUNITIES FOR ALASKANS TO COMPLETE SPECIAL EDUCATION CERTIFICATION TRAINING OUTSIDE ALASKA

The Association of Alaska School Boards promotes the establishment and expansion of post-secondary educational programs to train additional individuals as certified special education teachers and the initiation of programs to train related services providers (i.e. school psychologists, physical therapists, and speech therapists) within our State University system.

The Association of Alaska School Boards also supports Alaskan residents completing certification as a special education related service provider while attending an academic program outside the State of Alaska and who, upon certification, are committed to provide services to Alaska public school systems.

**Rationale.** According to the 1995 Youth Risk Behavior survey, in 1993 the birth rate for 15-17 year olds in Alaska is similar to that for the nation as a whole (37.3 per 1,000 girls in Alaska, 37.7 per 1,000 girls nationally) while the state birth rate for 18-19 year olds is higher than that for the nation (113.7 in Alaska versus 94.5 nationally). The survey also reports that middle school boys are more likely to have had intercourse than are girls. The percentage of Alaska students who report ever having sexual intercourse increases from 34.5% among those aged 15 or less to 68.4% among those aged 18 and older. The survey reports: "Early sexual activity can be associated with unwanted pregnancy and sexually transmitted diseases, including HIV infection. Sexually transmitted diseases can lead to infertility, pelvic inflammatory disease and other complications."

Research presented by the SEARCH Institute and their "Building Assets in Youth" model has determined that a teen's belief "in the importance of abstaining from sexual activity AND his/her willingness to postpone sexual activity" is significant to their personal and academic development. *Amended 1998*

### **3.15 SUPPORT FOR STATE OF ALASKA CHILDREN'S CABINET**

AASB supports efforts to pursue the four initiatives of the Children's Cabinet: activate Alaska's Children's Trust to channel money into community programs that help prevent child abuse and neglect; challenge child and family services to focus on prevention; raise awareness of children's well being; and juvenile crime prevention.

**Rationale.** The mission of the Children's Cabinet is to work-in partnership with families-to ensure children have opportunities for happy, healthy and productive lives. The Cabinet's charge is to advance a statewide children's agenda that cuts through red tape and works across departments.

### **3.16 IN SUPPORT OF THE ALASKA CHILDREN'S TRUST**

AASB fully supports to the work of the Alaska Children's Trust, and urges all member school boards to work with the Trust to address the tragic consequences of abuse, neglect, violence, and crime experienced by too many of Alaska's children. AASB urges the Legislature to add to the Children's Trust Endowment on a yearly basis.

**Rationale.** The Alaska Children's Trust was established by the Legislature in 1988 with the mandate to promote initiatives that strengthen families and serve dependent children. Stress within families and communities has resulted in more children at risk for poor health, child abuse and neglect, violence in the community, and juvenile crime. The goal of the Children's Trust is to promote and provide opportunities so that Alaska's children can grow to responsible and productive adulthood, free of threats to their dignity, physical safety, and emotional well-being. To carry out its mandate, the Children's Trust will fund local programs that meet the needs and challenges of Alaska's families and children with innovative, efficient and effective services.

Until 1995, the Children's Trust had received no funding. Its \$6 million endowment offers the opportunity to create a true "permanent fund for prevention" since only the income of the Trust may be spent on programs and administration. *Amended 1997*

### **3.17 INCREASE IN ALCOHOL TAX**

AASB supports legislation which would increase the alcohol tax to the equivalent of \$0.10 per drink, to be indexed yearly to inflation, and that the direction of funds raised under this tax to go towards prevention efforts of our school-aged youth.

**Rationale.** The Department of Health and Social Services reports that nearly half of all child abuse and juvenile crime in Alaska is committed while under the influence of alcohol. Parent involvement in the education of their children and student achievement are directly effected by alcohol abuse. The current tax on alcohol is the equivalent of \$0.03 - \$0.04 per drink. (.35 tax per gallon of beer, .85 tax per gallon on wine, and 5.65 tax per gallon of distilled spirits.) The State of Alaska spends considerably more for alcohol abuse related services and health care than it collects in alcohol taxes. Increasing the real cost of alcohol through taxation has shown a decrease in consumption. Because underage drinkers are more price sensitive than adults, higher costs reduce their consumption to an even greater degree. *Amended 1998*

### **3.18 PROHIBITING PERSONS CONVICTED OF CHILD SEXUAL ABUSE FROM SERVING ON SCHOOL BOARDS**

AASB believes that persons convicted of child sexual abuse should be legally prohibited from serving on a school board while required to maintain registration as a sex offender under AS 12.63.010.020.

**Rationale.** School board members should serve as role models for students and staff. *Amended 1998*