

HB

353

# Representative Mary Kapsner

State Capitol • Juneau, Alaska 99801-1182

Phone: (907) 465-4942 • Fax: (907) 465-4589

E-Mail: Representative\_Mary\_Kapsner@legis.state.ak.us

House District 38

Yukon Kuskokwim Delta

Akiachak

Aktak

Atmauthak

Bethel

Chefornak

Eek

Goodnews Bay

Kasigluk

Kipnuk

Kongiganak

Kwethluk

Kwigillingok

Lower Kalskag

Mekoryuk

Napakialak

Napaskiak

Newtok

Nightmute

Nunapitchuk

Oscarville

Platinum

Quinhagak

Toksok Bay

Tuluksak

Tununak

Tuntutuliak

Upper Kalskag

## MEMORANDUM

TO: Senator Fred Dyson, Chair  
Senate Health Education and Social Services Committee

FROM: Representative Mary Kapsner *Mary Kapsner*

DATE: April 29, 2004

RE: House Bill 353 – Jury Duty Exemption for Certain Teachers  
Scheduling Request

I would appreciate your scheduling of HB 353.

This has been an issue of particular importance for my home school district, which is greatly impacted when teachers are called to jury duty. As schools and students work to raise educational achievement levels as required under state and federal laws, the importance of keeping the teacher at the head of the class has taken on new importance. In addition to the benchmark tests, this year graduating students will be facing the high stakes exit exam. No Child Left Behind has requirements that teachers be “highly qualified.”

Bethel maintains a Superior court in the Fourth Judicial District. It is a court with a heavy caseload, and because the jury pool includes Bethel and a 50 mile radius, teachers from 11 villages are subject to jury duty. In these communities the chance of finding a certified teacher as a substitute is highly unlikely. Students are still required to come to school, but their education is impacted.

Everyone who has reviewed and worked on this issue recognizes service on a jury is an important civic responsibility. That’s the reason this bill was crafted to apply only to those teachers who teach in a school that is designated as failing to meet “adequate yearly progress.” If we believe in the ability of our schools and our students to rise to the challenges before them, in the future more of our students will be prepared to pass the tests and schools will meet “adequate yearly progress” and the exemption will no longer be necessary.

Thank you.

## *Representative Mary Kapsner*

State Capitol • Juneau, Alaska 99801-1182

Phone: (907) 465-4942 • Fax: (907) 465-4589

E-Mail: [Representative\\_Mary\\_Kapsner@legis.state.ak.us](mailto:Representative_Mary_Kapsner@legis.state.ak.us)

House District 38

Yukon Kuskokwim Delta

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*Neutok*

*Niginute*

*Nunapitchuk*

*Oscarville*

*Platinum*

*Quinhagak*

*Toksook Bay*

*Tulukruk*

*Tununak*

*Tuntuliak*

*Upper Kalskag*

### SPONSOR STATEMENT

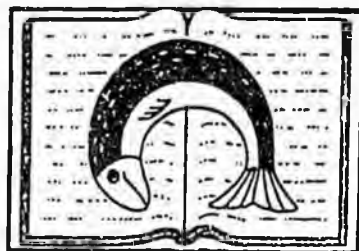
HB 353 provides an exemption from jury duty for teachers in schools that have failed to meet adequate yearly progress under state and federal law.

The role of the classroom teacher has taken on new importance in recent years with the passage of state and federal laws aimed at accountability in education. The ultimate winners or losers of these mandates will be our children. This year high school seniors will be required to pass the high school graduation qualifying exam to receive their diploma. We have added "No Child Left Behind" to our personal vocabulary when we talk about education. NCLB imposes requirements for highly qualified teachers and sanctions on districts that fail to meet "adequate yearly progress."

Jury duty can be lengthy, resulting in a significant impact on classroom learning. When a teacher is absent from the classroom the flow of learning is affected. In many small communities in Alaska, qualified substitute teachers are simply not available, and the person placed in charge of the classroom may be an aide pulled from other responsibilities or an individual who holds a high school diploma. Moreover, ratio of scale in small communities creates an additional burden on the school. For example, five of the eleven certified teachers in one of the schools in my district were called to Bethel for jury duty this year before this school year was half over.

Although jury duty is an important civic responsibility and part of the foundation of our legal system exemptions are appropriate under certain circumstances. HB 353 limits its impact by exempting only those teachers whose school has failed to meet AYP. In a time of so many educational mandates and with a lack of available educational resources in some areas of the state this is a reasonable solution to the problem.

Thank you for your consideration.



# Lower Kuskokwim School District

Personnel and Student Services Department  
P.O. Box 305 • Bethel, Alaska 99559  
907 543-4885/4886/4887  
FAX 907 543-4500

1/23/04

Representative Mary Kapsner  
State Capitol  
Juneau, Alaska 99801

Dear Representative Kapsner,

This letter is in support of HB 353 dealing with jury duty for teachers in schools that have not met the Adequate Yearly Progress requirements of the No Child Left Behind Act. In the Lower Kuskokwim School District we have several schools that are severely impacted by the amount of jury duty that our teachers are required to perform. From September 1 to December 15, 2003, for example, our payroll records show a total of 107.5 days that our teachers were out of the classroom performing jury duty. The negative impact on student learning is further compounded by the fact that certified substitutes are virtually non-existent in our district and in some cases it is not possible to find subs at all.

Quality instruction is the most important component in meeting the high academic standards brought about by legislation at the state and federal levels. The NCLB act recognizes this with its heavy emphasis on "highly qualified" teachers. HB 353 will help ensure that our highly qualified teachers remain in the classroom where they can help our students reach these standards.

Educating our children is the most important responsibility of the State of Alaska. Teachers have the greatest impact on the quality of education, but only when they are in the classroom. Legislators can help to ensure that teachers stay in the classroom by their support of HB 353.

Sincerely,

A handwritten signature in cursive script that reads "Gary Baldwin". The signature is written in black ink and is positioned above the printed name.

Gary Baldwin

Assistant Superintendent of Personnel and Student Services

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

**HB 353 – Jury duty exemption for certain teachers  
Email comment in support\* (emphasis added)**

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*I believe all of our teachers need to be in the classroom to get ready for testing, as none of our substitutes are trained teachers. Out of 11 certified teachers, 5 have already been requested for jury duty, which is close to half, and the year is not over.*

Marie Wierema  
Lower Kuskokwim School District

*Many of my school staff have been called for jury duty, and often, more than one each quarter. I, myself, have been called several times for service in Bethel, and more recently for federal service in Anchorage.*

*My experience with the Bethel jury service is that it is not possible for teachers to make "real" lesson plans for the duration of their service. The system is set so that one cannot know until 4:30 if jury members need to appear in Bethel the following morning. By the time you get notice that you have to go to Bethel in the evening to be present for an 8:30 jury call, there isn't time to alter one's lesson plans for a substitute. Therefore, teachers tend to write plans for easy to follow activities for a non-certified substitute.*

*Village teachers are faced with two problems. First, airplanes must fly in the daylight, and during much of the school year there isn't a great deal of that after school is dismissed. By the time a teacher calls in to Bethel and discovers that s/he must fly to Bethel, there is barely time to grab a change of clothes and run to the airport to catch the mail plane. The second issue is that we don't have any people with teaching certificates sitting around the village waiting to be called in as a substitute. When a teacher is out, the best we can manage is to bring in a recent high school graduate who isn't otherwise employed. The students are the ones who suffer from interruption of their learning.*

*I've always felt that a well-educated population is less likely to commit crimes, and that effective teachers in the classroom contribute to a lower crime rate. Let the teachers teach, and the students learn, and we might not have need for so many trials and juries.*

Felicia Griffith-Kleven  
Lower Kuskokwim School District

*I just finished the three month long stint of jury duty service last month. I can assure you that it did have a negative impact on my students and our school. Partly because I missed many of my classes and partly because of the stress it caused. I never knew until the morning if I would have to fly into Bethel for jury duty or not. Several times the jury was cancelled at the last minute, sometimes before I left the village and sometimes after I arrived in Bethel. Sometimes ice or weather conditions made it impossible to go and all the time I worried that ice or weather conditions would prevent me from returning home if I did make it in. In the end I was never selected to be on a jury.*

Franklin A. Cook  
Nunapitchuk

*I would like to voice my support of the Jury Duty Bill. As the site administrator at Eek School I am very concerned about the impact of having teachers, administrators, and other staff members pulled away from their duties at the school for jury duty. This has a negative impact on our instructional program in terms of student academic growth and achievement.*

*It is almost impossible to find qualified substitute teachers to fill these vacancies. If we are serious about improving student academic growth and achievement we need to seriously consider exempting school staff (teachers, administrators, aides) from jury duty. It is extremely difficult to run an effective educational program with the constant disruption of having our highly qualified staff members pulled away from their duties.*

Daniel Walker  
Eek

*I am the Director of Special Education for LKSD, which includes 21 village schools and four schools in Bethel and have been in this position for 6 years.*

*Jury duty has a tremendous impact when a special education teacher or district office special education specialist is called to serve. As you know, special education services are mandated by law. There are times when a student must, by law, be served by a certified special education teacher, not a sub or an aide. When a certified special education teacher is gone, we are out of compliance on some of our students' IEP's. This means that the parents can file a complaint against us with EED or file for due process. Both of these options are extremely costly to the district and stressful to the people involved.*

*We do the best we can to serve the student appropriately within the law and per their IEP's, but if the certified sp ed teacher or district office specialis is absent for any length of time, then it puts the district into situation of potential liability.*

Linae Sanger  
Special Education Director  
Lower Kuskokwim School District

*Serving for one month instead of three would be a great improvement for the teacher and his/her students, but would not eliminate the impact, and it would not in itself reduce the total burden of missing staff serving jury duty. The burden would just be spread around to more teachers and classrooms.*

Larry Ctibor, Site Administrator  
M.E. Primary School  
Lower Kuskokwim School District

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 353  
 (H) Publish Date: 2/18/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Jury Duty For Teachers BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Representative Kapsner  
 Requester \_\_\_\_\_ Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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-Do not abbreviate)						
<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 (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The court system does not anticipate any fiscal impact from the passage of HB 353.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750  
 Division Alaska Court System Date/Time 2/12/04 9:54 AM  
 Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 2/12/2004  
 Agency Alaska Court System

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: HB 353  
 (H) Publish Date: 2/18/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Education & Early Development  
 Title "An Act relating to jury duty and amending RDU Education Support Services  
Rule 15(k), Alaska Rules of Administration." Component Executive Administration  
 Sponsor Representative Kapsner  
 Requester \_\_\_\_\_ Component No. 2736

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<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 (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill allows a teacher to be exempt from serving as a juror if they are a teacher at a school that failed to make AYP.

Prepared by: Erdy Jeans, School Finance Manager Phone 465-8679  
 Division: Education and Support Services Date/Time 2/17/04 9:21 AM  
 Approved by: \_\_\_\_\_ Date 2/17/2004  
 Agency: Education & Early Development

# SENATE COMMITTEE REPORT

DATE: 5/1/04

FURTHER:

DATE TURNED  
IN TO OFFICE: 5.07.04

Health, Education and Social Services Committee considered CS FOR HOUSE BILL NO. 353(JUD)

## HB 353 JURY DUTY EXEMPTION FOR CERTAIN TEACHERS

"An Act exempting certain teachers at certain schools from jury service during school terms; and amending Rule 15(k), Alaska Rules of Administration."

and recommends:

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

**Senate Bill:**  
 Same Title  
 New Title

**House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
Acs	2/12			✓	1
EED	2/17			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
Betty Davis	✓			
<i>[Signature]</i>			✓	
CHAIR: <i>[Signature]</i>	✓			