

824

HRES

HB

487

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HB

561

824

HB

487

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 487

Title An Act relating to arbitration in teacher negotiations

Requested by House HESS

Date 1/24/80

II. FISCAL DETAIL

Agency Affected Department of Education

Program Category Affected Education

BRU, Program, or Subprogram(s) Affected \_\_\_\_\_

(Note: If more than one budget component is affected, separate line item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Fiscal impact cannot be quantified.

IV. DATE 1/28/80

PREPARED BY William D. Thomson, Deputy Commissioner

AGENCY Department of Education

PHONE 465-2800

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)



ASSOCIATION OF ALASKA SCHOOL BOARDS

SUITE 3, 204 NORTH FRANKLIN STREET • JUNEAU, ALASKA 99801 • PHONE 586-1093

#### FOUR BARGAINING PRINCIPLES

1. Collective bargaining is not a process whereby the general form, quantity or quality of public services are to be, or should be, determined. It is not a process for the management of public services.
2. Collective bargaining is not a device to determine public policy except as it may be used to determine the wages and economic benefits that are to be provided for public employees.
3. Collective bargaining is not, nor should it be, a substitute for the proper functioning of a representative government.
4. Collective bargaining should not be permitted to constrain the proper functioning of representative government.

#### THE RIGHTS OF PUBLIC EMPLOYEES TO STRIKE Vs. THE RIGHTS OF THE PUBLIC.

Because of the basic nature of public services wherein there is no real alternative choice to the established public service, special consideration must be afforded to the protection of both the interests of the general public and the interests of the public employees.

The interests of the general public dictate that any accommodation for collective bargaining and strikes in the public services... ..especially in the public schools... must carefully weigh, and balance, the desire of the employees to organize, bargain and strike against the rights of the public to expect the continued and uninterrupted provision of the public services that public policy has determined should exist. For example, permitting legalized strikes by public employees so upsets the process that the general public cannot withstand the imbalance of power that so results.

LOWA -  
Personnel of the board shall be employed pursuant to the provisions of chapter 19A.

5. Members of the board and other employees of the board shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses and salaries shall be paid from appropriations for such purposes and the board shall be subject to the budget requirements of chapter 8.

Referred to in sec. 20.3(5)

#### **20.6 General powers and duties of the board.**

The board shall:

1. Administer the provisions of this chapter.  
2. Collect, for public employers other than the state and its boards, commissions, departments, and agencies, data and conduct studies relating to wages, hours, benefits and other terms and conditions of public employment and make the same available to any interested person or organization.

3. Maintain, after consulting with employee organizations and public employers, a list of qualified persons representative of the public to be available to serve as mediators and arbitrators and establish their compensation rates.

4. Hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such power to a member of the board, or persons appointed or employed by the board, including hearing officers for the performance of its functions. The board may petition the district court at the seat of government or of the county wherein any hearing is held to enforce a board order compelling the attendance of witnesses and production of records.

5. Adopt rules in accordance with the provisions of chapter 17A as it may deem necessary to carry out the purposes of this chapter.

**20.7 Public employer rights.** Public employers shall have, in addition to all powers, duties, and rights established by constitutional provision, statute, ordinance, charter, or special act, the exclusive power, duty and the right to:

1. Direct the work of its public employees.
2. Hire, promote, demote, transfer, assign and retain public employees in positions within the public agency.
3. Suspend or discharge public employees for proper cause.
4. Maintain the efficiency of governmental operations.
5. Relieve public employees from duties because of lack of work or for other legitimate reasons.
6. Determine and implement methods, means, assignments and personnel by which the public employer's operations are to be conducted.
7. Take such actions as may be necessary to carry out the mission of the public employer.
8. Initiate, prepare, certify and administer its budget.
9. Exercise all powers and duties granted to the public employer by law.

**20.8 Public employee rights.** Public employees shall have the right to:

1. Organize, or form, join, or assist any employee organization.
2. Negotiate collectively through representatives of their own choosing.
3. Engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection insofar as any such activity is not prohibited by this chapter or any other law of the state.
4. Refuse to join or participate in the activities of employee organizations, including the payment of any dues, fees or assessments or service fees of any type.

Referred to in sec. 20.10

**20.9 Scope of negotiations.** The public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer's budget-making process, to negotiate in good faith with respect to wages, hours, vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority, transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reductions, in-service training and other matters mutually agreed upon. Negotiations shall also include terms authorizing dues checkoff for members of the employee organization and grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties. If an agreement provides for dues checkoff, a member's dues may be checked off only upon the member's written request and the member may terminate the dues checkoff at any time by giving thirty days' written notice. Such obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession.

Nothing in this section shall diminish the authority and power of the merit employment department, board of regents' merit system, educational radio and television facility board's merit system, or any civil service commission established by constitutional provision, statute, charter or special act to recruit employees, prepare, conduct and grade examinations, rate candidates in order of their relative scores for certification for appointment or promotion or for other matters of classification, reclassification, or appeal rights in the classified service of the public employer served.

All retirement systems shall be excluded from the scope of negotiations.

Referred to in secs. 20.10, 20.17

#### **20.10 Prohibited practices.**

1. It shall be a prohibited practice for any public employer, public employee or employee organization to willfully refuse to negotiate in good faith with respect to the scope of negotiations as defined in section 20.9.

# GREATER SITKA BOROUGH SCHOOL DISTRICT

ACCREDITED BY THE NORTHWEST ASSOCIATION OF SECONDARY SCHOOLS & COLLEGES

P. O. BOX 179 SITKA, ALASKA 99835

JOHN E. COFFEE  
SUPERINTENDENT

January 30, 1980

Representative Thelma Buchholdt  
AK State House of Representatives  
Pouch V, State Capitol Building  
Juneau, AK 99811

Dear Representative Buchholdt:

I am writing because of my concern about two pieces of legislation that are before your H. E. S. S. Committee at this time. They are H.B. 487 and H.B. 453. The passage of these bills would result in the following:

- (1) give teachers the right to strike
- (2) allow school district classified employees the right to organize and strike
- (3) expand what is bargainable
- (4) provide binding arbitration in teacher bargaining

I believe that these bills together constitute a tremendous threat to local decision making and the local school board's right to operate a district responsibly and make some final decisions.

Binding arbitration would effectively place decision making authority in the hands of an entity outside the school district. This would be in direct contradiction to the local control theory of government. School boards are elected by law to manage the affairs of the district. They are, further, required by law to bargain in good faith on various items. This is currently done throughout the State. The result has been, generally, the highest paid teachers in the nation, working, in my view, in some of the best working conditions in the nation. I would refer you to the 1978-79 Alaska Association of School Boards publication entitled Survey of School District Budgeted Revenues, Expenditures, and Employee Benefits. It is my view that teacher unions are doing very well without having further advantages of binding arbitration, expanded bargainable items, and the right to strike.

In Sitka, we have recently received an advisory arbitrator's report that the Board has approved and that the teacher's union will vote on

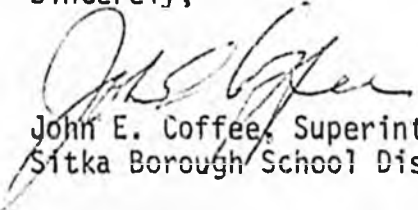
Page 2  
January 30, 1980  
H.B. 487 & 453

soon. Hopefully, this will be the culmination of negotiations that began in November of 1978. If the report is accepted we will have a beginning teacher salary here of over \$20,000. and a top salary of over \$36,000.

The school boards I have worked for in Juneau and Sitka have been made up of reasonable people whose main motives have been to serve the community they represent. Final decision making authority on items that are bargainable must not be taken away from such local officials and given to an outside arbitrator.

I am hopeful that the representative of the Alaska School Board's Association, Mr. Robert Greene, and the representative of the Alaska Association of School Administrators, Dr. Cliff Hartman, will be listened to carefully by the H. E. S. S. Committee when they discuss the ramifications of these proposed bills. It is vital that such legislation not become law.

Sincerely,



John E. Coffee, Superintendent  
Sitka Borough School District

cc: Senator Pete Meland  
Representative Richard Eliason  
Mr. Robert Greene, A. A. S. B.  
Dr. Cliff Hartman, A. A. S. A.  
Sitka School Board

JEC:vhv

# TELEGRAM

ALASCOM, INC.  
PHONE: 586-6442  
JUNEAU, AK 99802

1300 JAN 30 PM 9 21

#

02123 NL TDA CORDOVA ALASKA 117 01-30 0410P AST

PMS REP THELMA BUCHHOLDT

1450

JUN

THE CORDOVA BOARD OF EDUCATION FEELS

THAT HOUSE BILLS 487 AND 453 CONTAIN ISSUES THAT SERIOUSLY  
REDUCE THE LOCAL SCHOOL BOARDS RIGHT TO MAKE DECISIONS,

THAT BINDING ARBITRATION IS NOT THE SOLUTION THAT WILL CURE THE  
ILLS OF THE NEGOTIATION PROCESS,

THAT THE INTENT OF AS14.20.550 THROUGH AS14.20.600 OF THE  
ALASKA SCHOOL LAW IS NOT TO ABROGATE THE LEGAL RESPONSIBILITIES,  
POWERS, OR DUTIES OF THE LOCAL SCHOOL BOARDS.

THAT THE INTENT OF THE LAW IS THAT SCHOOL BOARDS HAVE THE RIGHT  
TO MAKE FINAL DECISIONS ON POLICY AND EMPLOY EXCLUSIVE MANAGE-  
MENT.

THE ISSUE OF ARBITRATION IS ADEQUATELY ADDRESSED IN AS14.20.330  
AND FURTHER DEFINED UNDER CHAPTER 80 TITLE 4 EDUCATIONAL REGU-  
LATIONS.

JACK LAMB, PRESIDENT CORDOVA BOARD OF EDUCATION

CITY AND BOROUGH OF JUNEAU SCHOOL DISTRICT  
P.O. BOX 808 • DOUGLAS, ALASKA 99824

February 5, 1980

The Honorable Thelma Buchholdt  
Alaska State House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Representative Buchholdt:

The Juneau School Board wishes to go on record as being opposed to House Bill 453 and House Bill 487 for the following reasons and respectfully request that you do not support them.

House Bill 453 provides the right to strike to all employees of the School District, and in addition, provides mandatory bargaining to all employees with broad interpretations to what must be bargained. At the present time the Juneau School District negotiates with their classified employees so the legislation is not necessary, and above all, should not include the right for any employees to strike. Please remember that school boards in Alaska cannot raise money on their own, but must come to the Borough Assembly or Legislature for additional revenue. A striking action against the Board allows them no additional revenue with which to resolve the strike. Therefore, educational programs are cut back.

House Bill 487 on binding arbitration removes the decision making authority from the elected representatives of the people. Instead of leading to a solution of the problem by serious negotiations by both parties to avoid arbitration, often one or the other parties will hold out for arbitration. Historically arbitrators split the difference and everyone holds out with extreme offers as tactical maneuvers.

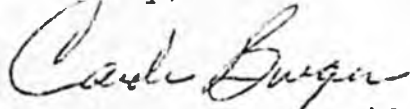
It is our opinion that the State Board of Education request to the Governor to form a Blue Ribbon Committee to seek the best alternative to the serious problems of negotiation should be honored. Passage of legislation before the study would be premature.

With the legislatures having second thoughts over the collective bargaining of State employees and contemplating some modifications, it seems appropriate to allow a study of the problems to take place before enacting legislation that may not serve any useful purpose.

Page 2  
February 5, 1980  
The Honorable Thelma Buchholdt

The Juneau School District would appreciate your support on these two matters.

Sincerely,



Carole Burger, President  
Juneau School Board

DLMK/CB:m

cc: Mr. Robert Greene, Executive Secretary, Association of Alaska  
School Boards

# TELEGRAM

ALASCOM, INC.  
PHONE: 586-6442  
JUNEAU, AK 99802

#

02047 NL TDA SKAGWAY ALASKA 50 02-07 102P AST

PMS REP THELMA BUCHHOLDT

JUNEAU AK 1838

THE SKAGWAY SCHOOL BOARD CAN NOT SUPPORT BILLS NBR HB453 AND HB487.  
WE URGE YOU TO DEFEAT THIS TYPE OF LEGISLATION. THIS WILL ONLY  
ALLOW FOR TEACHER UNION AND COURTS TO REGULATE LOCAL EDUCATIONAL  
NEEDS. PLEASE DEFEAT HB453 AND HB487.

CARL ROSE, PRESIDENT

SKAGWAY SCHOOL BOARD

90 FEB 7 PM 3 45



Official Business

# Alaska State Legislature

## House of Representatives

Committee on

Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

Office phones:  
907/465-3777 or  
907/465-3797

February 10, 1980

Carl Rose  
President  
Skagway School Board  
Skagway, Alaska

Dear Carl:

I have received your recent telegram. It will be entered into the record of the next House HESS Committee public hearing on HB 487 and HB 453. I would like to respond personally to your telegram with a few comments.

I do not believe that either bill would allow a teachers' union or the court system to totally regulate education in localities. The bills provide a framework for just settlement of negotiations between school boards and their employees. Each side would have an equal chance in negotiations and the outcome of negotiation would be decided by an independent, objective party. Thus, the bills would negate boards' power to refuse to negotiate with their employees, but they would not allow employees to automatically receive their demands. Rather, they would establish a structure for negotiation of those demands; each side would have an equal chance to get what it wants. Since the bills do not provide that all employee demands would be negotiable, the boards would retain total decision making power over certain issues. Moreover, the bills address collective bargaining and arbitration only, and do not attempt to reduce or even to address any of the local boards decision making rights in other areas.

The primary intent of the bills is to provide for final and

page two.

incontrovertible settlement of teacher-board disputes as quickly as possible. I believe the past history of teacher-board disputes demonstrates that to achieve final settlement in a timely manner, it is necessary that an outside observer be responsible for an ultimate decision instead of having one side or the other within the locality vested with this power.

I understand your position, but I believe that current law in this area is in need of revision.

Sincerely,

*Thelma*

Thelma Buchholdt  
State Representative  
District 9 (Spenard);  
Chair, House HESS Committee

487

(d) The arbitrator may not make an award which incorporates union security provisions, including but not limited to a union shop or agency shop provision or agreement that fails to safeguard —

453

(c)

Name	Address & Phone #	Organization	Bill No.
✓ Charlie Hutchings	208 Seward Building	NEA - Alaska	HB 487
✓ Betty Briggs	1411 W 33 <sup>rd</sup> Ave, Anchorage 274-0536	Anchorage Education Association	HB 487
✓ Lori Sears	1411 W 33 <sup>rd</sup> Ave. Anchorage 274-0536	Anchorage Education Assoc	HB 487
✓ CLIFF WARTMAN	1433 W 13 <sup>th</sup> Anch. 279-8176	AK. Council of Sch. Adm	HB 487
Carl Peterson	Box 305 Bethel AK 543-2677	Lower Kuskokwim Sch Dist	HB 487
✓ Bob Manners	207 Seward Bldg - Juneau	NEA - Alaska	HB 487
✓ Bob Van Houten	207 Seward Bldg 586-3090	NEA - ALASKA	HB 487
Bob GREENE	204 NORTH FRANKLIN - JUNEAU	AASIS	H.B. 487
Vince Casey	1024 La Touche	SBE (State Board of Ed.)	HB 487

HB

488

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB-488 (Revised 5/20/80)  
 Title An Act relating to class size.  
 Requested by House HESS Date 5/20/80

II. FISCAL DETAIL

Agency Affected Department of Education  
 Program Category Affected Elementary and Secondary  
 BRU, Program, or Subprogram(s) Affected Foundation Support Programs  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		136,670.0	23,874.0*	28,648.8	34,378.6	41,254.3
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND		136,670.0	23,874.0*	28,648.8	34,378.6	41,254.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						


POSITIONS

FULL TIME	N/A					
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See Attached.

\*Inflation rate of 20% is used to reflect increase in operation and maintenance costs of added facilities.

IV. DATE 5/20/80 PREPARED BY   
 AGENCY Department of Education  
 Original: Legislative Finance PHONE 465-2800  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

### Minimum Fiscal Impact

- Assumptions:
1. All additional teachers will enter on lowest salary placement with lowest benefit schedule (\$20,000 + 15%)
  2. Weighting factor average for special education students is absolute minimum (1.5)
  3. Weighting adjustment accommodates all PTR reductions required by the bill, i.e., this fiscal note does not include the cumulative cost of dispersing mainstreamed special education students required by sec. 14.30.248 of the bill.
  4. All present K-3 classes have a PTR of 1-20 or fewer. While we know this assumption is erroneous (Juneau's K-3 classes run between 1-19 and 1-30) we do not have data for all districts.
  5. All districts will construct required classrooms during FY-81, and suitable excess space does not presently exist.
  6. The Legislature will fully fund all costs of the bill during FY-81, rather than pick up debt retirement in third fiscal year.
  7. Teachers will not negotiate lower special education PTRs, permitted by sec. 14.30.249(b) of the bill.
  8. Adjustment of urban district PTR to state average will accommodate class size limitations imposed by the bill.

### Teacher Costs

FY-79 Final ADM	87,300	
FY-79 Classroom Teachers	5,057	
FY-79 Special Ed. students	13,000	
Adjusted Special Education Count (13,000 x 1.5)	= 19,500	
Total Adjusted ADM	93,800	
Additional Teachers at state average	(93,800 ÷ 17.3 - 5,057)	= 365
Urban district PTR adjustment required to reduce PTRs to state average		500
Total Teacher cost (865 teachers x 23,000 minimum salary)	= 19,895,000	

### Facility Costs

865 classrooms (minimum) x 900 square feet x \$150 per square foot (minimum cost in state) = 116,775,000

Minimum Fiscal Impact (based upon assumptions) FY-81 \$136,670,000



ASSOCIATION OF ALASKA SCHOOL BOARDS

SUITE 3, 204 NORTH FRANKLIN STREET • JUNEAU, ALASKA 99801 • PHONE 586-1083

May 20, 1980

The Honorable Thelma Buchholdt & Members  
of House HESS Committee  
Pouch V, State Capitol Building  
Juneau, Alaska 99811

Dear Representative Buchholdt:

I am writing to express strong opposition to HB 488 regarding class size for several reasons which I will attempt to describe to you here.

One reason for AASB's opposition is the potential extreme high costs. I say potential because it is extremely difficult to assess the cost of the weighting factor and the impact on negotiating the number of exceptional children in a class. A number of school districts have attempted, however, to cost out the known quantities of the bill and I would like to share these with you.

Anchorage assesses its needs under the bill at requiring one hundred and seventy-four additional classroom teachers. They feel that they would have to construct approximately one hundred and fourteen additional teaching stations. Suffice it to say, it would certainly solve the school closure problem in Anchorage. This bill would use up all existing space available plus requiring approximately six additional schools at an estimated cost of \$30 million.

Salaries for the additional teachers would require \$5,863,800 if the figure of \$33,700 per teacher is used to cover salary plus fringe benefits. No estimate is included here for increases in support services or materials required to enable these additional teachers to function. Nothing is included to cover the potential for negotiations to limit exceptional children in each class.

A conservative cost estimate for additional required support services would be an additional \$3 million.

In summary, this bill has a potential impact well in excess of \$38 million on Anchorage in the first year with an additional \$10 million annually thereafter.

Kodiak reports requiring a minimum of \$1.5 million in operating funds adding 43 additional classrooms and teachers. Construction costs were not reported.

Ketchikan did not do an in-depth study, but indicated a cost figure of approximately \$1.5 million.

Delta Junction would need to add eight teachers to its existing 61 at a direct cost of \$240,000 and would require five additional teaching stations at an estimated construction cost of a half million dollars.

The Matanuska-Susitna Borough School District estimates their needs at thirty-six added elementary teachers costing \$1,195,992 for salary and fringe benefits with an additional thirty-six teachers in the secondary program for a total of 72 teachers costing \$2,391,984. No support service costs were figured, but can be estimated at \$1.5 million. Mat-Su's construction needs would require fifty-two additional classrooms.

School districts reviewing the bill expressed particular concern that the provisions contained therein would eliminate the concept of large group instruction. Traditionally band, chorus, P.E., and vocational classes such as typing are set up on a scale that exceeds the maximum 25 in secondary schools as proposed. This bill would essentially eliminate the effectiveness of the above-mentioned programs and require duplication of the schools most expensive facilities.

The section of the bill permitting the negotiation of the number of exceptional children in a single classroom has the greatest potential of all sections to create a problem, probably because of unknown factors. One potential might be to cause districts to be in violation of Federal Statute 94-142 requiring handicapped children be placed in the "least restrictive environment", i.e., the regular classroom. This section has the potential of making all other sections of the bill unnecessary.

In summary, it would appear that exclusive of construction costs required to provide additional teaching stations, this bill should require an average of 10 to 20 percent increases in school budgets at a conservative estimate of \$30 million statewide.

The Association of Alaska School Boards would urge you to oppose passage of this legislation contained in HB 488.

Sincerely,



Robert C. Greene  
Executive Secretary

TO: House HESS CMTE  
FOR: HEARING ON 22MA, AT 1:30PM  
RE: HB488



May 21, 1980

I wish to testify in opposition to House Bill #488. Should such a bill be passed it will have the effect of eroding local school board authority. Certainly such issues as size of classes are the kinds of decisions school boards are expected to make by their constituents who elect them. The portion of the bill that calls for weighted counts of special education students who are in regular classes for a portion of the day only has the effect of making a bad bill worse. School Districts in Alaska are by law obligated to adhere to the stringent special education laws embodied in P. L. 94-142 to insure that proper programs are being offered. This we are doing in most districts in a conscientious, effective manner in my view.

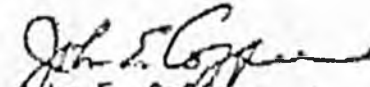
The various studies that have attempted to look at optimal class size have usually come to the conclusion that class size has very little to do with educational productivity. However, most school boards and school administrators still work hard to keep class sizes small. Average class sizes in most Alaska districts are very small. Such decisions should be made locally by the elected school board and must be based upon available funding and the wishes of local residents.

Special education accounting, necessarily, involves tremendous amounts of paperwork. H.B. #488 will simply compound that. It will also result in endless grievances from teachers regarding the various



"weighted children" in their classes. I can anticipate being unable to add one more child to a class because we have reached the arbitrary, maximum number. I contend that this would be absolutely ridiculous! The teacher, with the help of the law, should not be dictating to the employer how many children will be assigned to his or her classroom.

This proposed bill will undoubtedly have the strong backing of teachers since it would reduce class size. It would also increase costs in many districts drastically and, in my view, result in no improvements for children. The worst feature is that school boards would be prohibited from making decisions that I contend only they should make.

  
John E. Coffee  
Superintendent  
Sitka School District

JEC:vhv

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB-488  
 Title An Act relating to Class Size  
 Requested by House HESS Date 5-6-80

II. FISCAL DETAIL

Agency Affected Education  
 Program Category Affected Elementary and Secondary  
 BRU, Program, or Subprogram(s) Affected Foundation Support, Special Education Adjustment  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

While we cannot estimate in an accurate fashion the impact of this bill, we can state that it likely would require additional classroom space construction and it would undoubtedly have a substantial impact on the number of teachers districts must employ to conform to the limitations of the bill. This is not a zero fiscal note, it is rather, merely impossible to estimate the true cost of the bill.

IV. DATE 5/6/80 PREPARED BY Stan Kole  
 AGENCY Department of Education  
 PHONE 465-2800  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

GOVERNOR'S COUNCIL FOR THE HANDICAPPED AND GIFTED  
Meeting of January 24-25, 1980  
Centennial Building  
Sitka, Alaska

MINUTES

MEMBERS PRESENT:

Marsha Buck  
Joe Betit  
Alistair Chalmers  
Ro Chatterton  
Mike Cummings  
Wes Doran  
Bob Gregovich  
Ludy Jacobs  
Glenn Johnson  
Joan Jordan  
John Nuttal  
Dave Spence  
Carol Welsh  
Blanche Walters (arrived Friday)  
Caroline Wolf

STAFF PRESENT:

Dorothy Truran  
Laurie Goggin

GUESTS:

Tom Buckner, representing the Office  
for Exceptional Children  
Pat Young, representing Mike Morgan,  
Office of Vocational Rehabilitation  
Dave Canterbury  
Lizette Burns-Stiehr  
Jane Brodie  
Jeff Hubbard  
Terry Coon, Director of Special Education,  
Sitka  
John Coffee, Supt. of Schools, Sitka  
Diane LeResche, DOE/OEC Gifted Programs  
Sam Granato, Osborne/Granato Associates  
Debra Gilbreath, Sitka School District  
Roy Anderson, Alaska Resources for the  
Moderately/Severely Impaired  
Janice Rhoades, G/T teacher, Sitka

The roll was called. Thirteen members were present and a quorum was established. Chairperson Marsha Buck welcomed members and introduced guests. The agenda was adopted. It was noted that Allan Korhonen and Vern Stillner of the Department of Health and Social Services would not be able to address the Council since bad weather caused their flight from Juneau to be cancelled. Carol Welsh informed members that Wanda Gnerich is in the hospital and unable to attend the meeting. Carol encouraged members to call or visit Wanda.

APPROVAL OF MINUTES

The minutes of the October, 1979 Council meeting were approved as amended.  
(Motion: Nuttal/Jordan)

[Attachment "A" - January Council meeting minutes]

COMMUNICATIONS

Pertinent information was available for members and guests at the display table.

Debra Gilbreath, Terry Coon, and Superintendent John Coffee were unable to address the Council in the morning. Arrangements were made to hear from them later during the meeting.

5. that the Council adopt the "State Plan Development Policies-January 1980" as amended. (Chalmers/Welsh) [Carried]

Laurie Goggin asked that Council members review the "State Plan Development Policies" information which was distributed during yesterday's meeting. She stated that basically the resolution sets down some statements about the expectations & relationship between the Council and various state agencies providing services to the developmentally disabled for the purpose of developing the state plan this year. Laurie briefly went over the resolution with the Council. Dot Truran advised that basically it just puts in writing the procedures that the Council has been following in developing the state plan over the last three years.

6. that the Council adopt the "Classification of Services into Federal Priority Areas - FY81-83 State Plan" as amended. (Chalmers/Jacobs) [Carried]

Alistair Chalmers pointed out the following amendments:

- Transportation and recreation were previously listed under "Support Services" for both children and adults. It was proposed that transportation and recreation be deleted under "Support Services" and inserted under the classification of "Alternative Community Living Arrangements" for both children and adults.
- Infant learning was unintentionally included under adults and this has been deleted.

Laurie Goggin advised that there is no intent to prioritize services in terms of the Council's activities. The only intent is to develop a "dictionary" to be used in developing the state plan that places the different services that we have called support, etc. into the new federal categories.

#### Membership and Nominating

7. that the nominations for Executive Committee member-at-large to fill the vacancy left by John Stamm be closed and that a unanimous ballot be cast for Dave Spence to fill that position. (Welsh/Betit) [Carried]

#### Legislative Committee

8. that the Council write a position against HJ 488 and submit that position paper to the House HESS and Senate Committees and the Commissioner of Education. (Spence/Wolf) [Amended below]

#### Amendment #1

that the words "position paper" be deleted from Motion #8 and "written statement" inserted. (Welsh/Johnson) [See final motion below]

#### Final Motion

that the Council issue a statement in opposition to HB 488. (Spence/Wolf) [Carried]

Dave Spence advised that HB 488 is a one page bill now before the legislature which relates to class size and legislates maximum class size for regular education as well as special education. With regard to special education, it gives a weighting of handicaps - a formula by which only a limited number of exceptional children can be in any one classroom. It limits the number to four exceptional children as individuals or, if there is a weighting consideration, a multiply handicapped student would perhaps limit the number of exceptional children to less than four.

By legislating a maximum number of handicapped children to be served in any one classroom, teachers could then cite class size as a collective bargaining issue. The Legislative Committee feels that class size is not an appropriate factor to legislate because class size limitation has not been proven to be directly related to the quality of education.

John Nuttal feels its not wise for the Council to go on record opposing a maximum class size for special education children. He feels that if the Council states its opposition to limit special education class sizes, the Council will be negating its goal of increasing the quality of education to special education children. However, he stated that he does not agree with weighting children and does not feel that because a deaf child is placed in one class that two other children should be placed elsewhere. If that child is qualified to be in the classroom than he should be there, if not he shouldn't be there.

Marsha Buck advised that some school districts have policies which attempt to limit class size. According to state regulation, no special education teacher may work with more than 15 full time equivalency students. In regular education there are no set regulations at present.

Carol Welsh stated that she does not think the Council should oppose a realistic limitation on class sizes for exceptional children. The reason this bill is not one the Council should support is because it is a politically oriented bill with a hidden agenda which attempts to legislate class size so that teacher's unions can use such legislation as a bargaining lever. Carol stated that this bill definitely labels children. There are times when you have to label children according to their disabilities for reporting purposes, but to do it in the manner prescribed in this bill is unacceptable. For example, hyperactive children are given a weighted factor of 2.5 which is more than a deaf child who is weighted at 2.0.

Pat Young stated that he would like to have some limitation on class sizes so the teachers know what they have to deal with on a day-to-day basis.

Ludy Jacobs feels there should be some type of class size limitation based on the severity of handicap.

Carol Welsh pointed out that the problem with this bill is that it is poorly designed and poorly written and has other agendas built into it. These factors should be the reason for Council opposition.

Glenn Johnson pointed out that the bill also is discriminatory in that it sets a maximum limit of exceptional children in an integrated class at

four. Lizette Burns-Stiehr pointed out that the way the bill weighs children, an orthopedically handicapped and an emotionally disturbed child could not be in the same class. In some cases this weighting may work, but in rural areas the weighting should be individually determined and not legislated.

Dave Spence clarified that his motion simply stated that the Council opposes this bill and in speaking to the motion he gave some rationale that would presumably be built into such a statement on the bill as to why the Council was opposed to the bill.

John Nuttal does not feel the Council should say it has not been proven that maximum class size does not show better education. He feels that is a poor thing for the Council to go against.

Marsha Buck stated that if the motion passes, she would direct that the entire conversation just held be considered and included in the written statement.

9. that the Council's Position Paper favoring SB 339 and HB 572 be forwarded to the House and Senate Judiciary Committees and to the Commissioner of the Department of Health & Social Services. (Spence/Chatterton)  
[Carried]

Bob Gregovich questioned whether the fiscal impact was the same as last year - with most of the expenditures involving the Court System. Dot replied that the fiscal statement deals mostly with the cost of the public guardian function and that the Council has not dealt with the present court system costs for all the guardianship cases that presently come before the court system. That is an on-going cost of the Court System and we are not addressing that. We are addressing the fiscal impact of this bill which will not impact on the number of guardianship cases directly but will result in having a new office perform some duties that were not formerly performed by state government.

Dave Spence pointed out that the effect of this bill in establishing priorities for guardians and setting up an office of public guardian would give a mechanism to drum up support and public awareness for the need for those first five priorities of guardians. At the present time the problem is there, but there is no organized way to address it. This would at least establish one state position and get us further along the road of getting more people to come forward and volunteer to be guardians. The legislation structures the whole guardianship process so that you could get a partial guardianship and have guardianship tailored to the person's needs.

Discussion followed regarding the fiscal note on the bill. Dot suggested she and Dave Spence review the fiscal note and obtain information from Debbie Behr prior to submitting the attachments to the position paper.

Bob Gregovich reported that Debbie Behr has just assigned him the responsibility for doing the fiscal note and that much of the fiscal note will come from the information already available. He stated it is next to impossible to guess what the Court System is going to have as their fiscal note without doing their fiscal note for them. He feels the current fiscal note is

THE FOLLOWING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

To: HOUSE HESS CMTE. May 21, 1980  
FOR: HEARING ON 22 MAY AT 1:30 PM  
RE: HB 488

My name is Carol Welsh from Sitka and I would like to offer testimony to the committee in opposition to HB 488. I address my objections from two perspectives: first, as a school board member, and second, as the parent of three developmentally disabled children, two of whom are adopted.

HB 488 is clearly an attempt to legislate class size and/or make it statutorily permissible to include class size as part of the bargaining process. I oppose both of these attempts to solve what is felt to be a problem for our educators.

Legislating class size not only removes fiscal and administrative responsibility from the LEA's, but also has the potential of financially hamstringing districts where space or budget restraints may develop, and in the event of unexpected enrollment increases.

As a parent, I would be quite wary of allowing class size to be part of the negotiating process especially when it may involve special education students. It has been my observation that MONEY is generally the ultimate item of concern at the bargaining table and I must voice my disapproval of my state government implying that it would be OK for retarded or otherwise handicapped children to be used as pawns and tradeoffs, especially when those involved in the bargaining process do not always have the sensitivity towards and understanding of special education needs and requirements.

The weighted average daily membership concept as suggested in HB 488 is not the answer to achieving appropriate integration procedures in our school districts. The weight schedule as outlined in this bill does not permit equitable class balance and I take great exception to children being statutorily classified by disability which implies that all children of a given disability learn, behave, and develop in the same way, at the same rate, and with the same expected outcomes. Placement in any classroom situation, whether it be integration into a regular classroom or a self-contained special education setting, must depend on the "unique needs of the individual child" as mandated by both P.L. 94-142 and Sec. 504 of the Vocational Rehabilitation Law Amendments of 1973. To categorize children by specific disability with a corresponding weight factor ignores the requirement of an individualized placement determination and would seem to be in violation of existing state and federal mandates. To me, this represents a gross example of stereotyping that could render an "appropriate" placement nearly impossible to achieve.

I feel it is important for all of us to be aware of the many problems that surround the education of exceptional children, especially in the areas of funding inequities, cost of related services, and the achieving of "least restrictive environment." It is understandable that regular classroom teachers feel threatened and overburdened at the prospect of having handicapped children returned to the "mainstream" of education. However, properly handled integration does not mean the indiscriminate dumping of exceptional children into the regular classroom; if this is occurring, proper placement procedures are not being used very well. In addition, regular classroom teachers should rightfully expect and receive support services from special education in order to facilitate a good integration process for both them and the special education students being placed in their classrooms.

in conclusion, I feel HF 188 to be a self-serving piece of legislation that has the potential of causing more problems in special education than we are currently experiencing and does nothing to improve educational opportunities for children. The fiscal impact of this proposal would probably drive the cost of special education up considerably. It would seem far more prudent to have these and related problem areas in special education studied in depth with the purpose in mind of developing a future comprehensive piece of legislation that would bring benefit to all. Such an effort would be of even greater benefit if it were addressed jointly by the various entities currently dealing with special education issues.

Thank you.

Jacket at start  
of this committee  
(file # 287)

1979-1980

HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

LIST OF FILES (PAGE 1)

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DEPARTMENT OF EDUCATION

INTERIM

STATE HEALTH INSURANCE (FILE NO. 1)

STATE HEALTH INSURANCE (FILE NO. 2)

STATE HEALTH INSURANCE (FILE NO. 3)

STATE HEALTH INSURANCE (FILE NO. 4)

STATE HEALTH INSURANCE (FILE NO. 5)

FISCAL NOTES - HB 977 / SB 277

CHILDREN'S CODES (SB 106 / HB 204, 1977-78)

HB 2

HB 4

HB 11

HB 15

HB 76

HB 79

HB 82

HB 86

HB 125

HB 126

HB 129

HB 145

HB 219

HB 226 & HB 228

HB 231

HB 287

HB 333

1979-1980

HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

LIST OF FILES (PAGE 2)

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HB 374

HB 391

HB 401

HB 419

HB 453

HB 455

HB 479

HB 487

HB 488

HB 540

HF 545

HB 561

HB 603

HB 609

HB 610

HB 611

HB 615

HB 617

HB 618

HB 620

HB 628

HB 629

HB 637

HB 651

HB 664

HB 672

HB 690

1979-1980

HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

LIST OF FILES (PAGE 3)

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HB 701

HB 704

HB 720

HB 751

HB 752

HB 802

HB 805

HB 821

HB 826

HB 830

HB 831

HB 833

HB 838

HB 861

HB 862

HB 910

HB 922

HB 935

HB 936

HB 956

HB 968

HB 977

HB 998

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HB 1019

HB 1030

HCR 43

1979-1980

HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

LIST OF FILES (PAGE 4)

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HJR 19

HJR 29

SB 15

SB 32

SB 88

SB 162

SB 163

SB 227

SB 522

SB 539

SB 549

SCR 40

HB

540

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB-540  
 Title An Act establishing the Alaska school competitive activities fund  
 Requested by HOUSE HESS Date 1/22/80

II. FISCAL DETAIL

Agency Affected Education  
 Program Category Affected Elementary and Secondary  
 BRU, Program, or Subprogram(s) Affected Financial Support Programs  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		412.6	495.1	594.1	712.9	855.5

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND		412.6	495.1*	594.1*	712.9*	855.5*
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS' (See Fiscal Note Preparation Instructions, Section III)

\*inflated at 20% per year based upon increased participation, normal inflation and escalated travel inflation based upon fuel costs.

FY-81 estimate based upon 2,005 participants x 3 day tournament x \$25.00 per day room and board (including coaches) = \$150.4

FY-80 tournament cost (approximate) inflated by 20% to accommodate anticipated increase in participation and FY-80 inflation occasioned by fuel/travel increases = \$262.2

Total = \$412.6

IV. DATE 1/23/80

PREPARED BY William D. Thomson

AGENCY Education

PHONE 465-2800

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

LAW OFFICES

JOSEPHSON, TRICKEY & LORENSEN, INC.

210 NORTH FRANKLIN STREET  
JUNEAU, ALASKA 99801  
907 586-1994, 586-6997

JOE P. JOSEPHSON  
HOWARD S. TRICKEY  
RONALD W. LORENSEN\*  
NANCY R. GORDON  
TIM MacMILLAN

January 24, 1980

ANCHORAGE:  
425 "G" STREET  
SUITE 930  
ANCHORAGE, ALASKA 99501  
907 276-7133

\*Juneau

The Honorable Thelma Buchholdt  
State Representative  
Chairman, House HESS Committee  
State Capitol  
Pouch V  
Juneau, Alaska 99811

Re: HB 540, Establishing the Alaska  
School Competitive Activities Fund

Dear Representative Buchholdt:

As you probably know, our firm represents a number of school districts around the state. When I was informed a few days ago by the committee that you would be taking up HF 540 on this date, I made attempts to contact our clients to determine their views with respect to the proposed bill.

In those cases where I was able to contact the superintendent of the district, it became clear that my call represented the first knowledge they had received concerning the proposal set out in HB 540. With regard to those superintendents that I was able to contact, none of them felt that they could take a position on behalf of their school boards until after the boards had had an opportunity to consider the proposal. A question did come up, however, as to the intended scope of the legislation. For instance, it is not clear from the bill whether the intent of the school competitive activities fund is to provide assistance to a school district for all its costs of travel associated with interscholastic activities, or only those travel costs associated with participation in state-wide tournaments.

Consequently, I am unable to relay to your committee at this time the points of view of any of our client school districts on HB 540. With regard to the personal view points of the superintendents whom I was able to contact, I can only relay to you that those opinions were not uniform in nature. These opinions ranged from enthusiastic support for any legislation which would provide assistance to the district in meeting the high costs of travel associated with interscholastic activities, to the feeling that travel for interscholastic activities is just another element which should be taken into consideration in establishing the parameters of the public school foundation formula.

The Honorable Thelma Buchholdt  
Chairman, House HESS Committee

January 24, 1980  
Page 2

From a legal point of view, we have some concern that the legislation does not provide any standards by which the Alaska School Activities Association would make its determination as to the amount of payment to be made to the various school districts. We would recommend that the legislation either set out the kinds of factors to be taken into consideration by the activities association in making allocations to the school districts, or, at a minimum, that the legislation direct the school activities association or the state Board of Education, which has oversight responsibilities for the activities association, to adopt regulations regarding the standards for allocation of monies from the school competitive activities fund.

Sincerely yours,

JOSEPHSON, TRICKEY & LORENSEN, INC.

By:

  
Ronald W. Lorensen

RWL:jf

By Buchholdt

A BILL

For an Act entitled: An Act creating a fund for High School Student travel to and from Alaska State Level competitive activities.

Be it enacted by the legislature of the State of Alaska:

Article 1. 14.07 is amended by adding a new section to read:

Sec. 14.07.0555. Alaska State School Competitive Activities Fund.

The legislature shall fund the cost of travel of high school students who participate in Alaska State Level competitive activities in the following manner.

(a) Only high school students grades nine (9) through twelve (12) are eligible for funding under this section.

(b) The number of students eligible for funding from each Alaska School Activities Association region in Alaska shall not exceed ten (10) percent of the registered high school student population in each region.

(c) The number of registered high school students in each region shall be determined on September 30 of each school year.

(d) The following competitive activities shall be funded under this Section: Honors Band, Choir, Orchestra, Cross-Country Running, Volleyball, Gymnastics, Swimming, Diving, Basketball, Cross-Country Skiing, Hockey, Wrestling, Forensics, Track and Field.

(e) The Alaska School Activities Association shall administer this program.

## Information

Under current Alaska School Activities Association rules approximately 1800 Alaska High School students would be eligible for funding under this bill during the 1980-81 school year.

The cost of the program for FY '81 is estimated to be \$340,000. Travel costs includes transportation, food and lodging.

There are approximately 26,000 high school students attending class in Alaska during the current (1979-80) school year. An estimated 18,300 student units will participate in interscholastic activities during the year. (Note a single student may equal a number of student units if he/she participates in more than one activity).

Funding for this program is separate from the Public School Foundation Program.

The bill covers only high school student travel costs. Coaches, teachers, etc. travel expenses to state events are not covered. If they are to be included, travel costs will increase by approximately 10 percent.

The bill places an upper limit on the number of students who are eligible for state funding (10 percent). The bill does not prevent school districts from sending more students to state competition if ASAA rules allow and the school districts provide the extra money.

The Alaska School Activities Association is a non-profit state legislative-approved organization of member schools operating under the auspices of the State Department of Education and local school districts. The ASAA is the governing body within Alaska that regulates interschool competition and activities in music, speech and drama, and athletics. The activities eligible for funding under this bill are all the state level activities currently listed by the ASAA.

*Royce*  
*3711*  
*3799*

Introduced: 1/16/80  
Referred: Health, Education &  
Social Services and Finance

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IN THE HOUSE

BY BUCHHOLDT, ANDERSON, HALFORD,  
MARTIN, MUNSON AND PHILLIPS

HOUSE BILL NO. 540

IN THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act establishing the Alaska school competitive activities fund."

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

\* Section 1. AS 14.07 is amended by adding a new section to read:

Sec. 14.07.056. ALASKA SCHOOL COMPETITIVE ACTIVITIES FUND. (a)

There is established in the Department of Education the Alaska school competitive activities fund. The Alaska School Activities Association (AS 14.07.053) shall administer the fund. The legislature may make annual appropriations to the fund.

(b) Money in the fund shall be used to pay for the cost of travel of high school students <sup>to state wide tournament</sup> who are

(1) registered in schools which are members of the Alaska School Activities Association established in AS 14.07.053; and

(2) participating in <sup>state</sup> competitive activities.

(c) The number of high school students whose travel costs may be paid from the fund may not exceed 10 percent of the total number of registered high school students in the schools that are members of the association. The total number of high school students registered in the schools that are members of the association shall be determined by the association annually on September 30.

(d) In this section:

(1) "competitive activities" means band, choir, orchestra, cross-country running, volleyball, gymnastics, swimming, diving, basketball, cross-country skiing, hockey, wrestling, forensics, or track and

1 field;

2 (2) "high school student" means a student registered in grade  
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Introduced: 1/16/80  
Referred: Health, Education &  
Social Services and Finance

1 IN THE HOUSE

BY BUCHHOLDT, ANDERSON, HALFORD,  
MARTIN, MUNSON AND PHILLIP

2 HOUSE BILL NO. 540

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska school competitive  
7 activities fund."

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

9 \* Section 1. AS 14.07 is amended by adding a new section to read:

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12 competitive activities fund. The Alaska School Activities Association  
13 (AS 14.07.053) shall administer the fund. The legislature may make  
14 annual appropriations to the fund.

15 (b) Money in the fund shall be used to pay for the cost of travel  
16 of high school students <sup>[to statewide tournaments]</sup> who are

17 (1) registered in schools which are members of the Alaska  
18 School Activities Association established in AS 14.07.053; and

19 (2) participating in competitive activities.

20 (c) <sup>(3)</sup> The number of high school students whose travel costs may be  
21 paid from the fund may not exceed 10 percent of the total number of  
22 registered high school students in the schools that are members of the  
23 association. The total number of high school students registered in the  
24 schools that are members of the association shall be determined by the  
25 association annually on September 30.

26 (d) In this section:

27 (1) "competitive activities" means band, choir, orchestra,  
28 cross-country running, volleyball, gymnastics, swimming, diving, basket-  
29 ball, cross-country skiing, hockey, wrestling, forensics, or track and

[include but are not limited to riflery]

1 field;

2 (2) "high school student" means a student registered in grade  
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A BILL

For an Act entitled: An Act creating a fund for High School Student travel to and from Alaska State Level competitive activities.

Be it enacted by the legislature of the State of Alaska:

Article 1. 14.07 is amended by adding a new section to read:

Sec. 14.07.0555. Alaska State School Competitive Activities Fund.

The legislature shall fund the cost of travel of high school students who participate in Alaska State Level competitive activities in the following manner.

(a) Only high school students grades nine (9) through twelve (12) are eligible for funding under this section.

(b) The number of students eligible for funding from each Alaska School Activities Association region in Alaska shall not exceed ten (10) percent of the registered high school student population in each region.

(c) The number of registered high school students in each region shall be determined on September 30 of each school year.

(d) The following competitive activities shall be funded under this Section: Honors Band, Choir, Orchestra, Cross-Country Running, Volleyball, Gymnastics, Swimming, Diving, Basketball, Cross-Country Skiing, Hockey, Wrestling, Forensics, Track and Field.

(e) The Alaska School Activities Association shall administer this program.



JOHN S. VANIA  
Regional Game Supervisor

State of Alaska  
Dept. of Fish & Game  
Home Phone: (907) ~~243-2871~~  
243-2872

333 Raspberry Rd.  
Anchorage, Alaska 99502  
Phone: (907) 344-0541

THIS [] BILL      [] RESOLUTION      [] CITATION

has been prepared by the staff of the Legislative Affairs Agency in response to the request and at the direction of the sponsoring member or committee. The staff has attempted to place the document in proper legal and clerical form, subject to any special limitations or instructions of the requestor.

If we may be of further assistance in this matter, please contact the Director of Legal Services or the Director of Research Services, as appropriate.

Delivered to requestor 1-30-80

LA-L 40

omit

Sec. 1 (d) (3) B

d 3 ~~B~~ C

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under the purview  
of the Alaska School Activities  
Association

of a competitive activity,  
as defined in (d) (1)

omit Sec. 1 (d) 3 (B)

in which at least one of the  
participating schools is more than  
100 miles from the site of the  
tournament and

(C) which includes as participants  
schools from at least two of the  
terrace districts established by the  
State Supreme Court on June 26, 1904

Constitutionality

School Activities Association

But not committed to rifle

3) Who have achieved excellence  
in solo —

Spelling Bee(?)

Name	Address & Phone #	Organization	Bill No.
John Jensen	PO BOX 249 Douglas, 364-2277	city / Boro Assembly	# 540
Karen Ryals	Pouch of Education	Department of Ed	# 540
John Vanic	4006 Arkansas Dr	Region IV Activities Ass.	# 540
Ron Lorenson	Anchorage, AK 99503	Alaska Wrestling Coaches Ass.	

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 1, 1980

SUBJECT: Competitive activities fund aid to private schools. (House Bill 540)

TO: Representative Thelma Buchholdt  
Chairman, House HESS Committee

FROM: Billy G. Berrier *BGB*  
Director  
Division of Legal Services

You have asked whether payments for costs of travel for students of private schools for participation in competitive activities is unconstitutional.

In my opinion, this effect would not be held unconstitutional by our Supreme Court. In the only case in Alaska on point, our Supreme Court reached the opposite conclusion. However, a later decision has cast substantial doubt on the continued vitality of that case and apparently adopted a different test which would appear to support the constitutionality of inclusion of private schools in competitive activities fund distribution.

In 1961 our Court considered a class action concerning the constitutionality of transportation of private school students on public school buses. Section 1 of Article VII of the Alaska State Constitution provides:

"SECTION 1. The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution."

In this case, Matthews v. Quinton, 362 P.2d 932 (Alaska 1961), the Court decided, over a strong dissent from Justice Dimond, that transportation of private school children represented a direct benefit to the school and was prohibited by the quoted section of the Constitution. (The case also considered the Organic Act which is not relevant here.)

While the facts in Matthews varied somewhat since that case concerned transportation to school while the bill relates to transportation to athletic events, the discussion was largely related to pupil transportation broadly. It would be difficult to distinguish the case on the factual differences although an argument could be made that transportation for out-of-town travel to competitive activities is not so directly related to the educational process as is transportation to the schools from the students' homes.

However, in 1979, the validity of the tuition grant program came before our Court. The same constitutional provision was in question. This case, Sheldon Jackson College v. State, 599 P.2d 127 (Alaska 1979), is not directly on point because of the substantial fact differences. The Court drew four generalizations from the authorities on the question saying:

"First, constitutional provisions governing aid to private schools have generally been perceived as requiring neutrality rather than hostility from the state; thus the breadth of the class to which statutory benefits are directed is a critical area of judicial scrutiny. For example, though the police and fire protection afforded a private school may provide the school with quite direct benefits, as when a campus fire is extinguished, such benefits are provided without regard to status and affiliation, and have universally been presumed to be constitutional. Conversely, a benefit flowing only to private institutions, or to those served by them, does not reflect the same neutrality and non-selectivity.

"A second central criterion in determining the constitutionality of a state aid program, is the nature of the use to which the public funds are to be put. As is apparent from the convention debate, the core of the concern expressed in the direct benefit prohibition involves government aid to education conducted outside the public schools. Though any state assistance that

relieves the burden on a private school to provide for the health and welfare of its students will free the school to concentrate its funds on its private educational mission, numerous delegates voiced their understanding that the direct benefit clause would not bar such incidental support. An analogous distinction has frequently been drawn in establishment clause cases, where the pertinent inquiry is whether a statute impacts 'essentially secular educational functions' that are separable from the school's religious instruction.

"Third, in determining whether a school is directly benefitted by public funds, a court must consider, though not in isolation, the magnitude of the benefit conferred. A trivial, though direct, benefit may not rise to the level of a constitutional violation, whereas a substantial, though arguably indirect, benefit may.

"Finally, while a direct transfer of funds from the state to a private school will of course render a program constitutionally suspect, merely channeling the funds through an intermediary will not save an otherwise improper expenditure of public monies. The courts have expressly noted that the superficial form of a benefit will not suffice to define its substantive character."

In a footnote the Court questioned the continuing vitality of Matthews saying

"In Matthews v. Quinton, 362 P.2d 932 (Alaska 1961); cert. denied, 368 U.S. 517, 82 S.Ct. 530, 7 L.Ed.2d 522 (1962), a statute enabling private school children living far from their schools to ride public school buses at public expense, was held violative of the direct benefit prohibition. We do not rely on Matthews in reaching today's decision, and thus have no occasion to overrule or re-affirm it. A substantial question, however, can be raised as to its continuing vitality in light of the analysis which we employ in the present opinion."

Based upon the principles set out, the Court found the tuition grant program a direct benefit to the school and therefore constitutionally prohibited.

Although Matthews was not overruled, the indication that the tests used in Sheldon Jackson will be the tests used in future cases even where a Matthews type situation is involved is quite strong.

Under this analysis, it appears this program is neutral; the class to which the benefit is provided is broad, covering all schools who are members of the Alaska School Activities Association which includes public and private schools.

There are differing views concerning the degree to which competitive activities are "educational." A strong argument could be made that travel for these activities is incidental rather than direct benefits.

The benefit is not trivial; but in relation to the whole program of the schools, payment of these travel costs would not appear so substantial as to transform an indirect benefit to a direct benefit.

Channeling the benefits through the Alaska school competitive activities fund would not save an otherwise improper program. Factually, this may, however, aid in showing the breadth of the class benefitted and the degree to which the activity is "educational" in the sense used here.

Although the law is not clearly settled here and any conclusion must be reached with caution, it is my opinion that under the tests set out in Sheldon Jackson, the Court would not find the program established by HB 540 unconstitutional.

BGB:jdn

HB

545

POSITION PAPER

HOUSE BILL NO. 545

"An Act amending the child protection laws; and providing for an effective date."

House Bill No. 545 is comprised of nine sections, one of which amends 47.10.010, and seven of which amend 47.17, the child protection statute. Specific comments regarding each section follow:

Section 1. This amendment to 47.10.010(a)(2) provides for a new condition under which a child may be declared a child in need of aid (CINA). It reads as follows: (F) the child having suffered substantial mental or physical neglect as a result of conditions created by the child's parent, guardian or custodian.

While the Department supports adding mental harm to the conditions for CINA, a change is recommended in the wording, deleting physical neglect and reading instead: (f) the child having suffered substantial mental harm as a result of conditions created by the child's parent, guardian, or custodian. Physical neglect is already covered under AS 47.10.010(a)(2)(C) which states that there is "imminent and substantial risk that the child will suffer harm as a result of the actions done by or conditions created by his parent..."

The 1977 changes in the Children's Code were intended to clearly tie grounds for adjudication to the actual harm which would result to the child rather than to parental faults or habits. The Department favors keeping such a focus on the harms to the child.

Section 2. This amendment to 47.17.010 adds mental abuse to the harms which must be reported to the Department. It also deletes requiring the attention of a practitioner of the healing arts from the phrase pertaining to the harms, moving that phrase to the requirement to report.

This amendment appears to be consistent with other proposed changes, and is supported by the Department.

Section 3. This amendment strengthens the present provisions indicating persons who are required to report by including school administrative staff members. The Department supports this section as worded because there have been known instances of failure to report by some school districts. This change would make school administrators mandatory reporters also.

Section 4. This amendment expands persons mandated to report to include individuals involved in day care and foster care. The Department supports this section as worded because persons who are involved in day care and foster care may be in a position to identify abuse or neglect which may not come to the attention of others.

RECEIVED  
JAN 28 1980

Management and Budget Section

Section 5. This amendment expands the definition of child abuse or neglect which must be reported to include mental injury or neglect. There are instances in which mental injury or neglect may be the only indications that a child is in need of protection. Generally, persons are so conservative in their reporting that children who are in danger of harm fail to be reported. This would make it more apparent that protection is called for in situations where the more obvious problem may be an emotional problem but where often physical harm also exists.

Section 6. This section amends the definition of child to mean a person under 18 years of age. This amendment will resolve present inconsistencies in age which exist between AS 47.17.070(1) and (2). Since age 18 was the age used in the latest statutory revision of 47.17, it would appear that this age was intended to apply. This is the age used in AS 47.10 also. The Department supports this change.

Section 7. This section amends 47.17.070 to define "mental injury or neglect" to mean "injury or neglect to the intellectual or psychological capacity of a child evidenced by a substantial impairment to the child's ability to function within the child's normal range of performance and behavior."

The Department has serious concerns about this definition because it does not take into account cultural factors which affect a child's performance on psychological tests which measure intelligence or "normal behavior." With this definition it would become quite easy to justify identifying many children who are not of the dominant culture as being abused or neglected.

We would prefer to see this statute be consistent with 47.10.010(a)(2) (B) which specifies that mental harm is "evidenced by failure to thrive, severe anxiety, withdrawal, or untoward aggressive behavior or hostility toward others."

Section 8. This section amends 47.17 by adding two sections. Section 47.17.064 permits a mandated reporter to take photographs of areas of trauma visible on a child and, if medically indicated, permits the taking of X-rays without parental permission. This amendment could be very useful in proving cases of physical abuse, and would generally have most utility where medical personnel are the first to suspect physical abuse. Under this proposed statute, a person required to report would be allowed to take photographs of bruised or fractured areas as well as to perform X-rays when either current or past fractures are suspected. Many severe cases of child battering show evidence, upon X-ray examination, of repeated fractures over several years which may have healed and which would not show up without radiological examination. The Department finds this to be a very significant strengthening of protection for vulnerable children.

Section 47.17.068 specifies that a person who is required to report abuse or neglect and who willfully or knowingly fails or refuses to report the harm is guilty of a class B misdemeanor. This is an important provision because under the current statute there is no sanction against ignoring or refusing to comply with the statute. The Department is aware of instances of severe physical abuse which have gone unreported because doctors or hospitals hesitated to get involved and knew there was no penalty for their not doing so.

The Department strongly supports both 47.17.064 and 47.17.068 as proposed.

Section 9. This section allows for an effective date of July 1, 1980, which appears to be a reasonable time for enactment.

Summary. In summary, the Department position is as follows:

- Section 1. Supports, with amendment
- Section 2. Supports
- Section 3. Supports
- Section 4. Supports
- Section 5. Supports
- Section 6. Supports
- Section 7. Oppose as worded, amendment suggested
- Section 8. Supports
- Section 9. Supports

RECOMMENDED BY: Art Holmberg DATE: 1-25-80  
 Art Holmberg, Director  
 Division of Social Services

APPROVED BY: Helen D. Beirne DATE: 2-4-80  
 Helen D. Beirne, Commissioner  
 Department of Health and Social Services

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 545

Title amending the child protection laws and providing for an effective date.

Requested by \_\_\_\_\_ Date January 25, 1980

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Social Services

BRU, Program, or Subprogram(s) Affected Social Services

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0
	0	0	0	0	0	0
	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

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This Bill has no fiscal impact on the Department of Health and Social Services. While these changes will probably add to the caseload, these additions will be absorbed by existing staff.

IV. DATE January 25, 1980

PREPARED BY Art Holmberg Art Holmberg, Director

AGENCY Dept. of Health & Social Services/Div. Soc. Svcs.

Original: Legislative Finance

PHONE 465-3170

cc: Budget and Management

Prime Sponsor (First Legislator Named)

*Reviewed by Michael Orlano  
Director of Mgt & Budget  
DHSS 1/28/80*

33-001 (Rev. 12/78)

SELECTED STATISTICS ON CHILD ABUSE AND NEGLECT

Region X  
February 5, 1979

	Total	Alaska	Idaho	Oregon	Washington
1976	26,891	774	4089	*909	21,119
1977	30,839	**435	1095	*1023	28,286
1977***		1.2	1.3	.4	8.1

- \* Abuse only
- \*\* Six months only
- \*\*\* Number of reports per 1,000 people

Attachments

#1

Alaska

Table 5.1 1977 Semi-annual report on involved children on validated reports, age and sex.

#2

Idaho

Type of abuse by age, sex and race. Disposition of cases for children still receiving services.

#3

Oregon

Abuse cases by months and years.

#4

Washington

Table 31 (one month)

TABLE 5.1  
INVOLVED CHILDREN ON VALIDATED REPORTS  
AGE AND SEX

STATE OF ALASKA  
1977 SEMI-ANNUAL REPORT

AGE	-----ABUSE ONLY-----				-----NEGLECT ONLY-----				-----ABUSE & NEGLECT-----				-----ALL CASES-----			
	M	F	SUBTOT	COL X	M	F	SUBTOT	COL X	M	F	SUBTOT	COL X	M	F	SUBTOT	COL X
<1	5	6	11	14.5	5	8	13	7.0	1	1	2	3.6	11	15	26	8.2
1	3	2	5	6.6	3	6	9	4.8	1	2	3	5.5	7	10	17	5.3
2	4	3	7	9.2	5	4	9	4.8	2	1	3	5.5	11	8	19	6.0
3	3	2	5	6.6	3	2	5	2.7	4	1	5	9.1	10	5	15	4.7
4	2	2	4	5.3	9	4	13	7.0	1	1	2	3.6	12	7	19	6.0
5	0	0	0	0.0	5	9	14	7.5	1	0	1	1.8	6	9	15	4.7
6	4	2	6	7.9	5	5	10	5.3	0	5	5	9.1	9	12	21	6.6
7	3	2	5	6.6	2	4	6	3.2	3	2	5	9.1	8	8	16	5.0
8	2	2	4	5.3	2	4	6	3.2	2	3	5	9.1	13	9	22	6.9
9	1	1	2	2.6	10	7	17	9.1	2	2	4	7.3	13	10	23	7.2
10	2	1	3	3.9	11	5	16	8.6	2	0	2	3.6	15	6	21	6.6
11	0	0	0	0.0	3	9	12	6.4	4	0	4	7.3	7	9	16	5.0
12	3	1	4	5.3	8	5	13	7.0	1	3	4	7.3	12	9	21	6.6
13	1	0	1	1.3	6	4	10	5.3	2	1	3	5.5	9	5	14	4.4
14	1	3	4	5.3	3	7	10	5.3	1	1	2	3.6	5	11	16	5.0
15	1	6	7	9.2	2	6	8	4.3	2	1	3	5.5	5	13	18	5.7
16	0	3	3	3.9	2	3	5	2.7	0	2	2	3.6	2	8	10	3.1
17	1	4	5	6.6	1	3	4	2.1	0	0	0	0.0	2	7	9	2.8
TOT	36	40	76	100.0	92	95	187	100.0	29	26	55	100.0	157	161	318	100.0

MISSING OBSERVATIONS = 1

FOR TIME PERIOD FROM 06/25/76 TO 07/25/77

CHILD ABUSE/NEGLECT STATISTICS

DISPOSITION OF CASES FOR CHILDREN STILL RECEIVING SERVICES

	TOTAL CHILDREN REPORTED	RETURNED TO OWN HOME	PLACED IN FOSTER CARE	PLACED IN SHELTER CARE	PLACED IN RELATIVE HOME	RELEASED TO NEW FOSTER ADOPTION	COURT ACTION PENDING	OTHER DISP.
REGION I	174	6	11	5	1		71	82
REGION II	159	3	18	1	3		61	76
REGION III	250	18	18	5	9		132	72
REGION IV	298	11	30	2	5		60	199
REGION V	101	5	8		1		57	30
REGION VI	148		10				57	91
REGION VII	62	1	12	1			35	13
REGION VIII								
STATE TOTAL	1,192	44	107	14	19		473	564

WSS40SP REPORT 1

STATE OF IDAHO  
DEPARTMENT OF HEALTH AND WELFARE

DATE OF RUM 12/29/77

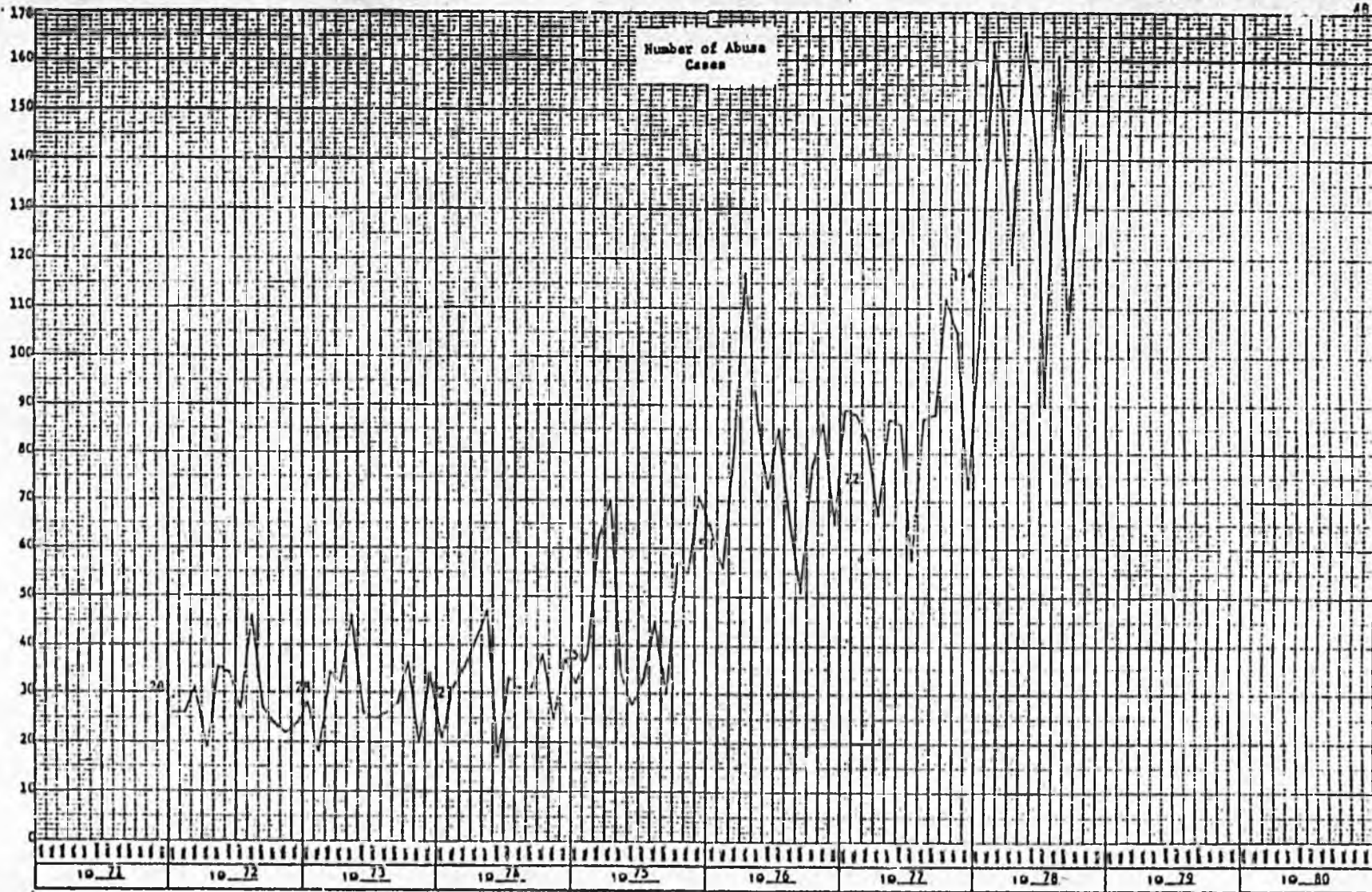
## CHILD ABUSE/NEGLECT STATISTICS

DATE TIME PERIOD FROM 06/25/76  
TO 07/25/77TYPE AND SEVERITY  
BY AGE, SEX AND RACE

TYPE AND SEVERITY	A G E						S E X			R A C E					TOTAL	
	UNDER	1-4	5-9	10-14	15-17	18-20	FEMALE	MALE	UNKN	BLACK	INDIAN	ORIENTAL	SPANISH	WHITE		UNKN
BANDAGING		21	21	27	16		45	45	8	2	7		15	70	4	98
BATINGS	1	37	43	36	11	2	66	69	22	2	3			112	34	157
BITE FRACTURE		2	3	5	2		4	9			1			12		13
HAIR DAMAGE/ SKULL FRACTURE		2	1	3	1		1	6						7		7
BURNS, SCALDS		6	2	4		1	5	4	5		1			8	5	14
INGESTED DRUG ADDICTION			3	4			2	3	5				2	2	6	10
HITS, BLOWSES, WELTS		25	23	15	14	3	42	47	11	2	4		4	72	18	100
LOSS OF ARRIVAL		1	2	1			4	1					4	1		5
ISOLATION/SPPRANS		1	5	2	5	3	10	11			1		2	15	3	21
TWISTING/SHAKING																
EDUCATIONAL NEGLECT	1	13	23	43	17	3	68	48	5	1	2		13	96	9	121
EMOTIONAL NEGLECT	4	76	101	89	61	0	212	169	31	3	11		27	336	34	412
EXPOSURE TO FLUENT	1	6	14	14	4	2	30	18	2		4		5	36	5	50
FAILURE TO THRIVE	1	21	10	5	3		21	23	4		3		2	34	7	40
PHYSICAL INJURIES		1		1				2						2		2
LACK OF SUPERVISION	2	44	56	72	29		123	91	29		21		15	170	27	243
LOCKING IN/OUT		1	6	4			3	8	1		3		1	7	1	12
ALNUTRITION	2	3	7	9	4	2	16	10	4		4			23	3	30
FOODICAL NEGLECT	2	16	22	16	7	4	48	26	6		2		3	69	6	80
OTHER	12	59	52	66	29	6	128	102	30	1	15		12	193	38	267
PHYSICAL NEGLECT	3	31	43	22	8	1	50	55	10		4		14	87	18	123
DISCIPLINE			2				1	1						2		2
SEXUAL ASSAULT	1	1	8	34	28	2	57	18	19	2	1		7	61	23	94
UNUSUAL HEMORRHAGE OR HEMATOMA		1		1			1	1						2		2
TOTAL	30	367	447	473	239	37	937	767	270	13	87	3	132	1,428	241	1,904
MULTIPLE TYPES	6	78	107	106	52	9	233	189	38	2	18	1	37	295	41	424

COUNT OF ADULTS ( 311 )

# OREGON



	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FY AVG.
CASES OF ABUSE BY MONTH													
FY 1971-72							26	26	31	19	35	34	28
72-73	27	46	27	24	22	24	28	18	34	32	46	26	28
73-74	25	26	28	36	20	34	21	31	35	41	47	17	27
74-75	33	31	31	38	25	37	32	38	62	70	34	28	35
75-76	33	45	30	57	55	71	64	56	81	117	88	73	58
76-77	85	66	51	77	86	65	89	88	83	67	87	86	72
77-78	58	87	88	112	105	73	102	164	150	119	166	142	114
78-79	90	161	105	143									125

Service month parameters are displayed.

TABLE 3I: PROTECTIVE SERVICES FOR CHILDREN: NUMBER OF CASES (CHILDREN) OPENED AND NUMBER SERVED, BY ADMINISTRATIVE UNIT, JUNE 1978 <sup>1/</sup>

LOCAL OFFICE OR ADMINISTRATIVE UNIT	CASES OPENED DURING MONTH	TOTAL SERVED DURING MONTH
TOTAL	2,136	10,661
Asotin-Garfield	16	53
Benton-Franklin	70	272
Chelan-Douglas	38	135
Clallam	21	65
Clark	61	719
Cowlitz-Wahkiakum	78	427
Crawt-Adams	61	93
Crays Harbor	94	357
Island	16	87
Jefferson	5	9
King, total <sup>2/</sup>	399	1,929
Kitsap	54	286
Kittitas	7	19
Klickitat-Skamania	36	88
Lewis	40	179
Mason	13	35
Okanogan	17	239
Pacific	12	42
Pend Oreille	3	63
Pierce, total <sup>2/</sup>	232	1,483
Skagit	46	190
Everett	140	644
Mountlake Terrace	65	414
Spokane-Lincoln	326	1,061
Stevens-Ferry	9	221
Thurston	58	349
Walla Walla-Columbia	39	225
Whatcom-San Juan	56	289
Whitman	4	84
Yakima	75	408
Toppanish	41	174
Sunnyside	4	22

<sup>1/</sup> Protective services are specialized social services initiated on the basis of a complaint that a child or adult is being physically or emotionally neglected, abused, exploited or cruelly treated.

<sup>2/</sup> Breakout by local office not available for Pierce and King Counties.

TABLE 3J: PROTECTIVE SERVICES FOR CHILDREN: OPENINGS BY SOURCE OF COMPLAINT, JUNE 1978

SOURCE OF COMPLAINT	NUMBER OF OPENINGS
TOTAL	2,136
Court/court staff.....	49
Law enforcement-prosecuting attorney, sheriff, police.....	256
School officials.....	188
Physicians (private practice).....	63
Health agencies.....	134
Within local office.....	80
Within other local offices.....	70
Other social agencies.....	124
Relatives.....	294
Neighbors.....	459
Anonymous.....	202
Other <sup>1/</sup> .....	217

<sup>1/</sup> A total of 36 openings resulted from self-referrals.

TABLE 3K: PROTECTIVE SERVICES FOR CHILDREN: CLOSINGS BY REASON, JUNE 1978

REASONS FOR CLOSING	NUMBER OF CLOSINGS
TOTAL	2,478
No abuse/neglect exists.....	726
Family functioning with no further need for CPS or other service.....	630
Family functioning with no further need for CPS, referred to Ongoing Services or continued with Ongoing worker.....	235
Family functioning with no further need for CPS, referred to another agency or professional for other services.....	181
Family referred to Juvenile Court for removal of children.....	26
Child(ren) placed out of home, referred to children's worker.....	97
Family moved out of LO's jurisdiction.....	185
Family moved and can't be located.....	94
Family refused to cooperate, referral to Juvenile Court not possible.....	169
Other.....	135

## REPORTING CHILD ABUSE

### Who Reports or Causes a Report to be made?

In each of the states in Region X, any citizen may report a suspected instance of child abuse or neglect. Each of the states, however, have designated certain people as being required to make reports.

#### ALASKA: Required (no stated penalty)

In the performance of their professional duties, practitioners of the healing arts (chiropractors, dentists, health aides, nurses, optometrists, osteopaths, physical therapists, physicians, psychiatrists, psychologists, religious healing practitioners, and surgeons); social workers; school teachers; peace officers and officers of the Division of Corrections; and administrative officers of institutions.

#### IDAHO: Required (no stated penalty)

Any physician, resident on a hospital staff, intern, nurse, coroner, school teacher, day care personnel, social worker, or other person having reasonable cause to believe that a child under the age of eighteen (18) has been abused or who observes the child being subjected to conditions or circumstances which would reasonably result in abuse, shall report.

#### OREGON: Required (penalty--misdemeanor, fine of \$ 250)

Physicians (including interns and residents); dentists; school employees; licensed practical or registered nurses; employees of the Department of Human Resources, county health departments, community mental health programs, county juvenile departments, or licensed child care agencies; peace officers; psychologists; clergymen; social workers; optometrists; chiropractors; certified providers of day care, foster care or employees thereof; attorneys.

#### WASHINGTON: Required (penalty--misdemeanor)

Medical practitioners (licensed podiatrists, optometrists, chiropractors, registered or licensed nurses, dentists, osteopaths, surgeons, physicians, and religious healing practitioners); professional school personnel; social workers; licensed psychologists; pharmacists; employees of the Department of Social and Health Services.

## What to Report?

### ALASKA:

Abuse--Non-accidental infliction of injury or physical harm on a child's body.

Neglect--Failure to provide necessary food, care, clothing, shelter or medical attention for a child.

### IDAHO:

Abuse--Any case in which a child has been the victim of conduct resulting in skin bruising, bleeding, malnutrition, sexual molestation, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive or death, and such condition or death not justifiably explained, or at variance with the history given for it, or if circumstances indicate it may not be the product of an accidental occurrence.

Neglect--Without proper parental care and control or subsistence, education, medical or other care necessary for well-being because of the conduct or omission of his/her parents, guardian or other custodian or their neglect or refusal to provide them; whose parents, guardian or other custodian are unable to discharge their duties to and for the child because of incarceration, hospitalization, or other physical or mental incapacity; who has been placed for care or adoption in violation of law.

Abandonment--Failure of parent to maintain a normal parental relationship with his child including but not limited to reasonable support or regular personal contact.

### OREGON:

Any physical injury to a child which appears to have been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury; neglect which leads to physical harm; sexual molestation.

### WASHINGTON:

Instances of non-accidental injury, neglect, death, sexual abuse, and cruelty to children by their parents, custodians or guardians, and instances where child is deprived of his/her right to conditions of minimal nurture, health and safety.

### Definition of "Child"

ALASKA: Any person 16 years or under.

IDAHO: Any person under the age of 18.

OREGON: Any unmarried person under the age of 18.

WASHINGTON: Any person under the age of 18 and any developmentally disabled person, regardless of age.

### How to Report?

#### ALASKA:

To whom? An immediate report should be made to nearest office of the Department of Health and Social Services. If unable to contact the nearest office and immediate action is necessary for the well-being of the child, a peace officer may be contacted and the situation reported to the Department at the earliest opportunity.

When? Immediately.

Information Required: Not specified.

#### IDAHO:

To whom? The proper law enforcement agency or, in the case of attending hospital or institutional staff, to the person in charge of the institution who shall make the necessary reports.

When? Within 24 hours.

Information required: Not specified.

#### OREGON:

To whom? The local office of the Children's Protective Services Division or the local law enforcement agency (city or municipal police department, county sheriff's office, Oregon State Police, or county juvenile department).

When? Immediately by phone or in person. Written reports are not required.

Information required: Names and addresses of the child and the adults responsible for her/his care, the child's age, nature and extent of the abuse (including any evidence of previous abuse), the explanation given for the abuse and any other information which might be helpful in establishing the cause of the abuse and the identity of the perpetrator of the abuse.

WASHINGTON:

To whom? Law enforcement agency or Department of Social and Health Services.

When? Immediately by phone (in writing, if requested).

Information required: Name, address and age of child; name and address of adult having custody; nature and extent of injury, neglect and/or sexual abuse; any evidence of previous injuries and their nature and extent; and any other information helpful to establish the cause of the injury and identity of perpetrator(s).

HB

561



# Delta/Greely School District REAA #15

Ft. Greely School  
P.O. Box 229  
Ft. Greely, Alaska 99790

907-872-3240

January 22, 1980

Frank R. Ferguson  
Box 131  
Kotzebue, Ak. 99752  
Dear Sir:

We, the members of the Community School Committee, Ft. Greely, Alaska, are vitally concerned about the needs of the Ft. Greely School students. These needs were first identified in 1969 by Mr. William L. Stormer, Director of School Assistance in Federally Affected Areas, H.E.W. An extensive study was conducted by Mr. James Woofter, Acting Chief of School Construction, H.E.W., in 1975. This study delineated the necessary improvements needed to upgrade the Ft. Greely School. During 1976-78 time frame, the cause of school improvement at Ft. Greely has received continual "lip service" but little else in the way of positive action. (See Enclosure 1) Everyone from the Federal to the state level has recognized the problem but no one has done anything about it. The losers in this political battle are the children--civilian and military students who are receiving a substandard education because of defects in the present facility.

It is our belief that the modernization of the education facility at Adak Naval Station was a positive step in the right direction and it is our hope that it will serve as a model in the legislature's efforts to upgrade the Fort Greely facilities. As you know, the legislature, in its 1978 session, authorized the expenditure of two million dollars for the construction of elementary classrooms at Adak. That was the first time that state monies have been spent on a H.E.W. facility.

The Alaska Committee of the Northwest Association of Schools and Colleges has added further impetus to our situation (See Enclosure 2). Our conditional accreditation status specifically highlighted our three major problem areas.

I. The lack of an adequate gymnasium has forced the Ft. Greely School to satellite its Physical Education program onto the military at Ft. Greely. A stop-gap arrangement has



# Northwest Association of Schools and Colleges

Commission on Schools  
State Committee

December 17, 1979

Mr. John Mikesell  
Ft. Greely Junior High School  
Delta Junction, Alaska 99737

Dear John:

The Northwest Association of Schools and Colleges has awarded Ft. Greely Junior High School approved w/c status for the 1979-80 school year. The Alaska Committee recognizes and commends your efforts in expanding the math curricula offerings. Expansions of this nature certainly provide enrichment to students.

The annual report indicates deviations in Standards III, IV and VI. We would encourage your continuing efforts in securing the necessary resources to eliminate the existing substandard conditions in the gymnasium, kitchen and library facilities.

If we can be of further assistance please contact us.

Sincerely,

Jeff G. Jeffers  
Secretary-Treasurer  
Alaska Committee  
Northwest Association of Schools and Colleges

JCJ/mjh

TABS

TAB A Request for Assistance for Fort Greely School from Commander, Fort Greely, Alaska

TAB B Request for Assistance for Fort Greely School to General Frederick J. Kroesen from BG Boatner with copy furnished Ted Stevens

TAB C Letter to Mr. William L. Stormer, Director SAFA U.S. Office of Education from Marshall L. Lind Commissioner of Education

TAB D Improvements at Fort Greely School from Mary Ann Simpson, Staff Assisant to Senator Stevens to BG James G. Boatner

Letter to BG James G. Boatner from General Frederick J. Kroesen with copy of letter in TAB C

TAB E Letter to BG James G. Boatner from BG Robert A. Holloman, III

Letter from General Bernard W. Rogers to Commander FORSCOM

Letter from Ernest L. Boyer, U. S. Commissioner of Education to Lieutenant General Dewitt C. Smith, Jr., Deputy Chief of Staff for Personnel

TAB F Letter from Mike Gravel to Marshall Lind

TAB G Letter from William L. Stormer, Director, School Assistance in Federally Affected Areas to Mr. Marshall L. Lind

TAB H Letter from MG James G. Boatner to Jay Hammond

TAB I Letter from Jay Hammond to MG James G. Boatner

AFZT-STG

5 January 1978

SUBJECT: Request for Assistance for Fort Greely School

Commander  
172nd Infantry Brigade (Alaska)  
Fort Richardson, Alaska 99507

1. A request for assistance has been received from Mr. Frank Brocato, Principal for the on base Fort Greely School, to obtain command support for needed school improvements.
2. The Fort Greely School is a Health, Education and Welfare School staffed by the State of Alaska. Funding for the schools physical plant is through H.E.W. and Congress. Fort Greely School serves all military dependents in grades Kindergarten through eight and local Delta Junction students in grades seven and eight.
3. The present physical plant does not meet needed requirements for physical education, auditorium space, or cafeteria facilities. Fort Greely facilities are utilized by the school on a mutual arrangement for athletic training and competition and auditorium space as an interim measure; however, post facilities for troop use are also limited and this arrangement imparts on post morale and efficiency. The hot lunch program served in most schools is not provided at Greely and a Class A soup and sandwich lunch is fed in lieu of. Construction of a school gymnasium and cafeteria is a vital requirement if the school is to meet the educational needs of our dependent children at Fort Greely.
4. Recommend this matter be addressed to the State Board of Education and Alaska Congressional Delegation for resolution.

DAVID R. PINNEY  
COL, III  
Commanding

CF:  
Mr. Frank Brocato  
Mr. Glen Chowning



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 172D INFANTRY BRIGADE (ALASKA)  
FORT RICHARDSON, ALASKA 99505

AFZT-PA-H

24 APR 1978

General Frederick J. Kroesen  
Commander  
US Army Forces Command  
Fort McPherson, Georgia 30330

Dear General Kroesen:

We need your help in getting the long-recognized needed improvements for the Fort Greely school off dead-center.

The Fort Greely School is a Health, Education and Welfare School staffed by the State of Alaska. Funding for the school's physical plant is through HEW and Congress. The school serves all military dependents in grades kindergarten through eight and local Delta Junction students in grades seven and eight.

I am told that Mr. William L. Stormer, Director for School Assistance in Federally Affected Areas, Department of Health, Education and Welfare (HEW) has been aware of the construction needs for the Fort Greely School since 1969. An extensive study was made in July 1975 by a team headed by Mr. James Wooster, then Acting Chief of School Construction of HEW. This study group recommended numerous construction needs to the Department. Despite numerous letters about the study 1976 to and by Senators Mike Gravel and Ted Stevens, Congressman Don Young, plus Mr. Stormer and others, little progress has been made in improving the Fort Greely School.

The present physical plant does not meet needed requirements for physical education, auditorium space, or cafeteria facilities. Fort Greely facilities are used by the school on a mutual arrangement for

AFZT-PA-H

24 APR 1978

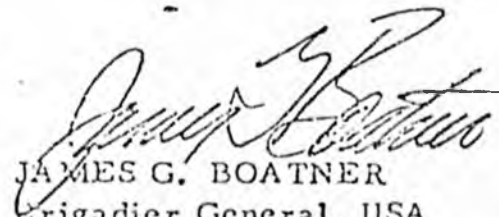
General Frederick J. Kroesen

athletic training and competition and auditorium space as an interim measure; however, post facilities for troop use are also limited, and this arrangement impacts on post morale and efficiency. The hot lunch program served in most schools is not provided at Greely and a Class A soup and sandwich lunch is fed in lieu of. Construction of a school gymnasium and cafeteria is a vital requirement if the school is to meet the educational needs of our dependent children at Fort Greely.

The long harsh winter environment, the relative isolation of Fort Greely, and the perception that nothing is being done to correct the problems have an adverse effect on the post population and the school staff.

Any help you can give us would be appreciated.

Sincerely,



JAMES G. BOATNER  
Brigadier General, USA  
Commanding



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 172D INFANTRY BRIGADE (ALASKA)  
FORT RICHARDSON, ALASKA 99505

AFZT-CS

25 APR 1978

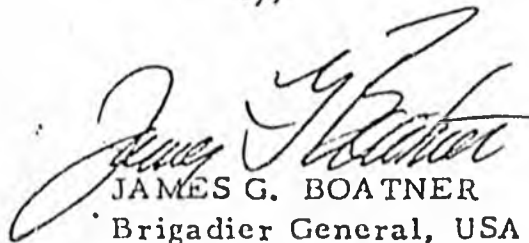
Honorable Ted Stevens  
United States Senate  
Washington, D. C. 20510

Dear Senator Stevens:

Attached is a letter I sent General Kroesen asking for his help in getting the improvements for our Fort Greely school off dead-center.

I know of your interest in this matter and would appreciate any help you could give us.

Sincerely,

  
JAMES G. BOATNER  
Brigadier General, USA  
Commanding

1 Incl  
As stated