

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 766

LIFEQUEST

COMPREHENSIVE MENTAL HEALTH SERVICES

Please reply to:

230 E. Paulson, Wasilla, AK 99687
(907) 376-2411 FAX No. 907-376-1626

847 W. Evergreen, Palmer, AK 99645
(907) 745-1000 FAX No. 907-745-6126

P.O. Box 787, Talkeetna, AK 99676
(907) 733-2274 FAX No. 907-733-1222

FEB 10 1992

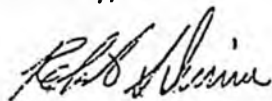
February 4, 1992

The Honorable Gene Kubina, Chair
House of Representatives
House State Affairs Committee
POB V
Juneau AK 99811

Dear Mr. Kubina:

I am writing to seek your support for HB 324 regarding business incentives for people with disabilities. As a community mental health director I have long been involved in trying to create vocational opportunities for people with a mental illness and other related disabilities. Programs which have created special incentives for businesses who hire disabled workers has worked throughout the country. They not only encourage businesses to hire the disabled, but they also encourage the disabled to create their own businesses. On behalf of the many disabled people in Alaska who would like to work, I encourage you to support the passage of HB 324.

Sincerely,



Robert S. Irvine, L.C.S.W., M.B.A.
Chief Executive Officer

/pd

**Kodiak
Area
Native
Association**



REC'D FEB 10 1992

402 Center Avenue
Kodiak, Alaska 99615
Phone (907) 486-5725

January 31, 1992

The Honorable Johnny Ellis, Representative
Alaska State House
P.O. Box 5
Juneau, AK 99811

Reference: House Bill 324, State Procurement Practices

Dear Representative Ellis,

Thank you very much for your letter of January 22, 1992, outlining the provisions of the above-named House Bill, and providing me with a copy of that proposed act. I'd like to thank you for your interest in this very significant Alaska resource, that of workers with disabilities.

I would like to indicate my agency's support for this bill. I think bills such as this are particularly important during times of economic depression, to give people with disabilities that additional competitive edge which they may need.

Again, thank you very much for your concern and this bill.

Sincerely,

KODIAK AREA NATIVE ASSOCIATION
KELLY SIMEONOFF, JR., PRESIDENT

Joe Kelley, CRC
Vocational Rehabilitation
Administrator

JK:kdc

cc: Rita Stevens
Vice President, KANA

HB324

SENATE FINANCE COMMITTEE REPORT

DATE: 5/9/92

FURTHER:

DATE TURNED INTO OFFICE: 5/16/92

The Finance Committee considered CS FOR HOUSE BILL NO. 324 (FINANCE)

"An Act relating to state procurement preferences for persons with a disability, for persons who hire persons with a disability, and for employment programs for persons with a disability; and providing for an effective date."

and recommends:

replace with _____ CS _____ (FINANCE)
or adopt previous S CS HB 324 (STA)
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES: Dept/Date

- zero fiscal notes _____
- _____
- fiscal notes _____
- _____
- appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

- zero fiscal notes DOA 4-17-92
- _____
- fiscal notes _____
- _____

DO PASS:

John Duncan
Earl Adams
Sublette
DO PASS

Co-Chair: Signature/Recommendation

OTHER RECOMMENDATIONS:

Tom Hill Do Pass
Don Stutz Do Pass

Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

REPORTED OUT OF
SFC 5-11-92

BILL NO. SCS CSHB 324 (STA)

Revision Date: April 15, 1992
Title: An Act relating to state procurement preferences for persons with . . .
Sponsor: Ellis
Requestor: _____

Department Affected: Administration
BRU: General Services
Component: Purchasing

COMPONENT SERIAL NO.

6	0		
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)
See attached.

Prepared by: Anne McCord, Director
Division: General Services

Phone: 465-2250
Date: April 15, 1992

Approved by Commissioner: Nancy Bear Usera
Agency: Administration

Date: 4/17/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SCS CSHB 324 (STA)

Analysis:

The fiscal impact of this bill to agency expenditures depends upon the number of bidders who would qualify for the preference and the instances when they bid on a State solicitation.

Since the 1988 adoption of AS 36.30.170 there have been no bids awarded to employment programs as a result of the existing 10 percent preference over nonresident bidders.

The likelihood of fiscal impact to all agency expenditures from section 3 (e) and (f) (10 percent preference for bidders with a disability or bidders employing the disabled) may be greater since there may be more bidders qualifying. It is not possible to determine the potential cost impact to agency expenditures.

This bill will have a negligible fiscal impact to the division's purchasing activities.

NEW BILL IN
COMMITTEE 5-9-92

SENATE CS FOR CS FOR HOUSE BILL NO. 324 (STATE AFFAIRS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 4/10/92
Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES ELLIS, Brown, Bruckman, Choquette, Koponen

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to state procurement preferences for persons with a disability, for persons
2 who hire persons with a disability, and for employment programs for persons with a
3 disability; and providing for an effective date."

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

5 * Section 1. AS 36.30.170(a) is amended to read:

6 (a) Except as provided in (b) - (h) [(b), (c), AND (d)] of this section, the procurement
7 officer shall award a contract based on the solicited bids with reasonable promptness by written
8 notice to the lowest responsible and responsive bidder whose bid conforms in all material
9 respects to the requirements and criteria set out in the invitation to bid.

10 * Sec. 2. AS 36.30.170(c) is amended to read:

11 (c) Except as otherwise provided under (e) or (f) of this section, if [IF] a bidder
12 qualifies under (b) of this section as an Alaska bidder, is offering services through an
13 employment program, and is the lowest responsible and responsive bidder with a bid that is not
14 more than 15 [10] percent higher than the lowest bid [OF A NONRESIDENT], the procurement

1 officer shall award the contract to that bidder. This subsection does not give a bidder who
2 would otherwise qualify for a preference under this subsection a preference over another
3 bidder who would otherwise qualify for a preference under this subsection.

4 * Sec. 3. AS 36.30.170 is amended by adding new subsections to read:

5 (e) If a bidder qualifies under (b) of this section as an Alaska bidder, is a sole
6 proprietorship owned by an individual who is a person with a disability, and is the lowest
7 responsible and responsive bidder with a bid that is not more than 10 percent higher than the
8 lowest bid, the procurement officer shall award the contract to that bidder. This subsection does
9 not give a bidder who would otherwise qualify for a preference under this subsection a preference
10 over another bidder who would otherwise qualify for a preference under this subsection or (f) of
11 this section.

12 (f) If a bidder qualifies under (b) of this section as an Alaska bidder, if 50 percent or
13 more of the bidder's employees at the time the bid is submitted are persons with a disability, and
14 if the bidder is the lowest responsible and responsive bidder with a bid that is not more than 10
15 percent higher than the lowest bid, the procurement officer shall award the contract to that bidder.
16 The contract must contain a promise by the bidder that the percentage of the bidder's employees
17 who are persons with a disability will remain at 50 percent or more during the contract term.
18 This subsection does not give a bidder who would otherwise qualify for a preference under this
19 subsection a preference over another bidder who would otherwise qualify for a preference under
20 this subsection or (e) of this section.

21 (g) The division of vocational rehabilitation in the Department of Education shall add to
22 its current list of qualified employment programs a list of individuals who qualify as persons with
23 a disability under (e) of this section and of persons who qualify under (f) of this section as
24 employers with 50 percent or more of their employees being persons with disabilities. A person
25 must be on this list at the time the bid is opened in order to qualify for a preference under (e)
26 or (f) of this section.

27 (h) A preference under (c), (e), or (f) of this section is in addition to any other preference
28 for which the bidder qualifies, including the preference under (b) of this section; however, a
29 bidder may not receive a preference under both (e) and (f) of this subsection for the same
30 contract.

31 (i) In this section, "person with a disability" means an individual

1 (1) who has a severe physical or mental disability that seriously limits one or
2 more functional capacities in terms of employability; in this paragraph, "functional capacities"
3 means mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or
4 work skills;

5 (2) whose physical or mental disability

6 (A) results from amputation, arthritis, autism, blindness, burn injury,
7 cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia,
8 hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness,
9 multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders,
10 paraplegia, quadriplegia, other spinal cord conditions, sickle cell anemia, specific learning
11 disability, or end stage renal disease; in this subparagraph, "neurological disorders"
12 include stroke and epilepsy; or

13 (B) is a disability or combination of disabilities that are not identified in
14 (A) of this paragraph and that are determined on the basis of an evaluation of
15 rehabilitation potential to cause substantial functional limitation comparable to a disability
16 identified in (A) of this paragraph; and

17 (3) whose vocational rehabilitation can be expected to require multiple vocational
18 rehabilitation services over an extended period of time.

19 * Sec. 4. AS 36.30.250(b) is amended to read:

20 (b) In determining whether a proposal is advantageous to the state, the procurement
21 officer shall take into account, in accordance with regulations of the commissioner, whether the
22 offeror qualifies as an Alaska bidder under AS 36.30.170(b), [OR] is offering the service of an
23 employment program, or qualifies for a preference under AS 36.30.170(e) or (f).

24 * Sec. 5. AS 36.30.900 is amended to read:

25 Sec. 36.30.900. PRODUCT PREFERENCES. This chapter does not modify
26 AS 36.15.010 and 36.15.020 regarding preference for Alaska forest products, or AS 36.15.050
27 and 36.15.060 regarding preference for Alaska agricultural and fisheries products, except as
28 provided in AS 36.30.170(b), [AND] (c), and (e) - (h), and 36.30.339.

29 * Sec. 6. This Act applies to procurements that begin on or after the effective date of this Act.

30 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

3111 C STREET, SUITE 455
ANCHORAGE, ALASKA 99503
(907) 561-7628

WHILE IN SESSION
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 485-3704

ALASKA STATE HOUSE



CHAIR
RULES COMMITTEE

JUDICIARY

SPECIAL COMMITTEE ON INTERNATIONAL
TRADE & TOURISM

LEGISLATIVE COUNCIL

REPRESENTATIVE JOHNNY ELLIS

SPONSOR STATEMENT

CSHB 324 Business Incentives for Hiring People with Disabilities

The purpose of this bill is to promote active business involvement between the State of Alaska and people experiencing a disability. CSHB 324 amends Alaska's procurement statutes (AS 36.30) to make three changes in favor of people with disabilities. The changes apply to the process of bidding on state contracts to provide services such as printing and janitorial services.

1. Increase the current procurement preference for employment programs (nonprofits that train people with disabilities for work) from 10 percent to 15 percent.
2. Creates a 10 percent preference for a business that employs more than 50 percent of its workforce with people who experience a disability.
3. Creates a 10 percent preference for a business that is owned by a person with a disability.

REASONS TO SUPPORT CSHB 324

1. Improves quality of life for people who experience disabilities. — Having a job increases a person's independence and ability for self-support.
2. Saves the State money. — State grant dollars to employment programs to provide residential support are decreased and sometimes eliminated, due to the fact that people are working, earning wages, and living on their own.

Over the last three years, ASETS in Anchorage has served 20 people on wait lists who experience development disabilities. Assuming an average annual service cost of \$8,000 to \$10,000 per person, they have saved the state Division of Mental Health and Developmental Disabilities at least \$320,000

3. People with Disabilities are not being hired — An ISER Report shows that over 3,500 Alaskans who experience disabilities are waiting for jobs or job training. There is only one for-profit business owned by a person with a disability in Alaska and zero for-profit businesses that employ people with disabilities as their main workforce.



The original bill has been amended throughout the committee process to produce Senate CS for CS for HB 324 (State Affairs). Amendments adopted include changing the definition of a person with a disability so that the definition is more work-related. It narrows the definition of a business owned by a person with a disability to make sure that the business is a sole proprietorship. And it prevents a business owner who experiences a disability, and who hires more than 50 percent of his or her workforce with people who experience a disability, from qualifying for two procurement preferences in this bill (page 2, sections e and f).

The Department of Administration has submitted a zero fiscal note.

The Americans with Disabilities Act (ADA) of 1990 took effect on Jan. 26, 1992. This mandates the elimination of discrimination against persons with disabilities — a right many Alaskans have been fighting to achieve for years. The purpose of CSHB 324 is to give an added incentive for businesses to hire people with disabilities.

It is time to get rid of the perceptions and attitudes that keep businesses from hiring people with disabilities. People who want to work should have the opportunity to contribute to the workforce. Having a job increases a person's independence and ability for self support and decreases reliance on public funds.

CSHB 324 IS SUPPORTED BY:

Access Alaska
Supportive Service Enterprises
Alaska State Department of Education, Division of Vocational Rehabilitation
Lifequest Comprehensive Mental Health Services
Kodiak Area Native Association
Alaska Specialized Education and Training Services
Work Force Development Agency
REACH Employment Program
Frontier Training Center
Fairbanks Resource Agency

Thank you for your consideration of CSHB 324.

STATE OF ALASKA

DEPARTMENT OF EDUCATION

DIVISION OF VOCATIONAL REHABILITATION

WALTER J. HICKEL, GOVERNOR

CENTRAL OFFICE
801 WEST 10TH STREET, SUITE 200
JUNEAU, ALASKA 99811-1894
PHONE: (907) 465-2814
FAX: (907) 465-2856
TTD: (907) 465-2440

March 10, 1992

Representative Johnny Ellis
Alaska State Legislature
Juneau, Alaska 99801

Re: House Bill No. 324
Certification of People With Disabilities

Dear Representative Ellis,

At your request I present the following recommendations for the three qualified bidder areas covered by HB 324.

1. Employment Programs For Persons With Disabilities:

It is recommended that the current system for certifying employment programs remain unchanged.

This system, within the Division of Vocational Rehabilitation, certifies qualified employment programs throughout the state. These employment programs are developed to employ people who meet the definition of severely disabled.

The division updates the employment program list on an ongoing basis and supplies a copy to General Services and Supply.

2. Determining Which Persons With A Disability Are Eligible:

It is recommended that, in order for a person to qualify as a "person with a disability" they must present medical evidence to the Division of Vocational Rehabilitation to substantiate their claim. The Division of Vocational Rehabilitation considers that evidence in determining whether or not they can be certified.

The definition contained in the Bill (Sec. 3(g)(1) and (2) is very appropriate and adequate.

Certifying a person with a disability for this

section will require medical documentation. Generally a person who meets this definition will have extensive medical records available that can be presented to the division for use in certification. The cost of medical records would be the responsibility of the person seeking certification.

It is recommended that an individual who has a rating of at least 50% disabled by the Veterans Administration be automatically considered severely disabled and, therefore, eligible for certification by the division.

3. Determining Which Programs Are Eligible For Participation Under The Law:

It is recommended that, in order for a program to be eligible for participation that program must be either:

- a) employ certified individuals in a sheltered environment such as a workshop, enclave or small work crew, or
- b) have at least one-half of their employees certified as severely disabled by the Division of Vocational Rehabilitation.

This section would require the same documentation as outlined in the section above.

We hope that this bill will provide employment opportunities for persons with disabilities who would not otherwise have equal access to state contracts.

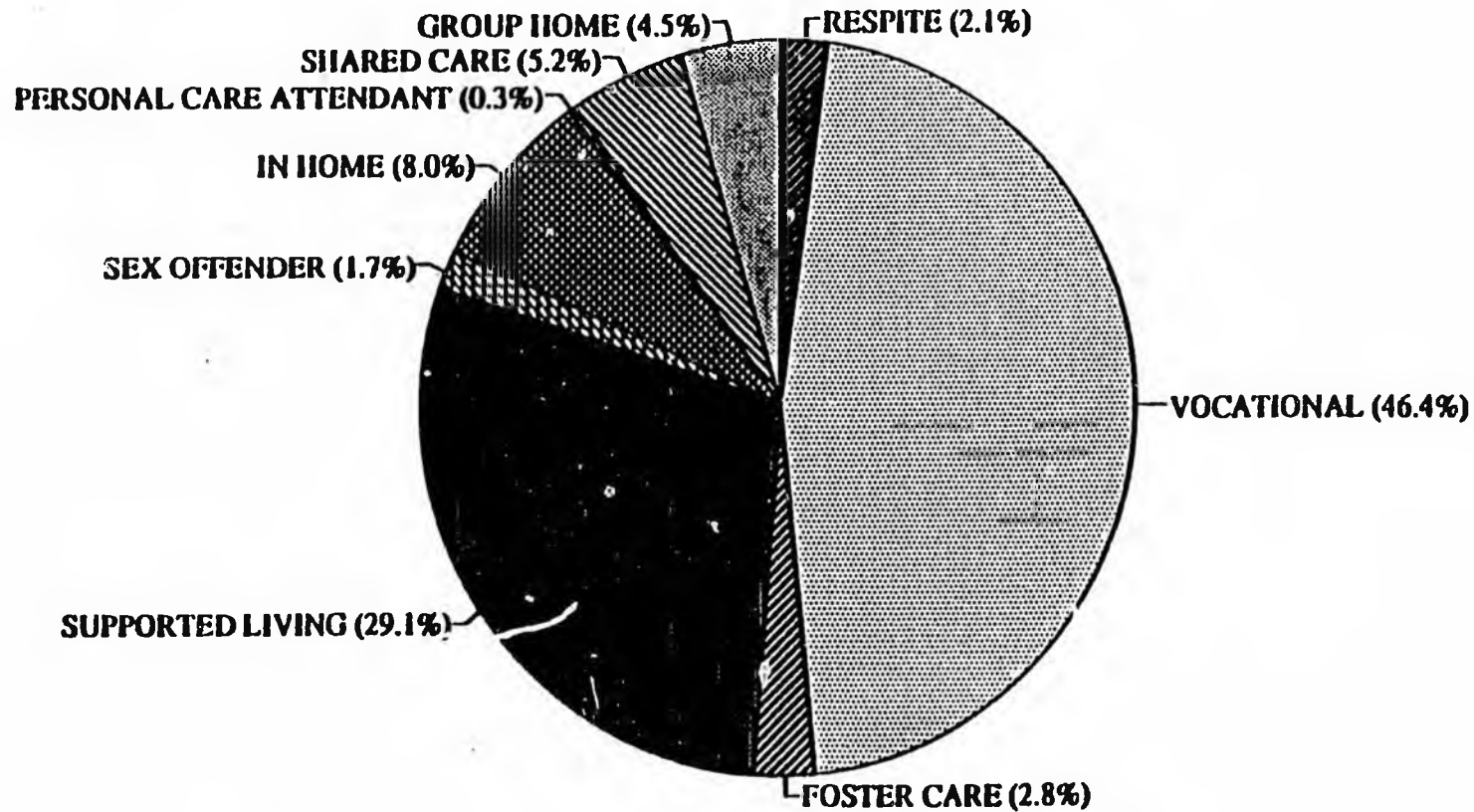
Historically most programs of this type employ persons with disabilities in a controlled settings with individual supervision of each employee.

Statistically, the division places a very small number of clients into self-employment. I personally don't foresee this bill opening the flood gates for the majority of business owners to receive an advantage in bidding.

Sincerely,


Stan Ridgeway
Deputy Director

DEVELOPMENTAL DISABILITIES APPLICANT SERVICE REQUESTS



WALTER J. HICKEL, GOV.

DEPARTMENT OF EDUCATION

DIVISION OF VOCATIONAL REHABILITATION

CENTRAL OFFICE
P.O. BOX F
JUNEAU, ALASKA 99811-0581
PHONE: (907) 485-2814
FAX: (907) 485-2818
TTD: (907) 485-2440

February 5, 1992

Representative Johnny Ellis
Alaska State Legislature
Room 204, Capitol
P.O. Box V
Juneau, Alaska, 99811

Re: House Bill No. 324

Dear Representative Ellis:

Thank you for asking the division to respond to your bill allowing preference for qualified work programs and Alaskan business owners who are, or employ, people with disabilities.

Over the last several years there has been a shift in philosophy related to work programs which are owned by or employ persons with disabilities. The shift is away from what have been traditionally known as "sheltered workshops" to community based placements. Because of this shift your bill, as written, would provide incentives for sheltered workshops, supported employment programs and businesses which are either owned by or provide employment to persons with disabilities.

The division endorses H.B. 324 which allows bidder preference for a wide range of employment options for Alaskans with disabilities.

As you know, the Division of Vocational Rehabilitation has the responsibility of identifying qualified employment programs throughout the state. We offer our assistance to the Chief Procurement Officer to further identify bidders who meet the definition as outlined in this bill.

Sincerely,



Stan Ridgeway for
Keith J. Anderson, Director
Division of Vocational Rehabilitation



Frontier Training Center

P.O. Box 2110

Soldotna, Ak. 99669

(907) 262-6331

March 25, 1991

Representative Johnny Ellis
State Capitol
Juneau, Ak.
99801-1182

Dear Sir,

I fully support your legislative efforts in working towards passage of CSHB 324. Frontier Training Center is an employment center for persons with Developmental Disabilities. The abilities for disabled people to attain vocational placement in the community would be greatly enhanced by the passage of this bill.

Employment Centers work on integrating the disabled into the community with meaningful employment opportunities. This often means having supports such as Vocational Trainers, transportation to and from the work sites where no public transportation exists, Job Coaches and other supports. These are costs that other businesses do not have to factor into a competitive bid. These additional costs sometimes result in not receiving competitive contract awards. CSHB 324 would help to rectify these cost differentials and empower Employment Centers to provide employment opportunities.

CSHB 324 could provide additional deferral of those overhead costs necessary to provide vocational work opportunities to persons with disabilities. Any additional costs in providing these supports is more than offset by making a person with disabilities into tax paying citizens in their community of meaningful tie.

Employment Centers can provide a competitive product at the same time that they ensure that these special members of society are allowed to vocationally integrate into their communities. Your bill would allow for greater access into the community by providing individualized economic opportunities.

Cordially yours,

Rick A. Roaska
Vocational Program Director



A United Way Agency

ASETS*

*Alaska Specialized Education and Training Services, Inc.
A Non-profit Alaskan Corporation

2330 Nichols Street
Anchorage, AK 99508-3495
(907) 278-8617

Karen Ward, Ed.D.
Executive Director

3/24/92

Representative Johnny Ellis
State Capitol, Room 204
Juneau, Alaska 99801-1182

Dear Representative Ellis:

This letter is to express our support of HB324 (State procurement preferences for people with a disability). This bill will benefit Employment Programs such as ASETS and encourage the private sector to hire people with disabilities. It also provides an incentive for Title I of the Americans with Disabilities Act.

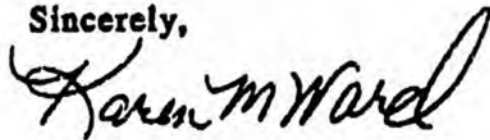
The private sector is under the false perception that state funded employment programs are unfair competition. It is important to note that state grants from Health and Social Service are not used to subsidize commercial operations. These grants are used to provide additional staff and resources to train and support people with developmental and psychiatric disabilities in employment. In other words, grants pay for the extraordinary training expenses associated with the population. All expenses related to the production of goods and services which create jobs for persons with disabilities served through our programs are solely supported by income generated through contracts. In other words, all equipment, wages (including production supervisors), transportation, raw materials, expendable supplies, and administrative overhead are paid from the contract. If expensive equipment is needed, we go to the bank and take out a loan

The importance of HB324 is that it will benefit people with disabilities. First, it means wages. ASETS has several labor contracts with the state and federal government as well as the private sector. Over the last 6 years we have expanded our services through contract labor with the state and federal government. The collective wages earned by the consumers in our program has increased from \$174,502 (1986) to \$596,933 (1991). These dollars are spent in

Alaska! If one assumes that every dollar spent in Alaska has an economic impact of 7 times, the economic impact of our program last year was \$4,178,531. Secondly, Employment Programs manage labor (commercial) contracts like any other business person. That is, we try to be efficient enough to have income exceed expenses. This excess is then used to support our program. Over the last 3 years we have served 20 individuals who experience developmental disabilities who were on state service waiting lists. Assuming an average annual service cost of \$8,000 - \$10,000 per person, we have saved the state Division of Mental Health and Developmental Disabilities at least \$320,000.

We look forward to HB324 becoming law. Please feel free to contact me should you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Karen M. Ward". The signature is written in black ink and is positioned below the word "Sincerely,".

Karen Ward, Ed.D.
Executive Director

FRA FRA

Gary Roth, President
 Paul Robinson, Vice-President
 Nancy Dodge, Treasurer
 Jim Morius, Secretary
 Emily F. Ennis, Executive Director

FAIRBANKS RESOURCE AGENCY

805 AIRPORT ROAD • FAIRBANKS, ALASKA 99701 • (907)456-8901 • FAX 452-5171

March 27, 1992

Representative Johnny Ellis
 State Capitol Building
 Juneau Alaska 99801 1182

Compliments of
 Representative Johnny Ellis

Dear Representative Ellis:

As an employment program serving over seventy individuals experiencing a disability, Fairbanks Resource Agency (FRA) supports CSHB 324 as an effective means of promoting work opportunities for people with disabilities.

FRA currently provides vocational training and employment to persons with disabilities through state contracts for janitorial services. These contracts have provided challenging and steady work as well as respectable paychecks for individuals who are striving to improve the quality of their lives. As important, these jobs also offer an opportunity to prove that employees who experience severe disabilities are reliable, conscientious and able to perform their jobs, at acceptable, and in many cases, above average standards. The opportunity to demonstrate ability on these jobs enhances the status and promotes the dignity of all persons who experience a disability.

Through increasing the current procurement preference for employment programs non-profits like FRA will have a better chance to be successful bidders on state contracts, thus putting additional individuals with disabilities to work. Those who would argue against the procurement preference must remember that our costs of doing business are often higher and may include increased training and supervision costs, as well as increased time and number of employees needed to complete the work to standard. The procurement preference assists an employment program in providing a competitive and realistic bid.

Rep Johnny Ellis
Juneau Alaska
March 27, 1992
Page 2

Over the past twenty-five years, FRA has seen the difference that employment makes in the lives of people who experience a disability. A job provides identity; it provides dignity, it provides the means to independence. Recently I heard a young man who works on a janitorial crew at a state building say with pride in his voice, "Tomorrow my counselor is going to help me do my income tax, I may owe some more money." Those of us who bemoan tax time should take a moment to reflect on this young man's statement. Through the opportunity to work, he has moved from dependency on state assistance to a position as a proved, productive and contributing member of our community. There are many other Alaskans who want the chance to change their position, too. They want the chance to work and to contribute.

While the Americans with Disabilities Act (ADA) now stands before us as this century's most significant piece of legislation on behalf of people with disabilities, it will only be as powerful as the individuals, communities and states who stand behind it and support it through legislation and activity such as CSHB 324 provides. In supporting CSHB 324, I thank you again for your efforts on behalf of people with disabilities in Alaska.

Sincerely,


Emily F Ennis
Executive Director

EFE/njm

HB 326

HOUSE COMMITTEE REPORT

(11)

Date Referred: February 18, 1992

FURTHER REFERRALS:

Date of Committee Action: 3/06/92

The FINANCE Committee considered:

HB 326

HOUSE BILL NO. 326

TEACHER CERTIFICATION

"An Act relating to requirements for limited teacher certificates; defining 'teacher'; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 326 (FIN) the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: HFC letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note HFC

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eileen P. Mullen</i> Mullen	X	<i>ROO ECO</i> Phillips		✓	
<i>Mark Boyer</i> Boyer	X	<i>Scott Sharp</i> Sharp		✓	
<i>Tay Brown</i> Brown	✓	<i>Donald J. Lawson</i> Lawson		✓	
<i>[Signature]</i> Korman	✓				
<i>[Signature]</i> JALCO	✓				
<i>[Signature]</i> BARNES	X				
<i>[Signature]</i> Ulmer	X				
<i>[Signature]</i> NAUARRE	✓				

[Signature] NAUARRE
 CHAIRMAN'S SIGNATURE
Eileen P. Mullen
 Mullen

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. CSHB 326 (FIN)

Revision Date: 3/02/92 Department Affected: DOE
 Title: "An Act relating to requirements for limited teacher certificates; defining "teacher" and providing for a sponsor effective date." MacLean
 BRU: EF&SS
 Component: Teacher Certification
 Requestor: HFC COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE FUND SOURCE:	PR	PR	PR	PR	PR	PR
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER PR	19.0	6.0	5.0	2.0	0	0
FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Co-Chair Eileen MacLean *E MacLean* Phone: 465-4833
Co-Chair Mike Navarro *M Navarro* Phone: 465-3779
 Division: House Finance Committee Date: 3/06/92

Approved by Commissioner: _____ Date: _____
 Agency: _____

CS FOR HOUSE BILL NO. 326 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MACLEAN, Gruenberg, Leman, Lincoln, B.Davis, Ivan, Ulmer

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to requirements for limited teacher certificates; defining 'teacher'; and
2 providing for an effective date."

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

4 * Section 1. PURPOSE. The purpose of this Act is to provide for the certification of teachers in
5 certain limited fields where baccalaureate degree training is not sufficiently available, so long as the
6 person demonstrates both subject matter expertise and teaching competency.

7 * Sec. 2. AS 14.20 is amended by adding a new section to read:

8 Sec. 14.20.025. OTHER TEACHER CERTIFICATES. Notwithstanding AS 14.20.020(b),
9 a person may be issued a limited certificate, valid only in the area of expertise for which it is
10 issued, to teach Alaska Native language or culture, military science, or a vocational or technical
11 course for which the board determines by regulation that baccalaureate degree training is not
12 sufficiently available. A limited certificate may be issued under this section only if the school
13 board of the district or regional educational attendance area in which the person will be teaching,
14 through the chief school administrator, has requested its issuance. A person who applies for a

1 limited certificate shall demonstrate, as required by regulations adopted by the board, instructional
2 skills and subject matter expertise sufficient to ensure the public that the person is competent as
3 a teacher. The board may require a person issued a limited certificate to undertake academic
4 training as may be required by the board by regulation and make satisfactory progress in the
5 academic training.

6 * Sec. 3. AS 14.20.215(6) is repealed and reenacted to read:

7 (6) "teacher" means an individual who, for compensation, has primary
8 responsibility to plan, instruct, and evaluate learning of elementary or secondary school students
9 in the classroom or an equivalent setting and also includes individuals holding other positions as
10 determined by the department by regulation.

11 * Sec. 4. The Board of Education shall make a report available to the legislature on or before January
12 15, 1997, concerning the implementation of AS 14.20.025, enacted by sec. 2 of this Act. The report
13 must include the number of certificates issued under that section and other relevant information.

14 * Sec. 5. This Act takes effect July 1, 1992.



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Committee on Finance

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

HOUSE FINANCE COMMITTEE
LETTER OF INTENT
FOR
CS HB 326 (FINANCE)

It is the intent of the legislature that the Board of Education shall make a report available to the legislature concerning the implementation of AS 14.20.025, enacted by sec. 2 of CS HB 326 (Finance). The department shall notify members of the legislature of the availability of the report on or before January 15, 1997. A copy will be sent to those members indicating interest in receipt of the report.

Handwritten signature of Mike Navarre in cursive.

Co-Chair Mike Navarre
Date: March 6, 1992

Handwritten signature of Eileen MacLean in cursive.

Co-Chair Eileen MacLean

7-LS0624G
Cramer
3/6/92

CS FOR HOUSE BILL NO. 326 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MACLEAN, Gruenberg, Leman, Lincoln, B.Davis, Ivan, Ulmer

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to requirements for limited teacher certificates; defining 'teacher'; and
2 providing for an effective date."

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

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11 course for which the board determines by regulation that baccalaureate degree training is not
12 sufficiently available. A limited certificate may be issued under this section only if the school
13 board of the district or regional educational attendance area in which the person will be teaching,
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1 limited certificate shall demonstrate, as required by regulations adopted by the board, instructional
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 4 training as may be required by the board by regulation and make satisfactory progress in the
 5 academic training.

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 8 responsibility to plan, instruct, and evaluate learning of elementary or secondary school students
 9 in the classroom or an equivalent setting and also includes individuals holding other positions as
 10 determined by the department by regulation.

11 * Sec. 4. The Board of Education shall report to the legislature on or before January 15, 1997,
 12 concerning the implementation of AS 14.20.025, enacted by sec. 2 of this Act. The report must include
 13 the number of certificates issued under that section and other relevant information.

14 * Sec. 5. This Act takes effect July 1, 1992.

make a report available to the legislature

Letter of intent w/ notice to legis. rather than printing & distributing report to all legislators

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: 12/31/91

Department Affected: DOE

Title: "An Act relating to requirements for limited teacher certificates; defining 'teacher'; and providing for an effective date."

BRU: EF&SS

Component: Teacher Certification

Sponsor: MacLean

Requestor: _____

COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL	3.0	2.0	2.0	.0		
CONTRACTUAL	15.0	3.0	2.0	2.0		
SUPPLIES	1.0	1.0	1.0	.0		
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	19.0	6.0	5.0	2.0	0	0

CAPITAL						
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REVENUE FUND SOURCE:	PR	PR	PR	PR		
----------------------	----	----	----	----	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE: PR	19.0	6.0	5.0	2.0	0	0
TOTAL						

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Attached

Prepared By: James E. Tozer

Phone: 465-2865

Division: EF&SS

Date: January 6, 1992

Approved by Commissioner: *[Signature]*

Agency: _____

Date: 1/11/92

After reviewing House Bill 326, the Department has reached the following conclusions:

1. AS 14.20.020 and 4AAC 12.070 currently provide for the issuance of certificates in limited fields where baccalaureate degree training is not readily available and/or the individual concerned has verifiable expertise in a particular subject area.
2. The Department has promulgated regulations which provide for a limited teaching certificate in any field, including Alaska native studies, military science and various vocational and technical areas for which baccalaureate programs may not be readily available.
3. AS 14.020.215(6) of the bill is very similar to the language contained in 4AAC 12.900(13). For this reason the Department does not believe that a need exists to put this definition in statute.

The costs associated with implementation of this bill are:

- a) Travel: Funds will be used to meet with university personnel and others interested in the implementation of this statute.
- b) Contractual: Funds will be used to advertise for the public notices concerning regulations, as well as for printing and distribution of same.
- c) Supplies: Purchase of necessary paper and supplies needed to implement the act.

COMMITTEE COPY

POSITION PAPER: DEPARTMENT OF EDUCATION

Division Educational Finance & Support Services Bill Number HB 326

Bill Title "An Act relating to requirements for limited teacher certificates; defining 'teacher'; and providing for an effective date."

Sponsor MacLean

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.

After reviewing House Bill 326, the Department has reached the following conclusions:

1. AS 14.20.020, 4AAC 12.070 and 4AAC 12.050 currently provide for the issuance of certificates in limited fields where baccalaureate degree training is not readily available and /or the individual concerned has verifiable expertise in a particular subject area.
2. AS 14.020.215(6) of the bill is very similar to the language contained in 4AAC 12.900(13). For this reason the Department does not believe that a need exists to put this definition in statute.

The costs associated with implementation of this bill are:

- a) Travel: Funds will be used to meet with university and Department of Education personnel in the implementation of this statute.
- b) Contractual: Funds will be used to advertise for the public notices concerning regulations, as well as for printing and distribution of same.
- c) Supplies: Purchase of necessary supplies needed to implement the act. Implementation of a new certification form and reprogramming computers.

The Department of Education's position on this bill is neutral.

APPROVED:

Director Duane Guiley Division EF&SS

Signature *Duane Guiley* Date 2/4/92

Commissioner/Deputy Jerry Covey

Signature *Karen R. Crane for* Date 2/4/92

RESPONSE TO DOE ANALYSIS

HB 326

DOE offers three conclusions in its fiscal note analysis. These conclusions warrant a response.

1. DOE points out that there are existing mechanisms for certifying teachers in fields where baccalaureate training is not available.

The department doesn't seem to recognize the problem. The existing certificate for teachers of Alaska Native language/culture and military science isn't even called a certificate. It's called a "Letter of Authorization," and these teachers are called "recognized experts" instead of teachers, despite the fact that they bring a wealth of knowledge to our classrooms and fulfill the same responsibilities as other teachers.

This certification regime has created a second-class status for these teachers. A Letter of Authorization creates the impression that they are equivalent to a substitute teacher, someone without special skills who is hired in an emergency. This has placed them in a certification ghetto. HB 326 represents an attempt to bring them out of that ghetto.

This legislation does not give these teachers greater status than they deserve. But at least it acknowledges their status as teachers. This change alone will encourage more respect and better treatment at the local level.

2. DOE states that existing regulations are adequate for the certification of teachers in these limited fields. While the regs may be adequate in DOE's view, they are not consistent. HB 326 offers DOE the opportunity to standardize its certification for all non-baccalaureate teachers.

Teachers of Alaska Native language or culture are currently certified for one year at a time, while Voc Ed teachers with similar certification renew every two years. For some reason, military science teachers are apparently no longer required to have any State certification. They teach solely on the basis of a Department of Defense approval. This could raise questions of liability for the State.

The creation of limited teacher certification in statute could be an opportunity for DOE to bring all these teachers into a single category with a single set of governing regulations.

3. DOE claims this bill's redefinition of "teacher" is unnecessary because it is similar to the current definition set out in regulations. The definition needs to be firmly established in statute, where it serves as the basis for a broad array of interpretations. That is the whole purpose of Section 3 in HB 326 - to provide greater clarity in the definition of "teacher."

Since "teacher" is already defined in statute, it should be accurately defined. A teacher should not be identified merely as someone who teaches. The existing

regulatory definition provides a clear indication of the category of people subject to certification. For this reason, it has been used as the basis for the refined definition in Section 3 of this bill.

ALASKA STATE LEGISLATURE

Representative Eileen Panigeo MacLean
Co-Chair House Finance Committee
P.O. Box 830
Barrow, Alaska 99723



WHILE IN JUNEAU
Box V
Juneau, Alaska 99801
465-4525
465-4833

HOUSE OF REPRESENTATIVES

MEMORANDUM

District 22

North Slope
Borough

Anaktuvuk Pass
Atkasuk
Barrow
Kaktovik
Nuiqsut
Point Hope
Point Lay
Wainwright

Northwest Arctic
Borough

Ambler
Buckland
Deering
Kiana
Kivalina
Kobuk
Kotzebue
Noatak
Noorvik
Selawik
Shungnak

TO: Rep. Mike Navarre *Rep. Navarre*
Co-Chair, House Finance Committee

FROM: Rep. Eileen MacLean *Rep. Eileen MacLean*

DATE: February 24, 1992

RE: Hearing for HB 326

I am requesting a hearing before the House Finance Committee at your earliest convenience for HB 326, An Act relating to requirements for limited teacher certificates.

HB 326 provides for the certification of teachers in certain limited fields where baccalaureate degree training is not sufficiently available. The educational fields affected by this bill are Alaska Native language or culture, military science, and some vocational or technical subjects.

Limited certificates would be available only to teachers in these specified fields, and only because there is no baccalaureate degree training specific to these fields. These teachers would still be required to demonstrate both a mastery of the subject matter and teaching competency. Regulations adopted by the State Board of Education would assure the competency of teachers under this classification.

Limited certificates would be valid solely in the area of expertise for which they are issued, and they would be issued only upon the request of the local school board.

This legislation does not diminish the importance of the existing baccalaureate requirement. It merely recognizes that a specific group of teachers already participating in the education of our children possesses skills that cannot be acquired through the baccalaureate process. HB 326 assures these teachers are given comparable recognition in the certification process. At the same time, the bill gives the state board

authority to require academic training for those holding a limited certificate.

In addition, HB 326 clears up a longstanding ambiguity in the law related to the definition of "teacher." The existing definition is somewhat circular, and does not clearly identify those educational employees who are required to be certified. This bill more accurately defines a teacher.

HB 326 has received broad support from educators, administrators, professional organizations and the public. Among the organizations supporting the bill are NEA-Alaska, the Association of Alaska School Boards, the Governor's Council on Vocational Education, the Alaska Council of School Administrators, and numerous school districts.

SPONSOR STATEMENT

CS HB 326 (HES)

REP. EILEEN MACLEAN

HB 326 provides for the certification of teachers in certain limited fields where baccalaureate degree training is not sufficiently available. The educational fields affected by this bill are Alaska Native language or culture, military science, and some vocational or technical subjects.

Limited certificates would be available only to teachers in these specified fields, and only because there is no baccalaureate degree training specific to these fields. These teachers would still be required to demonstrate both a mastery of the subject matter and teaching competency. Regulations adopted by the State Board of Education would assure the competency of teachers under this classification.

Limited certificates would be valid solely in the area of expertise for which they are issued, and they would be issued only upon the request of the local school board.

HB 326 is designed to resolve a longstanding problem of employment equity for certain teachers who are already providing instruction in our schools. For example, many Native language teachers have duties and responsibilities that are similar to certified teachers. Yet they are not getting the same recognition and encouragement. Instead of receiving a certificate, they are issued a "letter of authorization." Instead of being classified as teachers, they are called "recognized experts."

This disparity in status aggravates a number of problems for these teachers, including pay equity, peer respect and self-esteem. This bill does not compromise the powers of local school districts to set salary levels. Nor does it affect the tenure rights of these teachers. But it does confirm the value of the skills and experience these teachers offer to our students.

This legislation does not diminish the importance of the existing baccalaureate requirement. It merely recognizes that a specific group of teachers already participating in the education of our children possesses skills that cannot be acquired through the baccalaureate process. HB 326 assures these teachers are given comparable recognition in the certification process. At the same time, the bill gives the state board authority to require academic training for those holding a limited certificate.

This bill would equalize the status of teachers whose certification is based on criteria other than a baccalaureate degree. It would also allow DOE to achieve a standardization that does not currently exist. This could be done by combining all of these groups under a single certificate.

In addition, HB 326 clears up a longstanding ambiguity in the law related to the definition of "teacher." The existing definition is somewhat circular, and does not clearly identify those educational employees who are required to be certified. This bill more accurately defines a teacher.

Sponsor Sectional Analysis

CS HB 326 (HES)

The following is a sectional analysis of HB 326:

Section 1 - This is a statement of purpose of the bill.

Section 2 - Allows a person to receive a limited teacher certificate to teach Alaska Native language or culture, military science, or a vocational or technical course for which the State Board of Education determines that baccalaureate degree training is not sufficiently available.

Provides that a limited teacher certificate may be issued only if it is requested by the school board of the district in which the person will be teaching.

Allows the state board to adopt regulations outlining the teaching skills and subject matter expertise that are required of applicants for a limited certificate. This section also permits the board to require academic training by persons issued a limited certificate.

Section 3 - Amends the definition of "teacher."

This section clears up a longstanding ambiguity in the law related to the definition of "teacher." This definition is important because it defines the class of people subject to the certification requirement. The existing statutory definition is unclear.

AS 14.20.215(6) contains the following definition of "teacher:"
"teacher" means a person serving in a teaching, counseling, or administrative capacity and required to be certificated in order to hold the position.

In combination with AS 14.20.010, this wording creates a circular definition in statute. Under AS 14.20.010, a teacher is required to hold a certificate, and under AS 14.20.215(6), a person is a teacher if he or she is required to hold a certificate.

Section 3 of this bill offers an improvement by defining the conditions under which a person must be considered a teacher, and therefore subject to the certification requirement.



UNIVERSITY OF ALASKA FAIRBANKS

Fairbanks, Alaska 99775

Judith Kleinfeld
Director, Northern Studies
College of Liberal Arts
University of Alaska
Fairbanks, Alaska 99775
January 29, 1992

Representative Eileen P. MacLean
Co-Chair, House Finance Committee
Box V
Juneau, Alaska 99811

Dear Representative MacLean:

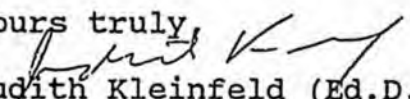
I strongly support HB 326, which provides for the certification of teachers in certain fields where baccalaureate degree training is not available or appropriate, for example, teachers of Alaska Native language and culture, military science, or vocational and technical education.

This alternative certification has long been needed in Alaska as it recognizes and rewards expertise that is not acquired in a traditional college program. To insist that persons with such expertise nonetheless go through a standard teacher certification program is unreasonable and keeps fine instructors out of the classroom.

The present bill is much improved from its earlier version, HB 203. I especially appreciated your incorporating into this new bill the opportunity to receive appropriate additional education in instructional skills. I had made this suggestion earlier.

This bill is in the forefront of contemporary efforts to improve the quality of teachers by making it possible for people with subject area expertise to enter the teaching force without undergoing a lengthy and inappropriate teacher training program.

Please let me know if I can do anything more to support this important legislation.

Yours truly,

Judith Kleinfeld (Ed.D.)

AVCP

FEB 25 1992

Association of Village Council Presidents
P.O. Box 219 • Bethel, Alaska 99559 • Phone 543-3521

February 17, 1992

Representative Eileen P. MacLean
Co-Chair, House Finance Committee
P.O. Box 830
Barrow, Alaska 99723

Dear Representative MacLean:

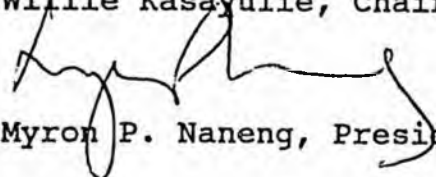
Thank you for your letter dated January 28, 1992, in reference to HB 326 which you had introduced last session.

We, at AVCP, Inc., fully support this legislation which will enable certification of Alaska Native language and Native crafts teachers and other fields where baccalaureate degree training is not available. We agree that HB 326 is long overdue.

If there is anything we can do to ensure passage of this important legislation, please do not hesitate to call or write.

Sincerely,

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS
Willie Kasayulie, Chairman


Myron P. Naneng, President

MPN:ch



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

Don Oberg, President

Claudia Douglas
Vice President
P.O. Box 74837
Fairbanks, AK 99707

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NEA Director
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Juneau, AK 99801

Mary Bohanan
Region II Director
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Delta Junction, AK 99737

Trena Richardson
Region III Director
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Olaf Allison
Region IV Director
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Kiana, AK 99749

Kathy Gross
Region IV Director
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Bethel, AK 99559

Susan Annis
Region V Director
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Fairbanks, AK 99701

Carole Evans
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Fairbanks, AK 99701

Gayle Harbo
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Loretta B. Christle
Region VI Director
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Anchorage, AK 99504

Richard Kronberg
Region VI Director
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Anchorage, AK 99515

Pam McCarl
Region VI Director
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Region VII Director
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Wasilla, AK 99687

Sandy Pevan
Region VII Director
Box 871256
Wasilla, AK 99687

Dorothy Wells
Region R Director
2529 Nelson Road
North Pole, AK 99705

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ANCHORAGE, ALASKA 99503
(907) 274-0536
FAX: (907) 274-0551

JUNEAU OFFICE
105 MUNICIPAL WAY, SUITE 302
JUNEAU, ALASKA 99801
(907) 586-3090
FAX: (907) 586-2744

FAIRBANKS REGIONAL OFFICE
2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435
FAX: (907) 456-2159

February 12, 1992

To: Representatives Carney and Lincoln Co-Chairs of House HESS, members of the HESS Committee

From: Don Oberg, NEA-Alaska President

RE: HB326 "An Act relating to requirement for limited teacher certificate; defining 'teacher'; and providing for an effective date."

NEA-Alaska Supports passage of HB 326 providing for a limited certificate in certain areas of expertise where a teacher education program does not exist. Presently there are individuals providing these services to students of our state. We strongly encourage the attempt to standardized the job classifications of people performing the jobs of teachers but are classified differently around the state.

NEA-Alaska believes that Sections 1, 2, and 3 covers the statutory need to empower the Department of Education to grant a certificate to individuals identified as qualifying for limited certificates. It is our opinion that redefining "teacher" adds clarity but does not strengthen or broaden the meaning.

We would question the purpose of Section 4. What will be the status of teachers certified under this provision? How would these individuals' working relationships be altered by repeal of this provision? How does the repeal impact current teachers who hold other limited types of limited certificate under current DOE Regulations?

We are unclear of the reason for the repeal of Section 2 of this bill. It is our position that these "teaching" positions are critically needed in our schools. Until the University provides a mechanism for unlimited certification in these areas, we would urge an amendment to remove the limited enactment and recommend deletion of Section 4.

Thank you for your consideration of the issues identified in this position paper. NEA-Alaska supports the concept of limited certification of areas of expertise.

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 West 11th Street, Juneau, Alaska 99801-1510 • Tel. (907) 586-1083 • Fax (907) 586-2995

Advocates for Alaska's Youth



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Reggie Joule

YUKON-KOYUKUK
Luke Titus

YUPIIT
Michael Williams

EX-OFFICIO DIRECTOR
Dick Anderson
Delta-Greely

EXECUTIVE
DIRECTOR
Carl F.N. Rose

HB 326 Support for Limited teacher certificates

The Association of Alaska School Boards (AASB) supports HB 326, providing limited teacher certificates in certain limited fields where baccalaureate degree training is not available, so long as the person demonstrates both subject matter expertise and teaching competency.

The Association of Alaska School Boards is also on record as supporting a bonafide postsecondary education certification program in the area of Alaska Native Language & Culture, in particular, to provide opportunities for Alaskan students to pursue a career in teaching. (AASB Resolution 92-29)

AASB also supports language in HB 326 allowing the State Board of Education to require by regulation additional academic training (and satisfactory progress) if it is deemed necessary.

2/12/92



ALASKA ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
326 Fourth St., Suite 408, Juneau, AK 99801-1101 (907) 586-9702 FAX (907) 586-5879

POSITION STATEMENT

HOUSE BILL NO. 326

"An Act relating to requirements for limited teacher certificates; defining 'teacher'; and providing for an effective date."

The Alaska Council of School Administrators is in support of House Bill #326.

The Alaska Council of School Administrators has been critical of past attempts to design special certificates without some safeguards to insure there are standards and the interest of the students served are met first and foremost.

This legislation addresses our major concerns regarding the limited nature of the certificate, the responsibility of the school district to request such a certificate and the ability of the district to require a person issued a limited certificate to undertake academic training.

We appreciate the sponsor's willingness to make the necessary changes to this legislation. We feel in the long run, the children will be better served.

Governor's Council on Vocational Education

C.J. Thomas
Chair

Sue E. Miller
Vice Chair



Jerry Lewis
Executive Director

Alice Bergdoll
Administrative Assistant

211 Fourth Street, Suite 101 • Juneau, Alaska 99801
Phone: (907) 586-1736 • FAX: (907) 586-1250

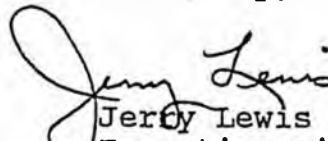
Representative Eileen MacLean
Box V
Juneau, AK 99811

Dear Representative MacLean,

The Governor's Council on Vocational Education discussed as an agenda item HB 326, an act relating to requirements for limited teacher certificates, at the council quarterly meeting in Juneau on February 8, 1992.

Although the discussion brought forth the consensus that persons in this category presently are covered by other provisions, the council felt that HB 326 would give the deserved recognition to those persons that are teaching Alaska Native language or culture, military science, and vocational or technical courses along side those teachers that have certificates now. I am pleased to advise you that the council voted to support this legislation.

Sincerely,


Jerry Lewis
Executive Director

/ab

NOME PUBLIC SCHOOLS
Box 131, Nome, Alaska 99762 • Telephone (907) 443-2231



January 27, 1992

Representative Eileen P. MacLean
Co-Chair, House Finance Committee
P.O. Box V
Juneau, AK 99811

Dear Representative MacLean:

This letter will serve as indication of our support of your House Bill No. 326. Our school district has a need for this kind of certification in certain limited fields, ie. Alaska Native Language or Culture.

Thank you for your informative letter requesting support.

Respectfully yours,

A handwritten signature in cursive script that reads "Robert G. Kinna".

Robert G. Kinna
Superintendent

/mmr



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue
P.O. Box 196614
Anchorage, Alaska 99519-6614
AREA CODE [907] 333-9561

February 7, 1992

SCHOOL BOARD

Darryl Jordan
President

Carol Stolpo
Vice President

Walter Featherly
Clerk

Calvin Christianson
Treasurer

Dorothy Cox

Theresa Nangle Obermeyer

Sharon Richards
Past President

SUPERINTENDENT

Thomas C. O'Rourke

Representative Eileen P. MacLean
Co-Chair, House Finance Committee
P.O. Box 830
Barrow, AK 99723

Dear Representative MacLean:

Thank you for taking the time to write to me about HB 326. As Superintendent for the Anchorage School District, I fully support alternative forms of certification.

Best of luck with the task you have undertaken.

Sincerely yours,

Thomas C. O'Rourke
Superintendent

cc: Bob Christal, Asst. Superintendent for Instruction

HB 326

SENATE FINANCE COMMITTEE REPORT

DATE: 4/29/92

FURTHER:

DATE TURNED INTO OFFICE: 5-4-92

The Finance Committee considered CS FOR HOUSE BILL NO. 326 (FINANCE)

"An Act relating to requirements for limited teacher certificates; defining 'teacher'; and providing for an effective date."

and recommends:

[] replace with _____ CS _____ (FINANCE)

or [] adopt previous _____ CS _____ (_____)

[] attaches amendment(s)

[] same title
[] new title
[] technical title change (HB only)

[x] adopts HFC Letter of Intent

[] further referral to the _____

[x] do pass

[] do not pass

[] no recommendation

[] individual recommendations

NEW FISCAL NOTES: Dept/Date

[] zero fiscal notes _____

[] fiscal notes _____

[] appropriation--no fiscal note

DO PASS:

Handwritten signatures and initials under the 'DO PASS' section.

PREVIOUS FISCAL NOTES: Dept/Date

[] zero fiscal notes _____

[x] fiscal notes DoE 1/23/92 (R2145)

OTHER RECOMMENDATIONS:

Blank lines for other recommendations.

1. Co-Chair: Signature/Recommendation

2. Co-Chair: Signature/Recommendation

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

No. 2 - CORRECTED
Bill Version: CSHB 326(FIN)
(H) Publish Date: 3/23/92

Revision Date: 3/02/92 Department Affected: DOE
Title: "An Act relating to requirements for limited teacher certificates; defining "teacher" and providing for a retroactive date." MacLean
BRU: EF&SS
Component: Teacher Certification
Requestor: HFC COMPONENT SERIAL NO.

--	--	--	--

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
FUND SOURCE:	19.0	6.0	5.0	2.0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER PR	19.0	6.0	5.0	2.0	0	0
FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Co-Chair Eileen MacLean *E MacLean* Phone: 465-4833
Co-Chair Mike Navarre *M Navarre* Phone: 465-3779
Division: House Finance Committee Date: 3/06/92

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Committee on Finance

Official Business

SFC-92
5-6-92 pm
Adopted
P.O. Box V
State Capitol
Juneau, Alaska 99811

HOUSE FINANCE COMMITTEE
LETTER OF INTENT
FOR
CS HB 326 (FINANCE)

It is the intent of the legislature that the Board of Education shall make a report available to the legislature concerning the implementation of AS 14.20.025, enacted by sec. 2 of CS HB 326 (Finance). The department shall notify members of the legislature of the availability of the report on or before January 15, 1997. A copy will be sent to those members indicating interest in receipt of the report.

Mike Navarre

Co-Chair Mike Navarre
Date: March 6, 1992

Eileen MacLean

Co-Chair Eileen MacLean

NEW BILL IN
COMMITTEE 4-29-92

CS FOR HOUSE BILL NO. 326 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/9/92
Referred: Rules

Sponsor(s): REPRESENTATIVES MACLEAN, Gruenberg, Leman, Lincoln, B.Davis, Ivan, Uimer

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to requirements for limited teacher certificates; defining 'teacher'; and
2 providing for an effective date."

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

4 * Section 1. PURPOSE. The purpose of this Act is to provide for the certification of teachers in
5 certain limited fields where baccalaureate degree training is not sufficiently available, so long as the
6 person demonstrates both subject matter expertise and teaching competency.

7 * Sec. 2. AS 14.20 is amended by adding a new section to read:

8 Sec. 14.20.025. OTHER TEACHER CERTIFICATES. Notwithstanding AS 14.20.020(b),
9 a person may be issued a limited certificate, valid only in the area of expertise for which it is
10 issued, to teach Alaska Native language or culture, military science, or a vocational or technical
11 course for which the board determines by regulation that baccalaureate degree training is not
12 sufficiently available. A limited certificate may be issued under this section only if the school
13 board of the district or regional educational attendance area in which the person will be teaching,
14 through the chief school administrator, has requested its issuance. A person who applies for a

1 limited certificate shall demonstrate, as required by regulations adopted by the board, instructional
2 skills and subject matter expertise sufficient to ensure the public that the person is competent as
3 a teacher. The board may require a person issued a limited certificate to undertake academic
4 training as may be required by the board by regulation and make satisfactory progress in the
5 academic training.

6 * Sec. 3. AS 14.20.215(6) is repealed and reenacted to read:

7 (6) "teacher" means an individual who, for compensation, has primary
8 responsibility to plan, instruct, and evaluate learning of elementary or secondary school students
9 in the classroom or an equivalent setting and also includes individuals holding other positions as
10 determined by the department by regulation.

11 * Sec. 4. The Board of Education shall make a report available to the legislature on or before January
12 15, 1997, concerning the implementation of AS 14.20.025, enacted by sec. 2 of this Act. The report
13 must include the number of certificates issued under that section and other relevant information.

14 * Sec. 5. This Act takes effect July 1, 1992.

SPONSOR STATEMENT

CS HB 326 (FIN)
REP. EILEEN MACLEAN

HB 326 provides for the certification of teachers in certain limited fields where baccalaureate degree training is not sufficiently available. The educational fields affected by this bill are Alaska Native language or culture, military science, and some vocational or technical subjects.

Limited certificates would be available only to teachers in these specified fields, and only because there is no baccalaureate degree training specific to these fields. These teachers would still be required to demonstrate both a mastery of the subject matter and teaching competency. Regulations adopted by the State Board of Education would assure the competency of teachers under this classification.

Limited certificates would be valid solely in the area of expertise for which they are issued, and they would be issued only upon the request of the local school board.

HB 326 is designed to resolve a longstanding problem of employment equity for certain teachers who are already providing instruction in our schools. For example, many Native language teachers have duties and responsibilities that are similar to certified teachers. Yet they are not getting the same recognition and encouragement. Instead of receiving a certificate, they are issued a "letter of authorization." Instead of being classified as teachers, they are called "recognized experts."

This disparity in status aggravates a number of problems for these teachers, including pay equity, peer respect and self-esteem. This bill does not compromise the powers of local school districts to set salary levels. Nor does it affect the tenure rights of these teachers. But it does confirm the value of the skills and experience these teachers offer to our students.

This legislation does not diminish the importance of the existing baccalaureate requirement. It merely recognizes that a specific group of teachers already participating in the education of our children possesses skills that cannot be acquired through the baccalaureate process. HB 326 assures these teachers are given comparable recognition in the certification process. At the same time, the bill gives the state board authority to require academic training for those holding a limited certificate.

This bill would equalize the status of all teachers whose certification is based on criteria other than a baccalaureate degree. The Voc Ed teachers in this category now work under authorization of a Type D certificate. However, military science teachers and Native language teachers instead are issued a Letter of Authorization. By combining all of these groups under a single certificate, this bill would allow DOE to achieve a standardization that does not currently exist.

In addition, HB 326 clarifies the law related to the definition of "teacher." The existing definition is not very useful in that it defines a teacher as "a person serving in a teaching...capacity." The teacher definition is important because it defines the group of people subject to the certification requirement in AS 14.20.010. This bill more accurately defines that category of employee.

Sectional Analysis

CS HB 326 (FIN)

The following is a sectional analysis of CS HB 326 (FIN):

Section 1 - This is a statement of purpose of the bill.

Section 2 - Allows a person to receive a limited teacher certificate to teach Alaska Native language or culture, military science, or a vocational or technical course for which the State Board of Education determines that baccalaureate degree training is not sufficiently available.

Provides that a limited teacher certificate may be issued only if it is requested by the school board of the district in which the person will be teaching.

Allows the state board to adopt regulations outlining the teaching skills and subject matter expertise that are required of applicants for a limited certificate. This section also permits the board to require academic training by persons issued a limited certificate.

Section 3 - Amends the definition of "teacher."

This section clears up a longstanding ambiguity in the law related to the definition of "teacher." This definition is important because it defines the class of people subject to the certification requirement. The certification requirement is already established in AS 14.20.010.

AS 14.20.215(6) contains the following definition of "teacher:"
"teacher' means a person serving in a teaching, counseling, or administrative capacity and required to be certificated in order to hold the position."

In combination with AS 14.20.010, this wording creates a circular definition in statute. Under AS 14.20.010, a teacher is required to hold a certificate, and under AS 14.20.215(6), a person is a teacher if he or she is required to hold a certificate.

Section 3 of this bill offers an improvement by defining the conditions under which a person must be considered a teacher, and therefore subject to the certification requirement. It also eliminates specific reference to administrators and counselors, since these are not the only additional categories of employees required to be certificated. This definition leaves it to the department to enumerate in regulations all those additional categories subject to the certification requirement.

Section 4 - Requires the Board of Education to complete a report to the Legislature evaluating the implementation of the act by January 15, 1997.

Section 5 - Sets July 1, 1992 as the effective date of the act.

POSITION PAPER: DEPARTMENT OF EDUCATION

Division Educational Finance & Support Services Bill Number HB 326

Bill Title "An Act relating to requirements for limited teacher certificates; defining 'teacher'; and providing for an effective date."

Sponsor MacLean

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.

After reviewing House Bill 326, the Department has reached the following conclusions:

1. AS 14.20.020, 4AAC 12.070 and 4AAC 12.050 currently provide for the issuance of certificates in limited fields where baccalaureate degree training is not readily available and /or the individual concerned has verifiable expertise in a particular subject area.
2. AS 14.020.215(6) of the bill is very similar to the language contained in 4AAC 12.900(13). For this reason the Department does not believe that a need exists to put this definition in statute.

The costs associated with implementation of this bill are:

- a) Travel: Funds will be used to meet with university and Department of Education personnel in the implementation of this statute.
- b) Contractual: Funds will be used to advertise for the public notices concerning regulations, as well as for printing and distribution of same.
- c) Supplies: Purchase of necessary supplies needed to implement the act. Implementation of a new certification form and reprogramming computers.

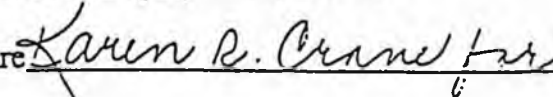
The Department of Education's position on this bill is neutral.

APPROVED:

Director Duane Guiley Division EF&SS

Signature  Date 2/4/92

Commissioner/Deputy Jerry Covey

Signature  Date 2/4/92



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

Don Oberg, President

Claudia Douglas
Vice President
P.O. Box 74537
Fairbanks, AK 99707

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NEA Director
1410 Kenaitze Court
Kenai, AK 99611

Paul Jarvi
Region I Director
P.O. Box 5876
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P.O. Box 1164
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2220 Yorkshire Lane
Anchorage, AK 99504

Richard Kronberg
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3511 Chiniak Bay Dr.
Anchorage, AK 99515

Pam McCarl
Region VI Director
2116 Sorbus Way
Anchorage, AK 99508

Kathi McCord
Region VI Director
1601 Hidden Lane
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John Cyr
Region VII Director
P.O. Box 873663
Wasilla, AK 99687

Sandy Pevan
Region VII Director
Box 871256
Wasilla, AK 99687

Jorothy Wells
Region R Director
2529 Nelson Road
North Pole, AK 99705

ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE
ANCHORAGE, ALASKA 99503
(907) 274-0536
FAX: (907) 274-0551

JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302
JUNEAU, ALASKA 99801
(907) 586-3090
FAX: (907) 586-2744

FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435
FAX: (907) 456-2159

February 12, 1992

To: Representatives Carney and Lincoln Co-Chairs of House HESS, members of the HESS Committee

From: Don Oberg, NEA-Alaska President

RE: HB326 "An Act relating to requirement for limited teacher certificate; defining 'teacher'; and providing for an effective date."

NEA-Alaska Supports passage of HB 326 providing for a limited certificate in certain areas of expertise where a teacher education program does not exist. Presently there are individuals providing these services to students of our state. We strongly encourage the attempt to standardized the job classifications of people performing the jobs of teachers but are classified differently around the state.

NEA-Alaska believes that Sections 1, 2, and 3 covers the statutory need to empower the Department of Education to grant a certificate to individuals identified as qualifying for limited certificates. It is our opinion that redefining "teacher" adds clarity but does not strengthen or broaden the meaning.

We would question the purpose of Section 4. What will be the status of teachers certified under this provision? How would these individuals' working relationships be altered by repeal of this provision? How does the repeal impact current teachers who hold other limited types of limited certificate under current DOE Regulations?

We are unclear of the reason for the repeal of Section 2 of this bill. It is our position that these "teaching" positions are critically needed in our schools. Until the University provides a mechanism for unlimited certification in these areas, we would urge an amendment to remove the limited enactment and recommend deletion of Section 4.

Thank you for your consideration of the issues identified in this position paper. NEA-Alaska supports the concept of limited certification of areas of expertise.

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 West 11th Street, Juneau, Alaska 99801-1510 • Tel. (907) 586-1083 • Fax (907) 586-2995

Advocates for Alaska's Youth



OFFICERS

PRESIDENT

Percy Frisby
Hydaburg

PRESIDENT-ELECT

Carole Huntington
Galena

SECRETARY/TREASURER

Diana Herschbach
Matanuska-Susitna

PAST-PRESIDENT

Gene Redden
Fairbanks

DIRECTORS

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Sue Arce

LENANA

Terrie Irwin

NORTH SLOPE

Roy Nageak

NORTHWEST ARCTIC

Reggie Joule

UKON-KOYUKUK

Luke Titus

UPIIT

Michael Williams

EX-OFFICIO DIRECTOR

Dick Anderson
Delta-Greely

EXECUTIVE

DIRECTOR

W. N. Rose

HB 326 Support for Limited teacher certificates

The Association of Alaska School Boards (AASB) supports HB 326, providing limited teacher certificates in certain limited fields where baccalaureate degree training is not available, so long as the person demonstrates both subject matter expertise and teaching competency.

The Association of Alaska School Boards is also on record as supporting a bonafide postsecondary education certification program in the area of Alaska Native Language & Culture, in particular, to provide opportunities for Alaskan students to pursue a career in teaching. (AASB Resolution 92-29)

AASB also supports language in HB 326 allowing the State Board of Education to require by regulation additional academic training (and satisfactory progress) if it is deemed necessary.

2/12/92

Governor's Council on Vocational Education

C.J. Thomas
Chair

Sue E. Miller
Vice Chair



Jerry Lewis
Executive Director

Alice Bergdoll
Administrative Assistant

211 Fourth Street, Suite 101 • Juneau, Alaska 99801
Phone: (907) 586-1736 • FAX: (907) 586-1250

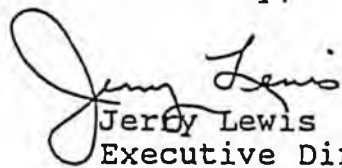
Representative Eileen MacLean
Box V
Juneau, AK 99811

Dear Representative MacLean,

The Governor's Council on Vocational Education discussed as an agenda item HB 326, an act relating to requirements for limited teacher certificates, at the council quarterly meeting in Juneau on February 8, 1992.

Although the discussion brought forth the consensus that persons in this category presently are covered by other provisions, the council felt that HB 326 would give the deserved recognition to those persons that are teaching Alaska Native language or culture, military science, and vocational or technical courses along side those teachers that have certificates now. I am pleased to advise you that the council voted to support this legislation.

Sincerely,


Jerry Lewis
Executive Director

/ab



ALASKA ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
326 Fourth St., Suite 408, Juneau, AK 99801-1101 (907) 586-9702 FAX (907) 586-5879

POSITION STATEMENT

HOUSE BILL NO. 326

"An Act relating to requirements for limited teacher certificates; defining 'teacher'; and providing for an effective date."

The Alaska Council of School Administrators is in support of House Bill #326.

The Alaska Council of School Administrators has been critical of past attempts to design special certificates without some safeguards to insure there are standards and the interest of the students served are met first and foremost.

This legislation addresses our major concerns regarding the limited nature of the certificate, the responsibility of the school district to request such a certificate and the ability of the district to require a person issued a limited certificate to undertake academic training.

We appreciate the sponsor's willingness to make the necessary changes to this legislation. We feel in the long run, the children will be better served.



Office of the Dean
College of Rural Alaska
(907) 474-7143

UNIVERSITY OF ALASKA FAIRBANKS

Fairbanks, Alaska 99775-0900

February 27, 1992

Eileen MacLean
Representative
Room 507, Capitol
P.O. Box V
Juneau, AK 99811

Dear Representative MacLean:

Thank you for your letter describing your continued efforts to improve teacher certification in the area of the Native languages and culture as well as vocational education and ROTC. I strongly support the bill you have proposed. Previously as Chair of the Former State Council on Certification I supported the concept and methods to ensure a certification route for these areas. I am particularly interested in guaranteeing a route for credentialed experts in the area of Native language and culture who may not have a bachelor's degree. As we know the bachelor's degree provides the subject matter knowledge necessary to teach a respective subject. In the case of most Native languages and culturally-based knowledge, it is not available at the university. Additionally, the expertise and knowledge is available primarily from Elders. Within Native communities the knowledge has been transmitted and resides in cultural experts.

I, therefore, strongly support your proposed bill HB 326. Thank you for the opportunity to provide input. If I can be of any further assistance please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerald V. Mohatt".

Gerald V. Mohatt, Dean
College of Rural Alaska

GVM:hms



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue
P.O. Box 196614
Anchorage, Alaska 99519-6614
AREA CODE [907] 333-9561

February 7, 1992

SCHOOL BOARD

Darryl Jordan
President

Carol Stolpe
Vice President

Walter Featherly
Clerk

Cabot Christlanson
Treasurer

Dorothy Cox

Theresa Nangle Obermeyer

Sharon Richards
Past President

SUPERINTENDENT

Thomas C. O'Rourke

Representative Eileen P. MacLean
Co-Chair, House Finance Committee
P.O. Box 830
Barrow, AK 99723

Dear Representative MacLean:

Thank you for taking the time to write to me about HB 326. As Superintendent for the Anchorage School District, I fully support alternative forms of certification.

Best of luck with the task you have undertaken.

Sincerely yours,

Thomas C. O'Rourke
Superintendent

cc: Bob Christal, Asst. Superintendent for Instruction

NOME PUBLIC SCHOOLS
Box 131, Nome, Alaska 99762 • Telephone (907) 443-2231



January 27, 1992

Representative Eileen P. MacLean
Co-Chair, House Finance Committee
P.O. Box V
Juneau, AK 99811

Dear Representative MacLean:

This letter will serve as indication of our support of your House Bill No. 326. Our school district has a need for this kind of certification in certain limited fields, ie. Alaska Native Language or Culture.

Thank you for your informative letter requesting support.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Robert G. Kinna".

Robert G. Kinna
Superintendent

/mmr

Yupit School District

P.O. Box 100

Akiachak, Alaska 99551

(907) 825-4428 or 825-4127

February 17, 1992

Representative Eileen Panigeo MacLean
Capitol Room 507
Box V
Juneau, Alaska 99811

Dear Representative MacLean:

The Yupit School District Board of Education voted unanimously at their February 8, 1992 meeting to support your HB326.

It is the feeling of the Board that several of our classified instructors should be considered for certification under this bill.

If I can be of additional service to you on this issue, please contact me.

Professionally yours,



Leland L. Dishman
Superintendent

LLD:ar

HB327

HOUSE COMMITTEE REPORT

(11)

Date Referred: May 2, 1992

FURTHER REFERRALS:

Date of Committee Action: 5/4/92

The FINANCE Committee considered:

HB 327

HOUSE BILL NO. 327

PRIMARY ELECTIONS

"An Act relating to primary elections."

RECOMMENDATIONS:

be replaced with _____

CS HB 327 (JUD)

the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) 4/29/92
HSTA Committee

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>EP McKeon</u>	<input checked="" type="checkbox"/>	Ed McKeon			
<u>Mark Boyer</u>	<input checked="" type="checkbox"/>	Mark Boyer	<input checked="" type="checkbox"/>		
<u>Lay Brown</u>	<input checked="" type="checkbox"/>	Lay Brown	<input checked="" type="checkbox"/>		
<u>Ronald J. Jam</u>	<input checked="" type="checkbox"/>	Ronald J. Jam	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
<u>Mike Spavan</u>	<input checked="" type="checkbox"/>	Mike Spavan	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
<u>Fillmer</u>	<input checked="" type="checkbox"/>				

Mike Spavan EP McKeon
 CHAIRMAN'S SIGNATURE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 327

Revision Date: _____ Department Affected: Office of Gov.-Div. of Election
 Title: Primary Elections BRU: _____
 Component: _____

Sponsor: House State Affairs Committee

Requestor: House State Affairs Committee COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS: N/A

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact because the funding is included in the FY93 House budget.

Prepared By: House State Affairs Committee

Phone: 465-4859

Division: _____

Date: 4/29/92

Approved by Commissioner: Representative Gene Kubina, Chairman

Agency: House State Affairs Committee

Date: 4/29/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agencies).

CS FOR HOUSE BILL NO. 327 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to primary elections."

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

3 * Section 1. INTENT. It is the intent of the legislature in enacting this Act to continue the open
4 primary to the maximum extent legally and constitutionally permissible.

5 * Sec. 2. AS 15.25.060 is amended to read:

6 Sec. 15.25.060. PREPARATION AND DISTRIBUTION OF BALLOTS. The primary
7 election ballot shall be prepared and distributed by the director in the manner prescribed for
8 general election ballots except as specifically provided otherwise for the primary election.
9 Except when (b) of this section otherwise requires, the [THE] director shall place the names
10 of all candidates who have properly filed in groups according to offices filed for, without regard
11 to party affiliation. The names for each office shall be rotated as provided for the general
12 election ballot. No blank spaces shall be provided on the ballot for the writing or pasting in of
13 names. The ballot prepared under this subsection shall be designated, prominently labeled,
14 and referred to as the "open primary ballot." In this subsection, "open" means that the

1 ballot is available to all qualified and eligible voters of the state.

2 * Sec. 3. AS 15.25.060 is amended by adding new subsections to read:

3 (b) If (1) the central committee or other governing body of a political party adopts a rule
4 that, notwithstanding AS 15.25.010 - 15.25.130, nominees of the party may not be chosen by a
5 primary election open to all voters, but rather shall be chosen by a primary election limited to
6 voters whose political affiliation or nonaffiliation is designated by the party rules; and (2) the
7 central committee or other governing body of the party delivers a copy of the rule to the director,
8 no later than March 1 of the year in which a primary election is to take place, the director shall
9 prepare a separate ballot listing only the candidates of that party, and shall authorize the
10 distribution of that ballot only to the registered voters who are eligible to vote in that party's
11 primary under the party rule. Candidates who are listed on a separate ballot under this subsection
12 may not be listed on the ballot described in (a) of this section. The names of the candidates for
13 each office shall be rotated as provided for the general election ballot, and no blank spaces shall
14 be provided on the ballot for the writing or pasting in of names. A ballot prepared under this
15 subsection shall be designated, prominently labeled, and referred to as the "(insert name of the
16 party whose candidates appear on the ballot) closed primary ballot."

17 (c) If at a primary election under AS 15.25.010 there is more than one ballot available,
18 a registered voter may choose which ballot the voter wishes to use. A voter may not be given
19 more than one ballot, and may not be given a ballot of a political party if, under the rules of that
20 party as delivered to the director under (b) of this section, the voter would not be eligible to vote
21 in that party's primary election.

Alaska State Legislature

Chairman
State Affairs
Committee

Legislative Council

Transportation
Committee

During Session:
State Capitol
P.O. Box V
Juneau, Alaska 99811
(907) 465-4859

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Representative Eugene Kubina

SPONSOR STATEMENT FOR CSHB 327

At the present time, the Alaska statutes regarding primary elections are not consistent with the federal constitutional requirements which govern a party's right to conduct primary elections. CSHB 327 has been introduced as a vehicle by which to correct these inconsistencies.

Under current state law, Alaska has an open primary in which a voter may vote for any candidate on the ballot, regardless of party affiliation. However, now that the Republican party has voted to close its primary, Alaska law must be amended to reflect a party's ability to restrict who votes in its primary. In a U.S. Supreme Court ruling, [Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986)], it was decided that a political party's First Amendment right of association overrides state law. Alaska law must be changed to reflect that ruling.

Section One of CSHB 327 describes the intent of the legislature to continue the open primary system when it is legally and constitutionally possible to do so.

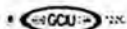
Section Two of CSHB 327 provides for the open primary to continue for those parties that do not close their primaries. It requires the Director of the Division of Elections to prepare an open primary ballot containing the names of all candidates whose parties choose to remain in the open primary system. This ballot may be distributed to any qualified voter in the state.

In the event that a party chooses to close its primary, Section Three would require the Director of Elections to prepare a separate ballot for the candidates of that party. This ballot would be named after the party whose candidates appear on it and would be available only to those voters allowed access by that party's rules.

CSHB 327 would also require that a party notify the Division of Elections of any change in their primary by March 1st of an election year in order to give the Division time to implement the changes. In order to support the one person-one vote standard, CSHB 327 states clearly that a voter may only be given one ballot.

— DISTRICT SIX —

• Chenega Bay • Chitina • Cooper Landing • Cordova • Hope • Moose Pass • Seward • Tatitlek • Valdez • Whittier •



DRAFT INSTRUCTIONS TO VOTERS

**BALLOT CHOICES AVAILABLE
IN AUGUST 25, 1992 PRIMARY ELECTION**

THE BALLOT EXAMPLES TO THE RIGHT DISPLAY THE BALLOTS AVAILABLE TO ALL ALASKA VOTERS, WHETHER REGISTERED TO SPECIFIC PARTIES, OR REGISTERED NON-PARTISAN, "OTHER," OR "UNDECLARED."

YOU MAY SELECT ONE BALLOT ONLY. YOU MAY VOTE FOR ONLY ONE CANDIDATE IN EACH CONTEST.

THE DEADLINE FOR VOTER REGISTRATION, INCLUDING AN ADDRESS CHANGE, IS 30 DAYS BEFORE ELECTION DAY, OR JULY 26, 1992, FOR THIS PRIMARY ELECTION.
AS 15.05.010

NOTICE:

ALASKA LAW PROHIBITS ELECTION BOARD WORKERS FROM DISCUSSING ANY POLITICAL PARTY, CANDIDATE OR ISSUE WHILE ON DUTY.
AS 15.15.160

FURTHER, DURING THE HOURS THE POLLS ARE OPEN, A PERSON WHO IS IN THE POLLING PLACE OR WITHIN 200 FEET OF ANY ENTRANCE TO THE POLLING PLACE MAY NOT ATTEMPT TO PERSUADE A PERSON TO VOTE FOR OR AGAINST A CANDIDATE, PROPOSITION OR QUESTION.

AS 15.15.170

ATTENTION VOTERS

**PRIMARY ELECTION
TUESDAY, AUGUST 25, 1992**

IF YOUR PARTY AFFILIATION ON YOUR VOTER REGISTRATION IS:

- ALASKAN INDEPENDENCE
- DEMOCRAT
- GREEN
- REPUBLICAN
- UNDECLARED
- NON-PARTISAN
- OTHER

YOU CAN VOTE A BALLOT WITH CANDIDATES FROM THE FOLLOWING PARTIES:

IF YOUR PARTY AFFILIATION ON YOUR VOTER REGISTRATION IS:

- REPUBLICAN
- UNDECLARED
- NON-PARTISAN

YOU CAN VOTE A BALLOT WITH CANDIDATES FROM THE FOLLOWING PARTIES:

↑
TOP C

**OFFICIAL PRIMARY
ELECTION BALLOT**

← ○ → □

THIS STUB TO BE REMOVED BY ELECTION BOARD

AKF01

STATE OF ALASKA Primary Election 8/25/92	
ALASKAN INDEPENDENCE	
DEMOCRAT	
GREEN	

↑
TOP C

**OFFICIAL PRIMARY
ELECTION BALLOT**

← ○ → □

THIS STUB TO BE REMOVED BY ELECTION BOARD

AKF01

STATE OF ALASKA Primary Election 8/25/92	
REPUBLICAN	



JOHN B. COGHILL
LIEUTENANT GOVERNOR

STATE OF ALASKA
P. O. BOX AA
JUNEAU 99811-0111
(907) 465-3920

April 22, 1992

Ms. Connie Zawacki, Chair
Republican Party of Alaska
P. O. Box 243732
Anchorage, Alaska 99524-3732

Dear Ms. Zawacki:

This letter is in response to your request to know what our current position is regarding the Primary Election. Secondly, you asked us to be specific about how the ballots would be printed.

The Alaska Statutes describe an open primary as being for the benefit of all the people of Alaska. If one party wishes to close their nomination process in the Primary Election, the logical position for us to take is to provide a separate ballot. If a second party wishes to close its nomination process, then we would provide them with their separate ballot. There would then be a third ballot for the parties who wish to remain with an open primary.

The ballots, then, would be as follows:

- A. One ballot with only Republican candidates listed
- B. One ballot with only Democratic candidates listed
- C. One ballot with Alaskan Independence candidates and Green candidates listed.

Our desire is to provide the people of Alaska with the clearest balloting process possible to prevent disenfranchising the electorate. The open primary has been in effect in Alaska for 25 years, and the clearest way to change that process through the "open classic" approach is to have separate ballots.

If you have any further questions, please let me know.

Sincerely,


John B. Coghill

cc: Joe Vogler, Alaskan Independence Party
Rhonda Roberts, Democratic Party of Alaska
Ronnie Roberts, Green Party of Alaska

DEMOCRATIC PARTY OF ALASKA

RESOLUTION 92-01

PRIMARY ELECTION PROCEDURE

WHEREAS the Alaska Democratic Party advocates maximum voter participation and wants to allow Alaskan voters the greatest choice; and

WHEREAS the Alaska Democratic Party does not want to encourage closed or restricted ballots; and

WHEREAS the Republican Party of Alaska in their State Convention of 1990, again in a special convention in 1991, and again at their State Convention in April 1992, has acted to close their electoral primary; and

WHEREAS the closed primary enacted by the Republican Party of Alaska severely limits voter choice and makes it possible for a voter to cast more than one ballot for the same office in the same election, violating the fair and reasonable election practice of one person, one vote; and

WHEREAS the Alaska Democratic Party strongly opposes any election process that allows voters to vote more than one time in any one election; and

WHEREAS the actions by the Republican Party of Alaska forces the Alaska Democratic Party to change our election rules

NOW THEREFORE BE IT RESOLVED THAT the Alaska Democratic Party Plan of Organization, Article X, General Rules and Procedures be amended by adding Section 17 as follows:

- 17.1 Alaska Democratic Party candidates may have their names appear on any ballot created by statute or regulation by the State of Alaska unless access to voting that ballot is restricted by party affiliation. Democratic candidates names cannot appear on any ballot which restricts access to voting that ballot by party affiliation.