

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86 / 2

2272 HHESS HB 504 - HB 514

272

WHEREAS, the preservation and continuation of Native culture in Alaska is of paramount importance; and

WHEREAS, Native teachers are needed to foster a sense of ethnic traditions and cultures in Alaska Native students; and

WHEREAS, existing programs have failed to increase the number of Alaska Native teachers; and

WHEREAS, the number of Alaska Native teachers returning to teach Alaska Native students is inadequate.

THEREFORE BE IT RESOLVED that the Alaska Native Land Managers Association, meeting in Anchorage, Alaska, this 19th day of January, 1984, does hereby support and urge the immediate passage of House Bill 504.

MR VERN HULBERT
HOUSE OF REPRESENTATIVES
JUNEAU, AK

FEB. 15, 1984

DEAR REP. Vern Hulbert

THIS IS A LETTER CONCERNING HOUSE BILL NO. 504 IN SUPPORT OF STUDENT LOANS TO AKASKAN STUDENTS. I AM IN FULL SUPORT OF THIS BILL. I CAN HONESTLY SPEAK ON THIS ISSUE. WHEN I ATTENED THE X-CED PROGRAM THERE WHERE MANY DISCOMFORTS I HAD TO ENCOUNTER IN APPLYING FOR FUNDING AS AN OFF CAMPUS STUDENT. THE EXISTING LOANS WERE NOT ENOUGH TO MET THE NEEDS OF ANYONE WITH A FAMILY. WE ALL UNDERSTOOD THAT IT COSTED MONEY TO GO TO SCHOOL BUT THE HARDSHIP WAS AT TIMES VERY DEMANDING ON OUR SLIM BUDGETS.

THE BILL HAS INSIGHT FOR OUR NON-CERTIFIED TEACHERS WHO HAVE BEEN VERY DEDICATED TO THEIR JOBS. THAY HAVE WORKED VERY SILENTLY WITHOUT RETIREMENT BENIFITS ON PART TIME BASES. I CAN FORESEE THEM GOING ON TO SCHOOL NOW IF THIS BILL IS PASSED IN BOTH HOUSES. THE COMMUNICATION WHICH LINKS THE VILLAGE LIFE AND THE SCHOOLS ARE THE NON-CERTIFIED AIDES. PERHAPS, IN THE FURTURE WITH MORE CERTIFIED TEACHERS WHO ARE ALASKAN NATIVES A BETTER DELIVERY OF EDUCATION WILL BE A REALITY HERE IN RURAL ALASKA.

I ALSO CAN SEE ANOTHER BARRIER WHAT WILL BE DONE FOR THE NATIVE CERTIFIED TEACHERS WHO MUST WAIT FOR THE TENURE TEACHERS TO MOVE ON I MYSELF SIT IN THAT POSITION AND HAVE BROUGHT IT TO THE ATTENTION OF THE REAA BOARD THE REPLY WAS THE TENURE TEACHER OR AN OPENING WITHIN THE DISTRICT WHEN EVERY THE WAS ON WHERE I CAN FIT THE SLOT.

SINCERELY


MARIE T. [WALKER] HAILEY

MANIILAQ MANPOWER

P.O. Box 725
Kotzebue, Alaska 99752

Phone
(907) 442-3360

February 6, 1984

Mr. William T. Lovell
House HE&SS Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

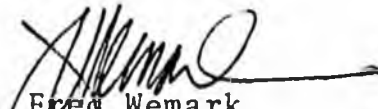


Dear Mr. Lovell:

Thank you for this opportunity to submit written comments on House Bill No. 504. I admire the legislators insight into the problems of Rural Alaska and I applaud them for their inventiveness. Keep up the good work!!

Once again thank you for this opportunity.

Sincerely,


Fred Wemark
Special Assistant

enclosure: 1

Mauneluk Manpower
Testamony on HB 504

Thank you for this opportunity to comment on HB 504. My name is Fred Wemark, Special Assistant with Mauneluk Manpower. I manage a program that brings career awareness into the villages. The main thrust for the program is to get the students and adults within the villages to think about what they would like to do in the village or region in the way of an occupation. We explore all the potential possibilities of work and try to give as accurate a picture of employment as possible in the future.

Your Bill reaches right to the heart of employment that will always be present regardless of the amount of development the rural parts of our great state may or may not enjoy. As long as there is a rural population there will be teaching jobs available. It is only fitting that these positions be taken by those that will live in the community and raise their families and keep the money within the community. This not only makes sense from an economic standpoint but from a social standpoint also.

There are many students in our University system that are studying for a career in Education. But those people are too few. Your bill will increase that number dramatically. More and more the high school students are realizing the importance of a higher education. With the rural economy in the shape it is in those hopes for a higher education fades with the lack of money to send them to school. Hope is now on the horizon. I urge that you pass this important piece of legislation as soon as possible with the appropriate funding.

Thank you.



City of Mountain Village

P.O. Box 204
Mountain Village, Alaska 99632
(907) 591-2929

Febraury 10, 1984

Honorable Joe Hayes
Speaker of the House
Alaska House of Representative
Pouch V
Juneau, Alaska 99811

Dear Speaker Hayes:

I am writing to you in support of House Bill no. 504, which you introduced recently in the second session of the 13th legislature. This bill if passed, will greatly encourage and enhance our native people to come back and teach among their own people and will improve the quality of education which is vital in this area. Representative Vern Hurlbert is aware of this and it is his concern for his constituents in District 24 of which he represents.

Mr. Speaker, I advise your integrity and is some what surprise to me that you are concerned for us natives, therefore, I believe that is the kind of leadership we need in Juneau. Thank you very much!

Sincerely,


Andrew Brown, Vice-Mayor

cc. Rep. Vern Hulbert
Sen. John Sackett
Sen. Frank Ferguson
Rep. Jack Fuller
Supt. Dr. William Phillips, Lower Yukon School District
City Manager, Steve Schwab

KALTAG NATIVE VILLAGE COUNCIL

RESOLUTION NO. 84-2

A RESOLUTION OF THE KALTAG NATIVE VILLAGE COUNCIL, KALTAG, ALASKA
PERTAINING TO HOUSE BILL NO. 504, "ESTABLISHING TEACHER SCHOLARSHIP
LOAN PROGRAM".

WHEREAS, we, the Council of Kaltag Village, are aware of the need for more
native teachers in our school systems across the state, and

WHEREAS, there is a need for funding and scholarships, and

WHEREAS, House Bill No. 504, in the legislature of the State of Alaska,
Thirteenth Legislature - Second Session has been introduced, and

WHEREAS, the above bill does not include students of private schools,

NOW, THEREFORE BE IT RESOLVED that the Kaltag Native Village Council respectfully
requests the sponsors of HB 504 to include private school students and,
if and when it does this, the council will fully endorse the above mentioned
bill.

ADOPTED THIS 9th day of Feb, 1984.

Franklin N. N. N. Chief

Plasher N. N. Second Chief

Marylene Esmailka Council Member

Mary E. Neglaske Council Member

_____ Council Member

_____ Council Member

HB 504
HESS

CITY OF SCAMMON BAY

GENERAL DELIVERY
Scammon Bay, Alaska 99662 / (907) 558-5529

D

1037
2-7-84

The Honorable Anthony Vaska
State Representative for District 25
Alaska State Legislative
Pouch V
Juneau, Alaska 99811

Dear Tony,

Hello there Mr. Vaska! I understand that you and Senator Sackett were very busy having to meet with your constituents in Bethel. I'm sorry I did not have an opportunity to see you when Frank Aguchak and I went down to Juneau during the week of Febuary 1-4 to do political business with our district legislator..Anyway I talked with your /isaltive assistant, Jim Plasman and, gave him a copy of Scammon Bay's Capital priority needs for this year.

We also would like for you to support H.B. 504 introduced by Representative Joe Hayes which is a bill aimed at providing a teacher scholarship loan program.

It's time that rural students especially natives must have sufficient financial recourse in order to come back to their own villages and teach. We would like for you to oppose the State take over of Mt. Edgecumb High School. Both of these issues are fully supported by the majority of the AVCP delegates which convened in Hooper Bay on January 26-27. You know as well as we know that it's unnessary for the State to take another financial burden when there's so much to fell for rurals basic need's.

Well, Tony, if theres anything I can do in anyway, please let me know.

Sincerely,
Homer Hunter Jr.
Mayor

cc. Files
Senator John Sackett
Senator E

Rep. Al Adams

Rep. Veen
Worthen



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

1411 W. 33RD
ANCHORAGE, ALASKA 99503
(907) 274-0527

JUNEAU OFFICE

147 S. FRANKLIN #207
JUNEAU, ALASKA 99801
(907) 586-3090

FAIRBANKS REGIONAL OFFICE

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

TO: Mae Tischer, Chairman
House HESS Committee
Members of the Committee

DATE: February 21, 1984

RE: HB 504; "An Act establishing the teacher scholarship loan program."

NEA-Alaska strongly supports and encourages favorable consideration of the concept of scholarship incentives as a method of encouraging Alaska Natives to pursue careers in teaching in the public schools in Alaska. This particular issue was established as one of the six major legislative priorities of the Delegate Assembly, meeting in Anchorage in January.

It may be appropriate for the Committee to seek data relative to the previous implementation of AS 14.43.050 -.090 for purposes addressing specifically identified needs. SB 426 expands upon the provisions of the above referenced statute.

We would further encourage that the Committee, either on its own initiative or through the Department of Education, consider the feasibility of conducting an annual survey of all Alaska Native High School sophomores, juniors, and seniors and, perhaps even a supplemental survey of their parents and guardians as well, in an effort to build a data base which could be used to bring even more focus to this kind of legislation on a long term basis. Specifically, it seems appropriate to have more information on:

- career aspirations, expectations, needs
- current deterrents, barriers, problems
- extent and nature of counseling and adequacy of curriculum

A recent survey published by Texas Christian University on "Factors Related to High School Students' Interest in Teaching as a Profession" strongly suggest that a decline in parental interest in encouraging their children toward teaching is a major factor. It may be appropriate to ascertain the validity of this conclusion for Alaska.

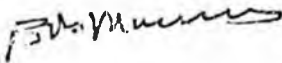
With an increasing number of Native students in the urban areas perhaps it is worthy of some emphasis to encourage, through incentives, more Native teachers in these areas as well.

It also seems appropriate to consider making this loan program an adjunct of the regular student loan program, but utilizing an expanded and separate sub-committee of the Post Secondary Education Commission which would also include practicing teachers and parents among its membership.

We feel that it is appropriate to raise some caution relative to geographic restrictions upon where a recipient may chose to teach. Reduction in the teaching force, non-retention and/or desire to voluntary job changes may have some effect on mobility of the recipients.

Finally, it may also be appropriate to clarify the legislative intent of HB 504 as it pertains to the term "teacher." AS 14.20.207 currently provides that the term teacher is also intended to cover administration. It is our recommendation that the primary focus be toward those who are actually in a classroom teaching circumstance.

Respectfully Submitted,



Bob Manners
Executive Secretary
NEA-Alaska

4:DS1

Alaska State Legislature



Speaker of the House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-3720

Official Business

February 24, 1984

Jim Greig, Ph. D.
Box 399
Bernalillo, N.M. 87004

Dear Dr. Greig:

Thank you for your February 1st letter and the fascinating description of some of the high costs of education in rural Alaska. I had been aware they were high, but your material was a real eye-opener. Obviously, to the extent that it can be documented and publicized, it will work to the advantage of the bill I have sponsored.

In addition to that interest, however, it appears this might be material of interest to the Legislative Auditor. I will forward a copy of your material and of this letter to Representative Bob Bettisworth, Chairman of the Legislative Budget and Audit Committee, for his perusal.

With your interest in education you might be pleased to know that the bill, which has been the feature of several public hearings recently, is very popular, and it appears at this point that implementation could begin in the upcoming school year (next Fall). It has the strong support of the State Board of Education, the Director of Postsecondary education, and numerous other ranking officials in the education community. It very well could prove to be the sensible solution to a bothersome and very expensive problem.

Again, thank you for the information, and for your expression of support for the legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe L. Hayes".

Joe L. Hayes
SPEAKER OF THE HOUSE

JLH:rjn

Feb 1, 1984

Dear Rep. Hayes:

Here is an article on your
Native teacher scholarship bill.
Perhaps you will find it
useful - perhaps you can even
induce some newspaper to print it.
after nine months of controversy,
the University of Alaska has never
contradicted my facts - they have
only attacked my conclusions.

If you have any questions,
please phone.

Yours truly,
Jim King

Feb. 1, 1984

Jim Greig, Ph.D.
Box 399
Bernalillo, N.M.
87004
(505) 867-2969

FEB 06 1984

FUND STUDENTS, NOT PROFESSORS -- THE HAYES SCHOLARSHIP BILL

Rural Native American students may soon receive \$10,000 per year scholarships towards teaching degrees if the bill recently introduced by Alaska State Representative Joe Hayes is successful. Many voters may see this as too much money lavished on a favored ethnic minority. They may see this bill as both an example of government waste and of government reverse discrimination. But, I have good evidence to show that this bill is neither wasteful nor discriminatory. The reality is quite the opposite.

My evidence comes from inside information, information that is common knowledge among rural college professors and administrators but is almost never released to the general public. I can divulge this information because I was willing to risk my career in Alaska rather than cover up the waste that I found in rural higher education. For any that care to investigate this evidence, I have quite extensive, specific information. In 1981 and 1982 I worked as a University of Alaska professor among Native American villages along the Yukon River. Then, in the spring of 1983, I worked as the director of a "non-profit" Native teacher education program among the villages of the Bering Sea. The following are just a few of my experiences as a rural educator.

When I arrived at my job on the Bering Sea, I was responsible for directing an on-going \$346,000 Federal program that was coordinated with two University of Alaska programs that cost about \$252,000. In all, we were spending about \$600,000 per year. All the publicly released documents -- grant requests, appeals for more state funding, etc. -- advertised that we had over 40 students, all rapidly progressing towards their teaching degrees. But, after I had been on the job for a month, nothing seemed to be happening. Four or five students seemed to be doing some of their assignments, but that was about all. This program had been running for a year and a half before I arrived. Had the students done any work during that year and a half? It was hard to say. No credit hour totals had ever been compiled. What was the total cost of this program? Again, no total cost figures had ever been kept. I asked the university officials for their totals, but they said that they didn't have any.

In attempting to determine the success rate of my program, I began to piece together the facts. If the program really was not working, perhaps something could be done to improve it. But, first I had to determine what was actually happening. So, I began to assemble complex charts on my office walls -- charts showing student progress during the current semester and charts showing student progress during the previous semesters.

At first it was difficult to determine just what I should consider as a "student." After all, I had over 40 people signed up, and all were claiming to be "students." Yet, little work was being done. But, then I found a clear solution. If, for example, those in my program completed a total of 1000 courses (3 credit hours each) during the school year, and if each full time student was theoretically expected to complete 10 courses per year, then I could justifiably speak of having 100 "students." This would be true no matter how many people were actually on my rolls. Further, if the total cost of my program was, for example, \$1,000,000 per year, then I could say that the efficiency of this program was \$10,000 per student per year.

Alaska State Legislature



Speaker of the House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-3720

Official Business

February 24, 1984

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Box 399
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A handwritten signature in cursive script, appearing to read "Joe L. Hayes".

Joe L. Hayes
SPEAKER OF THE HOUSE

JLH:rjn

Such cost effectiveness is so easy to calculate that it could be demanded by the State Legislature and even published in the newspapers. In this way alternative programs could openly compete with each other for public funds. At present, university administrators hide such statistics as though they were nuclear secrets.

For example, one day two officials from a rural community college came by and noticed the charts on my wall.

"Better not display information like that," said one.

"Best not to collect such information in the first place," said the other.

These well intentioned men simply wanted to give me good survival advice. Nevertheless, I kept on with my chart work. Soon my charts clearly showed that over the last year and a half this program had not 40 students but only 5 students. I was generously calculating that one "student" would complete about seven courses per year -- which is only a part-time load anywhere else. Further, we were spending not \$10,000 but \$120,000 for each student each year. At this rate, the price of just one teaching degree was going to be well over \$700,000.

I went to a high administrator of the local community college that formed part of this program.

"Look at these charts," I said. "This program clearly isn't working."

"I know," said the administrator, "but we have tried almost everything."

I had been giving some thought to another, quite obvious approach. It seemed to me that most Native American college graduates that I met in rural Alaska earned their degrees at major campuses. Scholarships large enough to allow our average student, who often had dependent children, to venture onto a large campus, might be the way to go.

"What about setting up a large scholarship fund to send our best students to major campuses?" I asked. "It might be worth a try."

"No way!" He said.

At this point, I should give the reader some background information. Why was this administrator so upset over my suggestion? The answer is that if these scholarships were granted, his college would not only be losing student tuition money, but it would also be faced with decreasing enrollment statistics. His total student enrollment was a major factor in his own funding and was a major factor by which his bureaucratic superiors measured his effectiveness as an administrator. He didn't want to send away promising students -- even if it was to their advantage.

Why don't other rural professors protest over the waste within their own programs? After all, don't professors have the freedom and desire to "profess" the truth? The answer to this is, again, "No way!" Almost two hundred Ph.D's applied for the position that I was selected for at the University of Alaska. Most of these were unemployed. Even if they could find jobs in the Lower Forty-Eight, their average pay would only be about \$18,000. The Alaskan bush is often their last chance to make up for all those years at the poverty level. My Alaskan job paid about \$50,000 per year, plus a long vacation, junkets to southern

California, and other benefits. With these wages and with 200 Ph.D's waiting in line to replace you, are you going to rock the boat? Probably not.

If you are a boat rocker, you are very quickly replaced. Through a process of natural selection, all boat rockers are soon jettisoned, and only those with a stomach for this kind of excursion survive. I now run my own construction company in New Mexico.

So, would this \$10,000 scholarship be wasteful? Not at all. In fact, quite the opposite. If my program is typical, and I believe it is, the taxpayer is already spending up to \$120,000 a year for each rural student. How much better would it be for this money to fund twelve students directly, instead of one student indirectly. As it is, most of this \$120,000 per student never benefits the student, but instead benefits the bank account of some professional educator. The case is similar if the efficiency of the main rural teacher education program of the University of Alaska at Fairbanks, the X-CED Program, is put to the test. X-CED spends in excess of \$1,130,000 per year to field eight professors, some with as little as two or three actual students. This money alone would fund 113 \$10,000 scholarships -- perhaps far more scholarships than rural Alaska could presently absorb. Figured this way, the direct benefits become tremendous, and this scholarship program is already funded. It is just a matter of switching the money around.

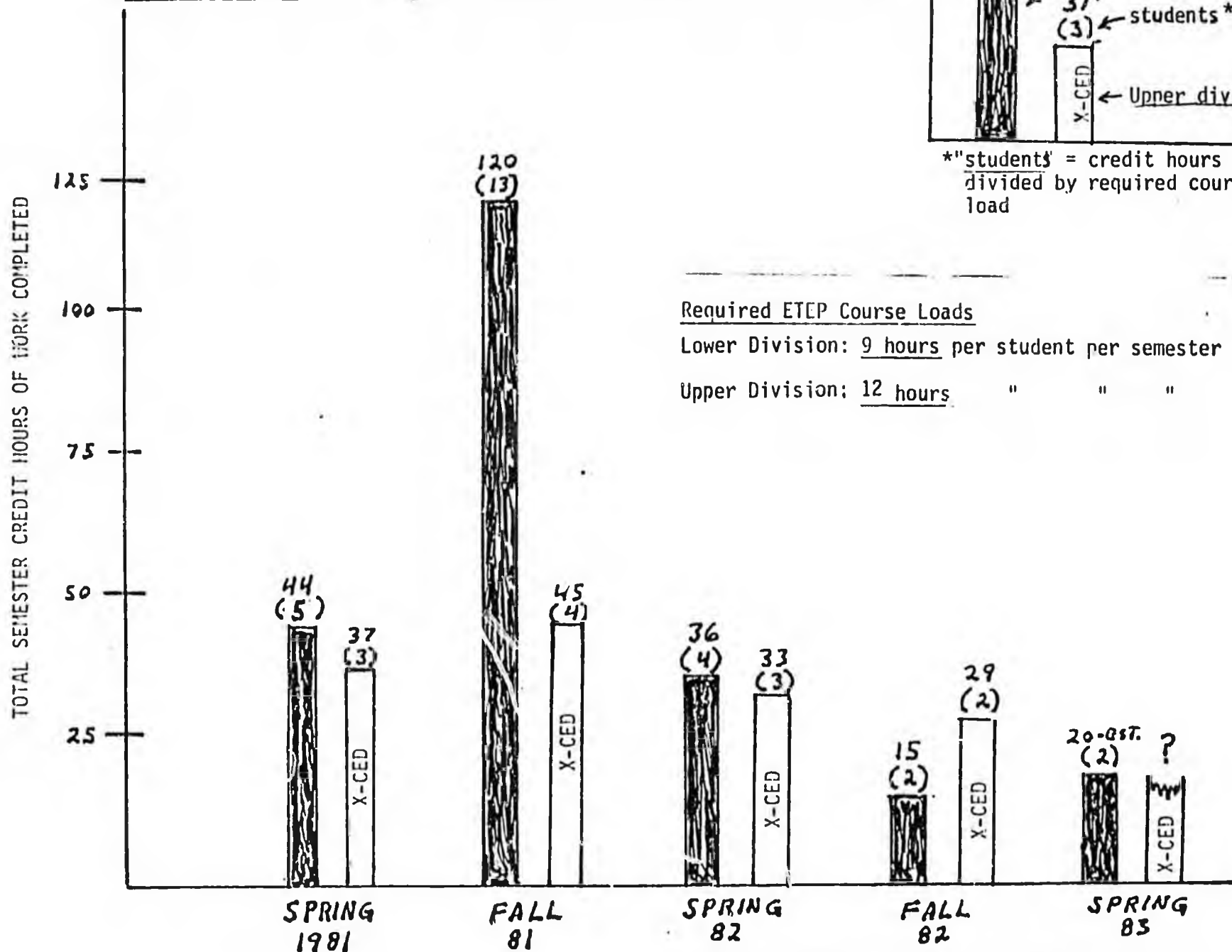
Would this scholarship constitute reverse discrimination? I think not. The point of this scholarship is not to reward someone for having a particular kind of genes, but for having a particular kind of knowledge. Someone with, for example, Inupiaq ancestry who was raised in Ireland would not be a fitting candidate for these scholarships. On the other hand, an Irish child adopted by an Inupiaq family presumably could become a scholarship candidate. Further, these scholarships would not be designed to reward a student simply because he is a product of Alaskan Native culture. If, for example, the proposed scholarship were for a degree in electrical engineering, then the student's cultural knowledge would have no relevance. But, the point here is that such cultural knowledge is directly relevant to the student's future duties as a teacher of his own children. As has been amply demonstrated, teachers from the American mainstream rarely remain in a Native American village long enough to understand their new culture or to understand their students. Due to this lack of cultural and linguistic knowledge, effective education suffers.

To conclude, from direct experience I know that much of rural higher education is extremely wasteful. For every \$100,000 the state pours into rural programs, over \$90,000 gets drained away by a vast bureaucracy of professional educators. How much better would it be to give the students money directly and to cut out all of these expensive middlemen. These educators will certainly scream over such a proposal. But, they can easily be silenced by auditing their programs and calculating the total cost per actual student. At present this ratio is never made public.

Secondly, It seems only fair that rural Alaskan communities be given the opportunity to educate their own children. These scholarships should not be seen as discriminating against those who are not Native Americans, but as rewarding those who have a specialized and valuable kind of knowledge.

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BAR GRAPH OF ETEP PROGRESS



Required ETEP Course Loads

Lower Division: 9 hours per student per semester

Upper Division: 12 hours " " "

Totals do not include work by 2 non-Native students who are not funded by ETEP.

Presented by Jim Greig, ETEP Director, to the Kawerak Board of Directors, April 20, 1983.

ANALYSIS OF ETEP PERFORMANCE -- APRIL 20, 1983
 (With some revisions for more precise data & corrections on 4/24)

TOTAL PROGRAM COST (Both X-CED & Lower Division, Spring Sem. '81 -- Sp. Sem. '83)

ETEP Budget for Entire Program (11/1/80 to 6/30/83)	\$848,296
Cost of X-CED for 2½ years *	382,380
Cost of NWCC for 2½ years *	<u>247,430</u>
<u>Total Program Cost</u> (X-CED & Lower Division)	<u>1,478,606</u>
Total Credit Hours Produced (X-CED & Lower Division)*	517
Cost per Credit Hour	\$2860
Cost for One 130 hour Teaching Degree (B.Ed.):	\$371,800
Average number of students per semester (Calculated using "required course loads" -- see bar graph)*	8

COSTS FOR 1982 - 1983 SCHOOL YEAR (Both X-CED & Lower Division)

Total Program Cost	\$598,762
Total Credit Hours Produced (est.)	88
Cost per Credit Hour	\$6804
Cost for 130 ^{hr} Teaching Degree (B.Ed.):	\$884,520
Average numbers of students per semester (Calculated using "required course loads" -- see bar graph)	4

ANALYSIS OF BERING STRAITS REGION X-CED PERFORMANCE -- Prepared April 22, 83

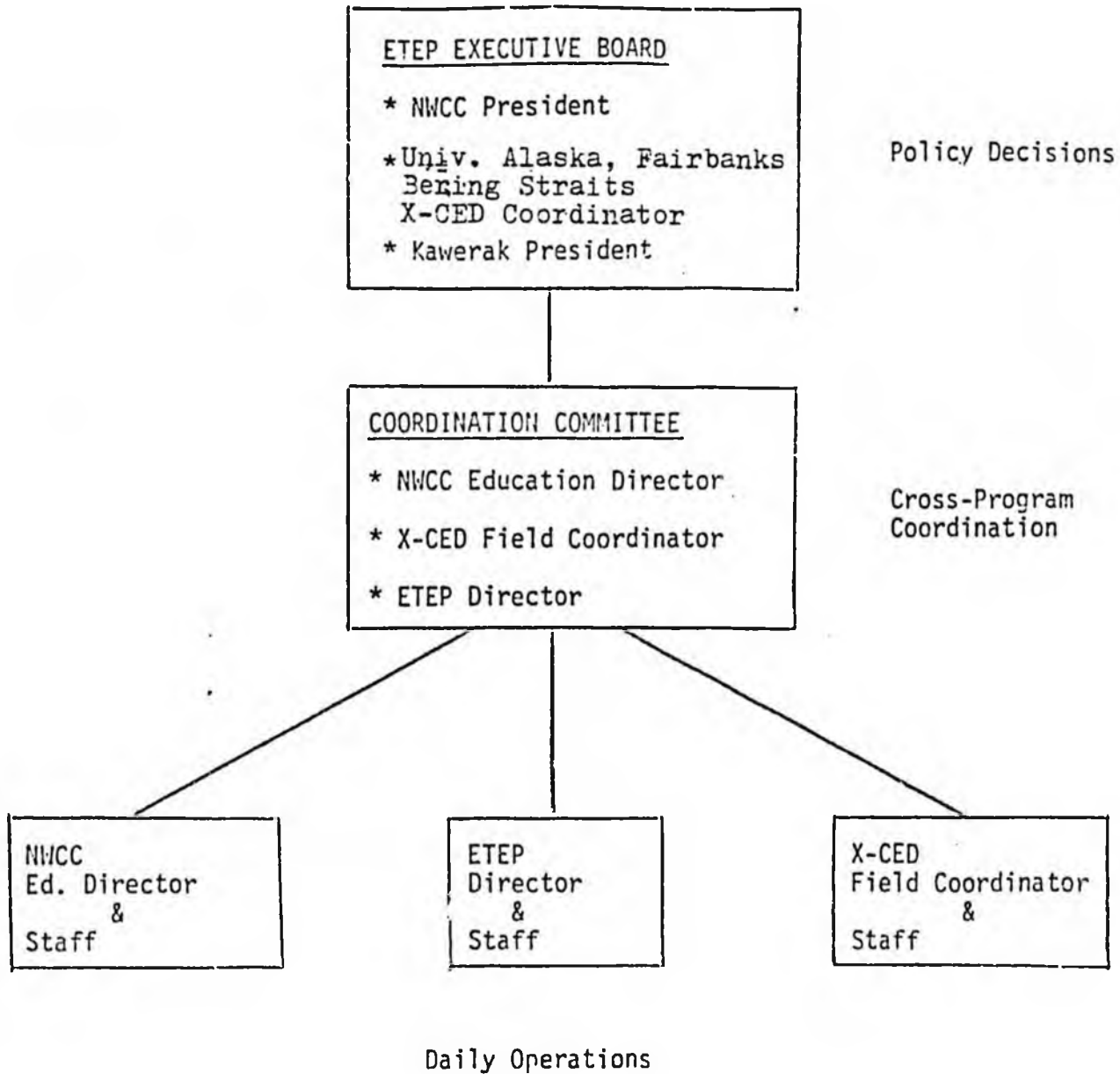
TOTAL X-CED PROGRAM COST, SPRING SEMESTER '81 THROUGH SPRING SEMESTER '83

Total X-CED Budget (est., extrapolating from '82-'83)*	\$382,880
Total Semester Credit Hours Produced (est.)*	173
Cost per Credit Hour	\$2,213
Cost for 130 hour teaching degree (B.Ed.)	\$287,690
Average number of students per semester * (Total cdt. hrs., divided by 5 semesters, divided by 12 hr. normal course load)	2.9

*Separate sheets of paper contain information explaining these calculations

NOTE: These two information sheets on ETEP organization, although prepared for a Title VII grant proposal, generally show the de facto ETEP organizational plan.

ETEP ORGANIZATION CHART (Administrative)



Ousted director raps rural teacher program

By MARTHA ELIASSEN
Daily News reporter

The former director of a Nome-based Eskimo teacher training program claims he was fired because he has said publicly that the program costs too much and it is not working.

Dr. Jim Greig, a philosophy professor who has taught in universities around the world and was hired in January to oversee the Eskimo Teacher Education Program in northwest Alaska, claims hundreds of thousands of dollars are going into the program but only a handful of students are benefiting.

The program was developed two years ago by Kawerak Inc., a non-profit Native corporation, to provide teacher training in individual villages. It is coordinated by Kawerak, the Northwest Community College in Nome and a cross-cultural education program based at the University of Alaska-Fairbanks.

University and Kawerak officials say Greig was not on the job long enough to make

Continued from Page A-1

teachers for village schools.

"A lot of money has been spent since the ETEP program began with very little produced," Greig said in an initial memo to Caleb Pungowiyi, Kawerak president.

Greig said he gave a presentation to the Kawerak board of directors April 21 outlining what he says are the shortcomings of the program. He received a memo from Pungowiyi April 25 telling him he had been fired for unsatisfactory performance.

"Obviously, I am being fired for telling the truth," Greig said. Facts about the success rate of the program have been deliberately hidden to make sure it continues, he said.

"There are a few people out there who understand how the system works and are milking it for all it's worth," Greig said.

"My firing is made even

an accurate judgment. They say he misunderstood the nature of the training program.

In the past year and a half, Greig said, about \$598,000 a year has been used to educate five students. Although 27 students are registered this semester, Greig said, the majority are students "in name only." They do not attend classes or complete assignments regularly and have collectively earned only 16 credit hours this semester, he said.

Greig estimates the cost of one teaching degree earned through the program at \$800,000.

"Everybody realizes it isn't working and they don't know what to do," Greig said.

After he was hired in January, Greig said he spent the first month or so writing grants for the program because funds run out this summer. But after praising the program to the government and oil companies, Greig said he began investigating its success in producing Eskimo

more repugnant by being described as 'in the interests of students,'" Greig said in a protest letter to Pungowiyi. "Eight-hundred-thousand dollar degrees are not in the interest of the students — their interests lie in the efficient use of the \$598,000 poured into ETEP each year."

Pungowiyi said Greig does not understand what the program is meant to accomplish and made judgments about rural Alaska he did not have the background to make.

"What Jim does not understand is the need for Eskimo teachers and the cost of education in rural Alaska," Pungowiyi said.

The aim of the program is to prepare Eskimos for teacher certification in their own villages, at their own pace, he said.

Though Greig had proposed that it would be much cheaper to give Eskimo students university scholarships, Eskimos who enroll in urban col-

This story also appeared in:

- The Anchorage Times
- The All-Alaska Weekly (headlines)
- The U.S.A. Today (national paper)
- Associated Press (sent nationally)
- Alaska Public Radio
- And many other news sources.

leges have a high dropout rate, Pungowiyi said.

"There is no doubt that the program is expensive," Pungowiyi said. The pay-off will be in 10 or more years rather than within the next two years, he said.

Mike Metty, Northwest Community College president, said Greig made his judgments with only "a couple of months of observation." The goal of the teacher training program is to develop a pool of young people who could one day become certified teachers, he said.

Metty acknowledged enrollment in the program fluctuates. "Right now, we know we're going to lose students on St. Lawrence Island because whaling has started," he said. Education in rural Alaska is unlike education anywhere else because of the demanding way of life, he said.

Furthermore, college is a relatively new idea in the

Eskimo culture, Metty said.

"There was no premise that the program was going to produce 40 teachers in four years," Metty said. "We hope to get 30 or 40 teachers over a decade."

But Dr. Gene Adam, former field coordinator for the university cross-cultural program, said some of the original grant applications had more optimistic projections.

Adam, who now teaches English at Fairbanks Community College, supports Greig's view and said the spending bears investigation by taxpayers.

"I think he (Greig) is saying, 'Here is the cost, here is the product,'" Adam said.

Rural education is expensive and it is difficult to coordinate, Adam said. "I have the greatest respect for those students. They have to catch fish, they have to work, they have to take care of their kids and they have to mail in their homework," he said.

"The idea of bringing education into every little valley is a noble one but it's not very practical," Adam said.

Rep. Terry Martin, R-Anchorage, said Greig's concerns about the Nome-based programs are similar to his own about the high cost of rural education in general.

"When you compare it to some of the other programs I've been bickering about, it's not out of line," Martin said.

"The concept has been around for a long time to get Native people to work with Native people," Martin said but the cost of present methods is too high.

In addition to the letter to Pungowiyi protesting his firing, Greig flew to Fairbanks from Anchorage Tuesday to discuss the situation with university officials.

He said he plans on returning to New Mexico in a week or so to resume a lucrative adobe construction business.

RESUME

JAMES GREIG

Box 399
Bernalillo, New Mexico 87004

(505) 867-2969

EDUCATION

UNIVERSITY OF COLORADO, Boulder. B.A. 1964, M.A. 1969. Philosophy major, English minor.
UNIVERSITY OF NEW MEXICO, Albuquerque. Ph.D. 1978. Philosophy major, English minor. Dissertation: "The Overman & the Unity Of Nietzsche's Phil."

AREAS OF SPECIALIZATION: Cross-cultural Ed., Interdisciplinary Ed., Humanities, Philosophy, English.

TEACHING EXPERIENCE

- 1969 LATIN AMERICAN INSTITUTE, NY, NY. Instructor of English as a Second Language.
- 1969-70 SOPHIA UNIV., Tokyo. Instructor of Philosophy & English.
- 1971-74 UNIV. OF NEW MEXICO, Albuquerque. Instructor of Philosophy.
- 1974-75 UNIV. OF GUAM, Agana. Instructor of Philosophy & English.
- 1976 TEXAS TECH UNIV., Lubbock. Assist. Prof. of Philosophy.
- 1981-82 UNIV. OF ALASKA, Fairbanks. Assist. Prof. X-CED Program (Cross-Cultural Education Development Program, Sch. of Ed.). Duties: Interdisciplinary humanities "specialist" in a Native teacher education program. Administered B.Ed. program over a 200,000 sq. mile area. Flew between and resided in remote Athabascan Native American villages in the interior of Alaska.
- 1982 UNIV. OF ALASKA, Fairbanks. Assist. Prof. of Philosophy.
- 1983 ESKIMO TEACHER EDUCATION PROGRAM (ETEP), Nome, Alaska. Director. Duties: Administer a \$346,000/yr. Title IV program, write grant requests, coordinate program planning with the University of Alaska and the Northwest Community College, develop curriculum, supervise bi-lingual student teachers, teach B.Ed. related courses. Constant flights into Eskimo villages in Bering Straits.

COURSES TAUGHT

Humanities	English as a Second Language
English Literature	Logic
Philosophy & Mythology	Introduction to Philosophy
English Grammar & Composition	History of Philosophy & Science
American Philosophy	Contemporary Philosophy

(Note: These are courses I developed & taught, I tutored a range of others)

OTHER EXPERIENCE

- 1970 Editor, Encyclopedia Britannica, Tokyo, (part-time editing).

Alaska State Legislature



Speaker of the House of Representatives

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-3720

February 22, 1984

Mr. William Willoya
Box 484
Nome, Alaska

Dear Mr. Willoya,

Thank you for forwarding your comments on HB 504. I found them enlightening and thoughtful. They will be an important contribution to what we are attempting to make a thorough and complete review on the subject of rural education in Alaska, as it affects the proposed program.

I have forwarded your comments to the HESS Committee for its final work sessions on the bill, and it will become a part of the permanent bill file.

I appreciate your taking the time to attend the hearing and to type and send your comments. When I may be of further assistance or information, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe L. Hayes".

Joe L. Hayes
SPEAKER OF THE HOUSE

JLH:rjn

FEB 10 1984

Teleconference opinions of William Willoya on
House Bill no. 504 at Nome Alaska, Feb.4,1984.

As per your request for written words here is a brief, concise recap of my oral testimony. I am a bachelor of Arts certified, graduate of Alaska Pacific University, class of 1974. Prior to that I was a student of "Arctic" teacher training program, class of 1969.

The experiences I have had in the Arctic as a working person and Principal Teacher number 30 years, approximately 9½ in k-12 schoolteaching. I arrived thru the back door into education,(which is one of many careers I have pursued). Hence I have the objectivity to look at any stratum of Arctic Society with a relatively unprejudiced, experienced eye. With this in mind let me remind you the Arctic, now "x-ced" program is a visible bureaucracy, created by the Alaska people to using your "words."
"Therefore, it is the intent of the legislature to establish the teacher scholarship loan program to encourage members of ethnic minorities to return to rural schools as teachers and relieve the conditions described in this section".

As per my testimony as living proof that Arctic X-ced is a viable program. Except, the Super insulated bureaucratic intelligentsia administered the program. I am totally opposed to programs that are statistical "miracles" and real life failures. This is true with any program that involves several layers of accountability, in which native people are the constituents, technicians and professionals work for and are accountable to. In all cases the legislature hears the professionals and not the village spokesman when programs are called into account.

Sec. 14.43.630 I Object: Local school boards should be the "total" process. Selection,administration,Identification of Awardee, Guardianship of the funds, etc.etc.

Reason: Professional Educators know there finest students, know there local school board, know the familys, know whether or not the student -is sincere in purpose, Pure in motivation, and hard working enough to stick out 4 years in college. School Districts statewide are in political and administrative chaos. Most of the elected school boards leave every type possible work To the administration. Hence, if this provision is left in,infighting, quota politicking,promoting, and other common tactics will be employed to insure the "right" student is awarded.

As per the testimony on Article 7, I reiterate the goals. Rural students are the aristocracy of the Arctic kingdom. All life goals, plans, efforts, and societal measures are planned with the idea in mind of insuring the student child will be awarded the highest degree of status. Hence, when jobs take children away enmasse the subsistence villagiers revolt by sabotageing the take away our children,program. Right now there is not enough sophistication to keep the talented in remote villages. I can name you the survivors of "Arctic X-ced" left in villages if you wish, on my fingers and toes. Arctic Attrition will kill this bill as surely as a firing squad. A subsistence person is Arctic Royalty. A child, spoiled, self sufficient, aristocratically upbred, secure, in full control of that society does not necessarily find education a progressive entity. Hence, I suggest that this bill be redrafted so that earlier identification of client students, and school boards be finally called on to correct the deficiencies of this bill and the Village Local school boards in conjunction with Local teachers keep this bill out of the hands of bureaucrcys.

Finally, let me congratulate you for your universality, progressive mindedness, and fairness to all Alaskans, especially; the future ones now in school.

William Willoya

Introduced: 1/10/84
Referred: Health, Education & Social
Services, House Special Committee on
State Loans and Finance

BY HAYES, HURLBERT, ADAMS, ABOOD,
BARNES, BUSSELL, CATO, COWDERY, DAVIS,
FULLER, FURNACE, GRUSSENDORF, HERRMANN
KOPONEN, LINDAUER, LISKA, MALONE,
MARTIN, M.W.MILLER, RINGSTAD, SHULTZ,
SZYMANSKI, UEHLING, WARD, ZHAROFF,
FRITZ, BETTISWORTH AND MCBRIDE

1 IN THE HOUSE

2

HOUSE BILL NO. 504

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act establishing the teacher scholarship loan
7 program."

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

9 * Section 1. AS 14.43 is amended by adding new sections to read:

10 ARTICLE 7. TEACHER SCHOLARSHIP LOAN PROGRAM.

11 Sec. 14.43.600. FINDINGS AND INTENT. (a) The legislature finds
12 that there is a wide and unacceptable disparity between the ethnic
13 distribution of teachers and the ethnic distribution of students in
14 the state public schools. Particularly in rural areas, many schools
15 have virtually no Native teachers and no non-Native students. The
16 undesirable effects of this disparity include the following:

17 (1) there is a serious weakness in the ability of teaching
18 staffs, particularly in rural schools, to foster a sense of ethnic
19 traditions and cultures in the students;

20 (2) many rural students are forced to exist in two entirely
21 separate situations: the essentially traditional atmosphere of many
22 Native homes, and the essentially modern atmosphere of the classroom;

23 (3) almost no students among the state's ethnic minorities
24 return to rural schools to teach, continuing the ethnic imbalance and
25 exacerbating its effects; and

26 (4) there is an annual turnover of 40 percent among teach-
27 ers in rural educational attendance areas in the state.

28 (b) The legislature further finds that existing programs have
29 failed to increase the proportion of members of ethnic minorities

NWASD 1
BSSD 2
Barrow 0
Bethel ?

BIA
Policy
2 years
Max -
per site

what?

orthodox eskimo

stirling

1 teaching in rural schools. Therefore, it is the intent of the legis-
2 lature to establish the teacher scholarship loan program to encourage
3 members of ethnic minorities to return to rural schools as teachers
4 and relieve the conditions described in this section.

5 Sec. 14.43.610. PROGRAM ESTABLISHED. There is established the
6 teacher scholarship loan program to provide an incentive for graduates
7 of Alaska ^{SMALL} high schools who are from ethnic minorities to pursue teach-
8 ing careers in Alaska ^{SMALL} schools.

9 Sec. 14.43.620. TEACHER SCHOLARSHIP REVOLVING LOAN FUND. There
10 is created a teacher scholarship revolving loan fund. The fund shall
11 be used to make scholarship loans to students selected under AS 14.-
12 43.600 - 14.43.650. All repayments of principal and interest on
13 teacher scholarship loans shall be paid into the teacher scholarship
14 revolving fund and shall be used to make new teacher scholarship
15 loans. If estimated funds available from teacher scholarship loan
16 repayments are inadequate to fully fund estimated teacher scholarship
17 loans for any fiscal year, additional funding from the general fund
18 may be requested and appropriated for that year.

19 Sec. 14.43.630. ADMINISTRATION. The teacher scholarship loan
20 program shall be administered by the student financial aid committee
21 (AS 14.43.095) in accordance with ^{regulations?} ~~regulations~~ adopted by the
22 committee. The committee shall distribute the funds available for
23 teacher scholarship loans annually to local school boards giving a
24 preference to school districts with a high percentage of students in
25 ~~urban municipalities~~ ^{or local majority} and a low percentage of teachers in ~~urban~~
26 ~~municipalities~~ ^{or local majority}. The local school boards shall select the recipients of
27 the teacher scholarship loans.

28 Sec. 14.43.640. CONDITIONS OF LOANS. Each school district shall
29 award teacher scholarship loans subject to the following conditions:

UN Constitution 10/10

High school?

Village or Local School Board

do they stop ^{becoming} ~~being~~ perfect teachers?

1 (1) the conditions provided in AS 14.43.120 apply except
2 that no loans may be made to graduate students and the state shall
3 repay a portion of a teacher scholarship loan under AS 14.43.120(j)
4 only if, in addition to the other criteria, the borrower is also
5 employed as a public school teacher in the state during the period for
6 which the loan is forgiven;

7 (2) if a borrower meets the conditions provided in para-
8 graph (1) of this section and is employed as a public school teacher
9 in the ^{LV School} ~~district~~ from which the borrower graduated, the portion of the
10 loan that shall be paid by the state is the following percentages of
11 the total loan received plus interest up to a total of 100 percent of
12 the total loan:

- 13 (A) one year employment, 15 percent;
- 14 (B) two years employment, an additional 15 percent;
- 15 (C) three years employment, an additional 15 percent;
- 16 (D) four years employment, an additional 25 percent;
- 17 (E) over four years employment, an additional 30 per-
18 cent; and

19 (3) a loan may not exceed \$10,000 in a school year.

20 Sec. 14.43.650. SELECTION CRITERIA. (a) To be eligible for a
21 teacher scholarship loan, a student must

22 (1) be a graduate of, or scheduled for graduation within
23 six months from, a state public high school, with sufficient credits
24 to be admitted to an accredited college or university;

25 (2) be enrolled in or show evidence of intent to enroll in
26 a degree program directed at a teaching career at the elementary or
27 secondary school level; and

28 (3) meet the conditions set by the student's local school
29 district with respect to the district's requirements for teachers in

Too vague
↓

1 particular subject areas.

2 (b) Each school district shall award teacher scholarship loans
3 in direct proportion to the distribution of ethnic groups among the
4 students eligible for graduation from the school district each year.

5 (c) A student may not be awarded a scholarship loan under
6 AS 14.43.090 - 14.43.160 and a teacher scholarship loan under AS 14.-
7 43.600 - 14.43.650 for the same school year.

February 1, 1984

Robert Buttane
P.O. Box 601
Bethel, Alaska 99559

Speaker of the House
Joe Hayes
Pouch V
Capital Building
Juneau, Alaska 99811



Dear Speaker Hayes,


Please accept this letter as an expression of my support for HB 504, a bill which would create a teacher scholarship loan program. I am specifically supportive because this bill is designed to encourage Alaska Native high school graduates to earn a teaching degree and to return to their districts to teach.

In my position as a probation officer with Youth Services for the State of Alaska, I have noticed there is a real absence of Native teachers within the villages in my district. The intent of this bill would make an effort to address this deficiency and would provide economic incentive for Native students who obtained their teaching credentials to return to their home communities to teach local Native students.

I understand there will be a public hearing in Bethel by the Health & Social Services Committee on February 5, 1984. I will not likely be able to attend that hearing on that day, so would ask that this letter serve as an expression of my support and that my views would be considered along with the public testimony taken at that upcoming hearing.

Thank you for the opportunity to address you on this matter.

Sincerely,


Robert Buttane

cc. House Health & Social Services Committee, Representative Vern Hurlbert,
and Representative Tony Vaska.



FEB 01 1984

UNIVERSITY OF ALASKA, FAIRBANKS

January 26, 1984

Fairbanks, Alaska 99701

Joe L. Hayes
Representative
State of Alaska Legislature
Pouch V
Juneau, AK 99811

Dear Honorable Representative Hayes:

I read with great interest the article in the Tundra Times concerning the bill that you and other members of the House have submitted with regard to the increase in native student teacher loans. I consider this one of the most significant bills that has entered the Legislature in terms of an impact upon schools in rural Alaska. As you know, our College at the University has been responsible for the development and the execution of the Cross-Cultural Education Development (X-CED) Program in rural Alaska. During the early years of this particular program, when it was known as the ARTTC program, the students involved had access to stipends and were able, therefore, to be students full time. The number of graduates and the number of successful completions were significantly higher than after this particular program ceased. Obviously, this is accounted for by the fact that students were able to be full time students who did not additionally have responsibility for working full time. Although the X-CED Program continues to graduate students, the potential for success would greatly be enhanced by a loan program such as yours. We know that a large number of interested and motivated native people are present in the villages who wish to become teachers. The X-CED Program, itself, over its short ten years has only scratched the surface. However, within those ten years the program can account for thirty-three percent of all of the native graduates of the entire University of Alaska system since it began. This is a significant and perhaps shocking statistic; however, it is fact and indicates that such a rural-based program has tremendous potential for increasing accessibility of native people to education. A bill such as yours will provide the stability to enable students not only to go full time, but for instruction to take place in short workshops, for students to be able to come to campus for short periods of time, and for other teaching configurations which are really prohibited when a person must work full time while trying to complete a baccalaureate degree.

Again, I would like to thank you for your foresightedness in introducing such a bill. If there is any way I can be of support in any small way, please let me know. With best wishes for success,

Sincerely,

Gerald V. Mohatt, Dean
College of Human and Rural Development
University of Alaska, Fairbanks
Fairbanks, Alaska 99701
Phone: (907) 474-7106

GVM/ijs

The Honorable Vern Hurlbert
Alaska State House of Representatives
Juneau, AK 99801

Dear Mr. Speaker:

Your letter dated January 16, 1984, is commendable, as it states very desirable objectives. If the bill you described were to pass, it would help motivate native peoples to enter the teaching profession. I support such a bill and hope it passes into law.

We are very concerned about our native students and also our own children who have gone out to college and received their teaching degree. They return to their home town but are never considered for positions they have been trained.

I might mention that my daughter Lillian graduated from an accredited college with a BA in teaching and is certified to teach in the state of Alaska. She is a Tlingit and grew up in the state of Alaska. In the past, she applied for a teaching position at Klawock and Craig, to no avail. It is with some hesitation that I say that her Dad, uncles,

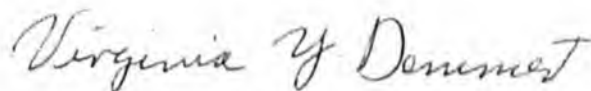
aunts, cousins and myself taught school for many years. Her Dad and some uncles are now retired from teaching and we had encouraged the younger family members to continue in this profession. She doesn't have any interest in teaching in any other area because she would rather work with her own people.

Administrators hired outside of Alaska have no interest in hiring local teachers. I personally have applied at the same school three consecutive years and was told, I wasn't strong enough.

In order to push your bill through you need to convince the administrators and the local school boards. The administrators work their way into controlling the school board which completely throws out local hiring.

Thank you for your letter.

Truly yours,

A handwritten signature in cursive script that reads "Virginia Y. Demmert". The signature is written in dark ink and is positioned above the printed name.

Virginia Y. Demmert

HB

514

COMMITTEE REPORT

HOUSE

(7)

FURTHER:

1/14/84

Date: January 23, 1984

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 514

"An Act relating to the regulation of private schools."

under consideration and recommends:

do pass do not pass

do pass with attached amendments(s)

replace with CS for HB 514 (HBSS) same title

and recommends That the CS Pass new title

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without recommendation Zero Fiscal Note Attached

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Karl A. Veitch
M.W. Miller
Terry M. ...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Mike ...
...

CHAIRMAN

Levy
1/18/84 ✓

BY TISCHER, FURNACE, LINDAUER, BARNES,
SZYMANSKI, ABOOD, BETTISWORTH, BUSSELL,
CATO, COWDERY, DUNCAN, FLOOD, FRITZ,
FULLER, HERRMANN, LARSON, LISKA, MARTIN,
M.M.MILLER, M.W.MILLEK, PESTINGER,
PHILLIPS, RINGSTAD, SHULTZ, WARD AND HAYES

1 IN THE HOUSE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 514

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL.

6 For an Act entitled: "An Act relating to the regulation of private
7 schools."

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

9 * Section 1. PURPOSE. In conformity with the fundamental right to
10 freedom of religion guaranteed by the constitutions of the United States
11 and the State of Alaska and in recognition of the right of parents to
12 choose to have their children educated in private schools, it is the
13 purpose of this Act

14 (1) to ensure that in matters of education by religious organ-
15 izations the state shall not control or interfere with the rights of con-
16 science and religious liberty;

17 (2) to further the state's legitimate interest in ensuring the
18 quality of all education, including private education, and

19 (3) ~~(to allow diversity in education by)~~ ^{STATE} ~~encouraging~~ ^(minimizing regulation of) private
20 education.

State involvement in the affairs of

21 * Sec. 2. AS 14.07.020 is amended to read:

22 Sec. 14.07.020. DUTIES OF THE DEPARTMENT. The department shall

23 (1) exercise general supervision over the public schools of
24 the state except the University of Alaska;

25 (2) study the conditions and needs of the public schools of
26 the state and adopt or recommend plans for the improvement of the
27 public schools;

28 (3) provide advisory and consultative services to all
29 public school governing bodies and personnel;

1 (4) prescribe by regulation a minimum course of study for
2 the public schools;

3 (5) establish, in coordination with the Department of
4 Health and Social Services, a program for the continuing education of
5 children who are held in detention facilities in the state during the
6 period of detention;

7 (6) accredit those public schools which meet accreditation
8 standards prescribed by regulation by the department; these regula-
9 tions shall be adopted by the department and presented to the legisla-
10 ture during the first 10 days of any regular session, and become
11 effective 45 days after presentation or at the end of the session,
12 whichever is earlier, unless disapproved by a resolution concurred in
13 by a majority of the members of each house;

14 (7) prescribe by regulation, after consultation with the
15 state fire marshal and the state sanitarian [DEPARTMENT OF HEALTH AND
16 SOCIAL SERVICES], standards that will assure healthful and safe con-
17 ditions in the public and private schools of the state including a
18 requirement of physical examinations and immunizations in private
19 pre-elementary schools; the standards for private schools may not be
20 more stringent than those for public schools;

21 (8) [IN COOPERATION WITH THE DEPARTMENT OF HEALTH AND
22 SOCIAL SERVICES,] exercise general supervision over public [AND PRI-
23 VATE] pre-elementary schools [AND OVER THE EDUCATIONAL COMPONENT OF
24 NURSERIES AS DEFINED IN AS 47.35.080(4)]; pre-elementary schools in
25 this paragraph means schools for children ages three through five
26 years when the schools' primary function is educational;

27 (9) provide accredited elementary and secondary correspon-
28 dence study programs available to any Alaskan through a centralized
29 office of correspondence study;

1 (10) accredit private [ELEMENTARY AND SECONDARY] schools
2 which request accreditation and which meet accreditation standards
3 prescribed by regulation by the department; nothing in this paragraph
4 authorizes the department to require religious or other private
5 schools to be licensed;

6 (11) review plans for construction of new public elementary
7 and secondary schools and for additions to and major rehabilitation of
8 existing public elementary and secondary schools and, in accordance
9 with regulations adopted by the department, determine and approve the
10 extent of eligibility for state aid of a school construction project
11 begun after July 1, 1978; for the purposes of this paragraph, "plans"
12 include educational specifications, schematic designs, and final
13 contract documents;

14 (12) provide educational opportunities in the areas of
15 vocational education and training, basic education, and fire-service
16 training to individuals over 16 years of age who are no longer attend-
17 ing school;

18 (13) administer the grants awarded under AS 14.11.020.

19 * Sec. 3. AS 14.30.010(b) is amended to read:

20 (b) This section does not apply if a child

21 (1) is provided an academic education comparable to that
22 offered by the public schools in the area, either by

23 (A) attendance at a private school in which the teach-
24 ers are certificated according to AS 14.20.020;

25 (B) tutoring by personnel certificated according to
26 AS 14.20.020; or

27 (C) attendance at an educational program operated in
28 compliance with AS 14.45.100 - 14.45.140 by a religious or other
29 private school [ATTENDANCE AT A PRIVATE SCHOOL IN WHICH THE

1 AVERAGE STUDENT PROFICIENCY IS NOT LESS THAN THE AVERAGE PROFI-
2 CIENCY FOUND IN THE PUBLIC SCHOOLS IN THE AREA AS MEASURED BY
3 NATIONAL ACHIEVEMENT TESTS; THE DEPARTMENT WITH ASSISTANCE FROM
4 REPRESENTATIVES OF THE PRIVATE SCHOOLS SHALL PROMULGATE REGULA-
5 TIONS DEFINING THE SUBJECT AREAS TO BE TESTED AND THE MINIMUM
6 AVERAGE SCORES TO BE ACHIEVED];

7 (2) attends a school operated by the federal government;

8 (3) has a physical or mental condition which a competent
9 medical authority determines will make attendance impractical;

10 (4) is in the custody of a court or law enforcement author-
11 ities;

12 (5) is temporarily ill or injured;

13 (6) has been suspended or denied admittance according to
14 AS 14.30.045;

15 (7) resides more than two miles from either a public school
16 or a route on which transportation is provided by the school authori-
17 ties, except that this subsection does not apply if the child resides
18 within two miles of a federal or private school which the child is
19 eligible and able to attend;

20 (8) is excused by action of the school board of the dis-
21 trict at a regular meeting or by the district superintendent subject
22 to approval by the school board of the district at the next regular
23 meeting;

24 (9) has completed the 12th grade;

25 (10) is enrolled in a full-time program of correspondence
26 study approved by the department; in those school districts providing
27 an approved correspondence study program, a student may be enrolled
28 either in the district correspondence program or in the centralized
29 correspondence study program;

1 (11) is equally well-served by an educational experience
2 approved by the school board as serving the child's educational inter-
3 ests despite an absence from school, the request for excuse is made in
4 writing by the child's parents or guardian, and approved by the prin-
5 cipal or administrator of the school that the child attends.

6 * Sec. 4. AS 14.45.030 is amended to read:

7 Sec. 14.45.030. NON-EXEMPT SCHOOLS [ATTENDANCE AND ANNUAL RE-
8 PORTS REQUIRED]. Teachers and others in charge of religious or other
9 private [OR DENOMINATIONAL] schools not operated in compliance with
10 AS 14.45.100 - 14.45.140 are not exempt from laws and regulations
11 relating to education. Non-exempt schools shall make regular monthly
12 attendance reports and annual reports to the commissioner in the same
13 manner as teachers and superintendents in the public schools.

14 * Sec. 5. AS 14.45 is amended by adding new sections to read:

15 ARTICLE 2. EXEMPT RELIGIOUS AND OTHER PRIVATE SCHOOLS.

16 Sec. 14.45.100. EXEMPTION. A religious or other private school
17 that complies with AS 14.45.100 - 14.45.140 is exempt from other
18 provisions of law and regulations relating to education except law and
19 regulations relating to physical health, fire safety, sanitation,
20 immunization, and physical examinations.

21 Sec. 14.45.110. REQUIREMENTS OF EXEMPT SCHOOLS. (a) The parent
22 or guardian of a child enrolled in a religious or other private school
23 that complies with AS 14.45.100 - 14.45.140 shall file an annual
24 notice of enrollment in the school for the child with the local public
25 school superintendent for the area in which the child resides on a
26 form provided by the department. The form shall be signed by the
27 parent or guardian and the chief administrative officer of the school
28 and returned to the local public school superintendent by the parent
29 or guardian. The school shall notify the local public school

1 superintendent within a reasonable time if the child is no longer
2 enrolled in or attending the school.

3 (b) A religious or other private school that elects to comply
4 with AS 14.45.100 - 14.45.140 shall maintain monthly attendance re-
5 cords for each student enrolled in the school, shall operate on a
6 regular schedule, excluding reasonable holidays and vacations, during
7 at least 180 days of the year, and shall make an annual report to the
8 commissioner of the number of students in each grade and the school
9 calendar.

10 Sec. 14.45.120. STANDARDIZED TESTING REQUIREMENTS. (a) A
11 religious or other private school that elects to comply with AS 14.-
12 45.100 - 14.45.140 shall administer a nationally standardized test
13 selected by the chief administrative officer of the school to all
14 students enrolled in grades four, six, and eight at least once each
15 school year.

16 (b) The nationally standardized test must measure achievement in
17 English grammar, reading, spelling, and mathematics.

18 (c) A religious or other private school that elects to comply
19 with AS 14.45.100 - 14.45.140 shall maintain records of the results of
20 the nationally standardized tests and the records shall be made avail-
21 able to the parent or guardian of the student. Each school shall make
22 composite test results for the school available annually to an autho-
23 rized representative of the department. The composite test results of
24 a religious or other private school operated in compliance with
25 AS 14.45.100 - 14.45.140 are not public information unless each public
26 school

27 (1) is also required to administer a nationally standard-
28 ized test that measures achievement in English grammar, reading,
29 spelling, and mathematics; and

1 (2) the composite test results for each public school are
2 public information.

3 Sec. 14.45.130. RECORDS. (a) A religious or other private
4 school that elects to comply with AS 14.45.100 - 14.45.140 shall
5 maintain permanent student records reflecting immunizations, physical
6 examinations, standardized testing, academic achievement, and courses
7 taken at the school.

8 (b) The chief administrative officer of a school that elects to
9 comply with AS 14.45.100 - 14.45.140 shall certify under oath to the
10 department that the records required under (a) of this section are
11 being maintained.

12 Sec. 14.45.140. DEFINITION. In this chapter

13 (1) "religious school" means a private school operated by a
14 church or other religious organization that does not receive direct
15 state or federal funding.

16 * Sec. 6. AS 14.45.020 is repealed.



• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
326 Fourth St., Suite #510 Juneau, Alaska 99801 586-9702

an organization of Alaskan School Administrators

January 24, 1984

The Honorable Mae Tischer
House of Representatives
Chairman, Health, Education
and Social Services
Pouch V
Juneau, AK 99811

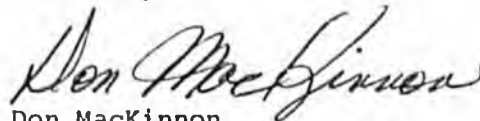


Dear Representative Tischer:

The Alaska Council of School Administrators would like to go on record as supporting H.B. 514 as amended. We are particularly pleased that the bill calls for a process of notifying local school districts about enrolled or non-enrolled students as found in Sec. 14.45.110. This bill enables the chief administrative officer of a district to fulfill his requirements under the compulsory attendance law AS Sec. 14.30.030.

Once again, we support the bill as written and urge its adoption.

Sincerely,


Don MacKinnon
Executive Secretary

DM:clc



American Association of University Women
Alaska State Division

Susan R. Clark, State Legislative
Chair
1109 C Street, Juneau, Ak. 99801
(907) 586-6952

23 January 1984

The Alaska Division of AAUW would like to go on record in support of an amendment to HB 519/SB 354, relating to the regulation of private schools. On page two of the bill (in Sec. 2. AS 14.07.020.) we would recommend that (8) read as follows: "...pre-elementary schools in this paragraph means schools for children ages three through five years when the school's primary function is educational and the program operates for four or fewer hours a day." Of specific concern to us is the health and safety of pre-elementary children ages 3 through 5 who spend from five to 10 or more hours daily in care outside their home.

Without this ammendment a loophole is created or rather maintained in Alaska statute that permits any program offering care to children up to 10 hours or more a day to exempt itself from health and safety regulations governing all Alaskan day care centers - even though that program is not functionally different from a day care program. The Dept. of Education has been called to task over the last several years by both the State Division of Internal Audit and the Federal Office of Child Development for the lack of a clear definition. Says the latter: "Your statute is indeed weak, allowing for confusion and almost any interpretation..." The Dept. audit found that "neither of the statutes [D.O.E.'s wording nor D.H.S.S.'s AS 47.35.010-80] set criteria nor define what is to be considered a primarily educational facility versus a child care facility;" and "because primarily educational has not been defined, neither the regulator Departments, the facilities themselves, nor the public has a positive definition to use in deciding whether or not a program is a preschool or daycare program. As a result, any facility may choose to be classified as a preschool, and avoid the requirement to comply with daycare standards."

One of the issues involved here is that education of pre-elementary children is different than the academic emphasis of elementary education, due to shorter attention spans, the need for more physical movement (and the need for physical rest), and the underlying necessity of children needing to learn pre-academic skills. Goals for a pre-schooler are different than those for an older child, and Early Childhood educators set out the following as desirable outcomes of a preschool education:

- a. Development of a positive self-concept, a sense of self-worth that comes from experiencing success, and a growing awareness of one's strengths as well as one's weakness.
- b. Achievement of independence in decision making and a sense of mastery over one's environment (buttons, bows and zippers...); plus an achievement of mutual interdependence - a sense of responsibility for self and others within a community or group.
- c. Movement from preoccupation with one's own biological and

- psychological needs toward involvement in outside interests and activities; finding pleasure from human interaction; seeking problems and finding satisfaction in solving them.
- d. Internalizing the concepts of problem solving abilities.
 - e. Coping with change and wider relationships.

Parents overwhelmingly want the option of an enrichment program for their children - the inclusion of life-expanding experiences not normally available in the home - and early enrichment has been shown to be important to the full development of all types and classes of children. Because of these factors all quality childcare programs at the pre-elementary level have (and all programs are encouraged to have) educational components teaching the basic life skills of self-sufficiency, socialization, and basic cognitive skills. Parents and community are no longer willing to accept custodial childcare or "warehousing" of kids as acceptable. Thus based on educational content there is no functional difference between a full day "preschool" and a good day care center. In fact in the D.O.E. audit, "of the 19 daycare programs surveyed, 18 stated they offered a preschool program." Ironically in Alaska while parents are lured by the term "preschool" into thinking they are doing better by their children, the standards for preschools are considerably lower than for daycare centers. [See attachment for comparison.]

When a young child is in care for all day every day, the program ceases to be solely a "school" and must include attention to nutritional needs, rest, staff health, adequate supervision with enough staff to attempt to meet the individual needs of each child, and enough space to meet the need to be physically active. Quality childcare is commonly described in national studies as having a tight child/staff ratio (a small number of children to each staff member). Safety in emergencies is a factor, but in normal times children under five need more individual attention than they will ever need at any other time. To form strong and positive self-concept, children need to be listened to, supported and encouraged. A large number of children can be tolerated in "school"-like situations for short periods during the day when activities are highly structured, but the emphasis must necessarily be on control. On a full time basis that can contribute to degrees of "maternal deprivation" resulting from the lack of a strong, rewarding relationship in the early years with a single close adult. "Preschools" have no child/staff ratio requirements. Similarly "pre-schools" have no minimum space requirements although the D.O.E. audit pointed out that adequate space is "absolutely necessary to ensure a quality, developmentally-orientated child care program":

"the higher the quality of space in a center, the more likely were teachers to be sensitive and friendly in their manner toward children, to encourage children in their self-chosen activities and to teach consideration for the rights and feelings of self and others. Where spatial quality was low, children were less likely to be involved and interested, were more likely to exhibit aggressive behavior, and teachers more likely to be neutral and insensitive in their manner, to use large amounts of guidance and restriction, and to teach arbitrary rules of social living."

There can be a workable definition of "pre-elementary school". Most legitimate pre-schools operate from two and a half to three

hours a day, as do most kindergartens for 6 year olds. Even elementary and high school kids do not attend school longer than about 6 hours a day, yet we permit three year olds to attend "school" 10 hours a day. We expect pre-schools to offer a fairly highly structured program for children and often the child/staff ratio is large (20 or more youngsters to 1 adult), but on a short time basis this can be acceptable. Beyond four hours the needs of small children demand more nurturing and less structured care, more space and less control, provision for a nutritional meal and snacks, a time for rest and naps, and the assurance that staff are not carriers of T.B., and assurance that an emergency plan is operable. After four hours children need more individual attention.

All 50 states regulate full-day child care, though in many states it took a tragedy to enact licencing laws. Without this amendment, Alaska is the only state not regulating full day programs which are functionally identical to day care centers. The results are a "risk to children", says the D.O.E. audit, for "programs quickly call themselves pre-elementary schools when they learn that is a means of escaping regulations." Please don't let tragedy have to happen first, before we correct what no other state will tolerate.

Preschool Standards are Lower
Than Daycare Standards

In Alaska, the Department of Education's standards for preschools are lower than the Department of Health and Social Services standards for daycare centers. For example, the only preschool standard equal to daycare standards is the immunization standard as shown in the following table.

COMPARISON OF DAYCARE AND PRESCHOOL STANDARDS

<u>STANDARD</u>	<u>DAYCARE</u>	<u>PRESCHOOLS</u>
License Renewal	Annual	5 yrs.
Agency Review	Annual	5 yrs.
Staff Pupil Ratio	1-10	no standard
** Indoor Space	35 sq. ft.per child	no standard
Outdoor space	75 sq. ft.per child	no standard
Fire Inspection	Annual	5 years
Sanitation Inspection	Annual	5 years
Health Program	required	no standard
Prone Rest	required	no standard
Immunizations	required	required
Nutrition Program	required	no standard
* Corporal Punishment	regulated	no standard

The Department of Health and Social Services also requires that daycare programs provide opportunities and experiences to promote the individual child's physical, emotional, social and intellectual growth, as outlined below:

- opportunities for balance of active/quiet play, group and individual, and indoor and outdoor play;
- opportunities for individual self expression in conversation, imaginative play and creative expressions;
- use of games, toys, books, sand, puzzles, for intellectual and social development;
- walking excursions/field trips; and
- equipment and furniture be of sufficient quality and quantity and appropriate to a child's use.

* The regulation reads: "Satisfactory compliance with this subsection requires that ... (7) caregivers not use any form of corporal punishment unless otherwise approved in writing by the parent of the child, and that they not use any other technique which is humiliating, shaming, frightening, or otherwise damaging to a child."

** "Several studies have found that most social involvement appears to occur at medium density (35-50 sq. ft. per child), while aggressiveness occurs at higher densities (below 35 sq. ft.) and random behavior occurs in large undifferentiated settings (over 50 sq. ft.)."

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 20, 1984

SUBJECT: Sectional analysis of CS HB 514 (HESS)

TO: Representative Mae Tischer
Chairman, House HESS Committee

FROM: Keith B. Levy *KBL*
Legislative Counsel

You have requested a sectional analysis of CS HB 514 (HESS), "An Act relating to the regulation of private schools." The main thrust of the bill is to allow religious and other private schools to opt out of the general laws and regulations applicable to private schools if they agree to comply with certain minimal requirements.

Section 1 states that the purpose of the bill is to guarantee that the state will not interfere with the constitutional right of freedom of religion while at the same time ensuring the quality of all education in the state and minimizing the the regulation of private education.

Section 2 amends the duties of the Department of Education with respect to private education (AS 14.07.020). It provides that the department will consult with the state fire marshall and the state sanitarian rather than the Department of Health and Social Services on matters of health and safety (AS 14.07.020(7)). It clarifies that the department must require physical examinations and immunizations in private pre-elementary schools (AS 14.07.020(7)). Section 2 also provides that the department is no longer responsible for the general supervision of private pre-elementary schools and nurseries. Supervision over public pre-elementary schools will no longer be done in cooperation with the Department of Health and Social Services (AS 14.07.020(8)). Finally, section 2 makes clear that the department may provide voluntary accreditation for any private school that requests it, although the department is not authorized to require private schools to be licensed (AS 14.07.020(10)).

Section 3 amends the state's compulsory education law (AS 14.30.010) to provide that attendance at a school operating in compliance with AS 14.45 (see section 5, below) satisfies the compulsory education requirements.

Section 4 provides that a private school that does not choose to comply with AS 14.45 (see section 5, below), is not exempt from other laws and regulations relating to education and must make attendance reports in the same manner as public schools.

Section 5 provides the minimum requirements a religious or other private school must meet if it elects to be exempt from other provisions of law and regulations. However, even these schools are subject to laws and regulations relating to physical health, fire safety, sanitation, immunization, and physical examinations (AS 14.45.100).

The parent or guardian of a child enrolled in an exempt school must file an annual notice of enrollment with the local public school superintendent on a form signed by the school administrator and the parent (AS 14.45.110(a)). The school must notify the local public school superintendent if the child is no longer attending or enrolled in the school. The exempt school must maintain monthly attendance records, operate on a regular schedule of at least 180 days, and report to the commissioner of education annually the number of students enrolled in each grade and the school calendar (AS 14.45.110(b)).

An exempt school must also administer a nationally standardized test to all students in grades four, six, and eight at least once each school year (AS 14.45.120(a)). The test must measure achievement in English grammar, reading, spelling, and mathematics (AS 14.45.120(b)). The school must maintain records of the results of these tests and make them available to the parent or guardian of the student. The school is required to make composite test results available annually to an authorized representative of the Department of Education, but these results are not public information unless each public school is subject to similar testing requirements, the result of which are also public (AS 14.45.120(c)).

The exempt schools are also required to maintain permanent student records reflecting immunizations, physical examinations, standardized testing, academic achievement, and

Representative Mae Tischer
Page 3
January 20, 1984

courses taken at the school. The administrator of the school must certify under oath that these records are being maintained (AS 14.45.130). Finally, "religious school," as used in these sections, is defined as a private school operated by a church or other religious organization that does not receive direct state or federal funding (AS 14.45.140).

It should be kept in mind that these provisions are not mandatory unless the private school chooses to exempt itself from other laws and regulations relating to education. Also, this option is available to all private schools, religious and otherwise.

KBL:ojb
J2/057

To: Legislators and interested others

From: League of Women Voters, AAUW (American Association of University Women), NAEYC (National Association for the Education of Young Children), the Alaska Women's Lobby

Re: SB 354, HB 514 An Act relating to the regulation of private schools.

Requesting: An ammendment defining the term "pre-elementary school" in Sec. 2. AS 14.07.020. (8)..."pre-elementary schools is this paragraph means schcols for children ages three through five years when the schools' primary function is educational and the program operates for four or fewer hours per day."

Problem: Without this ammendment a loophole is created in Alaska statute that permits any program offering care to children up to 10 hours or more a day to exempt itself from health and safety regulations governing all Alaskan day care centers - even though that program is not functionally different from a day care program.

Issues: (1) Education of pre-elementary children is different than the academic emphasis of elementary education, due to shorter attention spans and the need for more physical movement.

(2) All quality childcare programs at the pre-elementary level have educational components which include teaching basic life skills including self-sufficiency, socialization, and basic cognitive skills. Based on content there is no functional difference between a full day "pre-school" and a good day care center.

(3) When a young child is in care for all day every day, the program ceases to be solely a "school" and must include attention to nutritional needs, health of the staff, supervision with at least one staff person to 10 pre-schoolers so that the staff can attempt to meet the individual needs of each child, and enough space to meet the needs to be physically active.

(4) Most legitimate pre-schools operate from two and a half to four hours a day. Even kindergarten limits 6 year olds to two and a half to three hours. Elementary and high school kids attend only 6 hours, yet we permit a three year old to attend "school" 10 hours a day!

For more information call:

L.W.V.	Paula Ziegler	586-9439/586-2660 (h)
AAUW	Susan R. Clark	586-6952
NAEYC	Marjorie Fields	789-4408/789-0109 (h)
Ak. W.L.	Jana Varnati	364-3487 (h)

THE DEPARTMENT OF EDUCATION NEEDS TO
IMPROVE MANAGEMENT OF PRESCHOOL PROGRAMS

FEBRUARY 1982

STATE OF ALASKA
OFFICE OF THE GOVERNOR
DIVISION OF INTERNAL AUDIT



SUMMARY

The Department of Education is responsible for preschool programs in the State of Alaska. There are at least 185 early childhood programs in the state that provide preschool services.

This report shows that the Department of Education needs to better manage preschools, and needs to define which early childhood programs should be classified as preschools. The report also shows that the Department needs to set standards for preschools.

BETTER MANAGEMENT OF PRESCHOOL PROGRAMS IS NEEDED

The Department has certified only 28 early childhood programs as preschools, and has monitored even fewer. Historically, the Department has placed little emphasis on preschools. In addition, deciding which early childhood programs actually are preschools is difficult because the Department has not provided a definition of preschools. The lack of a definition causes confusion for those attempting to manage other child care programs.

STANDARDS FOR PRESCHOOLS SHOULD BE IMPROVED

The Department has not developed adequate preschool standards. And, although Alaska Statutes require that the Department of Education cooperate with the Department of Health and Social Services in regulating preschools, there has been little cooperation. Inadequate standards lead to inconsistent care for similar populations in preschool and daycare centers, and lessens the value of the preschool certification process.

RECOMMENDATIONS

To assure that the Department of Education meets their management responsibilities for preschools, we recommend the Commissioner require that:

- preschool programs in Alaska are regulated; and
- preschool programs are monitored to assure compliance with requirements.

To help eliminate the confusion in determining which early childhood programs are preschools, we recommend the Commissioner provide a definition of which early childhood programs are preschools.

To assure that the similar populations in preschool and daycare programs receive consistent care, we recommend the Commissioner of the Department of Education cooperate with the Commissioner of the Department of Health and Social Services in developing health, safety and developmental standards for preschools. We also recommend the Commissioner of the

Department of Education develop standards for the educational component of preschools.

DEPARTMENT COMMENTS

In response to our draft report, the Commissioner of the Department of Education and the Commissioner of the Department of Health and Social Services agreed with our recommendations and are taking action to improve management of early childhood programs. (See Appendices I and II)

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INTRODUCTION

There are at least 37,000 children 6 years old or younger in Alaska. Many of these children spend part of their time in organized early childhood programs, such as preschools. Research has produced abundant evidence that a good child development program has significant short and long term effects. Early childhood programs have been found to have a positive effect on a child's self respect, proficiency at learning, achievement and intelligence test scores, reduction of grade failure, and social development. According to a major economic study the benefits of a quality child development program provide a 248 percent return on the original investment.

In the State of Alaska, the Department of Education is responsible for setting preschool standards for a level of care that will insure safety, reduce predictable harm, and provide developmental opportunities. The Department of Health and Social Services is similarly responsible for daycare programs.

DEPARTMENT OF EDUCATION RESPONSIBILITIES

Alaska-Statute 14.07.020 provides that the Department of Education, in cooperation with the Department of Health and Social Services, exercise general supervision over public and private preschools and over the educational component of daycare centers, and prescribe regulations that will assure healthful and safe conditions in the schools. The Departments' responsibility is defined in Section 4 of the Alaska Administrative Code 60.010 which requires the Department issue a certificate of approval after:

- conducting an investigation of preschool applicants;
- reviewing the proposed plan of education, mode of operation and supervision of children; and
- investigating whether the programmatic objectives of the preschool are being met.

This regulation also requires that preschools have:

- a valid Department of Education certificate displayed with effective dates;
- insurance;
- a Cumulative Health Record Form and records of immunization of children;
- records of physical exam and records of immunization for staff and volunteer workers;
- a disaster plan;
- documentation, on file with the Department of Education, showing inspections for public safety were made before certification and;
- provided programmatic requirements to the Department of Education.

DEPARTMENT OF HEALTH AND SOCIAL SERVICE RESPONSIBILITIES

The role of the Department of Health and Social Services is to license, investigate and supervise daycare centers; and to issue and enforce regulations. Facilities that are primarily educational are exempt from Department of Health and Social Service regulation.

OTHER STATE INVOLVEMENT IN PRESCHOOL AND DAYCARE PROGRAMS

The Department of Community and Regional Affairs contracts with local communities to provide daycare assistance to enable parents to work or enter training. In addition, the State, through the Department, provides funds to Federal Head Start programs in Alaska.

The Department of Commerce and Economic Development provides a revolving loan fund to enable daycare facilities to obtain loans when necessary to meet licensing standards.

In addition, the Department of Environmental Conservation and the Department of Public Safety review early childhood programs for compliance with fire and sanitation standards.

SCOPE OF THE REVIEW

We performed the following steps in reviewing Department of Education's role in exercising general supervision of Alaska's preschools:

- reviewed applicable statutes and administrative procedures;
- interviewed educators, Departmental administrators, and early childhood learning center staff;
- visited preschools;
- reviewed and analyzed documents of the Department of Education and preschools; and
- gathered information by questionnaires to similar programs in other states, and to preschool and daycare centers in Alaska.

BETTER MANAGEMENT OF
PRESCHOOL PROGRAMS IS NEEDED

Historically, the Department of Education has taken little action to manage preschools and has not allocated resources for managing preschools. As a result, the Department has certified and monitored few preschools, which could expose the State to liabilities. In addition, the Department's failure to develop a definition which distinguishes between child care programs and preschools results in confusion for those attempting to manage other child care programs.

THE DEPARTMENT OF EDUCATION-MAKES
LITTLE EFFORT TO MANAGE PRESCHOOLS

Little staff time or funds are allocated to performing the Department's statutory obligation in early childhood education. The Department staff member responsible for early childhood education programs is also responsible for guidance and counseling, and private and denominational schools. Only about one eighth of her staff time is allocated to the early childhood program. In addition, the Department of Education budgets show that no funds have been allocated to early childhood programs in the last 5 years.

FEW PROGRAMS ARE CERTIFIED

The Department of Education certifies few preschool programs. Responses to questionnaires from 41 of Alaska's 52 school districts showed that there are at least 167 preschool programs in the State. Yet, during the past 5 years the Department of Education has certified only 28 programs. In addition, many of the 28 certificates were given without the necessary documentation on file in the Department. For example, of the 28 programs certified, the Department did not have a fire and sanitation inspection report on file for 12 of the programs, did not have documentation of insurance for 18 programs and did not have programmatic requirements for 18 of the programs.

In addition, many daycare centers are offering preschool programs without Department of Education supervision over the educational component. For example, of the 19 daycare programs surveyed, 18 stated they offered a preschool program but were not certified by the Department of Education.

FEW PROGRAMS ARE MONITORED

The Department is not making onsite visits to monitor the safety, medical records, insurance records or to see if the school is actually implementing a curriculum. The Department has made only about 15 onsite visits in the last 5 years. The early childhood coordinator stated that seven of the onsite visits occurred as a result of a crisis situation and the other reviews were performed on lunch hours while traveling for other reasons.

LIABILITY EXISTS FOR NONPERFORMANCE
OF STATUTORY RESPONSIBILITY

The concept of "State Certification" implies to the public that:

- the preschool is, in fact, an education institution; and
- the State, through the appropriate agency, has determined the preschool to be in compliance with appropriate laws and regulations.

In a November 1980 memo to the Department of Law, the Commissioner of Health and Social Services expressed concern about the number of unregulated preschools. The Commissioner stated in the memo that the problem of unregulated preschools causes unequal application of the law and has the following results:

1. Lowering respect for Alaska statutes in general.
2. Enforcement problems for this Department. Programs quickly call themselves pre-elementary schools when they learn that is a means of escaping regulations.
3. Risk to children in unregulated pre-elementary schools.
4. A large early childhood population subject to immunization regulations but not receiving the immunizations.

In response, the Department of Law noted that:

"This office understands that the Department of Education does not now investigate facilities applying for certification and does not supervise the physical examination of immunization requirements. Nor is the department involved in monitoring of other health and safety codes.

Even assuming that there are no certifiable pre-elementary schools in Alaska, the department's records should reflect that applications have been submitted and that investigations have taken place sufficient to determine that the Department of Education finds that no facility is a pre-elementary school or a day care facility with an education component."

The Department of Laws' advisor to the Department of Education told us that the Department of Education has been designated to perform a responsibility and currently is not performing it. Failure to perform where there is a duty to perform, can place the State in a position of exposure to liability.

PRESCHOOLS ARE NOT DEFINED

Alaska Statute 14.07.020 (8) provides that the Department of Education "...exercise general supervision over public and private pre-elementary

schools...when the school's primary function is educational." Alaska Statute 47.35.010-80 provides that the Department of Health and Social Services license..."an establishment providing care and services for any part of the 24-hour day for a child... but does not include any establishment whose primary purpose is educational." Neither of the statutes set criteria nor define what is to be considered a primarily educational facility versus a child care facility.

In 1975, the Department of Health, Education and Welfare (Federal Office of Child Development) commented in a letter to the Department of Health and Social Services that "Your statute is indeed weak, allowing for confusion and almost any interpretation..." The letter said that the most difficult job for the two Departments was the formulation of a clear and full definition of a facility whose function is "primarily educational", and the Departments should work towards better statutes and a clarification of the primarily educational function. The letter said a definition is needed so each applicant will know whether or not the law applied to their program and so each Department has a positive definition to use in deciding whether or not a facility is in their area of responsibility.

Even though the statute is weak, the Department could take action to establish standards and a definition of preschools, but they have not done so. In 1971, the Attorney General stated that a determination must be made whether a given school is actually primarily educational, and the "Department of Education...may define what type of program or programs is primarily educational."

RESPONSIBILITY FOR REGULATION IS NOT CLEAR

Because primarily educational has not been defined, neither the regulatory Departments, the facilities themselves, nor the public has a positive definition to use in deciding whether or not a program is a preschool or daycare program. As a result, any facility may choose to be classified as a preschool, and avoid the requirement to comply with daycare standards. For example, 8 of the 28 certified preschools provide daycare services but do not have to comply with daycare standards because they chose to be certified as preschools

This problem also creates confusion for regulatory agencies. At locations where both preschool and daycare services are provided, the Department of Health and Social Services has found it difficult to determine compliance because two different standards are used. For example, children in the Department of Education regulated preschool program often intermingle with children in the Department of Health and Social Services regulated daycare program, thereby changing the acceptable staff pupil ratio.

In addition, the Municipality of Anchorage also has difficulty issuing accurate, legal and meaningful permits because some child care centers are providing services regulated by their ordinance and services regulated by the Department of Education.

The Department of Health and Social Services and the Municipality of Anchorage told us that the regulatory confusion also results in some early childhood programs being unregulated. For example, we found 36 early childhood programs unregulated by either the Department of Health and Social Services or the Department of Education.

STANDARDS FOR PRESCHOOLS SHOULD BE IMPROVED

The Department of Education's preschool standards do not assure that certified preschools provide quality educational programs in a safe and healthy setting. Alaska Statutes require that the Department of Education cooperate with the Department of Health and Social Services in regulating preschools, but cooperation has not occurred. In addition, the statutes do not give the Department authority to enforce standards. Inadequate standards lead to inconsistent care for similar populations in preschools and daycare centers. Also, the value of the preschool certification process is questionable because of the inadequate standards.

PRESCHOOL STANDARDS IN ALASKA ARE INADEQUATE

Preschool standards should assure that certified preschools provide quality educational programs in a safe and healthy setting. But, the Department of Education has not established educational standards for preschools. In addition, the Departments health and safety standards for preschools are lower than the standards the Department of Health and Social Services has established for daycare centers.

Standards are Needed to Assure Quality Preschool Programs

According to Federal and national association authorities in the field of child care and development, there are two levels of standards. First, there is licensing, which is the base level and assures that a program or facility meets health, safety and child development standards.

The second level generally supplements basic licensing and is designed to assure quality where a specialized service, such as education, is being offered. Thus, a facility providing child care should be licensed, while a facility operating as a preschool should have a child care license plus be certified as a preschool.

Educational Standards Have Not Been Developed

The Department of Education has not developed specific educational standards for preschools. The Department only requires that preschools provide written information concerning the schools philosophy and goals. Examples of standards that many states have set for preschools are those relating to teacher certification and space requirements.

Teacher Certification

According to education authorities the quality of the staff determines, to a high degree, the excellence of an educational program. For example, The Teacher Education Committee of the Association for

Childhood Education International has recommended that teachers of children three through eight years of age:

- should have study in the areas of physical and biological sciences, mathematics and philosophy, language and literature, the social and behavioral sciences, and the fine arts.
- should have a minimum of twenty-four semester hours of professional preparation in the field of early childhood education,
- should have supervisory experience with young children, and
- should be required to take refresher courses and to keep active affiliation with professional organizations.

In a recent survey of 26 states, 17 said they require separate certification, four said they require a separate early childhood endorsement, and five said they currently have no requirement on early childhood teacher certification.

Alaska is one of the five states surveyed that does not require any early childhood training as a prerequisite for teaching children under age six. The Department of Education allows any person 19 years old or over, or any student who is age 16 and enrolled in a training program, to be a staff member.

Space

National experts advise that an adequate amount of space available for children's activities is absolutely necessary to ensure a quality, developmentally-orientated child care program. For example, research has shown that space effects the quality of living and learning within a center:

"the higher the quality of space in a center, the more likely were teachers to be sensitive and friendly in their manner toward children, to encourage children in their self chosen activities, and to teach consideration for the rights and feelings of self and others. Where spatial quality was low, children were less likely to be involved and interested, and teachers more likely to be neutral and insensitive in their manner, to use large amounts of guidance and restriction, and to teach arbitrary rules of social living."

In addition, tendencies towards social versus aggressive behavior has been found to be effected by space and according to a research study report:

"Several studies have found that most social involvement appears to occur at medium density (35-50 sq. ft.), while aggressiveness occurs at higher densities (below 35 sq. ft.) and random behavior occurs in large, undifferentiated settings (over 50 sq. ft. per child)."

Eight of the ten states who responded to our survey on this question required a minimum of 35 square feet per child. The Department of Education has not established space requirements for preschools in Alaska.

Preschool Standards are Lower
Than Daycare Standards

In Alaska, the Department of Education's standards for preschools are lower than the Department of Health and Social Services standards for daycare centers. For example, the only preschool standard equal to daycare standards is the immunization standard as shown in the following table.

COMPARISON OF DAYCARE AND PRESCHOOL STANDARDS

<u>STANDARD</u>	<u>DAYCARE</u>	<u>PRESCHOOLS</u>
License Renewal	Annual	5 yrs.
Agency Review	Annual	5 yrs.
Staff Pupil Ratio	1-10	no standard
Indoor Space	35 sq. ft.per child	no standard
Outdoor space	75 sq. ft.per child	no standard
Fire Inspection	Annual	5 years
Sanitation Inspection	Annual	5 years
Health Program	required	no standard
Prone Rest	required	no standard
Immunizations	required	required
Nutrition Program	required	no standard
Corporal Punishment	regulated	no standard

The Department of Health and Social Services also requires that daycare programs provide opportunities and experiences to promote the individual child's physical, emotional, social and intellectual growth, as outlined below:

- opportunities for balance of active/quiet play, group and individual, and indoor and outdoor play;
- opportunities for individual self expression in conversation, imaginative play and creative expressions;
- use of games, toys, books, sand, puzzles, for intellectual and social development;
- walking excursions/field trips; and
- equipment and furniture be of sufficient quality and quantity and appropriate to a child's use.

COOPERATION IN DEVELOPING
PRESCHOOL STANDARDS HAS NOT OCCURRED

Alaska Statutes require that the Department of Education cooperate with the Department of Health and Social Services in the general supervision

THE VALUE OF ALASKA'S PRESCHOOL
CERTIFICATION PROCESS IS QUESTIONABLE

Those who are aware of the Department of Education's standards for preschools generally consider the preschool certification process to be meaningless. For example:

- Many of the early childhood educators we interviewed said that because of the Department's inadequate standards, the preschool certificates issued by the Department do not assure a quality preschool program. Certification is, in fact, misleading to parent consumers.
- We interviewed instructors of two early childhood training programs and both teach their students that the Department's standards are not an acceptable standard to assure a quality preschool program.
- We visited one two-hour a day educationally oriented program that chose to be licensed as a day care center rather than a preschool because they thought parents would have no assurance of a quality preschool program if it only complied with the the Department's preschool standards.
- The legislature recently mandated that eligibility for a child care grant program is dependent on compliance with day care licensing standards. Those preschools certified by the Department of Education are not eligible for the grants unless they also have a daycare license.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

The Department of Education needs to better manage preschool programs. During the past 5 years, the Department certified only 28 preschools and visited for monitoring purposes only 15 preschools. But, our analysis shows that there are at least 167 preschools. And, 18 of 19 daycare programs surveyed said they provided preschool services. In addition, because the Department of Education has not provided a definition of preschools there is confusion for those attempting to manage other early childhood programs.

The Department of Education has not cooperated with the Department of Health and Social Services in developing standards for preschool programs. Currently, there is inconsistent care for similar populations in preschools and daycare programs because preschool standards are lower than daycare standards. Preschools programs should meet daycare standards and should meet additional standards for education.

RECOMMENDATIONS

To assure that the Department of Education meets their management responsibilities for preschools, we recommend the Commissioner require that:

- preschool programs in Alaska are regulated; and
- preschool programs are monitored to assure compliance with requirements.

To help eliminate the confusion in determining which early childhood programs are preschools, we recommend the Commissioner provide a definition of which early childhood programs are preschools.

To assure that the similar populations in preschools and daycare programs receive consistent care, we recommend the Commissioner of the Department of Education cooperate with the Commissioner of the Department of Health and Social Services in developing health, safety and developmental standards for preschools. We also recommend the Commissioner of the Department of Education develop standards for the educational component of preschool.

DEPARTMENT COMMENTS

Both the Department of Education and Department of Health and Social Services responded to a draft of this report. Their comments are summarized below and are included as appendices I and II of this report.

Department of Education

The Commissioner of the Department of Education agreed with our recommendations and listed actions the Department has taken or will take to resolve the problems associated with managing preschool programs. The actions include:

- Developing a tentative agreement with the Department of Health and Social Services and the Department of Community and Regional Affairs for coordination of early childhood programs.
- Introducing a request for statutory change to require all child care programs be licensed by the Department of Health and Social Services for base level standards.
- Development of standards for a voluntary education certification process in addition to the mandatory base level licensing.
- Establishing on site reviews for evaluation of the educational component of certified preschools. (See Appendix I)

Department of Health and Social Services

The Commissioner of the Department of Health and Social Services agreed with our recommendations and is also in agreement with the plans for improvement as presented by the Department of Education. (See Appendix II)

MEMORANDUM

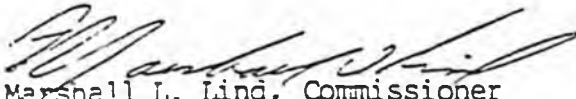
State of Alaska

TO: John O'Meara, Director
Division of Internal Audit
Office of the Governor

DATE: February 2, 1982

FILE NO:

TELEPHONE NO: 465-2800

FROM: 
Marshall L. Lind, Commissioner
Department of Education

SUBJECT: Response to Draft
Report

Attached is our response to your draft report titled "The Department of Education Needs to Improve Management of Preschool Programs". As you will note in our response, we are planning a series of actions which will address the conditions described in your report.

You and your staff are to be complimented for the professional manner in which the review was conducted and the report presented. The findings and recommendations are proving useful to us in planning how to better meet our responsibilities for preschool programs.

RECEIVED
FEB 5 1982

Office of the Governor
Division of Internal Audit

RESPONSE TO
THE DEPARTMENT OF EDUCATION NEEDS TO
IMPROVE MANAGEMENT OF PRESCHOOL PROGRAMS

FEBRUARY 1982

STATE OF ALASKA
DEPARTMENT OF EDUCATION

INTRODUCTION:

The Department of Education is in basic agreement with the findings of the report by the Division of Internal Audit titled "The Department of Education Needs to Improve Management of Preschool Programs". In responding, therefore, we will make no effort to counter any of the findings of the report. We also believe that nothing would be gained by attempting to present reasons for our past activities in the management of preschool programs. Rather, we will present those actions which have been taken and those planned to address the conditions described in the report.

ACTIONS TAKEN:

During the past two months we have met several times with a representative from Health and Social Services and once with a representative from Community and Regional Affairs. These meetings have resulted in a tentative agreement between the three departments for the coordination of early childhood programs. We have also met with representatives from the Alaskan chapters of the National Association for the Education of Young Children to discuss plans for the role these chapters might play in the management of preschool programs. A presentation has also been made before the State Board of Education. At this meeting the board voted unanimously to endorse the early childhood education career ladder certification concept. The Board was also advised of tentative plans for carrying out Department of Education responsibilities for preschools.

ACTIONS PLANNED:

The tentative plan for managing preschool programs consists of the following steps. The conditions from the report, which will be addressed by each step, are presented following the description of each step.

PROPOSED STEP I:

All day care programs, including those claiming to be preschool programs, will be licensed by the Department of Health and Social Services. This base level of licensing will be mandatory and no programs should be exempt from the licensing requirement.

CONDITIONS ADDRESSED:

Requiring that all programs which provide services for preschool age children be licensed by Health and Social Services will clear up the confusion which currently exists for regulating agencies, and for the care providers. It will not be necessary to make a predetermination of whether or not a program is "primarily education." Programs will not be able to avoid basic licensing requirements by claiming to be educational programs. The plan will insure that all programs meet basic health, safety and child development standards, and will eliminate instances of inconsistent care for similar populations of children and differential treatment of care providers.

The plan will also negate the need for the Department of Education to obtain the enforcement authority giving it the power to close schools which do not meet basic health and safety standards, since Health and Social Services already has this authority and will be responsible for base level licensing which will insure adequate health and safety standards.

Implementing Step I of the plan will necessitate a change in statute. The Departments of Health and Social Services and Education are currently working cooperatively to determine those required changes. We anticipate that we will be introducing requests for statutory changes during this legislative session.

The change in licensing requirements will also greatly increase the staff load for Department of Health and Social Services licensing personnel. This will not correspond with a decrease for Department of Education personnel, since Department of Education personnel are not currently involved in licensing. Successful implementation will, therefore, require an increase in the Department of Health and Social Services licensing budget.

PROPOSED STEP II:

Day care centers wishing to have their educational programs certified will, on a voluntary basis, notify the Department of Education. An on-site review of these facilities will be conducted using a criteria for preschool programs. Those programs successfully meeting the criteria will be certified by the Department of Education.

CONDITIONS ADDRESSED:

This step will satisfy the Department of Education's statutory responsibility for certifying preschool programs. It will also provide a definition for preschool programs without making it a condition for base level licensing.

Since the certification process is voluntary only those programs choosing to go beyond base level licensing will do so.

It is anticipated that certification will be at two levels, a basic acceptance level and an exemplary level. We plan to develop an on-site review process which will involve persons from the regional chapters of the National Association for the Education of Young Children as members of the review teams. This will result in a peer monitoring process administered by the Department of Education.

The standards for preschool programs which will be used as the criteria for certification will be developed by a Task Force during the Spring of this year. The Task Force will be made up of persons from the state who are knowledgeable in the area of preschool education and who represent the various groups who will be impacted by the plan for managing preschool programs.

CONCLUSION:

These, then are the activities which have taken place and the plans for future activities which will enable the Department of Education to better manage preschool programs.

We feel that the plans represent a cooperative inter-departmental effort which will result in the coordination and better management of preschool programs as well as early childhood programs in general.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES
OFFICE OF THE COMMISSIONERPOUCH H 01
JUNEAU, ALASKA 99811
PHONE: 465-3030

February 8, 1982

John O'Meara, Director
Division of Internal Audit
Office of the Governor
Pouch AU
Juneau, Alaska 99811RECEIVED
FEB 8 1982

Dear Mr. O'Meara:

Office of the Governor
Division of Internal Audit

This is in response to your draft report titled "The Department of Education Needs to Improve Management of Preschool Programs." The Department of Health & Social Services is in general agreement with the findings of the audit. The document captures the essence of a serious problem and we are hopeful that the plan developed between the Departments of Education and Health & Social Services will provide corrective action. We have received the Department of Education's response to the audit which outlines that plan.

The Department of Health & Social Services is pleased to have been a participant in recent meetings between representatives of the Departments of Education, Community & Regional Affairs, and Health & Social Services. The dialogue which has begun is extremely useful and the tentative inter-departmental agreement establishes a new precedent of coordinating between three departments around concerns for young children and their families.

The Department of Health & Social Services is in full agreement with proposed Step 1 of the Department of Education's response, that all child care facilities now called Day Care Centers, Family Day Care Homes, and Preschools be licensed under one standard by the Department of Health & Social Services. A recognized principle of government is responsibility to provide equal protection and opportunity to all citizens. For young children who spend part of the day away from their families, the State fulfills this responsibility in part, through licensing to assure a basic level of care and protection, adequate program, and opportunity for development. Licensing under one standard will eliminate the disparity between the care children receive in day care facilities and preschools.

The Department of Health & Social Services is in full agreement that a change of statute is necessary to implement Step 1. In the ten years since the statutes were changed, the disparity has increased rather than decreased. A clear legislative mandate is required to correct a problem of this long standing.

February 8, 1982

The Department of Health & Social Services will require an increase in staff to perform the licensing studies. Without additional staff the Department of Health & Social Services could not accept the responsibility for an estimated 167 additional programs.

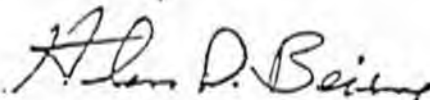
The Department is aware that some programs not now regulated may be fearful that Department of Health & Social Services regulation would result in closure of needed programs. The Department, should it receive the authority, fully intends to implement carefully and in as a supportive manner as possible. Every person or organization whose activities are regulated through licensing has the right to notice of the requirements and an opportunity to comment on them. When there are findings of non-compliance, information for correcting areas of non-compliance will be provided and reasonable time limits for meeting the new standards will be established. It is the Departments' belief that in regulating a new area, two years may be required for full implementation.

The Department of Health & Social Services believes that proposed Step 2 in the Department of Education's response, the certification of educational programs on a voluntary basis, will be well received by providers of early childhood programs. Our experience with day care centers is that directors want to have the educational component of their programs recognized. We are also in agreement that peer monitoring through regional chapters of the National Association for the Education of Young Children is an appropriate role for a professional organization to take and are therefore, in agreement with the Department of Education's plan to use this model.

It is the intent of the Department of Health & Social Services to fully cooperate with the Department of Education in implementing the proposed plan in a timely manner. It is also our intent to continue work on the inter-departmental agreement between the Departments of Education, Community & Regional Affairs, and Health and Social Services for the coordination of Early Childhood programs.

The Division of Internal Audit is to be commended for the careful study given to this important area.

Sincerely,



Helen D. Beirne
Commissioner

7-5-83

STATE OF MICHIGAN
IN THE COURT OF APPEALS

SHERIDAN ROAD BAPTIST CHURCH;
FIRST BAPTIST CHURCH BRIDGEPORT;
REVEREND GERALD SOMERO; REVEREND
RENE B. OUELLETTE; RONALD MUNSON
and JANICE MUNSON, his wife; WILLIAM
L. SWAIN and SHARON SWAIN, his wife;
and MRS. SUSANNE KWAITOWSKI,

Plaintiffs-Appellees,

Court of Appeals No. 69050

versus

Ingham County Circuit Court
No. 80-26205-AZ

STATE OF MICHIGAN, DEPARTMENT
OF EDUCATION; and PHILLIP E.
RUNKEL, SUPERINTENDENT OF
PUBLIC INSTRUCTION,

Defendants-Appellants.

AMICUS CURIAE BRIEF

OF CATHOLIC LEAGUE FOR RELIGIOUS & CIVIL RIGHTS

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STATEMENT OF QUESTIONS INVOLVED

Catholic League for Religious and Civil Rights concurs with the Counter-Statement of Questions Involved which Appellees presented.

STATEMENT OF FACTS

Catholic League for Religious and Civil Rights concurs with the Counter-Statement of Facts Appellees presented.

ARGUMENT

I.

THE CIVIL AND RELIGIOUS RIGHTS OF PARENTS IN THE EDUCATION OF THEIR CHILDREN ARE VALUES STRONGLY RECOGNIZED BOTH IN THE PRONOUNCEMENTS OF THE CATHOLIC CHURCH AND THE UNITED STATES SUPREME COURT'S INTERPRETATION OF THE UNITED STATES CONSTITUTION.

This case requires this court to determine the extent to which a state may limit the fundamental right of parents to educate their children in accordance with their religious beliefs.

The Catholic Church recognizes a primary and most significant role which parents must play in the education of their children. For example, the Second Vatican Council stated:

[S]ince parents have conferred life on their children, they have a most solemn obligation to educate their offspring. Hence, parents must be acknowledged as the first and foremost educators of their children. Their role as educators is so decisive that scarcely anything can compensate for their failure in it. For it devolves on parents to create a family atmosphere so animated with love and reverence for God and others that a well-rounded personal and social development will be fostered among the children. Hence, the family is the first school of those social virtues which every society needs.

SECOND VATICAN ECUMENICAL COUNCIL, DECLARATION ON CHRISTIAN EDUCATION, GRAVISSIMUM EDUCATIONIS (1965), no. 3.

In a recent pronouncement Pope John Paul II elaborated on the nature of this primary parental role and explained that it could never be completely alienated to others:

The right and duty of parents to give education is essential, since it is connected with the transmission of human life; it is original and primary with regard to the educational role of others, on account of the uniqueness of the loving relationship between parents and children; and it is irreplaceable and inalienable, and therefore incapable of being entirely delegated to others or usurped by others.

POPE JOHN PAUL II, APOSTOLIC EXHORTATION, THE ROLE OF THE CHRISTIAN FAMILY IN THE MODERN WORLD, FAMILIARIS CONSORTIO (1981) (hereinafter "FAMILIARIS CONSORTIO"), at no. 36 (emphasis in original).

The significance of the right and duty of Christian parents to educate their children in a manner comporting with their faith led the Pope to state that the "rights of parents to choose an education in conformity with their religious faith must be absolutely guaranteed." FAMILIARIS CONSORTIO at no. 40.

Interestingly the concerns the Catholic church has expressed have been mirrored to a large extent by the pronouncements of the United States Supreme Court in cases involving constitutional challenges to state statutes impinging upon parents' religiously motivated choices in the education of their children. The first case lending support to this conclusion is Pierce v. Society of Sisters, 268 U.S. 510 (1925). There the Supreme Court upheld a challenge to a law forbidding attendance at private schools on the basis of a "liberty" interest which the Court felt inhered in the Due Process Clause, U.S. CONST., amend. XIV. The Court noted that there was a "liberty of parents and guardians to direct the upbringing and education of children under their control." 268 U.S. at 534-535. The Court further observed, "The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations." 268 U.S. at 535.

Although Pierce was decided under a "substantive due process" rationale, which fell out of favor for a time before making a powerful return in the "personal privacy" cases of the last two decades, the same basic right of parental educational direction was reaffirmed, primarily on the basis of the Free Exercise Clause, U.S. CONST., amend. 1, in Wisconsin v. Yoder, 406 U.S. 205 (1972). There the Court concluded that enforcement of Wisconsin's compulsory education statute would impinge upon Amish parents' rights to direct their children's religious upbringing. See Id. at 215-219. The Court's holding further determined that the involved State interests in compulsory education could not, override the parents' legitimate claims under the Free Exercise Clause. See Id. at 219-236.

The above discussion demonstrates most clearly that Catholic parents place a great value on their right and responsibility to educate their children in a manner comporting with their religious faith. They recognize that this right and responsibility is primarily theirs, cannot be completely alienated to another entity, requires careful and deliberate exercise and should be protected against any deleterious state action. They further recognize that this right and responsibility is not a creation of a Church, but a basic trait of parenthood. Accordingly, Baptist parents enjoy the same basic right and responsibility in the education of their children and this right and responsibility must be protected from adverse state interference. The above discussion further demonstrates that the United States Supreme Court has recognized the basic right and responsibility parents have for the education of their children in accordance with their religious beliefs as inhering in the Constitution and subject to State interference only when necessary to protect a compelling state interest. With this background we now consider the sectarian school systems which have arisen from the exercise of constitutionally protected parental educational

choice and the particular examples of State interference with these sectarian schools which are alleged to infringe upon this parental choice.

II.

CONSTITUTIONALLY PROTECTED CATHOLIC PARENTAL EDUCATIONAL CHOICES, LIKE CONSTITUTIONALLY PROTECTED PROTESTANT EDUCATIONAL CHOICES, HAVE RESULTED IN SECTARIAN SCHOOLS WITH DIFFERENT EDUCATIONAL PURPOSES AND REGIMENS THAN PUBLIC SCHOOLS. THUS, TEACHER OR CURRICULUM REQUIREMENTS TAILORED FOR PUBLIC SCHOOLS ARE UNSUITABLE FOR SECTARIAN SCHOOLS AND CAN IMPAIR CONSTITUTIONALLY PROTECTED PARENTAL EDUCATIONAL CHOICES.

In efforts to exercise their constitutional rights to educate their children in accordance with their religious beliefs, Catholic and Protestant parents have each formed school systems which serve as alternatives to the public school system. In their brief and the trial record, the Plaintiff-Appellees have made this court aware of the pervasively Christian character of the Fundamentalist Protestant school. It is interesting to note that the Catholic school, like the Fundamentalist Protestant school, is founded upon a distinctly Christian approach to education.

A description of the distinctly Christian approach of the Catholic school may be found in The Sacred Congregation for Catholic Education's document, THE CATHOLIC SCHOOL, issued March 19, 1977. The Sacred Congregation makes clear that the distinctive feature of a Catholic school is "its reference to a Christian concept of life centered on Jesus Christ." SACRED CONGREGATION FOR CATHOLIC EDUCATION, THE CATHOLIC SCHOOL (1977), at no. 33. "Christ is the foundation of the whole educational enterprise in a Catholic school," *Id.* at no. 34, and "The Catholic School is committed . . . to the development of the whole man, since in Christ, the Perfect Man, all human values find their fulfillment and unity." *Id.* at no. 35. The goal at which the Catholic school aims is "forming in the Christian those particular virtues which will enable him to live

a new life in Christ and help him to play faithfully his part in building up the Kingdom of God." Id. at no. 36. Based on these premises the Catholic school has the tasks of synthesizing culture and faith and faith and life. Id. at no. 37. "The first [of these two tasks] is reached by integrating all the different aspects of human knowledge through the subjects taught, in the light of the Gospel; the second in the growth of the virtues characteristic of a Christian." Id.

This description of the Catholic school, like the descriptions of the Baptist schools this Court has been provided with in Plaintiffs' briefs and the trial record, requires one clear conclusion. That is that private sectarian schools, including Catholic schools, have as their central purpose to "instruct a child in the way he should go"¹ through bringing a child to a point of informed adherence to and practice of basic Christian values. Accordingly, a private sectarian school, like a Catholic school, will fundamentally differ from a public school by including the instruction of Christian values as they relate to every phase of the curriculum. The important presence of Christian values in sectarian school courses means that these courses may often not clearly resemble courses taught in a public school. Further, the qualifications necessary to teach these value laden subjects in a sectarian school will differ from those needed to teach the same type of courses in a public school in which transmission of religious values is forbidden. This means that the constitutional guarantee of parental educational choice can only be preserved if parents opting for sectarian education are permitted to choose sectarian schools which have teachers and curricula which may substantially differ from those found in public schools. State regulations which attempt to require private schools to

¹ Proverbs 22:6.

conform to requirements which may be appropriate for public schools, thus, can significantly impair the constitutionally protected parental choice of sectarian education. As will be seen more fully in succeeding pages, the state requirements at issue in this case have this unconstitutional effect.

III.

THE REQUIREMENT OF 1921 MICH. PUB. ACTS 302, SECTION 3, MICH. COMP. LAWS ANN. § 388.553 (1976), THAT TEACHERS IN PRIVATE SCHOOLS HOLD A TEACHING CERTIFICATE EQUIVALENT TO THAT REQUIRED OF PUBLIC SCHOOL TEACHERS IS AN IMPINGEMENT UPON PARENTS' CONSTITUTIONALLY PROTECTED RIGHTS TO EDUCATE THEIR CHILDREN IN ACCORDANCE WITH THEIR RELIGIOUS BELIEFS WHICH DOES NOT ADVANCE A COMPELLING STATE INTEREST NOR CONSTITUTE THE LEAST RESTRICTIVE MEANS TO ACHIEVE ANY ARGUABLY PRESENT STATE INTEREST.

In 1921 P.A. 302, Section 3, MICH. COMP. LAWS ANN. § 388.553 (1976), the State has enacted a "certification" requirement for private school teachers, which reads in relevant part:

No person shall teach or give instruction in any private, denominational or parochial school within this state who does not hold a certificate such as would qualify him or her to teach in like grades of the public schools of the state

In approaching the issue of whether this proposal unconstitutionally interferes with rights guaranteed by the Free Exercise Clause of the U.S. CONST., amend. I, it is first necessary to examine whether there exists any burden on the free exercise of religion. See Sherbert v. Verner, 374 U.S. 398, 403 (1963). The free exercise right involved is that of parents of private school children to effectively exercise their constitutionally protected right to choose a sectarian education for their children. If this right is burdened by the state regulation, the State will be required to prove that this regulation implements a compelling state interest, and that the regulation is the means placing the least restriction on parents' free exercise rights which can implement this interest. See Sherbert, 374 U.S. at 406-408.

Addressing the question of whether the proposal burdens free exercise requires a further examination of the role of the teacher in the sectarian school context. As Plaintiffs' brief and trial testimony makes clear, a teacher in the Baptist schools is involved in a ministry in which he or she is shaping young people in accordance with Christian values. The teacher in the Catholic school has this same responsibility. In the first of the two tasks of the Catholic school explained supra, the integration of faith and culture, the teacher plays a critical role. The Sacred Congregation for Catholic Education noted in this respect:

Since the educative mission of the Catholic school is so wide, the teacher is in an excellent position to guide the pupil to a deepening of his faith and to enrich and enlighten his human knowledge with the data of the faith. While there are many occasions in teaching when pupils can be stimulated by insights of faith, a Christian education acknowledges the valid contribution which can be made by academic subjects towards the development of a mature Christian. The teacher can form the mind and heart of his pupils and guide them to develop a total commitment to Christ, with their whole personality enriched by human culture.

SACRED CONGREGATION FOR CATHOLIC EDUCATION, THE CATHOLIC SCHOOL (1977), at no. 40.

The specific qualifications and duties of the teacher in the sectarian Christian school have been further explained by the Sacred Congregation in these manners:

The school considers human knowledge as a truth to be discovered. In the measure in which subjects are taught by someone who knowingly and without restraint seeks the truth, they are to that extent Christian. Discovery and awareness of truth leads man to the discovery of Truth itself. A teacher who is full of Christian wisdom, well prepared in his own subject, does more than convey the sense of what he is teaching to his pupils. Over and above what he says, he guides his pupils beyond his mere words to the heart of total Truth.

The cultural heritage of mankind includes other values apart from the specific ambient of truth. When the Christian teacher helps a pupil to grasp, appreciate and assimilate these values, he is guiding him towards eternal realities. This movement towards the Uncreated Source of all knowledge highlights the importance of teaching for the growth of faith.

Id. at nos. 41,

Finally, the Sacred Congregation emphasized the crucial role of the teacher in the process of integrating faith and culture:

The achievement of this specific aim of the Catholic school depends not so much on the subject matter or methodology as on the people who work there. The extent to which the Christian message is transmitted through education depends to a very great extent on the teachers. The integration of culture and faith is mediated by the other integration of faith and life in the person of the teacher. The nobility of the task to which teachers are called demands that, in imitation of Christ, the only Teacher, they reveal the Christian message not only by word but also by every gesture of their behaviour. That is what makes the difference between a school whose education is permeated by the Christian spirit and one in which religion is only regarded as an academic subject like any other.

Id. at no. 43.

Although the Sacred Congregation places special emphasis on the Catholic school teacher's critical role in the pupils' integration of faith and culture, it emphasizes that the teacher's role also extends into the very central matter of the pupils' integration of faith and life: "The fundamental aim of teaching is the assimilation of objective values, and, when this is undertaken for an apostolic purpose, it does not stop at an integration of faith and culture but leads the pupil on to a personal integration of faith and life." Id. at no. 44.

More specifically, the Sacred Congregation directs:

The Catholic school should teach its pupils to discern in the voice of the universe the Creator Whom it reveals and, in the conquests of science, to know God and man better. In the daily life of the school, the pupil should learn that he is called to be a living witness to God's love for men by the way he acts, and that he is part of that salvation history which has Christ, the Saviour of the world, as its goal.

Id. at no. 45.

This background of the Catholic school, as part of the species of sectarian schools this proposal attempts to regulate, illustrates the absolutely crucial role of the unabashedly Christian teacher to the successful working of the school. Thus, any state regulation which would restrict this pool of Christian

teachers will burden religious protections guaranteed by the Free Exercise Clause, U.S. CONST., amend. I. By substantially diminishing the pool of available teachers with the requisite Christian qualifications, the State's certification requirement impedes the carrying out of sectarian school parents' Free Exercise right to select the teachers who would most effectively fulfill the crucial role of a sectarian school teacher. More specifically, the sectarian school is required to forego the services of many teachers who would superiorly transmit to students the authentic Christian approach to both religious and secular subjects. Instead, the school is required to select teachers who are less capable, and perhaps almost unqualified, on the important basis of their religious convictions, but who possess valid teaching certificates which, even in secular subjects, bear little relationship to their ability to effectively teach. Thus, when sectarian schools choose to comply with the type of certification requirements found in this case, the result can be a lessening of the schools' ability to effectively transmit Christian values to students. Because transmission of these values constitutes the central and unique mission of the sectarian school, and the purpose for which parents would choose a sectarian school to effectuate their Free Exercise rights to educate their children in accordance with their religious beliefs, the statute's impairment of the sectarian school's ability to effectively transmit Christian values is an unconstitutional interference with these parents' rights, under the Free Exercise Clause, U.S. CONST., amend. I.

While the teacher certification requirement wreaks havoc with parents' rights to effectively choose a sectarian school for their children, it is not an appropriate means to accomplish any interests the State may have in insuring that sectarian school children receive a proper education. Although the State may have a compelling interest in compulsory school attendance generally, it

does not follow that the state has carried its burden of proving that its certification requirements achieve this interest in the manner least restrictive to parental rights to educate their children in accordance with their religious beliefs. Initially, the fact that only a handful of the states have been shown to require certification for private school teachers is strong evidence that a certification requirement is unnecessary to satisfy the educational interests all states share. Further, the State has offered little clear empirical evidence to demonstrate that a certification requirement is necessary to guarantee high quality education. Finally, there are undoubtedly means which place fewer restrictions on free exercise rights, such as requiring parents to educate their children, requiring schools to provide the acknowledged universal "basics" of education and limiting any gross parental abuse of their educational duty through child abuse statutes, which could effectively monitor and guarantee the reception of quality education. Accordingly, the requirement for certification of private school teachers is an unconstitutional infringement upon sectarian school parents' rights to educate their children in accordance with their religious beliefs.

IV.

THE REQUIREMENT OF 1921 MICH. PUB. ACTS 302, SECTION 1, MICH. COMP. LAWS ANN. § 388.551 (1976), THAT COURSES OF STUDY IN PRIVATE SCHOOLS BE OF THE SAME STANDARD AS THOSE PROVIDED BY THE GENERAL SCHOOL LAWS OF THE STATE IMPERMISSIBLY IMPINGES UPON PARENTS' FREE EXERCISE RIGHTS UNDER THE U.S. CONST., AMEND. I, TO EDUCATE THEIR CHILDREN IN ACCORDANCE WITH THEIR RELIGIOUS BELIEFS, IS NOT NECESSITATED BY A COMPELLING STATE INTEREST AND IS NOT THE METHOD TO ACHIEVE ANY PURPORTED GOVERNMENTAL INTEREST WHICH HAS THE LEAST EFFECT UPON THE PROTECTED RIGHTS.

The curriculum regulations present much the same problems as the teacher certification requirements, and are unconstitutional for very similar reasons.