

ALASKA LEGISLATURE 9662

HOUSE AND SENATE FINANCE COMMITTEE 1993-1994 20

Representative Bunde

Page 2

February 17, 1993

be a mutual desire for exemption from some, but not all, of the specified local requirements. The bottom line, however, is that, if state and/or local requirements are impeding student performance, a waiver or exemption process within the context of charter schools is most appropriate.

C. Tenure: I have some questions as to how the changes proposed in sections 9 and 10 would be efficiently implemented in a regional school district.

3. SB 62/HB 85: School Foundation Program Changes

After many years of examining available data, there is no question in my mind that the current area differentials are based upon inaccurate, if not obsolete, data, and are therefore inequitable. In order to have equitable school programs throughout the state, the Legislature must assure that the basic school foundation formula itself addresses equity. The proposed school price index is based upon recent data, including key areas of actual school costs, as opposed to arbitrary area differentials lacking support from objective data. For those reasons I strongly support the concept of the Alaska school price index as a replacement for area differentials.

In closing, I ask that you give support to the concepts embodied in these proposals, with further refinement of details as is appropriate to each piece of legislation.

Sincerely,



Robert Weinstein
Superintendent

RW:eb
cc: Commissioner of Education



ANCHORAGE
SCHOOL DISTRICT
4600 DeBarr Road
P.O. Box 196614
Anchorage, Alaska 99519-6614
(907)333-9561

February 3, 1994

Representative Bettye Davis
Alaska State Legislature
Juneau, Alaska

Dear Bettye,

Larry Wiget asked that I go over HB 84 and address, in particular, the sections which focus on teacher tenure.

I understand amendments to the committee substitute have already been adopted and that the general advisory boards have been eliminated. The Tenure Committee is still in the draft; its members will be appointed by the School Board but committee members shall be subject to removal only for just cause. Just cause is a term of art, usually applied in employment relations, not to voluntary committee positions. It would be difficult for the Board to even develop reasonable procedures for removing a committee member who behaved badly. Such procedures would need to be in place before the process began.

The responsibility of the Tenure Committee would be awesome: it would not only conduct a performance review for every tenured teacher, every five years, but of every non-tenured teacher, every year. The current teacher work force is about 2830. Even though the law will apply only to those hired after July 1, 1994, eventually the numbers of teachers involved in this new program will grow large. Assuming performance review would include actual observation, rather than a simple review of evaluation documents produced at the school level, the financial and operational impact of releasing three to five teacher committee members to conduct such observations would be considerable. Further, the task of actually pulling together one or more committees to review all paperwork generated by all these observations and to discuss development of recommendations to the School Board, would be truly daunting.

We are trying to negotiate a more significant role for teachers in the evaluation of colleagues. Since teacher associations have a duty under law to

fairly represent the interests of those in their bargaining units, when testimony regarding teacher performance deficiencies is provided by other teachers, the traditional distinction between supervisor and supervisee will become difficult to define. That may not be a bad thing but the ramifications are serious and there is little evidence in the proposed bill to indicate that those ramifications have been explored. Under the terms of the current agreement between the District and the Association, teachers cannot evaluate other teachers. Clearly, law would supersede contract, if there was a clear mandate defined, but principals and teachers would require considerable time to discuss how a system of colleague review might actually work.

All in all, if the purpose of the changes the bill supports is improvement in the evaluation process, that purpose is unlikely to be met and we oppose its adoption, for the following reasons:

- At a minimum, the bill would create a bureaucratic monster which would produce mountains of paper which School Boards would be obligated to review before they could fulfill their statutory obligation to judge whether a teacher should retain employment.
- If the concern reflected in the bill is that there are too many incompetent teachers in the system and something ought to be done to send them on their way or help them to become better, there needs to be careful examination of the issues which contribute to that problem, if it is real.

The recommendation of the Anchorage School District, submitted as testimony before the Commissioner of Education during hearings in support of the Alaska 2000 initiative, was to reduce the burden which Districts must meet in terminating tenured teachers. A simple just cause standard, with appeal only to an outside arbitrator through a normal grievance process, would put teachers on the same footing as other public employees in the state. The current teacher termination process is incredibly cumbersome; it is designed to be little used and, in that sense, it works as it was designed to work. The method of attack on that poor and cumbersome system, contained in HB 84, would make an already bad situation worse, under the guise of increasing accountability.

If the Legislature wants a cleaner, more efficient and effective system of teacher evaluation, we suggest they propose a clean, efficient, and effective method of addressing that want. Specifically:

1. Extend the time needed to secure tenure, from two to three full years or more;

2. eliminate AS 14.20.170-180, in its entirety. Replace it with an addendum to AS 23.40 that says that collective bargaining agreements must contain grievance procedures which end in binding arbitration and apply to termination of teachers for just cause, without access to School Board review or trial *de novo*.

If this proposed modification to the present system does not produce the desired results in three to five years, we'll go back and try again. Let's begin with what we know and move forward, rather than create what we know nothing about and run a substantial risk of falling on our collective faces. Right now, we don't know what problem the bill hopes to fix or what evidence was developed that suggests this proposed solution will be any less onerous than the problem.

Please understand that these recommendations reflect administrative discussions only, they do not constitute a public position of the Anchorage School Board. If such a position is needed, we will take steps to calendar for necessary discussion but it would not likely occur before late March or early April, at the soonest.

If I can be of further assistance, please let me know.

Sincerely,



Lee Wilson
Executive Director/Labor Relations

cc Bob Christal
Carol Comeau

FAIRBANKS NORTH STAR BOROUGH BOARD OF EDUCATION

Resolution 93-13

Teacher Tenure

WHEREAS, the quality of teaching is important in the development of strong educational programs in the state, and


WHEREAS, two years is often insufficient time for a teacher new to a school district to develop professionally and successfully, and

WHEREAS, two years is often not long enough to adequately evaluate the capability of a teacher prior to granting tenure, and

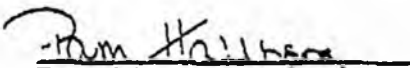
WHEREAS, the two year tenure restricts school boards' abilities to manage for quality education,

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks North Star Borough Board of Education supports the Association of Alaska School Boards' resolution #93-24 recommending that A.S. 14.20.150 (a) and (b) be amended to require five years of probation to obtain tenure in the school systems of the State of Alaska.

PASSED AND APPROVED OCTOBER 5, 1993.


Gene Redden, President
Board of Education

ATTEST:


Pam Hallberg
Secretary to the Board



Alaska State Legislature

Please enter into the record my testimony to the House Jud
 committee name
 committee on H.B. 84, dated 3/18/94
 bill/subject

House Bill 84 has lost all its original intent and become a disaster for education in Alaska. Increasing the probationary period for teacher tenure to 4 years lengthens the amount of time inadequate teachers are working with our children. In rural areas the lengthened time of job insecurity for excellent teachers creates a situation where educator turn over is increased and continuity is lost within the education system. Small communities need the long range investments of committed citizens. Our children need continuity from dedicated educators with a continuous, well-organized educational program.

Second, the mandating of peer coaching is ridiculous in rural areas. A very diverse staff with polarized views of education, evaluating each other could spell disaster for teachers and children alike. Research has shown that peer coaching is effective only when done on an optional basis.

Please do not pass legislation that creates more problems than it solves for our Alaska teachers and students.

Signed: Jeanne Troshynski Jeanne Troshynski
 Testifier

myself - parent
 Representing (Optional)

P.O. Box 678 Glenallen, Ak
 Address

822-3959
 Phone No.

Post-It[®] brand fax transmittal memo 7671 # of pages 1

To	Rep Postev	From	TLW L10
Co.	Stud. Comm	Co.	
Dept.		Pho	822-5588
Fax #	415 3834	Fax #	



KETCHIKAN EDUCATION ASSOCIATION
 NEA/ALASKA • NATIONAL EDUCATION ASSOCIATION



8302 S. Tongass HWY
 Ketchikan, AK 99901
 March 17, 1994

House Judiciary Committee
 Alaska State Legislature
 Juneau, AK 99801-1182

Dear Judiciary Committee Member:

The four-year probationary period for teachers, as being proposed in CSHB84, is not reasonable. What we need is stronger administrative evaluation of teachers during the first two years of their employment, so that, when it's appropriate, teachers can be counseled out of the profession in one or two years. Beginning teachers need early and extensive feedback; prolonging the probationary period will not mean administrators will do their job better. On the contrary, it could prolong what should be done in the first year or two.

A teacher on probation can be fired at any time. Teachers on probation are most vulnerable to budget cuts. Many districts send non-retention ^{notices} to all their probationary teachers early in the budget cycle "just in case." That kind of insecurity is difficult enough to endure for two years. It's unreasonable to expect a highly trained professional to hang on through four years of uncertainty when he/she is anxious to get a career established and roots put down in a community.

The two-year probationary period works. It could work better with more clout given to administrative evaluation during those first two years of employment, and providing for the option of extending the probationary period into a third year.

Four years, mandated for every new teacher in every district in the state, is unnecessary and could cause needless harm.

Sincerely,

Sharon R. Norton
 Sharon L. Norton
 President, KEA



Alaska State Legislature

Please enter into the record my testimony to the Medicine
 committee name
 committee on HB 84 , dated 3/18/94
 bill/subject

There are so many problems a Review Committee would create in a small/med REEA district such as the Delta/Gravelly School Dist. - Not to mention the cost of teaching/training/tracking etc for the Committee to operate efficiently. However, we definitely need an extended time (4 or 5 years) for our tenure to allow adequate evaluation. This is a quality issue. The extended time before tenure gives us time to help those teachers develop (or not) into good teachers. Without the time we are forced into letting possibly good teachers go before Tenure takes effect.

The problems of dealing with employees' right to confidentiality in a small community like this would be formidable.

Would we end up with a Dept of Tenure in Juneau as a final control? And at what cost? Just an extension of the tenure time to 4 or 5 years would have no cost to the district.

Signed: Harold Falls, Pres

Testifier

Delta/Gravelly School Board

Representing (Optional)

P.O. Box 527

Address

895-4502

Phone No.

March 15, 1994

TO: Members of the Judiciary Committee:
RE: HB84

We are scheduled to be out of town and would like to let you know our feelings on the current version of HB84. When compared to the original version, parent and student involvement has been eliminated. We've been unable to determine why the language was changed to remove this important piece. We have contacted many parents and community members and each one supported a revision to put parent and student representation back in the bill.

Please consider supporting HB84 only with the inclusion of PARENT AND STUDENT INVOLVEMENT as presented in the original version of the bill.

The community and parents need to take more responsibility in the education system. This is a small, positive step in that direction. Thank you for your consideration of this request.

Sincerely,



James and Brenda O'Donnell, Parents
P. O. Box 32798
Juneau, Alaska 99803

RECEIVED

MAR 17 1994

Rep. Brian Porter

(7)

Date Referred: February 14, 1994

FURTHER REFERRALS:

Finance

Date of Committee Action: 3/21/94

The JUDICIARY Committee considered:

HB 84

HOUSE BILL NO. 84

IMPLEMENT ALASKA 2000 RECOMMENDATIONS

"An Act implementing certain recommendations of Alaska 2000 to improve the state's education system; and providing for an effective date."

RECOMMENDATIONS: the same title
be replaced with CS HB 84 (Jud) 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) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Gail Phillips</i>	<input checked="" type="checkbox"/>	<i>James H. ...</i>			<input checked="" type="checkbox"/>
		<i>Kate ...</i>			<input checked="" type="checkbox"/>
		<i>Monette James</i>		<input checked="" type="checkbox"/>	
		<i>Brian ...</i>		<input checked="" type="checkbox"/>	
		<i>Tom ...</i>	<input checked="" type="checkbox"/>		
		<i>Clay ...</i>	<input checked="" type="checkbox"/>		

Brian ...
CHAIRMAN'S SIGNATURE

SCHOOL IMPROVEMENT

Projects Awarded under the "Fund for the Improvement of School Performance"



"It gives me great pleasure to award these grants for school improvement. Alaska has many excellent educators who are creative and innovative. The implementation of these grants will be exciting for everyone involved."

Jerry Covey
Commissioner of
Education

Abstract of School Improvement Grant Proposals

INNOVATIVE IDEAS

by 25 public school teachers/administrators/nonprofit organizations

Editor's Note: In 1990, the Legislature established the "Fund for the Improvement of School Performance" within the general fund. The Commissioner of Education is to make grants from this fund to school districts for the purpose of improving school performance. In 1993, over \$500,000 was awarded to 25 recipients from 16 school districts. The project proposals ranged from creating an electronic portfolio of a student's work to providing direct instruction between three small districts using advance technology.

A total of 112 applications were received from 31 school districts requesting over \$2,500,000. The six largest school districts submitted multiple proposals, ranging from 4-25 proposals. The area of concentration for most grant requests was in the field of English/language arts, technology, mathematics, and science.

The 1993 grant year marked the first year grants were awarded for the improvement of school performance and the response was overwhelming! A brief synopsis of the grants awarded follows. With the success of these grants, the students of Alaska will be the WINNERS!!!

Anchorage School District Parent Support Group

A parent support/training group for parents of seriously emotionally disturbed junior high students will be established under the guidance of a master level social worker. This targeted, parent support will lessen the parent's isolation, will provide much needed emotional support and will improve parenting skills.

Computer Instruction

AVAIL, Anchorage Vocational and Academic Institute of Learning, is a partnership between businesses and the Anchorage School District to serve high risk youths who have dropped out of school. This alternative high school is located in the 5th Avenue mall and serves street teenagers, homeless youth, and long term high school drop-outs. The additional computers and software provided by this grant will allow the school to expand its computer-assisted instruction.

Integrated Performance Assessment

Student achievement in reading, writing, and math will be evaluated by an integrated performance-based assessment project in a pilot program reaching approximately 30% of the elementary students and 15% of the junior high students in the district. Scores obtained on standardized tests by project participants will be matched with their integrated assessments and analyzed. The pilot project will result in the development of performance expectations for reading, writing and math and an assess-

ment system that can be used or adapted by other schools and districts in the State.

Fairbanks School District Portable Planetarium

Elementary school teachers will be able to provide participatory astronomy lessons using a dome-shaped Starlab Portable Planetarium purchased through grant funds. A core group of eighteen

Using Alaska specific activity-based lessons inside the portable planetarium, learning can be constantly monitored . . .

third grade teachers will receive extensive training on how to present activity-based planetarium lessons utilizing the Starlab and will later serve as mentor teachers to others. Using Alaska specific activity-based lessons inside the portable planetarium, learning can be constantly monitored as the students are asked to demonstrate and discuss the new information presented.

After School Tutoring

The Literacy Council of Alaska will conduct an *After School Tutoring Project* at two elementary schools in downtown Fairbanks. Elementary students who are referred by their teachers will receive additional group instruction and one-on-one assistance in reading and math after school. Parental input will be solicited and used to design the program. To help bridge the gap between school and home, parents will also receive training as volunteer tutors.

Promoting Telecommunication Skills

The acquisition of additional phone lines with modems for remote dial-in and dial-out and six laptop computers will give teachers the opportunity to use technology to research databases across the nation and around the world.

The home can be a virtual extension of the school, and other family members will be able to participate in their children's education in new and unique ways.

Students can ask questions of nationally-known scientists, correspond with their peers in different countries, search databases, and locate sources of information for reports and projects. From the home, families will be able to check a student's progress, or send messages to teachers. Students will be able to access school resources at home, complete assignments when they miss school, or do a little extra research. The home can be a virtual extension of the school, and other family members will be able to participate in their children's education in new and unique ways.

Haines School District Natural Living Laboratory

The *Sawmill Creek Grant Proposal* plans to utilize a neighborhood waterway as a natural living laboratory for the study of fish, aquatic ecology, forest succession, animal habitats, water quality, and riparian ecosystems. Students will participate in the design and construction of an interpretive trail that

will follow a portion of the Creek system. The district's natural resource curriculum will be expanded to include specific lesson plans for each grade level which incorporates the Creek's ecosystem.

Juneau School District Electronic Portfolio of Work

With the purchase of additional computer equipment, an individual electronic portfolio will be created and maintained for each K-1 student in a Juneau elementary school. The portfolio will be accessible to each student, teacher and parent. A digital camera will provide actual computerized photos of the student's work in mathematics. In addition, the child will be able to input his or her own thoughts on how to solve the problem. This innovative assessment tool will focus on not only if the correct answer is given, but also on how each child solved the problem.

Middle School Standards

A design team of eight middle school teachers and two administrators will facilitate the development and publication of 8th grade course exit outcomes and a system of corresponding assessment in mathematics and language arts.

Kenai School District Parent and Student Success

The major goal of this program is to improve student performance by enhancing parent-child-teacher relations. This goal will be achieved by enrolling academically at risk junior high students

in a *Parent and Student Success* class designed to assist students in acquiring the skills necessary for being successful in school and life. In addition, parents and students together will attend six meetings throughout the semester which will focus on strengthening parent-child relations.

Kodiak School District

Alternative Junior High Program

Approximately 30 students, grades 7-9, who have experienced a lack of success in the traditional school program will be accepted into a pilot program, *Get Real*. Underlying the project is the belief that education must be relevant to the

An advisory team comprised of community representatives will help to make recommendations and evaluate the programs success.

learner. To accomplish this, the course will implement a competency based curriculum utilizing a student directed portfolio assessment. An advisory team comprised of community representatives will help to make recommendations and evaluate the program's success.

Increasing Technological Competence

The purchase of additional computers and scientific software will provide high school science students the opportunity to be exposed to the high-tech tools commonly used in scientific and technological industries. A hands-on environ-

ment will be achieved by using computers, modems, scientific simulation or modeling based software appropriate to the students' abilities.

Lower Kuskokwim School District

Early Intervention

This project will include activities to teach parents how to work with their pre-school children to develop language skills. Through early intervention, the project will help the children in Atmaultuak, age birth to five years, acquire basic language skills to improve their academic levels in English and Yup'ik. A vocabulary baseline indicating the first Yup'ik words that infants and toddlers probably will learn to speak will be developed. This baseline will enable parents and project workers to determine developmentally appropriate language skills for young children.

Mat-su School District

Publishing a Newspaper

Publishing a monthly newspaper will provide an authentic method for fifth graders to improve and demonstrate their competencies in language arts and problem solving. At the same time, the students will develop and apply their technological competency in the use of computers. The grant will provide the necessary training and equipment to initiate this project. The students plan to sell advertising space and to become self-sufficient after the first year.

Literacy Through Science

A team of teachers will design a new hands-on program to instruct twenty-five ninth and tenth grade remedial students utilizing high interest science projects. Key planning meetings, unit activities, and student demonstrations will be video taped to document various components of the project.

Elementary Radio Show

Students, staff, and community members will work with a contracted facilitator to tape radio presentations for a daily radio program that includes student writing, radio drama, literature, news, commentaries, special programs, and music. With increased practice and wider audiences, students will gain confidence in their ability to perform.

Petersburg School District Skiff Manufacturing

This grant will allow high school welding students to become involved in the designing, manufacturing and marketing of a 20 foot aluminum commercial skiff. Manufacturing an aluminum skiff is an innovative and unique opportunity for students to experience the application of a current technology, while developing entrepreneurial skills for the future.

Upgrade Seismometer Station

The seismometer station at Petersburg High School will be upgraded to official state network operation status, using science students from the middle and

high school to perform the analysis and research. This project will provide the participants with a practical application of science and math, and the realization

This project will provide the participants with a practical application of science and math . . .

that they are contributing to basic science information unknown before the project began.

Tanana School District Operation of a Restaurant

The organization and operation of a restaurant (including preparation of all menu items) will be the task of the students enrolled in business education. The students will learn by doing every aspect of a business operation. The project will provide high school students with valuable work experience which may not have been possible locally.

Unalaska School District Social Studies Curriculum

With the assistance of cultural consultants, local curriculum materials will be developed for integration into the social studies program. In addition, the current catalog for the Unalaska City School's Alaskana Room will be updated and revised for use in student and teacher research. The Alaskana Room has one of the most comprehensive resource collections for this area of the state. An interactive multimedia Unangam lan-

guage lab will be developed which will further enhance language instruction and cultural awareness within the curriculum.

Wrangell School District District Systematic Changes

Through a series of intensive staff development training sessions, over 25% of the district's certified staff will have increased their knowledge and skills in the area of standard implementation and student assessment. Three major plans critical to the district's continued restructuring effort will be developed during the summer sessions. While the project is targeted toward staff development, its impact will be on all students within the district.

Yukon Flat School District FAS in Laboratory Mice

Students become junior scientists performing research on the effects of alcohol in laboratory mice, with particular attention to Fetal Alcohol Syndrome (FAS) in the offspring of pregnant mice treated with alcohol. Students learn valuable knowledge and healthy attitudes regarding alcohol use, as well as gaining important scientific skills and research and reporting skills by participating in the experiment.

Craig, Hydaburg and Klawock School Districts Shared Instruction

A cooperative project between three school districts will provide 290 students, in grades 7-12, with access to direct instruction in advanced or special courses in mathematics, science, foreign language, and English composition.

Direct instruction will be provided to the three schools through a three way communication system using the best qualified teachers within the schools.

Direct instruction will be provided to the three schools through a three way, video, audio and data, interactive communication system using the best qualified teachers within the schools. Through this cooperative venture, the school districts will maximize their resources to benefit their students.

For further information regarding specific grant proposals, please contact each individual school district or Dorothy Mae Knight, 465-8681, at the Department of Education. This synopsis was prepared by the Department of Education.

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 22, 1993

The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Halford:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that makes significant changes to our public education system. This bill is an outgrowth of the work of many Alaskans to improve our public education through Alaska 2000.

Through Alaska 2000, a cross section of Alaskans met during 1992 to examine our school system and to make recommendations to the state Board of Education and the governor to improve the quality of public school education for our children. The state board has reviewed the recommendations and has chosen five as high-priority proposals to present for legislative consideration. This bill, if enacted into law, implements those proposals.

The first proposal concerns extending the existing mandatory 180-day school year to 200 days by the year 2000. This would allow our children to have 20 additional classroom days of teaching. The imposition of a 200-day school year should help achieve higher educational performance so that our children can have the tools to compete in today's complex society. See secs. 2 and 3 of the bill.

The second proposal would amend the existing statute that creates the fund for the improvement of school performance, to allow the commissioner to make grants to any appropriate organization or person to improve our schools. The existing statute limits the commissioner to granting only to school districts. Additionally, the bill would remove the \$50,000 restriction on the maximum grant amount and would increase by one the number of years in which the same grantee could receive a grant. These provisions should increase flexibility to award grants to the best qualified organization or group in an amount that can get the job done. The state Board of Education would be required to adopt regulations to ensure efficient and effective administration of the program. See secs. 4, 5, 6, and 7 of the bill.

The third proposal would mandate citizen advisory boards in virtually all school districts in the state. Presently, some school districts have opted to do so on a

The Honorable Rick Halford
January 22, 1993
Page 2

voluntary basis and have found the advisory boards extremely helpful in keeping the local school boards advised on local community needs and concerns. With some exceptions, the bill would mandate the procedure so that all local school districts can have the benefit of an advisory board. See sec. 8 of the bill.

The fourth proposal would change the procedure by which new teachers obtain tenure rights to employment after June 30, 1993. The bill would add a mechanism for increased public involvement in tenure decisions and would encourage more thorough and thoughtful evaluation of teachers by their supervisors. While I recognize that this proposal might be controversial, it serves a valuable function in that it ensures that only teachers who have shown their ability to teach earn the right to tenure in our public schools. This should play a key role in improving our educational system in the future. See secs. 9, 10, and 11 of the bill.

The fifth proposal allows for the establishment of a pilot project for the creation of up to 40 charter schools within our public school system. A charter school would be authorized by a contract between a local school board and the board of directors of the charter school, with the approval of the state Board of Education. These charter schools can focus on a unique educational philosophy or teaching curriculum to meet the needs of the students enrolled in the school. The provisions of the bill that authorize the program will "sunset" July 1, 1996, although a charter school contract could extend to July 1, 1999. The legislature will have the opportunity to scrutinize the success of the pilot program to determine whether it should be reauthorized through new legislation. See secs. 12 - 20 and sec. 25 of the bill.

All of the above substantive changes, except for the phased-in changes in school term length in secs. 2 and 3, would take effect July 1, 1993. The phased-in changes in school term length would take effect July 1, 1994. See secs. 23 and 24.

Finally, sec. 21 would give transitional authority to allow the state Board of Education to begin the process to adopt regulations as soon as the bill is signed into law; the new regulations cannot take effect before the respective effective dates of the relevant sections of this bill. Section 22 of the bill would give this transition section an immediate effective date.

Alaska's children are Alaska's future. Providing them a quality education is an investment that we must make, and is an investment that will benefit all of us.

I urge your support of this important legislation.

Sincerely,



Walter J. Hickel
Governor

(7)

Date Referred: February 14, 1994

FURTHER REFERRALS:

Finance

Date of Committee Action: 3/2/94

The JUDICIARY Committee considered:

HB 84

HOUSE BILL NO. 84

IMPLEMENT ALASKA 2000 RECOMMENDATIONS

"An Act implementing certain recommendations of Alaska 2000 to improve the state's education system; and providing for an effective date."

RECOMMENDATIONS: the same title
be replaced with CS HB 84 (Jud) 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) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Gail Phillips</i>	<input checked="" type="checkbox"/>	<i>Joseph ...</i>			<input checked="" type="checkbox"/>
		<i>Kate ...</i>			<input checked="" type="checkbox"/>
		<i>Kennette James</i>		<input checked="" type="checkbox"/>	
		<i>Brian ...</i>		<input checked="" type="checkbox"/>	
		<i>Tom ...</i>	<input checked="" type="checkbox"/>		
		<i>Clay ...</i>	<input checked="" type="checkbox"/>		

Brian ...
CHAIRMAN'S SIGNATURE

Anchorage Education Association



Affiliated with The National Education Association
1411 West 33rd Avenue, Anchorage, Alaska 99503 (907) 274-0536

March 14, 1994

Dear House Judiciary Committee,

I am writing to you regarding the bill on Teacher Tenure, CSHB 84. The members of the Anchorage Education Association are very concerned about several provisions of CSHB 84. Specifically, we are opposed to the lengthening of time to acquire tenure and the creation of tenure review committees.

Presently school districts have two years to evaluate new district employees to determine if they are performing well in their classrooms. This is not a short time period. Administrators need only to do their observations in a timely manner. If there is a problem with the present system, it is that administrators do not evaluate their new teachers. It would seem that you should focus your attention on administrators systematically evaluating their new teachers, rather than asking all districts to lengthen the time for tenure. Adequate evaluation is the key to improved teacher competency, not lengthened tenure probation.

Additionally, CSHB 84 attempts to put in place tenure review committees which would make tenure a whim to be reviewed by people who may or may not have evaluation experience. Also, in a large district, such as Anchorage, the thought of 84 review committees is mind boggling. This part of the bill is cumbersome and would not provide a needed component to tenure. In a time when we need to cut back on the bureaucratic red tape regarding schools, you are considering adding another "committee" structure to address tenure review.

It is time for your committee to address the real needs of schools. We need to have schools fully funded. We need laws that adequately allow for schools and police departments to communicate about dangerous students. We need state funding of inclusion students at a level that helps compensate support for the regular program with the increased demands of these students.

Thank you for consideration of these thoughts.

Rob Pfisterer
President, Anchorage Education Association

Anchorage Education Association



Affiliated with The National Education Association
1411 West 33rd Avenue, Anchorage, Alaska 99503 (907) 274-0536

January 31, 1994

Health, Education and Social Services Committee
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear HESS Committee,

I am strongly opposed to the changes in tenure suggested in HB 84. The changes are wrong for several reasons:

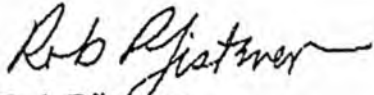
- 1) The changes would not accomplish the stated intent. If districts are interested in removing teachers who are not adequate in performing their professional duties, they need to adequately evaluate their performance.
- 2) The creation of tenure review boards would not make districts more accountable. Consider the implications upon a district such as Anchorage. Each school (84) would have tenure review boards, or one large board to cover 84 schools. This would be cumbersome and highly inefficient. Additionally the thought that teachers would have to face this group every five years is very punitive in nature. You would be creating a "monster" for large districts.
- 3) Another bad part of tenure review is the fact that it makes tenure really nothing. It is once again a negative way of addressing "supposed" educational failings. If you want to address "bad" teaching, do so. Tenure never has protected a bad teacher. This so called review committee will really end up being a method for small schools to get rid of teachers for reasons other than their teaching abilities. I am very suspicious of the intent of this bill. For too long the media has played up the negative side of education in this state and country. Many of us would like to build upon the positive side of the picture, but why should a teacher want to put forth effort at reforming education when much of what is proposed is negative in nature. It is a little like judging the Alaska Legislature by what the press reported on the Senator Jacko case last year and this. Would you therefore suggest that all legislators should only serve two terms because it is evident that they are less than ethical? I certainly do not believe so. There is a process to deal with poor legislators and those that are unethical, just as there is a process to deal with poor teachers.

It is time for the legislators to deal with the real problems of Alaska's educational system. These are mainly 1) increasing educational funding to levels that take into account actual increased costs of operating districts, 2) providing adequate housing for Alaska's school children, 3) providing laws that allow school staff and police to communicate about known violent students entering and within

our schools, and 4) making certain that all of our children learn in small classes (20 in elementary, 25 in secondary) so they can be successful in school and ready to lead us in the 21st Century.

If you addressed these issues with as much vigor as some in the legislature address the negative education bills, we would be much further down the road to educating our children.

Respectfully,



Rob Pfisterer
President, Anchorage Education Association



NEA-ALASKA

Affiliated with the National Education Association

HB 84 Position Paper

Some have come to believe that tenure is synonymous with lifetime employment. Nothing could be further from the truth. Competent and effective administrators with leadership and motivational skills have utilized tenure as an ally to develop innovative and challenging teaching staffs.

How? Tenure protects the freedom the academic community needs to impart knowledge and critical thinking skills to children. Tenure protects schools from becoming systems where the spoils of a bureaucracy are placed and practiced.

Over 20 years ago Alaska joined the mainstream of America by extending tenure to its teachers. Today tenure continues to accomplish its purpose by encouraging effective teaching in the various political climates existing in any school district during a person's career. But, at the same time teachers have been dismissed and non-renewed for incompetence, immorality, and failure to comply with the rules and regulations of school systems.

Administrators are necessary to the success of the process because they are trained to evaluate and develop teachers to accomplish the educational goals and plans of a school district. Administration is a demanding job. Those who enter educational management understand that many variables will attack their time. Good administration understands the need to develop the skills of the staff as the profession changes. They have the authority to coordinate resources such as money, other teachers and the instructional day to develop staff.

Although administrators are critical to the staff development/evaluation process, we continue to hear of career teachers who have never been evaluated. We hear of the first year teacher who on his/her first day is given a set of keys to his/her classroom, attends a staff meeting, but never sees a principal in his/her classroom for the rest of the year. We hear of teachers who ask for help from administrators who unfortunately give them no time and no attention. In cases like these, weakening tenure will not help administrators do better jobs. Also creating tenure review committees cannot do this because of lack of money, authority, time and staff needed to insure a successful staff development and evaluation program.

School are burdened with too many mandates from the local, state and federal levels. Both teachers and administrators are expected to do more but are allocated nothing to accomplish the expectations. Instead of working with school districts to help them restructure the time and job assignment of administrators to allow them to become instructional leaders, develop staff and implement evaluation programs the HESS Committee has before it another proposal to create a new bureaucracy to complicate the evaluation process and the system for achieving tenure. NEA-Alaska is concerned that making the evaluation process more cumbersome by creating tenure review committees will simply dilute time and personnel already critically stretched. Removing teachers from already overcrowded classrooms to serve on tenure review committees will be expensive and will simply add to overcrowding. The allocation of time to tenure review will be costly. Will school districts be expected to fund the cost associated with release time, staff development programs demanded by the tenure review committee, meetings, inservice-training etc.? A two tier tenure system will be confusing and divisive since teachers will be divided into one system or the other. Litigation can be expected. Will premiums to insure districts in the event of litigation by teachers against districts go up?

The problem is not tenure. Furthermore, the public doesn't believe tenure is a problem either if we believe results gathered last year by the Department of Education. The public's concern for tenure falls far below their concern for early childhood education, class size reduction and providing opportunities for at-risk children.

Professionally and publicly, we emphasize, tenure is not the problem. If we are to restructure school systems to empower teachers to prepare all children for the demands of an ever changing economy, three areas must be addressed. First, the system used to prepare teachers for the classroom must be improved; second, the process used to select teachers for employment should be reviewed, and third, the process and procedure used to evaluate and develop teachers must happen and must become a vehicle to empower teachers for the challenging opportunities that are before us. Failure to address these critical areas will simply miss the mark of providing substantive change designed to insure that the children of Alaska are taught by the best.

NEA-Alaska opposes CSHB 84 because it simply will create two tenure systems and does nothing to insure that administrators are provided the time to do the demanding jobs they are hired to do -- be instructional leaders Alaska will need to meet the demands of the new century.

February 8, 1994

CLAUDIA DOUGLAS



NEA-ALASKA

Affiliated with the National Education Association

NEA-Alaska Position on Tenure

Some have come to believe that tenure is synonymous with lifetime employment. Nothing could be further from the truth. Competent and effective administrators with leadership and motivational skills have utilized tenure as an ally to develop innovative and challenging teaching staffs.

Over 20 years ago Alaska joined the mainstream of America by extending tenure to its teachers. Today tenure continues to accomplish its purpose by encouraging effective teaching in the various political climates existing in any school district during a person's career. Tenure is to establish employment security and professional responsibilities within the framework of due process. Tenure is granted to protect academic freedom.

Why does NEA-Alaska support tenure?

- * Tenure protects the freedom the academic community needs to impart knowledge and critical thinking skills to children.
- * Tenure protects schools from becoming systems where the spoils of a bureaucracy are dumped.
- * Tenure protects the schools and teachers from assaults by political pressure groups.
- * Tenure provides the needed security to enable teachers to be creative and experiment with new methods.
- * Tenure enables teachers to maintain discipline in a fair and impartial manner without jeopardizing their jobs.
- * Tenure permits teachers to be critical of the policies and tactics of teacher organizations.
- * Tenure protects the school system from chaotic and spasmodic change.

The authority to grant tenure is a discretionary power of the local school board which cannot be delegated. State law prescribes how a teacher may acquire tenure. The probationary period allows school boards time to assess a teacher's ability and competencies. During this period there is no guarantee of employment beyond each annual employment contract. During the period an Alaskan probationary teacher may be terminated without citing cause.

Tenure does not give a teacher lifetime appointment. The tenure law provides a competent teacher an assurance of continued employment as long as his/her performance is satisfactory - it does not guarantee permanent employment.

It is clear in Alaska statutes that there are adequate legal means for non-retention of a tenured teacher. Those reasons are (1) incompetency, (2) moral turpitude, (3) substantial noncompliance with the school laws, and (4) reduction in force as a result of a decrease in student enrollment.

Administrators are critical to the success of the process because they are trained to evaluate and develop teachers to accomplish the educational goals and plans of a school district. Administration is a demanding job. Those who enter it understand that many variables will attack their time, but good administration understands the necessity of developing the skills of the staff. They have the authority to coordinate resources, money, teachers and the instructional day, and to develop staff.

The evaluation process is a positive tool for improving teaching performance and encourages school districts working with the staff to improve the quality of the evaluations. If a district has poor evaluation techniques or believes other tasks are more important and thus does not devote the time necessary to do fair and adequate evaluations, it is not responsible public policy to provide more time to "get the job" done. It is not a matter of time. It is a matter of commitment to the task.

To improve the quality of teaching, the quality of leadership and staff development must be improved. New teachers should have an opportunity to work with mentor teachers and instructional leaders in schools.

Tenure must not be the scapegoat for problems within the public schools. Gaining tenure does not turn a good teacher into a bad one anymore than being re-elected to a political office turns a competent legislator into an incompetent one.

One argument that is particularly frustrating and demoralizing for teachers is that the current tenure law keeps the "old" teachers. One teacher voiced his frustration about this issue in a newspaper article. He stated, "It alarms me that veteran teachers aren't valued for stability and consistency. Research clearly identifies a link between low teacher turnover and high student achievement. Stability is even more paramount to success in bush districts. Instead of respecting these facts, we are regarded as a commodity - with experience discounted. Once we gain experience and added expertise, we're perceived as too expensive for teaching the future leaders of our state!"

It is true that tenure offers job security for a new teachers. But it also offers stability and continuity to a school and community. Unfortunately, Attacks on tenure come across as age discrimination or exeperience discrimination.

The majority of teachers are not interested in moving from one school or district to another. Teachers become not only involved in their communities, but they often become the cornerstone serving as leaders and volunteers in many community groups and organizations: Girl and Boy Scouts, Big Sister/Big Brother Programs, Special Olympics events, service organizations and church groups.

Before changing the current tenure law, the long-range effects must be considered, for all involved: teachers, administrators, communities, and most importantly the students.

NEA-Alaska strongly opposes any changes to the current tenure law that simply extends the time for teachers to be at-will employees.

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
Diana Herschbach
Malanuska-Susitna

PRESIDENT-ELECT
Pamela Hjorteset
Ketchikan

SECRETARY/TREASURER
Sharon Richards
Anchorage

PAST-PRESIDENT
Carole Huntington
Galena

DIRECTORS
ANNETTE ISLANDS
Paul Brendible

CHATHAM
Sally Kookesh

DELTA-GREELY
Richard Mauer

FAIRBANKS
Sue Wilken

HOONAH
Leona Lindoff

KODIAK
Norm Wooten

LOWER KUSKOKWIM
Mark Charlie

NORTH SLOPE
Roy Nageak

NORTHWEST ARCTIC
Elsie Bahr

TANANA
Cathy Fliris

YUPIIT
Michael Williams

EXECUTIVE
DIRECTOR
Carl F.N. Rose

March 17, 1994

The Honorable Gail Phillips
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

Dear Representative Phillips,

The Association of Alaska School Boards supports the educational grant portion of CS HB84 (HESS) and we also support extending tenure from two to five years. AASB IS OPPOSED TO CS HB84 (HESS) in its present form which includes an extensive application process and committee process for teacher evaluations/tenure. Having a committee make recommendations to the local school board on whether or not to grant tenure to employees is not only cumbersome, expensive to operate, but there are also questions of confidentiality and legal implications.

Within a two year time frame, which is in current statute, school districts must evaluate teachers, help improve their skills, and determine whether or not to retain them. *We feel that two years is inadequate to comprehensively evaluate teachers and allow for their improvement.*

While we strongly recommend that tenure be changed from two to five years, NEA has testified that they would consider three years. *We support a compromise to amend tenure under current statute from two to four years.*

For purposes of simplicity, by extending tenure from two to four years, school districts will not be under pressure to release people because they are uncertain of their abilities. School districts would then have time to provide a comprehensive plan for improvement which would help strengthen and develop the employees teaching skills. With four years, new teachers would have the opportunity to grow in an environment conducive to professional development rather than under the pressure of deadlines of notice of non-retention.

Rep. Gail Phillips
page two

With districts under increased pressure to reduce administrative costs, not only will there will be fewer administrators to conduct teacher evaluations but with an added workload, administrators will be under greater pressure to evaluate and determine whether or not to retain a teacher, and will have *much less* time to develop a teacher's skills.

We respectfully request that the bill be amended to keep the educational grant portion intact and replace the entire tenure portion with the language included in HB288 acquisition of tenure authored by Representative Eileen MacLean and co/ sponsored by you at the end of last year's session.

Sincerely,



Carl F. N. Rose
Executive Director

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

February 17, 1993

OFFICERS

PRESIDENT

Carole Huntington
Galena

PRESIDENT-ELECT

Diana Herschbach
Matanuska-Susitna

SECRETARY/TREASURER

Reggie Joule
Northwest Arctic

PAST-PRESIDENT

Percy Frisby
Hydaburg

DIRECTORS

ANCHORAGE

Sharon Richards

ANNETTE ISLANDS

Paul Brendible

FAIRBANKS

Sue Wilken

KENAI

Marilyn Dimmick

KETCHIKAN

Pamela Hjorteset

LAKE & PENINSULA

Sue Arce

LOWER KUSKOKWIM

Mark Charlie

NORTH SLOPE

Roy Nageak

SOUTHWEST REGION

Tommy Evon

TANANA

Cathy Fliris

YUPIK

Michael Williams

EXECUTIVE

DIRECTOR

Carl F.N. Rose

Representative Con Bunde
Representative Cynthia Toohey
Co-Chairs
House Health Education and Social Services Committee
Alaska State Legislature
Juneau, Alaska 99811

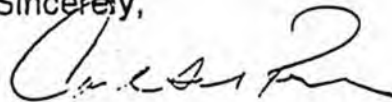
Dear Representatives Bunde and Toohey:

On February 12 and 13 the Association of Alaska School Boards convened a focus group of school board members, superintendents and school district finance officers to help us formulate comments and recommendations on the Alaska 2000 legislation that would represent a statewide perspective.

Enclosed you'll find the outcome of the work of that group. We conducted a comprehensive review of SB 61/ HB 84 and considered the various proposals it contained in the context of everyone's expectations of establishing a "world class" education system for Alaska. In addition to comments on the current elements, you'll find that we've addressed a number of additional issues we would request the HESS Committee consider in its work on this bill.

We appreciate the opportunity to discuss this with you further at the next Committee meeting on February 18.

Sincerely,



Carl F. N. Rose
Executive Director

enc

ALASKA 2000

ASSOCIATION OF ALASKA SCHOOL BOARDS RECOMMENDATIONS

The Association of Alaska School Boards and its members have been intimately involved in the Alaska 2000 initiative since its inception. We began a deliberate process of disseminating information regarding State Board-approved Alaska 2000 proposals to our members in January 1993, in order to gather comments from all school districts in anticipation of proposed legislation. Eight regional teleconferences were held with all school districts to review the four bills proposed by the Governor. A focus group consisting of school board members, superintendents and district finance officers met on February 12 and 13 to consider the original Alaska 2000 committee recommendations, the recommendations approved by the State Board, the resulting Alaska 2000 bills and the comments from the school districts.

The focus group concurred that, as stated under Section 1 of SB 61/HB 84, Alaska 2000 was intended to provide "a comprehensive statewide effort of Alaskans to improve the state's education system for the future." It was felt, however, that the bills that were presented represented a good start but fell short of being "comprehensive" in their approach. The group identified the components they believed must be addressed by the legislation in order to provide a "world class" education, which included:

- 1) Overall school environment - adequate and appropriate space, equipped with the furnishings, equipment and technology necessary to support a comprehensive educational program.
- 2) Highest caliber professional staff - both in the classroom and in each school building, with assurances to both staff and public that the highest standards of professionalism will be promoted, recognized and rewarded appropriately.
- 3) Education programs - developed to meet high standards and identified outcomes, delivered by a variety of means that meet the diverse needs of students and prepare them to be contributing and productive citizens in a rapidly changing world.
- 4) Governance of schools - to insure the democratic principles that American school governance was based on over 200 years ago will be carried out in a way that will encourage a high degree of parental involvement in each school, each classroom, and the education of each child.
- 5) Funding - at a funding level that will reflect the priority the people of Alaska place on their children's education; distributed to all school districts in an equitable manner to provide comparable basic education

regardless of location or size of community; distributed in a timely way that will allow for the most effective planning and use of each educational dollar.

- 6) Collaboration - because of societal issues outside of the realm of professional education that impact the ability of children to learn, both schools and state agencies must identify the resources available from other agencies, both state and private, that may be made available within the school environment to students, parents and teachers - in order to provide the most direct, appropriate and effective service.
- 7) Accountability - for every element that is brought forth through Alaska 2000 legislation, there should be an accountability requirement for establishing expected outcomes, benchmarks, monitoring, evaluating and reporting to the Legislature and the public so that there is assurance that the changes that are being made in our educational system at all levels are actually contributing to the "world class" education that is our ultimate goal.

The seven components listed above were those the group felt could be addressed through legislation. There are two other components, however, that are critical to educational success and without them none of the above will make any difference. They are 1) *the responsibility accepted by parents for taking an active role in their children's education*, and 2) *the personal responsibility that must be accepted by each student for putting in the effort and interest required to take full advantage of the opportunities provided for them by dedicated professionals and a caring society*. Somehow this message must be reinforced loudly and publicly.

With that preface, AASB respectfully submits the following recommendations, based on the concerns of all fifty-four school districts and shaped by the focus group to reflect statewide recommendations in response to the bills that have been submitted.

SB 61/HB 84 "Implementing Certain Recommendations of Alaska 2000"

Increase the School Term

We see this section as addressing the need to improve the delivery of educational programs. While agreeing with the identified need we would like to offer some alternative recommendations that may enhance that delivery even more.

While there is general agreement that the established 180 day year does not provide the amount of desired contact time with students, especially considering direct instruction time lost to in-service days and absences for extra-curricular activities, we would recommend that before legislating a longer school term the State Board and Department of Education *first develop clear educational*

standards, along with expected outcomes and means of assessment, so the legislature and the public will have a firm idea of what may be expected by additional days in a school term.

The cost of additional days has been estimated to be approximately \$3 million per day. Since research has provided evidence of the value of having children coming to the K-12 program ready to learn, we would recommend that the Legislature consider the overall value of providing funding to allow the *implementation of Early Childhood Education programs within the schools, available to all children regardless of income level, that will enhance the ultimate success of all our students.* A comparable amount of funding would go far for providing the required classroom space, qualified teachers and necessary curriculum and materials. The net effect would be more time in school, albeit in a different context.

Flexibility in Funding Grants for School Improvement

We generally support the changes to provide greater flexibility in grants for improvement of school performance, seeing this as a means for improving not only educational programs and school environment, but also the professionalism of our teaching staff.

To that end, we would recommend the addition of language to Section 4 that would *designate that a minimum of 50% of the available funds will be granted to teachers for research and development of classroom programs, with a provision that such grant applications would require the sign-off of their employing school district.*

Because Alaska is such a large state and many effective, transferable classroom practices are carried out in relative isolation, we would recommend that a grant requirement be added that would cause *the results of such grant projects to be routinely shared with other teachers statewide.*

Establishment of Advisory School Boards

Although obviously intended to provide for greater parental involvement in the schools, this section has raised some concerns about the possibility of inadvertently diminishing the enthusiasm and effectiveness of emerging volunteer parent groups such as PTA by mandating advisory boards that may be seen as a rigidly structured replacement. There is also concern expressed that the term "boards" may cause confusion regarding the respective governance responsibilities of local school boards and the advisory groups.

In response to these concerns, we would recommend a change to the proposed language in Section 8 that would allow greater flexibility in individual districts, while still recognizing the value of the involvement of parent groups. A suggested change might be to *change "advisory board" to "parent advisory committee" throughout the section. Also to change "A city or borough school*

district board shall [establish an advisory board] recognize or provide for a parent advisory committee at each school...."

Establishment of a Tenure Review Committee

While this section of the bill is intended to contribute to a higher standard of professionalism in the teaching profession, we feel the proposed review committee approach does not fulfill that intention. We agree with teachers that the importance of their responsibilities should be held on par with those even in the medical profession, and we believe that equal attention should be paid to requirements for professional preparation, supervision, evaluation and licensure. The current language in the bill does not adequately address any of those aspects.

We believe the proposal outlined below will establish a more rigorous standard for licensing of teaching professionals by providing the opportunity for professional growth, appropriate supervision and evaluation desired by both teachers and school boards, and sufficient time to demonstrate proficiency. We recognize that the establishment of this model will require more training in the supervision process and more time given to meaningful evaluation. This emphasis will have a corresponding cost to school districts in terms of staff time and to the state in terms of licensing procedures, but we believe that the ultimate assurance to the public that districts will employ the highest caliber professionals and that school improvement will occur will be worth the dollar cost.

Recommendation:

- *Current teacher certification requirements in Alaska will qualify applicants for a renewable two-year provisional certificate.*
- *School districts will be required to provide inservice training to provisionally certificated school employees as prescribed by law.*
- *School districts will provide a mentoring program designed to enhance the effectiveness of provisional certificated employees in the classroom and instructional settings.*
- *The Alaska Staff Development Academy, Department of Education and University of Alaska system will develop a licensure assessment and corresponding curriculum designed to evaluate the competence of provisional certificated employees.*
- *Provisional certificated employees will be required to pass the above mentioned licensure exam during the 2 year provisional period. Upon successful passage of licensure, the employee will receive a Type A certificate and would be eligible for tenure after two additional years of employment by a school district.*

- *Teachers who have received tenure under the current tenure laws will be "grandfathered" into the tenure system.*

Charter Schools

We believe the intent of the charter schools proposal is to encourage innovation in educational delivery and to address the diverse needs of the students in our schools. The larger urban districts are currently attempting to provide innovation and meet diverse needs through alternative schools or specially designed programs within their current curriculum. Smaller school districts have difficulty seeing how charter schools might be accomplished when there are limited physical facilities and resources available.

Nonetheless, we believe it is in the best interest of children to work with parents and teaching professionals who may bring forward ideas that lie beyond the traditional school structure and see the charter school proposal as a means of accommodating that.

In reviewing SB 61/HB 64 in its totality, and referring to the seven components of providing a world class education mentioned at the beginning of this paper, the focus group identified four other sections they wished to recommend for inclusion in this bill.

Master Teacher Certification

Our school districts employ professionals who will not only meet the standards set for their profession, but exceed them. To that end we would *recommend a designation for a Master Teacher Certification*. Requirements for this designation should be developed with the cooperation of teaching professionals; application for this certification could come from self-application or nomination by colleagues or supervising professionals. School districts employing teachers with this certification would be encouraged to provide additional rewards in the form of additional salary or bonuses, or incentive grants or paid sabbatical leaves for research and development purposes. We see the possibility of utilizing master teachers in each district, with their consent, to provide assistance for mentoring programs for new teachers working toward permanent licensure and tenure.

Additionally we would hope that such talent, dedication and mastery would be recognized by University teacher preparation programs and the Alaska Staff Development Academy by utilizing teachers with this designation as a talent bank for a training cadre or adjunct staff.

Technology

There is one overarching concern that affects the elements of school environment, professionalism of staff, and improvement of the educational programs that is missing from the Alaska 2000 legislation. If we expect our

educational system to produce students prepared to function in a world that runs on technology, then we need to directly address that issue in any meaningful effort directed at school reform. Technology impacts teacher preparation for the classroom, the way we design and deliver our curriculum, and the way we design and equip our classrooms.

To that end, we would recommend that a section of this bill include language that addresses the following:

- 1) *Standards shall be developed and updated regularly that identify the basic technology skills required for all students to be able to function in a world that depends on the use of technology.*
- 2) *Teacher certification and licensing will include an element of technology training, and district staff development will routinely include training relating to the use of technology for management and instructional delivery.*
- 3) *Basic technology equipment shall be identified for classrooms, and a fund shall be established to insure that all Alaska classrooms are equitably equipped.*
- 4) *The state shall establish a plan and fund for the use of an effective technology network to enhance learning in all classrooms in the state.*

Agency Collaboration

In a state that is looking at diminishing resources, it makes little sense to have multiple agencies engaged in running programs aimed at the same client, with little or no interfacing or collaboration. This type of effort results in duplication of services or sometimes in blocking of service delivery because of conflicting communication or regulations. Since societal ills impact children adversely and affect their ability to learn, it only makes sense that many of the social services provided by state and private agencies that are directed toward children and their parents be integrated with the efforts of teachers and their schools.

We recognize that considerable work and study has already been done in this regard through the Governors Interim Commission on Children and Youth (GICHY) and Children's Commission. We would *recommend that the Legislature, under the heading of Alaska 2000, re-establish a task force to review their findings and to establish concrete ways to promote closer collaboration between schools and social and medical agencies.* The findings and recommendations of this task force could be the basis for some real reform that would alter and improve the way we provide education and other services to children, and include their parents in the process.

Accountability

Here we would simply reiterate our *recommendation that for every reform measure that is passed by the Legislature under the heading of Alaska 2000, an element of accountability be included in the language.* The recommendations represent a departure from the traditional way our education system has operated in the past. We recognize that these changes often entail additional costs in terms of money, both to the state, to communities and to individuals. They entail shifts in thinking and additional man-hours from paid staff and volunteers. It's critical that adequate planning occur for every reform, to include expected outcomes, measurement criteria, monitoring, evaluation and reporting, so that the citizens of Alaska have the assurance that their resources are being used most effectively to educate their children.

SB 62/HB 85 "Relating to the Public School Foundation Program"

Alaska School Price Index

We believe the development of the Alaska School Price Index has done much to level the playing field for almost all of Alaska's school districts. With a few minor adjustments that can be made within the Department of Education, it will provide the equity in funding that has been the goal of previous foundation programs. *We would recommend that the Alaska School Price Index be recognized statute, not into regulation, as a means of protecting the total integrity of the formula. Additionally, to alleviate the need for continued requests for adjustments to address the effect of inflation on school district budgets, we would recommend that the legislation include language directing the Department of Education to submit annually its recommended unit value adjustment.*

The history of inequity with the single site school districts continues to be a concern, one which we hope can be mitigated and addressed within the new formula. *We would recommend consideration be given to district size, its non-dispersed nature and current enrollment figures, and that adjustments be made to mitigate the inadequate unit base for small single site school districts.*

We anticipate serious program and staffing problems that might occur for the districts that are being held harmless, if there is a sudden drop in funding at the end of the three year hold harmless period. *We would recommend that language be developed that will make it clear to the hold harmless districts that they must develop a plan to realign their programs, staffing and budgets to recognize the decrease in funding that will occur at the end of the 3 year hold harmless period.*



ANCHORAGE
SCHOOL DISTRICT
4600 DeBarr Road
P.O. Box 196614
Anchorage, Alaska 99519-6614
(907)333-9561

To	Emm G. ...	From	...
Co.	C/O Porter	Co.	ASD
Dept.		Phone #	269-2233
Fax #	465-3334	Fax #	269-2107

February 3, 1994

Dear Con,

Larry Wiget asked that I go over HB 84 and address, in particular, the sections which focus on teacher tenure.

I understand amendments to the committee substitute have already been adopted and that the general advisory boards have been eliminated. The Tenure Committee is still in the draft; its members will be appointed by the School Board but committee members shall be subject to removal only for just cause. Just cause is a term of art, usually applied in employment relations, not to voluntary committee positions. It would be difficult for the Board to even develop reasonable procedures for removing a committee member who behaved badly. Such procedures would need to be in place before the process began.

The responsibility of the Tenure Committee would be awesome: it would not only conduct a performance review for every tenured teacher, every five years, but of every non-tenured teacher, every year. The current teacher work force is about 2830. Even though the law will apply only to those hired after July 1, 1994, eventually the numbers of teachers involved in this new program will grow large. Assuming performance review would include actual observation, rather than a simple review of evaluation documents produced at the school level, the financial and operational impact of releasing three to five teacher committee members to conduct such observations would be considerable. Further, the task of actually pulling together one or more committees to review all paperwork generated by all these observations and to discuss development of recommendations to the School Board, would be truly daunting.

We are trying to negotiate a more significant role for teachers in the evaluation of colleagues. Since teacher associations have a duty under law to fairly represent the interests of those in their bargaining units, when testimony regarding teacher performance deficiencies is provided by other teachers, the traditional distinction between supervisor and supervisee will become difficult to define. That may not be a bad thing but the ramifications

are serious and there is little evidence in the proposed bill to indicate that those ramifications have been explored. Under the terms of the current agreement between the District and the Association, teachers cannot evaluate other teachers. Clearly, law would supersede contract, if there was a clear mandate defined, but principals and teachers would require considerable time to discuss how a system of colleague review might actually work.

All in all, if the purpose of the changes the bill supports is improvement in the evaluation process, that purpose is unlikely to be met and we oppose its adoption, for the following reasons:

- At a minimum, the bill would create a bureaucratic monster which would produce mountains of paper which School Boards would be obligated to review before they could fulfill their statutory obligation to judge whether a teacher should retain employment.
- If the concern reflected in the bill is that there are too many incompetent teachers in the system and something ought to be done to send them on their way or help them to become better, there needs to be careful examination of the issues which contribute to that problem, if it is real.

The recommendation of the Anchorage School District, submitted as testimony before the Commissioner of Education during hearings in support of the Alaska 2000 initiative, was to reduce the burden which Districts must meet in terminating tenured teachers. A simple just cause standard, with appeal only to an outside arbitrator through a normal grievance process, would put teachers on the same footing as other public employees in the state. The current teacher termination process is incredibly cumbersome; it is designed to be little used and, in that sense, it works as it was designed to work. The method of attack on that poor and cumbersome system, contained in HB 84, would make an already bad situation worse, under the guise of increasing accountability.

If the Legislature wants a cleaner, more efficient and effective system of teacher evaluation, we suggest they propose a clean, efficient, and effective method of addressing that want. Specifically:

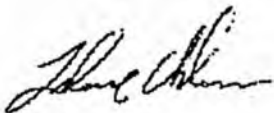
1. Extend the time needed to secure tenure, from two to three full years or more;
2. eliminate AS 14.20.170-180, in its entirety. Replace it with an addendum to AS 23.40 that says that collective bargaining agreements must contain grievance procedures which end in binding arbitration and apply to termination of teachers for just cause, without access to School Board review or trial *de novo*.

If this proposed modification to the present system does not produce the desired results in three to five years, we'll go back and try again. Let's begin with what we know and move forward, rather than create what we know nothing about and run a substantial risk of falling on our collective faces. Right now, we don't know what problem the bill hopes to fix or what evidence was developed that suggests this proposed solution will be any less onerous than the problem.

Please understand that these recommendations reflect administrative discussions only, they do not constitute a public position of the Anchorage School Board. If such a position is needed, we will take steps to calendar for necessary discussion but it would not likely occur before late March or early April, at the soonest.

If I can be of further assistance, please let me know.

Sincerely,



Lee Wilson
Executive Director/Labor Relations

cc Bob Christal
Carol Comeau

Kermit D. Reppond
1616 Selief Lane
Kodiak, AK 99615.

January 26, 1994

Re HB 84

Dear Legislators,

I would like to voice my support of the establishment of charter schools. Although charter schools may not be feasible for the smallest school districts, most students in Alaska would benefit from having this option. Every profession has a bureaucracy and teaching is no exception. An inherent characteristics of any bureaucracy is that it is resistant to change and innovation. If we are to develop world class schools and scholars, teachers and parents need to be unburdened from administrative constraints that, however well intentioned, interfere with developing approaches to education that meet the needs of Alaska's youth. As an analogy, consider the fate of companies such as IBM who have lost their competitive edge because smaller companies were more able to make better use of developing technology. We need to unleash the innovative spirit of our teachers and parents.

Charter schools would also engender an increased sense of ownership on the part of parents, students, and teachers. Comparison of various teaching methods among schools would give insight as to what works and what doesn't, allowing non charter schools to learn from the work of others.

Sincerely,



Kermit D. Reppond

REVA SIRCEL

TCC

122 FIRST AVE.

FAIRBANKS, AK 99701

TANANA CHIEFS CONFERENCE, INC.

FEBRUARY 18, 1993

STATE OF ALASKA HOUSE BILL 84

HB 84

TESTIMONY

907/452-8231 My name is Reva Wulf Shircel. I am the Director of Education for the Tanana Chiefs Conference, Inc.

The TCC has many questions and concerns about the issues outlined in HB 84.

First, is there another effort being made to write a bill that specifically recognizes social and educational conditions in Alaskan Native villages? If so, who is doing that bill?

If not, why is there no explicit recognition of the special needs and conditions of Alaska Native Education clearly outlined in HB 84? We are especially concerned about the following sections:

Section 2. School Term. The 180 to 200 day school year being proposed does not recognize or honor the traditional subsistence activities by which most Alaskan Natives in villages still get food and cash, especially fishing, hunting and trapping. We believe that the school term should be centered around those subsistence activities.

Section 8. Advisory Boards in School Districts. The Advisory Board system ignores the fact that the most important change necessary in Native education is to put the control of the public school system from K-12 in policy hiring and firing, budget, tenure, curriculum, and attendance, into Native hands. The Advisory Boards are extremely ineffective as they are and the school boards need strong and clearly defined powers in all the above areas in the villages.

Section 9. Acquisition of Tenure Rights. No one new to Alaska rural life is going to be ready for tenure as a teacher after only two years. Many of our teachers come from outside of the state of Alaska. It takes them at least two years to adjust to village life. Five years or more should be the minimum time in the teaching position before tenure would even be considered. The issue of tenure needs further discussion by our villages.

Section 12. Establishment of Charter Schools. With all due respect to Commission Covey's explanation, I am still unclear about the issue of charter schools. First, where are such schools to be located in the villages? Will they be allowed to use the existing village public school facilities? If not, then are you requiring village people to pay taxes twice for educational facilities. If so, what happens to the regular school functions? Second, there is a need for Alaskan Natives to have a public school system that they have control over and one which is designed with the realities of village life and the existing economy, clearly in mind. The creation of yet another school bureaucracy seems to be an avoidance of the state of admitting the inadequacy of public schooling in the villages. It seems to be a way for the state to put the responsibility for adequate schooling on the local people rather than realizing that it is one of the central responsibilities of the state itself. The charter school proposal seems poorly planned, unnecessary, and a direction for further Native failure and frustration in public schooling. The issue of charter schools needs further discussion by our villages.

In conclusion, Section 1, Purpose, #1 is extremely vague, as is the rest of this section. Some parts of Alaska 2000 deal with Native education, some do not. It needs to be clearly stated and seen from the beginning whether the state is committing itself in any explicit, concrete way to improving the state educational system for Natives. This section as it stands, is too vague to be acceptable as a public statement of purpose.

Thank you very much for giving me this opportunity to make some comments on HB 84.

REVA SIRCEL

TCC

122 FIRST AVE.

FAIRBANKS, AK 99701

TANANA CHIEFS CONFERENCE, INC.

FEBRUARY 18, 1993

STATE OF ALASKA HOUSE BILL 84

HB 84

TESTIMONY

907/452-8231 My name is Reva Wulf Shircel. I am the Director of Education for the Tanana Chiefs Conference, Inc.

The TCC has many questions and concerns about the issues outlined in HB 84.

First, is there another effort being made to write a bill that specifically recognizes social and educational conditions in Alaskan Native villages? If so, who is doing that bill?

If not, why is there no explicit recognition of the special needs and conditions of Alaska Native Education clearly outlined in HB 84? We are especially concerned about the following sections:

Section 2. School Term. The 180 to 200 day school year being proposed does not recognize or honor the traditional subsistence activities by which most Alaskan Natives in villages still get food and cash, especially fishing, hunting and trapping. We believe that the school term should be centered around those subsistence activities.

Section 8. Advisory Boards In School Districts. The Advisory Board system ignores the fact that the most important change necessary in Native education is to put the control of the public school system from K-12 in policy hiring and firing, budget, tenure, curriculum, and attendance, into Native hands. The Advisory Boards are extremely ineffective as they are and the school boards need strong and clearly defined powers in all the above areas in the villages.

Section 9. Acquisition of Tenure Rights. No one new to Alaska rural life is going to be ready for tenure as a teacher after only two years. Many of our teachers come from outside of the state of Alaska. It takes them at least two years to adjust to village life. Five years or more should be the minimum time in the teaching position before tenure would even be considered. The issue of tenure needs further discussion by our villages.

Section 12. Establishment of Charter Schools. With all due respect to Commission Covey's explanation, I am still unclear about the issue of charter schools. First, where are such schools to be located in the villages? Will they be allowed to use the existing village public school facilities? If not, then are you requiring village people to pay taxes twice for educational facilities. If so, what happen to the regular school functions? Second, there is a need for Alaskan Natives to have a public school system that they have control over and one which is designed with the realities of village life and the existing economy, clearly in mind. The creation of yet another school bureaucracy seems to be an avoidance of the state of admitting the inadequacy of public schooling in the villages. It seems to be a way for the state to put the responsibility for adequate schooling on the local people rather than realizing that it is one of the central responsibilities of the state itself. The charter school proposal seems poorly planned, unnecessary, and a direction for further Native failure and frustration in public schooling. The issue of charter schools needs further discussion by our villages.

In conclusion, Section 1, Purpose. #1 is extremely vague, as is the rest of this section. Some parts of Alaska 2000 deal with Native education, some do not. It needs to be clearly stated and seen from the beginning whether the state is committing itself in any explicit, concrete way to improving the state educational system for Natives. This section as it stands, is too vague to be acceptable as a public statement of purpose.

Thank you very much for giving me this opportunity to make some comments on HB 84.

Memo

To: Representatives Brice, Bunde,
B. Davis, G. Davis, Kott, Nicholia,
Olberg, Toohy, Vezev
Fr: Kimberly Homme

I support the majority of the
recommendations of the
Alaska 2000 project. However,
the idea of tenure review boards
holding a political procession
of the public is an unworkable
way to increase desired
student performance outcomes.

This type of process should be
reserved for elected officials,
who are accountable to the
general public. Please

Slash this provision from CSHB84:

Teachers have a review process
currently that is frequent and
effective which may involve
parents, other teachers and admin-
istrators.

Sincerely,

Kimberly Homme
Kimberly Homme
2903 W. 29th Ave
Anch., AK 99517



Fairbanks Education Association

2118 S CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

Friday, February 11, 1994

Dear Representative Cynthia Toohey,

I want to talk about two bills today and had planned on coming to this afternoon's teleconference, however, I have a severe sore throat and talking is becoming more difficult as the minutes pass. The importance of these two bills require me to comment regardless of how I feel physically.

First, CSHB 84, with regards to tenure. My biggest concern is that this idea of lengthening tenure is not for the purpose intended, which is to guarantee quality employees, but rather to increase the time that districts have to lay off non-tenured teachers for financial purposes. We have had in this state more than one district that did not handle their finances in a fiscally sound manner. With a two-year tenure process, districts have to pay close attention to their evaluation process to ensure they have quality teachers. Proper evaluation is one of the keys to quality teachers. Districts have complete control over evaluation.

Second, is HB 361, which appropriates sufficient funding for a \$61,000 instructional unit and fully funds transportation. I urge you to support this bill to allow districts to maintain funding as new students arrive. Teaching is a tougher job than most think. Federal, state, and local mandates continue to add to the already long list, more responsibilities to teachers without giving them adequate time to plan. When funding decreases and student population increases, student class sizes increase. With increase in class size, each individual student gets less individual help. If all students came in equally cared for maybe that wouldn't be a problem. Unfortunately, that's not the case. Students coming in to our classrooms are bringing with them an increasing number of problems. When funding decreases, solving those problems becomes more of a process of determining priorities. All students deserve equal attention and supporting this bill will begin to help alleviate the load.

I appreciate your attention to this matter and taking the time to read this letter.

Sincerely,

Alexander McFarlane

HB 84

P.O.Box 82330
Fairbanks, Alaska 99708
February 21, 1993

State Capitol
Juneau, Alaska 99801-1182

Re: House Bill 84 and Senate Bill 61

Dear Representative Toohay,

We are taking the time to write this letter because a PCM cannot address the many faults and shortcomings of these bills.

1) Sec. 2, AS 14.03,030 and Sec 3, AS 14.03,030
Lengthening the school year from the current 180 day term to 200 school days per year over a five year period is a questionable proposal. In an era of declining oil revenues, where and how will the State obtain additional revenues to cover the additional expenses for a longer school year? Will teachers, school office staff and school custodians receive appropriate pay increases each year for working additional days? Adding 20 days to the current 180 day school year is an increase of 11.11% in total hours worked by teachers, school office staff and school custodians. Is the State going to guarantee additional pay for these additional work days? Also, where and how will funds for increased heating, electrical, phone, transportation (school buses), etc. be obtained? Will the State pay 100% of these costs?

Unless the State is willing to pay 100% of all costs associated with increasing the school year for each and every school district in Alaska, we are opposed to increasing the school year. The taxpayers in the Fairbanks area can not afford to pay more taxes to support our local school system.

2) Sec 4 AS 14.03.125(a); Sec 5 AS 14.03.125(b); Sec 6 AS 14.03.125(c) and Sec 7 AS 14.03.125

Almost every teacher in Alaska is committed to providing the best educational experience possible for their students. We can improve school performance without resorting to using a grant program. Instead of setting up this grant program and wasting time and money on administration to write regulations, review grants, audit awarded grants and evaluate completed grants, spend this money and all grant funds on improving education for all students.

One simple approach would be to reduce the number of students in elementary classroom to 15 students per classroom for grades K-3 and 18-21 per classroom for grades 4-6. There are hundreds of studies and reports containing many recommendations on how to improve schools and teaching. Common to these studies and reports is the conclusion that smaller class size is the best method to improving education. Let's use existing studies to improve education and stop wasting money on trying to reinvent effective classrooms.

We are against this grant program. The only ones who will benefit will be the grant recipients. It is not the most effective use of educational funds nor the most effective use of teacher time.

3) Sec 8 AS 14.12.035

Our schools do not need another layer of administrative oversight and review with a prescribed set of operating rules and regulations. Schools funds are tight and to waste money on additional and redundant administrative levels is foolish.

4) Sec 9 AS 14.20.150; Sec 10 AS 14.20.151 and 14.20.152 and 14.20.153 and 14.20.154

First, NO 16 or 17 year old student is qualified to set on a review committee that can grant or deny tenure for an adult. Second, the parents, teachers, and principal of the school in which a non-tenured teacher works are the best qualified to determine the granting of tenure. Currently, their recommendations can be given directly to the local school board.

It is unfortunate that the designers of Alaska 2000 chose to recommend another layer of administrative oversight and review as a means to improve teaching skills and student achievement. Spend these funds on improvements in the classroom (class size, materials, computers) not on questionable administrative costs.

We recommend that the current tenure laws remain as is.

5) Sec 12 Establishment of Charter Schools and Sec 13,14,15,16,17,and 18

Will we improve education for all students by establishing charter schools? The answer is a resounding NO!

Improvements in educating our children, student learning and student social interaction can be achieved by implementing the recommendations of numerous studies on education: smaller classes; up-to-date textbooks with supportive hands-on material for every student; parent

Involvement: after school activities and clubs; breakfast and lunch programs for all students who want to participate; programs that challenge gifted students; programs for slower learning students.etc.

We must look at those who want charter schools and why they want this program. Backers of charter schools are strong supporters of the voucher system and the right of parents to send their children to public or private schools. Please remember private schools are private. They can and do screen the students that they will accept and continue to enroll in following years. It is not appropriate to use public funds for private schools!

We feel that public education can be greatly improved by implementing the recommendations of existing studies on ways to improve public education. Please, don't waste money on trying to reinvent the classroom. Instead, work to improve our existing public school system.

In closing, we cannot support these bills and strongly recommend that you vote against them. Thank you for taking the time to read this letter. Should you have questions, please call (907-455-6211) or write.

Sincerely,

Robert Ault

Robert Ault

Lynda Ault

Lynda Ault

TESTIMONY TO HESS ON HB 84

Carole C. Evans
1212 Farmers Loop Road
Fairbanks, Alaska 99709
February 18, 1993

I am speaking in opposition to the recommendations that are before you in this bill. I am pleased that Alaska 2000 has helped the public understand and address the need for change and reform in education. As a teacher, I have long felt frustrated with the lack of support and unwillingness of our leaders to focus on the needs of students in this nation. At least we have started talking the talk that is necessary to get us moving toward true reform.

Real reform is imperative, and it is exciting! I have spent most of this week with a group of teachers from Lathrop High School who have been charged with creating a vision and a plan that will revolutionize the way we deliver education to our students in the future. We are excited, energized, and optimistic as we are breaking old paradigms and looking at new and better ways to reach our students. It is grant money, not educational funding, that is providing us release time in order to tackle this challenge. We are professionals who really understand where we are currently and who have a dream for what we can do in order to create students who have a passion for learning and who are committed to excellence; students who are risk-takers, able to tackle whatever their future holds because they have learned critical thinking, cooperative learning and problem solving skills. It is so exciting to look at how we can make changes that will truly revitalize our school and allow us to meet the challenges of the future.

The changes that are necessary will not happen by adding state regulations and more hoops for educators to jump through. The changes that are necessary in public education will not happen by increasing the length of the school year. They will come by increasing the ability of the professionals to make substantive changes and by increasing our staff development. To add another month to the year is not the answer. It is absurd to say there is no fiscal note attached to this Alaska 2000 recommendation. It will cost. Spend that money on release time for teachers or funding for technology or improving facilities. To merely add days with no plan or purpose is not productive.

Adding a layer to the tenure process is not an answer to educational reform. We want teachers who have a passion for teaching, not who have to feel paranoid and persecuted by the threat of offending someone who might terminate their employment. Teachers would never be able to address a controversial topic or take a hard line with a student. This would cripple a teacher's academic freedom, and I believe it would be an enormous cloud that would discourage and demoralize good teachers.

Lastly, charter schools that would take funding from public education would be totally unacceptable. It is your duty to make sure we provide the best public education possible for every student. We can not give educational funding to special schools to the detriment of public schools. Educators know that we must reach and teach every student, offering the means to a productive future. You must put every possible dollar into public education. Give us the time, the facilities and the funding, and you will see educational reform that will make a real difference in quality education.

The suggestions you are dealing with in this bill will not change education as we know it. Empower and employ practitioners to create a vision and a plan, and you will see real, dramatic, meaningful change. Give us adequate funding...not more layers, more frustration, and more obstacles!



ALASKA PUBLIC EMPLOYEES ASSOCIATION/AFT(AFL-CIO)

State Headquarters/Juneau Field Office
211 Fourth Street, Suite 306, Juneau, Alaska 99801
Telephone (907) 586-2334, (800) 478-9991, Fax 463-4980

February 8, 1994

The Honorable Cynthia Toohey and
The Honorable Con Bunde
Co-Chair, Health and Social Services Committee
Alaska State House of Representatives
Room 112, State Capitol
Juneau, AK 99801-1182

Re: Opposition to CSHB 84

Dear Co-Chair Toohey and Bunde; members of the committee:

APEA/AFT represents public school teachers. We oppose CSHB 84 for the following reasons:

The system of tenure "on application" by peer panels has kept women and minorities out of university employment for decades. That same tendency could work to keep young teachers with new ideas out of the public school system;

University style tenure determination systems are intended to protect academic freedom, but can frequently result in highly political, penalizing, character attacks upon new teachers.

The tenure recommendations from peer review committees are not binding upon school boards.

Please vote against passage of CSHB 84.

Thank you for your time and consideration of our concerns.

Sincerely,



Bruce I. Ludwig
Business Manager

Jan. 29, 1994
 P.O. Box 112822
 Anchorage, AK 99511

Dear NESS Committee members:

Rep. Bettye Davis; Harley Olberg; Tom Brice; Cynthia
 Tooley; Con Bunde; Pete Kost; Al Vazay; Irene
 Nicholas;

Re: AS Sec. 14.20.15

The proposed terms of the bill would create an unwieldy system of teacher evaluation for the purpose of determining teacher tenure. Under the present regulations controlling teacher tenure, any tenured teacher who is not functioning in an appropriate manner could be removed from the profession if the school principal evaluator performed evaluations carefully while maintaining proper documentation.

Re: Sec. 14.20.152.(b). Who will pay the local tenure review committee? Anchorage has approximately 3000 teachers. Have the number of hours been calculated that would be required to evaluate their tenure applications? How about their reevaluations. Who would be paid to keep track of the enormous pile of paperwork? In my opinion the taxpayers money would have more direct educational benefit if it were spent to hire more teachers to reduce class size so as to permit ^{more} individual instruction at all grade levels.

Sec. 14.20.153 Duties of a Local Tenure Review Committee. This section has provisions vis., (d) (e) (f) that violate the Open Meeting Act and many individual district contracts regarding the privacy of personnel files. These sections leave so many loopholes for violation of teacher's privacy that they could easily lead to McCarthy-esque witch-hunts and personality conflicts leading to dismissal of creative, resourceful teachers.

School Boards already have so much to attend to if they properly care for the needs of their districts that they must logically delegate duties. The Quabbin School District has over 3,000 teachers. The Tenure Review Committee would necessarily meet almost constantly. The School Board would be reduced to rubber-stamping the T.R.C.'s recommendations as it does now regarding the building principal-evaluator's recommendation. These recommendations are made by professional educators who are more attuned to the needs of the students. Sec. 14.20 172 (a) (b)

The present tenure regulations, properly construed, protect the student and the teacher. Please do not pass C.S. for H.B. #84 from your committee.

Thank you,
Mary H. Bonnard
(Mary H. Bonnard)

DATE: 1/29/94

To members of the HESS Committee: Brice, Knott, Bunde, Nicholia, B Davis, Olberg, Vezey, Toohey

Please oppose CS HB 84 (Alaska 2000)

Rationale: Tenure only guarantees Just Cause in termination procedures. This protection is needed to insure high quality teachers. Teachers who must be concerned with being fired without Cause may lesson requirements and be less inventive in planning.

Michael C. McVee	<i>Michael C. McVee</i>	Anchorage
PRINT NAME	SIGNATURE	CITY

DATE: January 29, 1993

To members of the HESS Committee: Brice, Knott, Bunde, Nicholia, B Davis, Olberg, Vezey, Toohey

Please oppose CS HB 84 (Alaska 2000)

Rationale: Teachers are paid to teach students... not evaluate teachers. That's the job of the principal! There are more students coming in to Bowman Elementary every week. Class size is going up! When we opened we had 1050 students... Now we're at 823. We need

Kathi McLeod	<i>Kathryn McLeod</i>	Anchorage
PRINT NAME	SIGNATURE	CITY

more teachers in the classroom!

I'm a constituent of Rep. Toohey.

Let us do the job we're trained for!



Alaska State Legislature

HB 85

Please enter into the record my testimony to the

House HESS ✓
Senate C&R A

committee name

committee on HB 85 / SB 62, dated 4/6/93
bill/subject

HB 85 and SB 62 separates funding for Gifted Education from Special Services. Traditionally in other States, this has marked the beginning of the end of Gifted Education. I support this bill as far as how foundation funding is affected. And I urge you to delete Section 7 from the bill leaving Gifted Ed. as it currently exists Without changes or deletion in section 7 I believe Gifted Ed will soon cease to exist. It has been shown that in schools where there is a GT program the quality of education for all students is enhanced. For the future of our state, and the education of our youth I urge you to delete Section 7 and help pass the altered bill this session. Thank you.

Signed: Chris Loring
Testifier

parent
Representing (Optional)

35035 Lowbush Homer AK 99603
Address

235-7475
Phone No.

VICKIE BEVENS
PTA; PARENTS FOR EDUCATION - KETCHIKAN
215 WHITE CLIFF ST
KETCHIKAN, AK 99901 (907) 225-0770

EDUCATION BILL TELECONFERENCE

Thursday, February 18, 3:00

HB 84

My name is Vickie Bevens and I am the Southeast Regional Vice President of State PTA as well as Ketchikan's PTA Council Representative and White Cliff grade School's PTA President. I am also a member of Parents for Education Committee here in Ketchikan. Thank you for giving us an opportunity to speak. I appreciate the fact that you are giving the public a chance to participate, that you are listening to the public and that you are giving your time.

We are concerned about Education for our State and specifically concerned that the choices made are those of the majority-all people, including Teachers, PTA's and Parents. We do not find this bill to be a representation of that ideal. The Alaska 2000 Committees were not a true representation of the majority. Surveys were sent out to many people, but the items that are in this bill were at the bottom of the list of the answers given. There were at least 50 items ahead of the items on this bill that the people of Alaska wanted and they are not acknowledged, addressed or included at all.

We believe the School Construction and Improvements are necessary and valid and we encourage this portion of the bill to be studied and considered.

We believe that extending the school year will increase the needed contact time only in number of days, but adding days is useless until we solve the more important and valid problems of class ratio, formula

value base, funding and basic education in general. We can improve the days we have with less in-service programs or by lumping those in-service days before or after the school year. They are a general interruption to the school day, many of them are pointless and children lose valuable school time with constant interruptions. We can also extend the days we have now so that children and teachers have a decent amount of time to digest their lunches, exercise and regroup so that their afternoon study time is worthwhile. Extending the year at this time will change nothing until we make constructive changes from within. It is worthless without the tools of basic and correct education in place.

We do not believe public money should be provided for anything but public schools. Charter schools are private schools and should be set up with private funds. We believe Charter schools will create exclusiveness in our country and state that already has too many divisions and is beginning to look like the Caste System of India. While we appreciate and acknowledge the special intelligence and talents and interests of all people; ours is a free country where people can start private schools for their specific needs, but our government needs to spend their money on the needs of the majority of all children by improving the public education system for all equally. While this portion of the bill speaks about being fair to all, it is set up to create human nature problems of special favors and cheating - stacking the deck, etc.

We do need to work toward more family involvement, community involvement and teamwork between school

Districts, School Boards, Teachers, Communities and Families and Parents and Students. While we believe in the concept of advisors, I must say that we should not recreate the wheel and use the resources we have in place such as the organization of PTA and we should encourage policies of Parent and Family Involvement to be in every School District as PTA tries to do and advocate for all children. We should mandate where there are not mandates for these kinds of policies and make each school district be accountable for their efforts in these areas. We need policies that will instruct Districts in promoting these important concepts and we should use the resources we have so carefully established such as PTA. In several districts already, the School District has PTA, Teacher and Community Advisors on all School Board standing committees - every District should. Several Districts have PTA Councils who are representatives from each school and these people work directly with the district and board in establishing good education - every district should be doing this. We do not need to start over - we simply need to acknowledge what we have and expect districts to work this way. PTA representatives, Teachers and Community Members together with the school board and district administrators creates a more equal and evenly distributed voice in education. In our District alone, we have formed a PTA at every public school this year as well as a Council of PTAs and we are working with the School Board to develop advisors. Our board has held a town meeting to ask our opinions and our Parents are beginning to feel some ownership in the public school system as they should. Our District has a long way to go, while others have crossed some of these milestones. Putting Parent Involvement Policies into

legislation will help the cause of a better education system.

Funding grants for school improvement is not a bad thing and it is important to encourage trying new things, but do not take regular funding to do this. Our schools, teachers, buildings and children barely have enough materials and books to learn the basics. Programs that encourage kids to enjoy school are constantly being cut and social programs that should be the responsibility of Parents and Community are slipping into the education pot leaving us with less money for a good basic education.

We have not taken a position on Tenure except that we feel this area of the bill needs more consideration.

We ask the question- what problems are the parts of this bill trying to fix. We believe we have a lot to fix before we can start creating the new. We feel this bill tries to cover too many areas, too many items that most people do not want and it does not accomplish anything that will truly help education except in the area of building and improving the school buildings.

We appreciate your time. We know you have many decisions to make. We feel education is important and we are happy to see such an effort be made to improve it, but let us be cautious in how we spend and why we spend and let's make sure we remember this is the public school system and it is for all children.

Thank you, Vickie Bevins, 215 White Cliff St., KTN99901
225-0770



SOUTHEAST
ISLAND
SCHOOL
DISTRICT

1621 TONGASS AVENUE SUITE 301
POST OFFICE BOX 8340
KETCHIKAN, ALASKA 99901
(907) 225-9658 OR 225-9659

Robert Weinstein
SUPERINTENDENT

February 17, 1993

Representative Con Bunde, Co-Chair
House Health, Education and Social Services Committee
Alaska House of Representatives
P.O. Box V
Juneau, Alaska 99811

Dear Representative Bunde:

This letter is to indicate support for the comprehensive education-related legislation which Governor Hickel has recently introduced. For your information, I am in my twelfth year as Superintendent of Southeast Island School District. This is the first time in those years that I have seen a proposal from an administration which is addressing a number of critical issues facing education in Alaska in a comprehensive manner.

My specific comments are as follows.

1. SB 60/HB 83: Construction and Major Maintenance

It should be clear from the growing backlog in school construction throughout the state of Alaska that a commitment does need to be made now to construct needed facilities. I realize that additional refinement needs to occur with respect to the amount of available funding, appropriate funding sources, and the project list itself. However, it is refreshing to see recognition of a large gap between existing and needed facilities, as well as a sensible plan to do something about it, so that critical facility needs in both urban and rural Alaska begin to be addressed.

2. SB 61/HB 84: Alaska 2000 Recommendations

A number of the recommendations which the Governor is proposing in order to implement his Alaska 2000 program have the potential for positive impacts on education in Alaska.

A. Research and Development Grants: I think it is important to education in the state of Alaska that there be a mechanism whereby the Department of Education can approve research and development grants which are directly linked to school improvement. It seems to me that this will be a very cost effective manner of introducing successful model projects for student learning, which after development can then be replicated in other school districts in the state at minimal cost.

B. Charter Schools: A charter school approved by the local school board makes sense if the result is that appropriate decision-making occurs at the local school level to the greatest extent possible. I would suggest consideration of some technical changes. For example, Section 13 (a) should be modified so that the listed exemptions are permissive, not automatic, i.e. there may

Testimony

Representative Bunde

Page 2

February 17, 1993

to a mutual desire for exemption from some, but not all, of the specified local requirements. The bottom line, however, is that, if state and/or local requirements are impeding student performance, a waiver or exemption process within the context of charter schools is most appropriate.

C. Tenure: I have some questions as to how the changes proposed in sections 9 and 10 would be efficiently implemented in a regional school district.

3. SB 62/HB 85: School Foundation Program Changes

After many years of examining available data, there is no question in my mind that the current area differentials are based upon inaccurate, if not obsolete, data, and are therefore inequitable. In order to have equitable school programs throughout the state, the Legislature must assure that the basic school foundation formula itself addresses equity. The proposed school price index is based upon recent data, including key areas of actual school costs, as opposed to arbitrary area differentials lacking support from objective data. For those reasons I strongly support the concept of the Alaska school price index as a replacement for area differentials.

In closing, I ask that you give support to the concepts embodied in these proposals, with further refinement of details as is appropriate to each piece of legislation.

Sincerely,



Robert Weinstein
Superintendent

RW:eb
cc: Commissioner of Education



ANCHORAGE
SCHOOL DISTRICT
4600 DeBarr Road
P.O. Box 196614
Anchorage, Alaska 99519-6614
(907)333-9561

February 3, 1994

Representative Bettye Davis
Alaska State Legislature
Juneau, Alaska

Dear Bettye,

Larry Wiget asked that I go over HB 84 and address, in particular, the sections which focus on teacher tenure.

I understand amendments to the committee substitute have already been adopted and that the general advisory boards have been eliminated. The Tenure Committee is still in the draft; its members will be appointed by the School Board but committee members shall be subject to removal only for just cause. Just cause is a term of art, usually applied in employment relations, not to voluntary committee positions. It would be difficult for the Board to even develop reasonable procedures for removing a committee member who behaved badly. Such procedures would need to be in place before the process began.

The responsibility of the Tenure Committee would be awesome: it would not only conduct a performance review for every tenured teacher, every five years, but of every non-tenured teacher, every year. The current teacher work force is about 2830. Even though the law will apply only to those hired after July 1, 1994, eventually the numbers of teachers involved in this new program will grow large. Assuming performance review would include actual observation, rather than a simple review of evaluation documents produced at the school level, the financial and operational impact of releasing three to five teacher committee members to conduct such observations would be considerable. Further, the task of actually pulling together one or more committees to review all paperwork generated by all these observations and to discuss development of recommendations to the School Board, would be truly daunting.

We are trying to negotiate a more significant role for teachers in the evaluation of colleagues. Since teacher associations have a duty under law to

fairly represent the interests of those in their bargaining units, when testimony regarding teacher performance deficiencies is provided by other teachers, the traditional distinction between supervisor and supervisee will become difficult to define. That may not be a bad thing but the ramifications are serious and there is little evidence in the proposed bill to indicate that those ramifications have been explored. Under the terms of the current agreement between the District and the Association, teachers cannot evaluate other teachers. Clearly, law would supersede contract, if there was a clear mandate defined, but principals and teachers would require considerable time to discuss how a system of colleague review might actually work.

All in all, if the purpose of the changes the bill supports is improvement in the evaluation process, that purpose is unlikely to be met and we oppose its adoption, for the following reasons:

- At a minimum, the bill would create a bureaucratic monster which would produce mountains of paper which School Boards would be obligated to review before they could fulfill their statutory obligation to judge whether a teacher should retain employment.
- If the concern reflected in the bill is that there are too many incompetent teachers in the system and something ought to be done to send them on their way or help them to become better, there needs to be careful examination of the issues which contribute to that problem, if it is real.

The recommendation of the Anchorage School District, submitted as testimony before the Commissioner of Education during hearings in support of the Alaska 2000 initiative, was to reduce the burden which Districts must meet in terminating tenured teachers. A simple just cause standard, with appeal only to an outside arbitrator through a normal grievance process, would put teachers on the same footing as other public employees in the state. The current teacher termination process is incredibly cumbersome; it is designed to be little used and, in that sense, it works as it was designed to work. The method of attack on that poor and cumbersome system, contained in HB 84, would make an already bad situation worse, under the guise of increasing accountability.

If the Legislature wants a cleaner, more efficient and effective system of teacher evaluation, we suggest they propose a clean, efficient, and effective method of addressing that want. Specifically:

1. Extend the time needed to secure tenure, from two to three full years or more;

- 2. eliminate AS 14.20.170-180, in its entirety. Replace it with an addendum to AS 23.40 that says that collective bargaining agreements must contain grievance procedures which end in binding arbitration and apply to termination of teachers for just cause, without access to School Board review or trial *de novo*.

If this proposed modification to the present system does not produce the desired results in three to five years, we'll go back and try again. Let's begin with what we know and move forward, rather than create what we know nothing about and run a substantial risk of falling on our collective faces. Right now, we don't know what problem the bill hopes to fix or what evidence was developed that suggests this proposed solution will be any less onerous than the problem.

Please understand that these recommendations reflect administrative discussions only, they do not constitute a public position of the Anchorage School Board. If such a position is needed, we will take steps to calendar for necessary discussion but it would not likely occur before late March or early April, at the soonest.

If I can be of further assistance, please let me know.

Sincerely,



Lee Wilson
Executive Director/Labor Relations

cc Bob Christal
Carol Comeau

FAIRBANKS NORTH STAR BOROUGH BOARD OF EDUCATION

Resolution 93-13

Teacher Tenure

WHEREAS, the quality of teaching is important in the development of strong educational programs in the state, and


WHEREAS, two years is often insufficient time for a teacher new to a school district to develop professionally and successfully, and

WHEREAS, two years is often not long enough to adequately evaluate the capability of a teacher prior to granting tenure, and

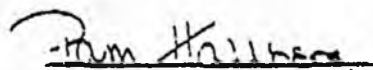
WHEREAS, the two year tenure restricts school boards' abilities to manage for quality education,

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks North Star Borough Board of Education supports the Association of Alaska School Boards' resolution #93-24 recommending that A.S. 14.20.150 (a) and (b) be amended to require five years of probation to obtain tenure in the school systems of the State of Alaska.

PASSED AND APPROVED OCTOBER 5, 1993.


Gene Redden, President
Board of Education

ATTEST:


Pam Hallberg
Secretary to the Board



Alaska State Legislature

Please enter into the record my testimony to the House Jud.
 committee name
 committee on HB 84 , dated 3/18/94
 bill/subject

House Bill 84 has lost all its original intent and become a disaster for education in Alaska. Increasing the probationary period for teacher tenure to 4 years lengthens the amount of time inadequate teachers are working with our children. In rural areas the lengthened time of job insecurity for excellent teachers creates a situation where educator turn over is increased and continuity is lost within the education system. Small communities need the long range investments of committed citizens. Our children need continuity from dedicated educators with a continuous, well-organized educational program.

Second, the mandating of peer coaching is ridiculous in rural areas. A very diverse staff with polarized views of education, evaluating each other could spell disaster for teachers and children alike. Research has shown that peer coaching is effective only when done on an optional basis.

Please do not pass legislation that creates more problems than it solves for our Alaska teachers and students.

Signed: Jeanne Trochynski Jeanne Trochynski
 Testifier

myself - parent
 Representing (Optional)

P.O. Box 678 Glenallen, Ak
 Address

822-3959
 Phone No.

Post-It[®] brand fax transmittal memo 7671 # of pages >

To	<u>Rep Pastor</u>	From	<u>TLW 410</u>
Co.	<u>Jud. Comm</u>	Co.	
Dept.		Phone #	<u>822-5588</u>
Fax #	<u>465.3834</u>	Fax #	



KETCHIKAN EDUCATION ASSOCIATION
 NEA/ALASKA • NATIONAL EDUCATION ASSOCIATION



8302 S. Tongass HWY
 Ketchikan, AK 99901
 March 17, 1994

House Judiciary Committee
 Alaska State Legislature
 Juneau, AK 99801-1182

Dear Judiciary Committee Member:

The four-year probationary period for teachers, as being proposed in **CSHB84**, is not reasonable. What we need is stronger administrative evaluation of teachers during the first two years of their employment, so that, when it's appropriate, teachers can be counseled out of the profession in one or two years. Beginning teachers need early and extensive feedback; prolonging the probationary period will not mean administrators will do their job better. On the contrary, it could prolong what should be done in the first year or two.

A teacher on probation can be fired at any time. Teachers on probation are most vulnerable to budget cuts. Many districts send non-retention ^{notices} to all their probationary teachers early in the budget cycle "just in case." That kind of insecurity is difficult enough to endure for two years. It's unreasonable to expect a highly trained professional to hang on through four years of uncertainty when he/she is anxious to get a career established and roots put down in a community.

The two-year probationary period works. It could work better with more clout given to administrative evaluation during those first two years of employment, and providing for the option of extending the probationary period into a third year.

Four years, mandated for every new teacher in every district in the state, is unnecessary and could cause needless harm.

Sincerely,

Sharon R. Norton
 Sharon L. Norton
 President, KEA



Alaska State Legislature

Please enter into the record my testimony to the Medicine
committee name
committee on HB 84, dated 3/18/94
bill/subject

There are so many problems a Review Committee would create in a small/med REEA district such as the Delta/Anchorage School Dist. - Not to mention the cost of teaching/training/tracking etc for the Committee to operate efficiently. However, we definitely need an extended term (4 or 5 years) for our tenure to allow a adequate evaluation. This is a quality issue. The extended term before tenure gives us time to help those teachers develop (or not) into good teachers. Without the time we are forced into letting possibly good teachers go before Tenure takes effect.

The problems of dealing with employees' right to confidentiality in a small community like this would be formidable.

Would we end up with a Dept of Tenure in Juneau as a final control? And at what cost? Just an extension of the tenure term to 4 or 5 years would have no cost to the district.

Signed: Garrett Falk, Pres
Testifier
Delta/Anchorage School Board
Representing (Optional)
P.O. Box 527
Address
895-4502
Phone No.

March 15, 1994

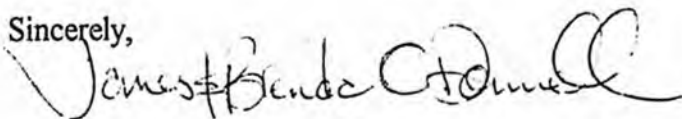
TO: Members of the Judiciary Committee:
RE: HB84

We are scheduled to be out of town and would like to let you know our feelings on the current version of HB84. When compared to the original version, parent and student involvement has been eliminated. We've been unable to determine why the language was changed to remove this important piece. We have contacted many parents and community members and each one supported a revision to put parent and student representation back in the bill.

Please consider supporting HB84 only with the inclusion of PARENT AND STUDENT INVOLVEMENT as presented in the original version of the bill.

The community and parents need to take more responsibility in the education system. This is a small, positive step in that direction. Thank you for your consideration of this request.

Sincerely,



James and Brenda O'Donnell, Parents
P. O. Box 32798
Juneau, Alaska 99803

RECEIVED

MAR 17 1994

Rep. Brian Porter

HB

90

HFIN

FILE

Date of Committee Action: 5/15/12

The FINANCE Committee considered:

HB 90

HOUSE BILL NO. 90

1993 REVISOR'S BILL

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

RECOMMENDATIONS: the same title
 be replaced with _____ 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) LEGAL AF AGENCY 4/3/13

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eileen P. Maclean</i> ^{Maclean}	<input checked="" type="checkbox"/>	<i>Terry Martin</i> ^{MARTIN}		<input checked="" type="checkbox"/>	
<i>Ronald J. Larson</i> ^{Larson}	<input type="checkbox"/>				
<i>Mark Hanley</i> ^{Hanley}	<input type="checkbox"/>				
<i>Sean Parnell</i> ^{Parnell}	<input type="checkbox"/>				
<i>Mike Navarre</i> ^{Navarre}	<input type="checkbox"/>				
<i>Tom Therault</i> ^{Therault}	<input type="checkbox"/>				
<i>Richard Foster</i> ^{Foster}	<input type="checkbox"/>				

Ronald J. Larson
 CHAIRMAN'S SIGNATURE
 Larson Maclean

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

COPY

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 21, 1993

SUBJECT: 1993 Revisor's Bill (Work Order No. 8-LS0233\A)
TO: Representative Eldon Mulder
Chair, Legislative Council
FROM: David R. Dierdorff
Revisor of Statutes

The enclosed work draft was prepared under AS 01.05.036, which provides, in part, that the revisor of statutes

* * * shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of * * * the statute law of this state.

To assist in understanding the bill, I have summarized the contents by listing sections that have similar purposes or effects.

Sections that delete, repeal, or update obsolete provisions: Sections 4, 8, 9, and 15 delete, update, or repeal provisions that have become obsolete either through other legislative action or the passage of time.

Sections that correct errors or oversights: Sections 1 - 3, 5 - 7, 10, 11, 13, and 14 correct errors or oversights that can not be corrected editorially.

Sections that improve the form or substance of the law: Section 12 proposes amendments to improve the form or substance of the statute law of Alaska.

SECTIONAL ANALYSIS

Section 1. When AS 14.25.050(a) was amended in 1990 to change the contribution percentage for the Teachers Retirement System, AS 14.20.345(d) should have been similarly amended. The amendment proposed in sec. 1 of the bill simply ties the percentage contribution required during leaves of absence to the percentage required

Representative Eldon Mulder
Chair, Legislative Council
January 21, 1993
Page 2

under AS 14.25.050. This will eliminate the need for further amendments if the percentage changes in the future. This error was discovered by the drafting attorney.

Sec. 2. This section corrects a drafting error in ch. 74, SLA 1991, by substituting "judicial districts" for "major election districts." Obviously, there are no "major" election districts, at least not by objective measurement! The error was brought to our attention by an assistant attorney general.

Secs. 3 and 5. These sections correct internal references that should have been changed when AS 16.05.720 was repealed and AS 16.05.722 and 16.05.723 were added by ch. 46, SLA 1988. The oversight was discovered by our office.

Sec. 4. This section deletes an obsolete reference to the commissioner of fish and game's power to revoke a vessel license. That power was repealed in 1977, when license issuance was transferred to the limited entry commission. The proposed amendment updates the style and substitutes a general statement for the obsolete reference. The need for the amendment was discovered by our office.

Secs. 6 and 7. These sections correct two oversights in the legal description of the Kachemak Bay Critical Habitat Area. The Department of Fish and Game and the Department of Law requested the corrections. The changes comply with the legislative intent, expressed in the 1974 Senate Resources Committee letter of intent, that the critical habitat area include "all tide and submerged lands of Kachemak Bay east of a line from Anchor Point to Point Pogibshi." 1974 Senate Journal 1009. The amendment in sec. 6 accomplishes this by excluding Port Graham, which is south and, in part, west of Point Pogibshi and not a part of Kachemak Bay. In sec. 7, the change adds the southeastern end (the head) of Tulka Bay. I have maps and further backup in my files and can make copies available upon request.

Secs. 8 and 9. These bill sections update a reference to federal law. The need for this change was discovered during our routine editorial work.

Secs. 10 and 11. Both bill sections correct references to publications that contain safety standards. The publications were incorrectly described in ch. 37, SLA 1992. The Department of Labor and the Department of Law requested the corrections.

Sec. 12. This section proposes a clarification in the new legislative ethics law, at the request of Representative Finkelstein's office. Because public members of the ethics committee are included within the definition of the term "legislative employees," they would be required to report close economic associations with their supervisors. However, it is clear that the legislature was interested only in relationships between true legislative employees and their supervisors, not the relationships between private sector individuals and their supervisors.

Representative Eldon Mulder
Chair, Legislative Council
January 21, 1993
Page 3

Secs. 13 and 16. Under the terms of ch. 60, SLA 1989, which established the state employee incentive award program, the program (set out in AS 39.51) is repealed July 1, 1993. The amendment to AS 39.35.680(8) proposed in sec. 13 deletes a reference to the program that will be obsolete if AS 39.51 is in fact repealed. Under sec. 16, sec. 13 will take effect only if the repeal takes place. In other words, if this legislature extends the program, sec. 13 will not take effect. We have been aware of the possible need for this technical amendment since 1989, when ch. 60 was signed into law.

Sec. 14. This section proposes a correction in the legal description for the Alexander Creek State Recreation River. The error was discovered by the Department of Natural Resources during plat plotting in connection with the management of the area. Full documentation and a map are in my files and I will make copies available upon request.

Sec. 15. Repeals provisions that are obsolete. Those provisions and the reasons for their obsolescence are:

- AS 08.03.010(c)(12) - the Board of Electrical Examiners sunsetted in 1991;
- AS 08.64.380(5) - this definition should have been repealed in ch. 130, SLA 1992, but was overlooked;
- AS 10.06.960(d) - addresses a provision that was not incorporated in the final version of the revised corporation code;
- AS 18.07.111(10) - defines a term that is not used in the applicable body of law;
- AS 39.25.120(c)(20); AS 44.41.100 - 44.41.130; AS 44.66.010(a)(13) - the statutes were rendered obsolete when the fire commission sunsetted in 1990;

The text of all provisions proposed for repeal is set out in the appendix.

Sec. 17. Gives the bill, except for sec. 13, an immediate effective date.

DRD:gc
93-053.glc

Enclosure

cc: Deborah Behr
Department of Law

COPY

APPENDIX - TEXT OF REPEALED PROVISIONS

AS 08.03.010(c)(12):

(12) Board of Electrical Examiners (AS 08.40.011) - June 30, 1991;

AS 08.64.380(5):

(5) "practice of lay midwifery" has the meaning given in AS 18.05.070;

AS 10.06.960(d):

(d) A director or officer of a corporation organized under the act is not personally liable to the contract creditors specified in AS 10.06.490 except as otherwise provided by law.

AS 18.07.111(10):

(10) "health systems agency" means an entity organized and operated in accordance with 42 U.S.C. 300m(b), engaging in health planning and development functions in a specified health service area of the state;

AS 39.25.120(c)(20):

(20) employees of the Alaska State Fire Commission;

AS 44.41.100 - 130:

Sec. 44.41.100. FIRE COMMISSION. The Alaska State Fire Commission is established in the Department of Public Safety.

Sec. 44.41.110. MEMBERSHIP. (a) The governor shall appoint the members of the commission without regard to political affiliation to serve for terms of four years. Members must have an understanding of basic fire protection principles. A member may serve no more than two consecutive full terms. Membership must include a

- (1) member of the Alaska Fire Chief's Association;
- (2) member of the Alaska State Firefighters Association;
- (3) member of the Alaska Municipal League;
- (4) representative of the field of education;
- (5) representative of the Alaska Federation of Natives;
- (6) representative of the insurance industry;
- (7) representative of the construction industry;
- (8) representative of the oil industry; and
- (9) representative of the transportation industry.

(b) The attorney general and the commissioners of public safety, labor, community and regional affairs, and natural resources or their designated representatives are nonvoting members of the committee.

(c) A vacancy on the commission shall be filled from the appropriate source. The appointee shall serve for the unexpired portion of the term.

(d) Members serve without compensation but are entitled to travel and per diem authorized for members of boards and commissions under AS 39.20.180.

Sec. 44.41.120. PROCEDURES; STAFF. (a) A quorum consists of five members and must include either the chair or the vice-chair of the commission.

(b) The membership shall elect a chair and a vice-chair to serve for terms of one year. The chair may appoint standing and special committees and subcommittees.

(c) The chair, the governor, or three members of the commission may call a special meeting.

(d) The commission may hire staff as necessary. Employees of the commission are in the partially exempt service under AS 39.25.120.

Sec. 44.41.130. POWERS AND DUTIES. (a) The commission shall

(1) develop and adopt a state master plan for fire prevention, control, education, and training, and provide direction and coordination for state fire-related programs;

(2) establish policy and operational guidelines for state agencies with fire protection responsibilities and make recommendations to private industry, local governments, and federal agencies having fire protection programs;

(3) adopt procedural regulations reasonably necessary to carry out the duties imposed by AS 44.41.100 - 44.41.130;

- (4) make recommendations for local, federal, and private fire-related programs; and
- (5) report on commission activities when requested by the governor or the legislature.

(b) The commission may

- (1) conduct research, hold public hearings, and study related issues in order to make recommendations for the improvement of fire prevention and control in the state;
- (2) accept unrestricted gifts, bequests, devises, grants, matching funds and other consideration for use in promoting the commission's work.

AS 44.66.010(a)(13):

(a) Boards and commissions listed in this subsection expire on the date set out after each:

* * *

(13) Alaska State Fire Commission - June 30, 1990;

DRD:gc
93-048.glc

Enclosure

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill Version: HB 90
(H) Publish Date: 2/3/93

Revision Date: _____
Title: "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor..."
Sponsor: Hse Rules Comm. By Req. of Leg. Coun.
Requestor: House Judiciary Committee

Department Affected: Legislative Affairs Agency
BRU: Legislative Council
Component: Legal Services

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
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: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director
Division: Administrative Services

Pamela A. Stoops

Phone: 465-3850
Date: 1/27/93

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency

Warren W. Endicott

Date: 1/27/93

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).

COMMITTEE COPY

HOUSE COMMITTEE REPORT

2/3

(7)

Date Referred: January 25, 1993

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/1/93

The JUDICIARY Committee considered:

HB 90

HOUSE BILL NO. 90

1993 REVISOR'S BILL

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

RECOMMENDATIONS: the same title

be replaced with _____ 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 LAA

zero fiscal note(s) _____

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i> Green	✓				
<i>[Signature]</i> Kott	X				
<i>[Signature]</i> James	X				
<i>[Signature]</i> Porter	✓				
<i>[Signature]</i> Phillips	✓				
<i>[Signature]</i> Nordlund	✓				
<i>[Signature]</i> Davidson	✓				

[Signature] Porter
CHAIRMAN'S SIGNATURE