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valid studies. These studies provided considerable support for the following hypotheses:

1. Small classes have a positive effect on the academic achievement of elementary and secondary students
2. Small classes have a positive effect on student attitudes and behavior, teacher morale, classroom procedures and other indicators of the quality of the classroom environment.
3. There is no optimal class size for all instructional situations. Appropriate class size is dependent on student age/grade, student aptitude, subject taught and instructional methods used.

Although "small classes" and "large classes" were inconsistently defined in the studies, in general, the research indicates that small classes can be beneficial in certain situations: For example, the achievement of disadvantaged, low-ability, special education or primary age students is enhanced by smaller classes; very small classes (5 or fewer students) appear to produce considerably higher achievement than average size classes.

Data in this study supported the conclusion that "reducing or increasing class size will not automatically produce any particular, foreseeable effect on achievement, . . . however, smaller class size has the potential for stimulating the development and use of improved instructional methods, but will not automatically do so."

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This project resulted from a directive of the Virginia Beach school board to determine the effects of class size on the reading achievement of pupils in the lower elementary grades. The research design consisted of pairs (control and experimental groups) of first-grade classes from eight schools, each with 29 and 21 students, respectively. The student/teacher ratios in both of the groups were below the maxi-

mum of 30 students, as mandated by the Southern Association of Schools and Colleges and enacted by the Virginia General Assembly. The participating classes and teachers were chosen and assigned randomly. The first graders were administered pre- and post-tests of the California Achievement Tests to measure their reading achievement gains during the school year. The results of the study showed that:

- First-graders in smaller classes scored significantly higher on reading achievement tests than did their peers in larger classes.
- Both sexes of white first-graders scored significantly higher in small classes than in larger ones.
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Title I and local funds were used to establish two schoolwide projects in Austin, Texas, where pullout programs were ended and the pupil/teacher ratio was lowered to 15-1. Students in grades 2-6 from Title I

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
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RELATIONSHIP OF CLASS SIZE AND STUDENT ACHIEVEMENT

From a historical perspective, J. M. Rice is credited with conducting the first empirical study on educational processes and their effects on student achievement. This study was published in *The Forum* in 1902. Although it included virtually no numbers, Rice observed no strong relationship between class size and attainment. Since this date, the findings of voluminous research studies have been reported. In a recent review of more than 3,000 studies, Willis D. Hawley et al., explain the inconsistencies in the conclusions reached by different analysts as follows:

1. The effects of class size reductions require complex statistical analysis.
2. The better the research design, the stronger the effect of class size reductions found.
3. Older studies showed few or no effects; newer studies show generally positive effects.
4. An effect of class size seen to be significant by one researcher may be termed insignificant by another, depending on the type of analysis used.
5. In many cases, reductions in class size do not result in evidence to show changes in teacher behavior, but such changes—or the lack thereof—are frequently not studied.

Again, historically, Glass and Smith categorized the four stages of research on class size as follows:

- 1895 – 1920 = the pre-experimental era
- 1920 – 1940 = the primitive experimental era
- 1950 – 1970 = the large-group technology era
- 1970 – present = the individualization era

A continuing volume of research studies have tried to find a more comprehensive and conclusive answer to the difficult question: What is the optimum/ideal class size to improve academic performance? Cited below are the findings of some of the major research studies concerning the relationship between class size and student achievement:

Walberg, Herbert J. and Sue Pinzur Rasber, "Public School Effectiveness and Equality: New Evidence and Its Implications," *Phi Delta Kappan*, 56 (September 1974), pp. 3-9.

In this study, the percentage of Selective Service draft candidates who failed the mental test in 1969 and 1970 in all 50 states was compared with nine socio-economic and educational variables. Pupil-teacher ratio was one of these educational inputs found to have affected the Selective Service examination scores of the military draftees. This test of general ability consisted of 100 vocabulary, mathematics, spatial, and mechanical items, many of which reflect specific abilities that can be acquired in school. The results of this comprehensive study show that "high pupil-teacher ratios . . . of children enrolled in public schools are associated with high rates of test failures."

In a subsequent report of this study (*Phi Delta Kappan*, May 1977), the authors state that "a reduction of one pupil per teacher is associated with an estimated 7.9 percent reduction in failure rate when the other variables are controlled. Although administrative, supportive, and capital expenditures are necessary, smaller classes may pay off because of the intensified, direct services they allow the teacher to provide the children. In particular, small classes permit more individual guidance, small-group work, and discussion without the constraints of authoritarian control often required in large groups."

Porwoll, Paul J., *Class Size: A Summary of Research*. Arlington, Va.: Educational Research Service, Inc., 1978.

This research brief is a comprehensive review of the literature on class size and achievement of elementary and secondary students as well as the effects of class size on other related areas. (Findings on the effects of class size and the educational process will be included in the next section of this report.) Based upon the analysis of 24 studies, the investigator found the relationship of class size and achievement to be inconclusive, contradictory and complex. The

tentative conclusions related to the effects of class size and pupil achievement are as follows:

- Research provides no clearcut guidelines for an "optimum" class size covering all types of students at all grade levels. Students at different levels of personal and academic development require different learning conditions in order for optimum gains in achievement to occur.
- Existing research findings do not support the contention that smaller classes will of themselves result in greater academic gains for pupils. The evidence is that within the mid-range of about 25 to 34 pupils, class size seems to have little if any decisive impact on the academic achievement of most pupils in most subjects above the primary grades.
- There is research evidence that small classes are important to increase pupil achievement in reading and mathematics in the early primary grades.
- There is some evidence of a positive relationship between small class size and pupil achievement when primary grade pupils are taught in small classes for two or more consecutive years.
- There is evidence that pupils with lower academic ability tend to benefit more from smaller classes than do pupils with average ability.
- Some research indicates that smaller classes can positively affect the scholastic achievement of economically or socially disadvantaged pupils.
- More longitudinal studies are needed to measure the relationship between achievement and instructional changes when class sizes are reduced.

Glass, Gene V. and Smith, Mary Lee, "Meta-Analysis of Research on the Relationship of Class-Size and Achievement. The Class Size and Instructional Project." San Francisco, Calif.: Far West Laboratory for Educational Research and Development, September 1978. [ED 168 129]

This is the most comprehensive research study to date on the issue of class size. It has received both

national and international attention and has provided evidence of the positive relationship between reduced class size and pupil achievement. In this meta-analysis of research, 77 empirical research studies were read, coded, and analyzed. These studies yielded over 700 comparisons that were based on data that span 70 years of research performed in more than a dozen different countries and all together incorporated achievement test results of over 900,000 pupils. This integrative analysis was unique in that it represented a statistical synthesis that revealed general trends.

The study found that small achievement advantages were noted when small reductions were made in class size in the 20-30 pupil range and large advantages resulted when class size was reduced below 20. Pupil achievement was found to be higher in small classes and highest in very small classes (under 20). The relationship between class size and achievement seems consistently stronger in the secondary grades, but it does not differ appreciably across different school subjects, levels of pupil IQ, or several other demographic features of classrooms. Overall, the researchers found that "among the 725 comparisons of pupil achievement in smaller and larger classes, 435 or 60 percent favored the smaller class."

This newly documented relationship between class size and achievement contradicts previously published reviews of research, whose authors maintained that reducing class size would not result in greater achievement. Many aspects of this study have been both heralded and criticized by many researchers and educators.

Cotton, K. and Savard, W. G., "Class Size. Research on School Effectiveness Project: Topic Summary Report." Portland, Oregon: Northwest Regional Educational Laboratory, December 12, 1980. [ED 214 705]

To answer the question, "Do small classes have a positive effect on the academic achievement of elementary and secondary students?" the authors reviewed 35 documents of which 20 were deemed

valid studies. These studies provided considerable support for the following hypotheses:

1. Small classes have a positive effect on the academic achievement of elementary and secondary students
2. Small classes have a positive effect on student attitudes and behavior, teacher morale, classroom procedures and other indicators of the quality of the classroom environment.
3. There is no optimal class size for all instructional situations. Appropriate class size is dependent on student age/grade, student aptitude, subject taught and instructional methods used.

Although "small classes" and "large classes" were inconsistently defined in the studies, in general, the research indicates that small classes can be beneficial in certain situations: For example, the achievement of disadvantaged, low-ability, special education or primary age students is enhanced by smaller classes; very small classes (5 or fewer students) appear to produce considerably higher achievement than average size classes.

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Schoolwide Project (SWP) schools were compared with comparable students from Title I Regular (TIR) schools using the Iowa Tests of Basic Skills administered in April of 1980 and 1981. Evaluation findings revealed that:

- The lower pupil/teacher ratio seems to improve achievement meaningfully in *all* basic skill areas.
- The project teachers had very high morale. They felt more effective in their work.
- The lower pupil/teacher ratio may have more impact on the quality of instruction (less off-task time, better teacher monitoring of work, earlier corrective feedback, fewer adults with instructional responsibility for the child, fewer disruptions, etc.) than on the quantity.
- Lowering the pupil/teacher ratio from 25-1 to 15-1 would increase personnel costs by 67% in the schools and grades where applied.
- Adequate classroom space can be a problem.

Hedges, Larry V. and Stock, William, "The Effects of Class Size: An Examination of Rival Hypotheses." *American Educational Research Journal*, Spring 1983, pp. 63-85.

In a current reanalysis of the statistical procedure used in the class-size meta-analysis by Glass and Smith (reviewed in this report), Hedges and Stock found no substantial changes in conclusions originally drawn. They confirmed the findings of Glass and Smith that smaller classes lead to higher expected achievement than larger classes. They concluded, however, that "the tests of significance confirm that class size accounts for a substantial amount of achievement variation, while also indicating that substantial sources of systematic variation remain to be explained."

RELATIONSHIP OF CLASS SIZE AND THE EDUCATIONAL ENVIRONMENT

Numerous research studies have investigated how reduction in class size is associated with the teaching process and affective outcomes. Data from these studies reveals that class size affects the quality of the classroom environment; pupil's attitudes, interest and motivation; teacher's morale, satisfaction, and attitudes toward their pupils; instructional techniques, etc. The findings of selected studies are summarized below.

Lindbloom, Dwight H., "Class Size as it Affects Instructional Procedures and Educational Outcomes." Minneapolis, Minn.: Educational Research and Development Council of the Twin Cities Metropolitan Area, Inc., June 1970. [ED 059 532]

The purpose of this extensive review of literature was to ascertain the relationship between educational outcomes and class size in elementary and secondary schools.

This study was based upon the assumption that if pupil behavior is to change (learning process), teacher behavior must also change (teaching process). Thus, in reviewing the literature, Lindbloom states that "the examination of the teaching process in terms of teaching methods and classroom environment measures has been separated from the examination of the learning process in terms of achievement measures."

The author concludes that the evidence advanced in appraising the teaching process and all measures other than pupil achievement overwhelmingly favor small classes. The studies report the following positive practices taking place more frequently in smaller than in larger classes:

1. Individualized instruction geared to the needs and interests of students.
2. In addition to the textbooks, wider use of a variety of educational materials to enrich teaching.
3. Increased interaction among pupils and between teacher and pupils.
4. Greater use of innovative or new materials and methods.

5. More student self-control and discipline with less teacher domination.
6. More small group work.
7. Improved human relations among students and with the teacher.
8. A greater number of instructional activities.
9. Fewer discipline problems.
10. Improved morale among teachers.

In conclusion, the author states: "merely reducing class size is no guarantee of increased pupil achievement in the smaller class. What does seem to happen (naturally, in not every case), according to the research studies, is that a reduction in class size causes teachers to adjust accordingly and modify the teaching process to a more individualistic and humanistic approach. . . . The research supports the hypothesis that small classes are superior to large classes in producing more desirable teaching practices."

Olson, Martin N., "Research Notes-Ways to Achieve Quality in School Classrooms: Some Definitive Answers." *Phi Delta Kappan*, September 1971, pp. 63-65.

One among other major purposes of the study reviewed in this article was to find an answer to the question: "What effects do class sizes of 5, 15, 25, or 36 have on classroom performance levels?" The criterion of classroom quality used in the study was Indicators of Quality—a highly reliable and valid measure of quality designed to specifically assess a school system's classroom processes.

The findings of this study were based on the results of observations conducted in 9,961 elementary and 8,567 secondary classrooms in 112 largely suburban school districts located in 11 metropolitan regions across the United States over a period of seven years. From 40 key concepts, Olson developed a list of 51 acts of student and teacher behavior that can be observed in a classroom and rated either positive or negative. He then compared the school district's

achievement scores as a whole with the classroom observations. He found certain "critical breakpoints" where performance scores drop sharply. At the elementary level, he pinpoints 5, 15, and 25 pupils per class, and at the secondary level, 10 and 16 pupils per class.

The data revealed that the relationship between class size and the criterion scores was well defined and consistent throughout each level of analysis. "Any way one tries to slice it, smaller classes produced significantly higher scores than large ones" in both elementary and secondary schools. The results were so pronounced that the author suggested that school systems consider altering their class-size ratios near the critical breakpoints (where performance scores drop sharply) in the analysis. This study firmly established that smaller classes produce significantly higher performance scores. Olson states that "school system administrators and teachers should place major emphasis on *varying* class sizes that fit the unique needs of particular subjects with a careful view toward realistic, well-defined purposes for the various styles of educational activity."

Olson, Martin N., "Research Findings that Support Small Class Size." *Class Size*. Washington, D. C.: National Education Association, 1977, pp. 16-26.

Many teachers and parents believe strongly that smaller classes are vital in providing and maintaining a higher quality educational environment. Although research findings on the study of class size have been diverse, nevertheless, research and theoretical literature is replete with a great range of actual learning outcomes that are achieved when fewer students are placed with more teachers in educational settings. Based upon the findings of over 60 high quality studies, Olson developed the following nine generalizations with supportive bibliographic evidence that clearly enunciate the learning conditions and learning outcomes that are achieved when teachers have fewer rather than more students to work with (in general, approximately 25 students or less):

1. Teachers employ a wider variety of instructional strategies, methods, and learning activities and are more effective with them
2. Students benefit from more individualized instruction
3. Students engage in more creative and divergent thinking processes
4. Students learn how to function more effectively as members and leaders of groups of varying sizes and purposes
5. Students develop better human relations with and have greater interpersonal regard for other students and their teachers
6. Students learn the basic skills better and master more subject matter content
7. Classroom management and discipline are better
8. Teacher attitudes and morale are more positive
9. Student attitudes and perceptions are more positive.

Wright, Edgar N. et al., "Effects of Class Size in the Junior Grades—A Study." Toronto: Ontario Department of Education, 1977. [Ed 147 923]

This study, sponsored by the Toronto Board of Education, was designed to examine experimentally the differences between four class sizes which ranged from size 16 (the size of many special education classes) to size 37 (the approximate size of the largest regular classes in Toronto schools). Specifically, this study investigated the effects of class size on: teachers' expectations about the effects of specific class sizes; the attitudes and opinions of students, parents, and teachers; student achievement in reading, vocabulary, mathematics, composition, and art; the academic self-concept of students; and a variety of classroom process variables (e.g., teacher-pupil interaction, pupil participation, method of instruction, subject emphasis, use of educational resources, classroom atmosphere).

Sixty-two grade 4 and 5 classes in 11 schools in Metropolitan Toronto participated in the two-year

study. In the first year, teachers and grade 4 students were randomly assigned to classes of size 16, 23, 30, or 37. For the second year, the same teachers and students were similarly assigned to grade 5 classes, with the constraints that students should not be in a class size of 16 or 37 for both years of the study, and that teachers who taught classes of the two larger sizes receive classes of the two smaller sizes.

Prior to the study, teachers had positive expectations that the smaller classes (16, 23) would enable them to provide for more individualization, develop better rapport with pupils, resulting in academic improvement, enhanced pupil self-confidence and independence, as well as a more relaxed and enjoyable classroom environment. It was discovered that teachers' expectations remained quite stable.

Standardized tests that were used to measure academic achievement showed a statistically significant class effect in only one of four areas assessed, mathematics concepts. Scores in this area were significantly higher in classes of 16 than in classes of 30 or 37. There were no significant differences found for the measures of students' development in reading, vocabulary, mathematics problem solving, art and composition. Reading was taught more frequently in classes of 16 than in classes of larger size.

Students' attitudes toward school and their academic self-concepts were not affected by class size. Also, changing class size did not produce major changes in pupils' participation.

Reducing class size (16 or 23) made a big difference to teachers in such areas as class management and supervision. The data revealed that teachers reported making the most change in physical layout (82 percent), evaluation (72 percent), class management (71 percent) and supervision (66 percent).

This study demonstrated that within a narrower range of class size (i.e., 16 to 37), it makes a large difference to the teachers but little difference to the students or to the instructional methods used. It was a study of "what happens" when class size is changed, but not a study of "what can happen."

Porwoll, Paul J., *Class Size: A Summary of Research*. Arlington, Va.: Educational Research Service, Inc., 1978.

In this research brief, the author includes a comprehensive review of 17 research studies on the effects of class size on instruction. He states that the evidence accumulated supports the following tentative conclusions:

- Research on class size suggests the importance of an emphasis on the methods and quality of instruction in the classroom rather than on the quantity of pupils in the classroom.
- There is considerable and consistent research evidence that certain teaching procedures and practices perceived by some educators as conducive to a productive learning environment . . . occur more frequently in smaller classes than in larger classes.
- Few if any pupil benefits can be expected from reducing class size if teachers continue to use the same instructional methods and procedures in the smaller classes that they used in the larger classes.
- Some studies have found that even when teachers have small classes, many teachers do not take advantage of them to individualize instruction.
- Smaller classes appear to have a positive effect on pupil behavior in the elementary grades. At the secondary school level, some studies, but not others, have indicated that smaller classes influence student perceptions about their courses and their satisfaction with them.

Smith, Mary Lee and Glass, Gene V., "Relationship of Class-Size to Classroom Processes, Teacher Satisfaction and Pupil Affect: A Meta-Analysis." San Francisco, Ca.: Far West Laboratory for Educational Research and Development, July 1979. [1 ED 190 698 1]

This study is a companion document to the meta-analysis of the effect of class size on achievement

(Glass and Smith, 1978) summarized in the previous section of this report. Using data from this previously completed research, the authors attempted to answer the question of whether decreasing the size of classes produces improvements on non-achievement outcomes—teaching processes, and student and teacher effects in the affective domain. A summary of their affirmative answer is as follows:

- On all measures, reduction in class size was associated with higher quality schooling and more positive attitudes.
- Teachers feel better and feel they perform better in smaller classes: The difference in a teacher's workload, attitudes about students, morale, and general satisfaction varied from the 50th percentile in a class of 30 pupils to the 76th percentile in a class of 15. The difference in teacher effects in a class of 10 versus a class of 40 was 49 percentile ranks.
- Class size had an impact on pupils' attitudes, interests and opinions. There also seemed to be less apathy, friction, and frustration. The difference in pupils' attitudes toward school, interest in the subject matter, classroom behavior, etc. was 14 percentile ranks between classes of size 15 and 40.
- The opportunities for individualization, varied and adaptive learning activities, social interaction, and friendly relationships were greater in the smaller classes. Classes varied on this effect between the 70th percentile in a class of 10 pupils to the 45th percentile in a class of 40 pupils.
- The class size effects were related to pupil age, with effects greatest for pupils 12 years and under, somewhat less for pupils 13 to 17, and least for pupils 18 and over.

Filby, Nikola et al., "What Happens in Smaller Classes? A Summary Report of a Field Study. Size and Instruction Project." San Francisco, California: Far West Laboratory for Educational Research and Development, January 1980. [Ed 219 365]

The purpose of this field study was to describe changes (and lack of changes) in instructional processes and teacher and student behavior when class size was reduced by one-third midway through the school year. Two second grade classes from two schools participated: a rural school in Virginia, and an inner-city school in California. In the Virginia school, class size began at 20 and was reduced to 13 during the second week in January. In the California school, class size began at 35 and was reduced to 22 at the end of January. Student assignments were basically random within general achievement strata, so that the range of student achievement levels remained the same before and after the split. Records of classroom observations before and after this change were compared to determine the impact of class size on such things as: the general quality of instruction, grouping and instructional activities, how lessons are conducted, classroom management techniques, how teachers monitor and evaluate student work, the nature of classroom interactions, and pupil engagement in learning activities. The personal journals of teachers and teacher interviews were also part of the research data.

The researchers found that in all four classes definite changes occurred when class size was reduced: (1) teachers were able to monitor student work more closely; (2) students were more attentive; (3) the curriculum was improved in greater depth, breadth, and richness; (4) teachers were more relaxed and positive with students; (5) teachers were better able to focus on individual student needs. On the other hand, some things remained the same regardless of class size. General instructional approaches and methods of discipline remained constant, and students seldom received more opportunities to make choices. These changes, however, were not necessarily caused by the class size reduction. Small classes gave the teachers a chance to implement an approach more fully and more effectively in accordance with their existing style and plan of instruction. In other words, easing the constraint of class size enabled teachers to do more or better what they already intended.

IMPLICATIONS OF CLASS SIZE RESEARCH

As previously stated, the issue of class-size is a continuing concern. State legislatures, school administrators, teachers in in-service programs, and professional journals have continued debating and discussing this issue. The Smith and Glass (1978) findings in their meta-analysis on class-size have given impetus to research in this area. Widely publicized national studies gave credence to the fact that teaching and learning are more effective when students are taught in smaller classes.

In this period of educational reform, class size statutes have been enacted, and school administrators have implemented organizational strategies to reduce pupil/teacher ratios in the public schools as cited below:

- A. The October 16, 1985 issue of *Education Week* reported that at least 15 states (Delaware, Indiana, Kentucky, Louisiana, Michigan, Montana, Nevada, New York, North Carolina, Ohio, Tennessee, Vermont, Washington, West Virginia, and Wisconsin) have passed measures aimed at reducing student-teacher ratios in the elementary grades. It was also reported that the governor of Alabama has called for a reduction in the size of kindergarten classes to 20 students. The majority of these measures have specified class sizes of from 20 to 29 in grades K-3, and from 25 to 31 in grades 4-6.
- B. The first state program to reduce student-teacher ratios was Indiana's PROJECT PRIME-TIME, which is now in its fourth year. The governor proposed this experimental program "to improve students basic skills in reading, writing and arithmetic by reducing class size in the critical, early-learning grades of K-2."
- C. The National Association of Elementary School Principals has launched efforts to lobby state lawmakers to reduce student-teacher ratios in the early grades. In their recently issued report, "Standards for Quality Elementary Schools, Kindergarten through Eighth Grade," they listed among the standards and indicators in describing an excellent school: "Classes have no more than 20 students—even fewer in kindergarten and the primary grades."
- D. The Board of Education in New York City has set the following goals of limiting class size:
 - Kindergarten — maximum of 25 pupils
 - First grade — an average of 25 and maximum of 28
 - Elementary grades above the first grade and in junior high — average of 29
 - High school academic classes — a maximum of 34 students
- E. An article in the Fall 1985 issue of *ERS Spectrum* reviewed the progress of an experimental study being conducted in one of the 14 Centers for Excellence in the Teaching of Basic Skills to Economically and Educationally Disadvantaged Students under the Tennessee Better Schools Program. Helen P. Bain, a former President of the National Education Association, is director of this center located at Tennessee State University in Nashville. This center launched a 3-year project in 1984 to study the effects of reducing class size from 1:25 to 1:15 in grades 1-3 on reading and mathematics achievement, behavior, attendance, and self-concept. A second purpose is to identify changes affecting the teaching-learning process and to review teachers' perceptions of classroom conditions.
- F. The William Hatch School (K-6) in Oak Park, Illinois, implemented an innovative "rescheduling" program that 1) reduces class size from 25 to 15 students per teacher, 2) increases the time teachers can spend with individual students, 3) increases the time students spend on-task, 4) increases parent and teacher expectations of students, and 5) improves student/teacher relations. The principal in this

school rescheduled the program and rearranged the instructional staff to reduce class size in the core academic subjects to 15 students per teacher. For example, the media specialist, counselor, reading specialist, art teacher, or any other teacher with dual certification may teach a class of 15 students in the morning and go back to providing their special services during the afternoon. The core subjects, with the exception of science, are taught in a 3-hour block of uninterrupted time each morning.

- G. The National Council of Teachers of English has recommended the following: (1) that secondary-level English teachers have no more

than four classes per term and no more than 25 students per class; and (2) that elementary-level teachers, who are necessarily involved in the teaching of writing, teach no more than 25 students. The Council also established a Task Force to Study Class Size in Secondary Instruction in 1984. This group was responsible for summarizing the current state of knowledge on the effects of class size and workload on secondary English instruction, describing needed research on the effects of altered class size and workload, and suggesting means of funding such studies and appropriate agencies for conducting them.

SUMMARY

Class size is a complex problem that depends on many factors. There are some uncertainties concerning the magnitude of and the precise conditions that would promote a class size effect. The central theme which runs through the current research literature is that academic achievement does not necessarily improve with the reduction of student-teacher ratio unless appropriate learning styles and effective teaching styles are utilized. It is also evident that no single class size is best for all grade levels and all subject areas. However, based upon a current summary of research studies by Hawley, et al., there is considerable agreement that:

- Smaller class size seems to result in higher achievement among students who are economically disadvantaged.
- Students with lower academic ability seem to do better in smaller classes than in larger ones.

- It may be that class size affects student attitudes more significantly than it affects achievement.
- A direct effect of large class size is to lower the morale and increase the stress of teachers.
- There is typically little to be gained from reductions in class size that do not bring class size below 30.

The literature also indicates the need for longitudinal studies on class-size in conjunction with other variables such as subject matter and instructional design which directly affect the best class size for optimal learning.

In short, the many benefits to be derived from reducing class size have been well documented by the research. The funds can be made available if there is a willingness to make the commitment and set the proper priorities.

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

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
326 Fourth St., Suite 408 Juneau, Alaska 99801 586-9702

POSITION PAPER

THE ALASKA COUNCIL OF SCHOOL ADMINISTRATORS REQUESTS
THE LEGISLATURE NOT TAKE FURTHER ACTION ON HB 21, " AN
ACT RELATING TO NEGOTIATIONS BETWEEN SCHOOL BOARDS AND
THEIR EMPLOYEES"

RATIONAL

1. Class size should not be a part of the negotiations process because of the efforts already being made by all parts of the educational community to address the issue on it's own merits of educational value, it's complexity of styles of classroom teaching and make-up of students' abilities and behaviors. The effort is being addressed in an atmosphere of shared views, cooperation, team building and collegiality. Once the issue becomes a negotiated item, it becomes a labor issue. It is our position that this issue must continue to be discussed in the arena of a sound professional research based forum and that it be equally shared with teachers, administrators and elected school board members.
2. If the legislature passes this bill, they will be removing the right and responsibility the local elected board of education has to act on policy development based of the desires of the citizens they were elected by. As long as we all believe in the democratic process of government of the people and by the people, we must believe the local electorate is also capable of developing sound educational policies which will guarantee, to the best of their ability, a quality educational program for their children in their respective communities.

IN THE SUPREME COURT OF THE STATE OF ALASKA

IMPORTANT

KENAI PENINSULA BOROUGH
SCHOOL DISTRICT and KENAI
PENINSULA BOROUGH,

Appellants,

v.

KENAI PENINSULA EDUCATION
ASSOCIATION,

Appellee.

File No. 2470

ANCHORAGE BOROUGH EDUCATION
ASSOCIATION,

Appellant,

v.

GREATER ANCHORAGE AREA BOROUGH,
ANCHORAGE BCROUGH SCHOOL
DISTRICT,

Appellee.

File No. 2492

MATANUSKA-SUSITNA SCHOOL
DISTRICT,

Appellant,

v.

MATANUSKA-SUSITNA EDUCATION
ASSOCIATION,

Appellee.

File No. 2563

[No. 1537 - December 9, 1977]

school boards contend, must be determined only by the public through the legislature and, by delegation, through the school boards. We will examine the more specific issues later in this opinion. They include such items as class size and the use of teacher specialists and para-professionals. Of the three trial courts which passed on the matter, one ruled in favor of the school boards,^{1/} one ruled in favor of the teachers' union,^{2/} and one split the various items,^{3/} ruling for the board on some and the unions on others.

I. Introduction

To facilitate the understanding of our more detailed legal discussion later in this opinion, we will summarize at the outset the contentions of the parties. The statutes at issue in this litigation are AS 14.20.550 and .610, which provide:

"Sec. 14.20.550. Negotiation with certificated employees. Each city, borough and regional school board, shall negotiate with its certificated employees in good faith on matters pertaining to their employment and the fulfillment of their professional duties. (§ 1 ch 18 SLA 1970; am § 3 ch 71 SLA 1972; am § 21 ch 124 SLA 1975)."

^{1/} Anchorage Borough Ed. Ass'n v. GAAB, Anchorage Borough School Dist., No. 2492 (hereinafter Anchorage).

^{2/} Kenai Pen. Borough Sch. Dist. and Kenai Pen. Borough v. Kenai Pen. Ed. Ass'n, No. 2470 (hereinafter Kenai).

^{3/} Matanuska-Susitna Sch. Dist. v. Matanuska-Susitna Ed. Ass'n, No. 2563 (hereinafter Mat-Su).

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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[No. 1537 - December 9, 1977]

Appeals from the Superior Court of the State of Alaska, Third Judicial District, at Kenai, No. 2470, James A. Hanson, Judge; at Anchorage, No. 2492, Victor D. Carlson, Judge; at Anchorage, No. 2563, C. J. Occhipinti, Judge.

Appearances: Allen McGrath and John R. Snodgrass, Jr., of Graham & James, Anchorage, for School Districts. John R. Strachan, Anchorage, for Education Associations.

Before: Boochever, Chief Justice, Rabinowitz, Connor, Erwin, and Burke, Justices.

CONNOR, Justice.

These cases present important questions of labor law and constitutional law concerning the collective bargaining requirements for teachers in the public schools. Two of these cases are before us because the teachers' associations (the unions) have sued school districts and boroughs (the school boards) to compel collective bargaining in good faith under AS 14.20.550. In the third, a school board seeks a declaratory judgment that certain issues are not bargainable. The school boards, while not disputing the unions' right to collective bargaining on a number of employment-related issues, contend that they should not be forced to bargain collectively on various items which they regard as affecting educational policy. Educational policy, the

school boards contend, must be determined only by the public through the legislature and, by delegation, through the school boards. We will examine the more specific issues later in this opinion. They include such items as class size and the use of teacher specialists and para-professionals. Of the three trial courts which passed on the matter, one ruled in favor of the school boards,^{1/} one ruled in favor of the teachers' union,^{2/} and one split the various items, ruling for the board on some and the unions on others.^{3/}

I. Introduction

To facilitate the understanding of our more detailed legal discussion later in this opinion, we will summarize at the outset the contentions of the parties. The statutes at issue in this litigation are AS 14.20.550 and .610, which provide:

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^{3/} Matanuska-Susitna Sch. Dist. v. Matanuska-Susitna Ed. Ass'n, No. 2563 (hereinafter Mat-Su).

"Sec. 14.20.610. Legal responsibilities of boards. Nothing in §§ 550-600 of this chapter may be construed as an abrogation or delegation of the legal responsibilities, powers, and duties of the school board including its right to make final decisions on policies. (§ 1 ch 18 SLA 1970)."

The boards contend, using labor cases from the private sector, that the requirement of collective bargaining in good faith is a term of art in labor law. Unlike a simple "meet and confer" requirement, to negotiate in "good faith" entails a duty to make concessions. Thus, management does not have the final decisions on matters subject to good faith collective bargaining, since if management adhere to its determined policies, it violates the law.

The school boards contend that the submission of educational policies to a good faith collective bargaining requirement would remove the final decisions on such matters from the boards, contrary to the intent of the legislature expressed in AS 14.20.610. The boards contend that to require bargaining on questions of educational policy would also contravene the Alaska Constitution, art. VII, § 1, which makes education the exclusive domain of the legislature.^{4/}

^{4/} Alaska Constitution, art. VII, § 1 states:

"The legislature shall by general law establish and maintain a system of public schools open to all children of

See Macauley v. Hildebrand, 491 P.2d 120 (Alaska 1971).

Delegation of part of the decision-making power on educational policy to labor unions is unconstitutional, they urge, because the union is a private organization, unaccountable to the public. The union can use the power for its own ends, and is under no duty to foster educational policies which are in the general public interest.

The unions argue that such delegation is perfectly proper, and that there is no delegation of decision-making power inherent in a labor negotiations requirement. They further argue that they represent professional employees, and that their participation in good faith collective bargaining labor negotiations is an attempt by the legislature to provide professional advice to school boards on the management of the schools. They assert that this is a legislative policy judgment, in no way inimical to the Alaska Constitution. Also relying on labor cases, they discount the importance of any "management prerogative" to determine educational policy under AS 14.20.610, and assert

4/ Cont d.

the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution."

that labor's concerns with working conditions over any management prerogative as to basic policy.

The unions argue that the Alaska teachers' collective bargaining statutes are more comprehensive than those found elsewhere, and hence the scope of bargaining should be interpreted broadly. The school boards assert that the Alaska Constitution as interpreted in Macauley v. Hildebrand, supra, is more adamant than provisions in other states in placing education firmly within the legislative prerogative. Therefore, collective bargaining must yield across a wide range of issues affecting educational policy.

II. Scope of the Duty to Bargain

If we were to look to the law concerning bargaining between labor unions and private employers, we would conclude that the scope of negotiable issues is broad. The law relating to the private sector has always contained, and still does contain, uncertainties. But the general trend has been to require that employers bargain in good faith on a wide range of items with respect to wages, hours, and other conditions of employment, without regard to whether the employers consider the items bargained for to be within

the prerogatives of management.^{5/} Moreover, some cases hold that for an employer or a union to avoid being found to have bargained in bad faith, the parties must make some reasonable effort to compose their differences. While the good faith standard of collective bargaining does not compel either party to make concessions, intransigent positions, adopted in an effort to avoid any agreement, are disfavored.^{6/} Thus a legal determination that a matter is subject to good faith collective bargaining may narrow the policy-making powers of an employer by curtailing any absolute directives on his part.

When we turn to employment in the public sector, and particularly in education, the question of what is properly bargainable is thrown into more doubt. If teachers'

5/ *Fibreboard Paper Products Corp. v. N.L.R.B.*, 379 U.S. 203 (1964) (management decision to subcontract out the work of some employees must be bargained); *International Ladies' Garment Workers Union v. N.L.R.B.*, 463 F.2d 907 (D.C. Cir. 1972) (decision to relocate the business to another state subject to bargaining); *Royal Typewriter Co.*, 209 N.L.R.B. 1006, 1012 (1974) (decision to close a plant subject to bargaining). But see *General Motors Corp.*, 191 N.L.R.B. 951 (1971), *aff'd sub nom. International Union, United Auto. A. & A. Imp. Wkrs. v. N.L.R.B.*, 470 F.2d 422, 425 (D.C. Cir. 1972) (decision to sell part of business not bargainable).

6/ *Sign and Pictorial Union Local 1175 v. N.L.R.B.*, 419 F.2d 726, 731 (D.C. Cir. 1969); *N.L.R.B. v. General Electric Co.*, 418 F.2d 736, 756-62 (2d Cir. 1969), *cert. denied*, 397 U.S. 965 (1970); *N.L.R.B. v. McLane Co.*, 405 F.2d 483, 484 (5th Cir. 1968); *N.L.R.B. v. Reed & Prince Mfg. Co.*, 205 F.2d 131, 134-35 (1st Cir. 1953), *cert. denied*, 346 U.S. 887 (1953) ("the employer is obliged to make some reasonable effort in some direction to compose his differences with the union"; emphasis in original); *Majure v. N.L.R.B.*, 198 F.2d 735 (5th Cir. 1952). See generally Swerdlow, *Freedom of Contract in Labor Law*, 51 *Tex. L. Rev.* 1 (1972).

unions are permitted to bargain on matters of educational policy, it is conceivable that through successive contracts the autonomy of the school boards could be severely eroded, and the effective control of educational policy shifted from the school boards to the teachers' unions. Such a result could threaten the ability of elective government officials and appointive officers subject to their authority, in this case the school boards and administrators, to perform their functions in the broad public interest.^{7/}

Recently the United States Supreme Court had occasion to comment upon the differences between collective bargaining in the public and private sectors. In Abood v. Detroit Board of Education, ___ U.S. ___, 52 L.Ed.2d 261, 279-80 (1977), the Court, speaking through Mr. Justice Stewart, observed:

"A public employer, unlike his private counterpart, is not guided by the profit motive and constrained by the normal operation of the market. Municipal services are typically not priced, and where they are they tend to be regarded as in some sense 'essential' and therefore are often price inelastic. Although a public employer, like a private one, will wish to keep costs down, he lacks an important discipline against agreeing to increases in labor costs that in a market system would require price increases. A public sector union

^{7/} As one commentator has noted, "what is in the best interest of the students and the community is not always in the best interests of teachers." Rund, Symposium on Teacher Bargaining: Commentary, 50 Ind. L.J. 344, 350 (1975).

is correspondently less concerned that high prices due to costly wage demands will decrease output and hence employment.

The government officials making decisions as the public 'employer' are less likely to act as a cohesive unit than are managers in private industry, in part because different levels of public authority -- department managers, budgetary officials, and legislative bodies -- are involved, and in part because each official may respond to a distinctive political constituency. And the ease of negotiating a final agreement with the union may be severely limited by statutory restrictions, by the need for the approval of a higher executive authority or a legislative body, or by the commitment of budgetary decisions of critical importance to others.

Finally, decisionmaking by a public employer is above all a political process. The officials who represent the public employer are ultimately responsible to the electorate, which for this purpose can be viewed as comprising three overlapping classes of voters -- taxpayers, users of particular government services, and government employees. Through exercise of their political influence as part of the electorate, the employees have the opportunity to affect the decisions of government representatives who sit on the other side of the bargaining table. Whether these representatives accede to a union's demands will depend upon a blend of political ingredients, including community sentiment about unionism generally and the involved union in particular, the degree of taxpayer resistance, and the views of voters as to the importance of the service involved and the relation between the demands and the quality of service."

In a concurring opinion in that case Mr. Justice Powell noted the similarity between a public sector union and a conventional political party:

"The ultimate objective of a union in the public sector, like that of a political party, is to influence public decision-making in accordance with the views and perceived interests of its membership. Whether a teachers' union is concerned with salaries and fringe benefits, teacher qualifications and in-service training, pupil-teacher ratios, length of the school day, student discipline, or the content of the high school curriculum, its objective is to bring school board policy and decisions into harmony with its own views. Similarly, to the extent that school board expenditures and policy are guided by decisions made by the municipal, state and federal governments, the union's objective is to obtain favorable decisions -- and to place persons in positions of power who will be receptive to the union's viewpoint. In these respects, the public sector union is indistinguishable from the traditional political party in this country."

^{8/}
52 L.Ed.2d at 298.

8/ The holding of the majority in Abood was that a union shop or agency shop agreement for public employees, requiring all employees in the bargaining unit to make financial contributions to the union, did not violate the first amendment rights of employees who objected to the union. The same rule obtains for unions in the private sector. Although Justice Powell concurred in the majority's decision to remand the case for further proceedings, he disagreed with this constitutional holding. Unlike the majority, he felt that the differences between public and private employment compelled a holding that agency shop or union shop agreements in the public sector are forbidden by the first amendment.

See generally Rehmus, Constraints on Local Governments in Public Employee Bargaining, 57 Mich. L. Rev. 919 (1969); Shaw and Clark, The Practical Differences Between Public and Private Sector Collective Bargaining, 19 U.C.L.A. L. Rev.

The legislature was evidently cognizant of this concern when it enacted AS 14.20.550 and .610, stating two goals which apparently conflict. We must now proceed to interpret what we believe the legislature meant by these provisions.

The school boards initially argue that to make matters of school operation and educational policy subject to collective bargaining amounts to an unconstitutional delegation of governmental power to the unions.

While courts in an earlier era often held laws unconstitutional on the ground that they delegated legislative power to private persons or groups, e.g., Carter v. Carter Coal Co., 298 U.S. 238, 311 (1936), the trend has been to uphold such delegations, even when the power is delegated to a group with an economic interest in the decisions to be made. E.g., United States v. Rock Royal Cooperative, Inc., 307 U.S. 533, 577-78 (1939) (cooperative marketing program from agricultural products); Agricultural Prorate Comm'n v. Superior Court, 55 P.2d 495, 504-06 (Cal. 1936) (same); Potter v. New Jersey Supreme Court, 403 F.

8/ Cont'd.

867 (1972); Summers, Public Sector Bargaining: Problems of Government Decisionmaking, 44 U. Cinn. L. Rev. 669 (1975); Summers, Public Employee Bargaining: A Political Perspective, 83 Yale L.J. 1156 (1974); Wellington & Winter, The Limits of Collective Bargaining in Public Employment, 78 Yale L.J. 1107 (1969); Project, Collective Bargaining and Politics in Public Employment, 19 U.C.L.A. L. Rev. 887, 1010-51 (1972).

Supp. 1036, 1039-40 (D.N.J. 1975), aff'd, 546 F.2d 418 (3d Cir. 1976) (requirement that attorneys have graduated from law schools accredited by the American Bar Association). See generally, 1 K. Davis, Administrative Law Treatise § 2.14 (Supp. 1970) (collecting cases). See also 1 Id. § 2.15 (1958).

Furthermore, the statute merely requires the school board to negotiate with the union. It does not require the board to accept any particular proposal the union might offer. It does not require, and probably does not permit, the board to delegate to the union the sole power to make any decision. Therefore, cited cases invalidating outright grants of governmental power to private groups, e.g., Hetherington v. McHale, 329 A.2d 250 (Pa. 1974), and Bayside Timber Co. v. Bd. of Supervisors, 97 Cal. Rptr. 431 (App. 1971), are not apposite.

The cases in other states rejecting the argument that collective bargaining with teachers' unions is an unconstitutional delegation of power, all involve statutes which fairly narrowly constrict either the scope of bargainable issues, or the school boards' duty to accede to union proposals, or both. Chicago Div. of Ill. Ed. Ass'n v. Board of Ed., 222 N.E.2d 243, 251 (Ill. App. 1966); Joint School Dist. No. 3 v. Wisc. Emp. Rel. Ed., 155 N.W.2d 78, 83 (Wisc. 1967); State v. City of Laramie, 437 P.2d 295, 300 (Wyo. 1968) (firemen).

In this opinion, we similarly construe the Alaska statute. A statute defining the scope of collective bargaining as broadly as the union would have us do, might well present a more troubling constitutional question. But we find no
* || constitutional infirmity in AS 14.20.550 and .610. The delegation of power problem still bears upon our task of statutory interpretation, however, for in interpreting the relevant statutes we will not readily assume that the legislature intended to divest the school boards of their power to determine matters of educational policy and school system management.

Courts in other jurisdictions have considered problems similar to those which we confront here. It is instructive, though not determinative, to look to the case law of other jurisdictions as an aid to interpretation.

The court in Dunellen Ed. of Education v. Dunellen Ed. Ass'n, 311 A.2d 737 (N.J. 1973), dealt with a conflict between a requirement to bargain about "terms and conditions" of employment (without further definition) and the broad managerial power over schools entrusted to local school boards. The court noted that "terms and conditions" of employment without further definition does not furnish a dispositive guideline. It held that the decision whether to consolidate chairmanships of the social studies department

and English department was not a subject of mandatory bargaining. It was a matter predominately of educational policy and thereby fell within the exclusive prerogative of management.^{9/}

National Ed. Ass'n of Shawnee Mission, Inc. v. Board of Ed., 512 P.2d 426 (Kansas 1973), is closely analogous to the case at bar. There the teachers' association negotiated under a statute which permitted it to "participate in professional negotiation with boards of education . . . for the purpose of establishing, maintaining, protecting or improving terms and conditions of professional service." The state constitution, like Alaska's, gave the legislature the power to provide for public schools. The negotiations reached an impasse after the board took the position that all matters, whether negotiable under the statute or not, were of a policy nature subject to unilateral change by the board and could not be incorporated into a contract, while the teachers asserted that nearly everything pertaining to school operations was negotiable.

^{9/} The teachers' unions in the case at bar argue that Dunellen was overruled by later legislation. The statute in question dealt with only a limited aspect of bargaining; and Dunellen has been followed by the courts despite the statutory amendment. See, e.g., Galloway Tp. Bd. of Ed. v. Galloway Tp. Ed. Ass'n, 343 A.2d 133 (N.J. Super. 1975).

On appeal the Kansas Supreme Court was confronted with the same problem that we are: how to frame a test which would delimit those matters which are bargainable from those which are not. The Kansas court held that salaries, vacations, and sick leave are negotiable. In so doing it pointed out that the term "policy" is not helpful, because even salaries are a matter of policy. It drew the following distinction:

"The key, as we see it, is how direct the impact of an issue is on the well-being of the individual teacher, as opposed to its effect on the operation of the school system as a whole." 512 P.2d at 435.

While the Shawnee Mission case represents a commendable attempt to balance competing claims, it does not provide a test which is useful in determining the negotiability of specific subjects. In other words, it does not provide any comforting guidance in determining how, in the last analysis, the balance should be weighed between the school boards and the teachers.

Put another way, a matter is more susceptible to bargaining the more it deals with the economic interests of employees and the less it concerns professional goals and methods. Bargaining over the latter topics presents particular

problems because there is less likely to be any politically organized interest group other than the union concerned with these issues. The salaries of public employees have a direct financial effect on the taxpayers; on the other hand, a question such as teacher evaluation of administrators is unlikely to have any impact sufficiently direct to be discernible by laymen. Furthermore, it is such an abstract and abstruse subject that it is unlikely that any appreciable portion of the public will either understand it or care greatly about it. In such circumstances, the risk that effective power over the governmental decision will come to rest with the union is significantly greater. Moreover, it is more likely that there will be disagreements among union members on questions of this nature than on "bread and butter" issues; the risk that minority viewpoints within the union will not be meaningfully represented in the bargaining is a real one. See Summers, supra, 83 Yale L.J. at 1181-82, 1194-95. But see Wollett, The Coming Revolution in Public School Management, 67 Mich. L. Rev. 1017 (1969) (argues that these subjects should be bargainable).

III. Specific Issues

We will now consider the Alaska situation in more detail. At the outset it appears to us that questions concerning salaries, the number of hours to be worked, and

amount of leave time are all so closely connected with the economic well-being of the individual teacher that they must be held negotiable under our statutes. The troubling question is what other items are bargainable.

The various trial courts in these cases considered such items as (1) relief from non-professional chores, (2) elementary planning time, (3) para-professional tutors, (4) teacher specialists, (5) teacher's aides, (6) class size, (7) pupil-teacher ratio, (8) a teacher ombudsman, (9) teacher evaluation of administrators, (10) school calendar, (11) selection of instructional materials, (12) the use of secondary department heads, (13) secondary teacher preparation and planning time, and (14) teacher representation on school board advisory committees.

The testimony adduced in the trial courts does not provide us with much enlightenment as to why any of these items should fall on one side of the line or another. Realistically the two areas, i.e., (1) educational policy, and (2) matters pertaining to employment and professional duties, merge into and blend with each other at many points. Logically and semantically it is nearly impossible to assign specific items to one category and not the other. Certain examples may make this point more clearly.

In the Mat-Su case the teachers have asked for a planning period of 45 minutes "to be taken during the academic portion of the day." Were this merely a request for planning time, it might be considered negotiable. The demand that it be during the academic portion of the day, however, presents an additional complication: whether, as a matter of educational policy, elementary school children should have one teacher with them throughout the day or whether they are old enough to be taught by different people. This presents a basic educational decision. While the amount of paid time available to a teacher for preparation of lesson plans affects the teacher directly, the demand that such time be available "during the academic portion of the day" presents a policy question.

Similarly, the question of class size affects directly the amount of work a teacher must perform. But the determination of optimum class size is quite basic to school policy and management, and potentially has a substantial impact on the school district's personnel expenditures. A number of courts have found this to be clearly non-negotiable. See National Ed. Ass'n. of Shawnee Mission, Inc. v. Board of Ed., 512 P.2d 426, 435 (Kan. 1973); West Irondequoit Teachers Ass'n v. Helsby, 315 N.E.2d 775, 777-78 (N.Y. App. 1974);

School Dist. of Seward Ed. Ass'n v. School Dist. of Seward,
199 N.W.2d 752, 759 (Neb. 1972); City of Biddeford v.
Biddeford Teachers Ass'n, 304 A.2d 387, 403 (Maine 1973).

An examination of the other specific items listed above yields equally indefinite answers. We are confronted, then, with a situation in which the legislature has not spoken with clarity and concerning which we possess no expertise. We can only conclude that salaries, fringe benefits, the number of hours worked, and the amount of leave time are negotiable. In view of the concerns expressed on pages 7-10 supra, we conclude that the other specific items listed on page 17 are, under the existing statutory language, non-negotiable.

It would be helpful if the legislature, through future enactments, provided more specific guidance on a number of the items which the unions seek to negotiate. Lacking that guidance, however, we cannot confidently say that the legislature intended any of these items to be bargainable. We cannot, therefore, read the statutes expansively as to the scope of what is negotiable.

10/ In the list of proposals submitted in the Kenai case, for example, it appears that some 38 of the 47 proposals would come within the categories of items we have concluded are negotiable. These items are set forth in the appendix to this opinion.

As to matters which affect educational policy and are, therefore, not negotiable, we believe that there is nevertheless implicit in our statutes the intention that the school boards meet and confer with the unions. It is desirable that the boards consider teacher proposals on such questions. This will encourage teachers to give the boards the benefit of their expertise, and to make their positions known for the board's use in establishing educational policy.

One minor question remains. In the Kenai case the trial court, in construing the statutes, relied upon the privately expressed opinion, by means of a letter, of a former legislator. The legislator's opinion was not a matter of public record, subject to judicial notice, nor was it introduced in evidence. Even if it were placed in evidence, reliance upon it would be impermissible under Alaska Public Employees Ass'n v. State, 525 P.2d 12, 16 (Alaska 1974). Resort to the letter as a means of legal interpretation was, therefore, error.

AFFIRMED IN PART, REVERSED IN PART.

APPENDIX

LIST OF NEGOTIABLE AND NON-NEGOTIABLE ITEMS

Those items which are non-negotiable are as follows:

1. Relief from Non-Professional Chores ^{11/}
 2. Class Size and Teacher Load
 3. Ombudsman
 4. Evaluation of Administrators
 5. Teacher Aides
 6. Para-Professionals
 7. PTR Formula
 8. Specialists
 9. Calendar
-

11/ In the Kenai case this item was described in the negotiating document as follows:

"RELIEF FROM NON-PROFESSIONAL CHORES

The Board and Association acknowledge that a teacher's primary responsibility is to teach and that his energies should be utilized to this end, therefore, they agree as follows:

Teachers shall not be required to perform the following duties:

- A. Non-instructional assignments, including but not limited to, supervising of cafeterias, sidewalks, bus loading, or unloading, or playgrounds of more than fifteen (15) minutes daily.
- B. Collecting money from students.
- C. Cumulative record cards and other clerical and/or custodial functions."

These matters seem so closely related to school board policy as to be non-negotiable. We do not pass upon other conceivable non-professional functions. We also do not know what is specifically meant by "custodial" functions, and do not, therefore, pass upon that aspect of this item.

Those items which are negotiable are:

1. Recognition
2. Negotiation Procedures
3. Grievance Procedures
4. Salary Schedule Conditions
5. Salary Schedule
6. Automatic Cost of Living
7. Extra Curricular and Extra Duty
8. Extended Contract
9. Additional Educational Employment
10. Life Insurance
11. Health Insurance
12. Liability Insurance
13. Automobile Allowance
14. Tuition/In-Service Workshops
15. Reimbursement for Physical Examinations
16. Sabbatical Leave
17. Career Development
18. Administrative Leave
19. Personal Leave
20. Sick Leave and Bereavement
21. Personal and Sick Leave for Half-Time Employees
22. Unpaid Leave of Absence
23. Maternity Leave
24. Political Leave
25. Duty-Free Lunch
26. Teacher Preparation Periods
27. Monthly Planning Time
28. In-Service Days
29. Discretionary Materials
30. Personnel Files
31. Teacher Transfer
32. Teacher Retention
33. Job Openings
34. Reduction of Staff
35. Teacher Contracts
36. Association Rights and Privileges
 - (a) Information
 - (b) Release Time for Meetings
 - (c) Use of School Buildings
 - (d) Use of School Equipment
 - (e) Supplies
 - (f) Mail Facilities
 - (g) Subcontracting
 - (h) Non jeopardy
 - (i) Exclusive Rights
 - (j) KPEA Professional Leave
 - (k) Dues Deduction/Continuing Membership

- (l) Other Deductions
 - (m) Conformity to Law
 - (n) School Board Agenda
 - (o) Preliminary Draft of Budget
37. Agreement Print-up and Dissemination
38. Duration of Contract

Northwest Arctic Borough School District
Box 51
kotzebue, ALASKA 99752
(907) 442-3472

| | | | |
|---------------|-------|-------|-------|
| HOATAK | _____ | _____ | _____ |
| KIVALINA | _____ | _____ | _____ |
| KOTZEBUE | _____ | _____ | _____ |
| DEERING | _____ | _____ | _____ |
| IKROAVIAK | _____ | _____ | _____ |
| BARROW | _____ | _____ | _____ |
| SIKOTIAK | _____ | _____ | _____ |
| WELLSVILLE | _____ | _____ | _____ |
| WHEATCROFT | _____ | _____ | _____ |
| WYOMING | _____ | _____ | _____ |
| YUKON-FAIRWAY | _____ | _____ | _____ |
| YUKON-SITKA | _____ | _____ | _____ |

January 31, 1989

Helen

Start a folder on
HB 21 - cause we will
be getting back up documentation
opposing this bill.
epm

Representative Eileen P. MacLean
Alaska State House
P.O. Box V
Juneau, AK 99811

Dear Representative MacLean:

I have review the information you sent concerning HB 21 and the Northwest Arctic Borough School District would like to go on record in opposition to this bill.

As you are aware pupil teacher ratio is a programmatic issue, which is clearly within the realm of policy an area that board members are elected to preside over. By including PTR and employee workload into the items which are negotiable they would become a labor issue and fall under the grievance procedure which would end in binding arbitration. This would put the issue into the hands of a disinterested or possibly an inexperienced party who would not be aware of the financial impact placed upon the district and who would not be held accountable for his decision by the voting public ultimately circumventing local government and the checks and balances that public accountability assures.

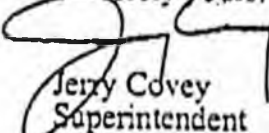
Another issue of concern should this bill pass is space within the existing facilities to accommodate the additional staff. As you are aware the population in rural Alaska is growing, not through the influx on new people but due to the increased birth rate in the villages. Passage of this bill would require additional expenditures by the state to increase the size of our school because at this time the size of the existing facilities to not allow for additional teaching stations.

The Alaska Supreme Court has already found that class is a non-negotiable item. As Stated by Justice Conner "...the determination of optimum class size is quite basic to school policy and management, and potentially has a substantial impact on the school district's personnel expenditures. A number of courts (in various states) have found this be be clearly non-negotiable".

Due to the financial impact placed upon the district and the problems with the size of the existing facilities the district opposes this bill and request, your assistance in seeing that it is not passed into law.

If you wish further information concerning the district's position on HB 21 please contact me at your convenience.

Sincerely yours,


Jerry Covey
Superintendent

North Slope Borough School District



January 31, 1989

RECEIVED
RECEIVED
JAN 31 1989
FEB 01 1989
am

Representative Eileen MacLean
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: House Bill 21, Class Size Reduction

Dear Eileen:

The North Slope Borough School District opposes the passage of House Bill 21 which proposes to add class size and teacher load to negotiations between School Boards and certificated employees.

A mandate from the Legislature to add class size and teacher workload interferes with local control and the Board's decision-making process. The NSBSD Board of Education currently considers class size and teacher workload in making staffing and other educational decisions. In addition, the current pupil/teacher ratio in this District adequately meets our students' educational needs.

Passage of this bill would also create potentially very high capital and operational cost to local governments and to the State of Alaska, with negotiated class size. Adding more classrooms would also mean hiring more teachers. In light of the consistently declining revenues from Federal, State, and local funding sources, this Legislation proposes to place more undue financial constraints.

In response to your thoughts of possibly amending this bill to include "mandatory teacher aides", we feel that most school districts, including ours, would not be supportive of mandating local schools to hire teacher aides. North Slope residents are very fortunate that we are able to provide teacher aides in virtually every classroom. Most schools in Alaska and the Nation do not hire teacher aides because of more restrictive budgets. More importantly, school boards make the ultimate decision regarding the expenditure of school funds to provide effective schooling, including the hiring of staff.

Representative Eileen MacLean
January 31, 1989
Page Two—

Your interest in education is deeply appreciated. Again, please help us defeat the passage of HB 21.

Sincerely,



Shirley Holloway, Ed. D.
Superintendent

BI/ma

cc: Senator Al Adams
Ashley Reed, Lobbyist, NSPSD
Carl Rose, Executive Director, AASB



FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

P.O. Box 1250 Fairbanks, Alaska 99707-1250 (907) 452-2000

February 1, 1989

Health, Education, & Social Services Committee
P. O. Box V
Juneau, AK 99811

RE: House Bill 21

This letter is being written to urge you to oppose House Bill 21 and its inclusion of class size and work load as mandatory subjects of collective bargaining.

Class size language has the effect of determining the size of a school district's work force (example: If the class size language states that the pupil teacher ratio will be 25:1 and there are 300 pupils in the district, at least 12 teachers are required to meet the class size ratio.) School districts are already required to bargain salaries for teachers. Therefore, if class size language were negotiated, the size of a school district's payroll would be determined by the class size language and the salary schedule.

In times of financial crisis districts could be put in the position of having payrolls that exceed revenues. This loss of local control would be irresponsible. If the legislature is going to pass House Bill 21, it must agree to appropriate whatever funds are required to pay for the impact of maintaining bargained class size language. I am sure that the legislature would feel it irresponsible to pass such appropriating legislation because it would lose control. School districts would lose control if House Bill 21 is passed.

Richard S. Cross
 Richard S. Cross
 Superintendent of Schools

RSC/pkr
cc: Board of Education
Linda Anderson
Barbara Martin

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS 1-19-89

H. HESS 2-2-89

JUNEAU SCHOOL DISTRICT BOARD OF EDUCATION

RESOLUTION #7-89

A RESOLUTION OF THE BOARD OF EDUCATION OF THE CITY AND BOROUGH OF JUNEAU OPPOSING HOUSE BILL 21, LEGISLATION MANDATING CLASS SIZE AND WORKLOAD AS NEGOTIABLE ITEMS.

Whereas, the Alaska Supreme Court has determined that class size is a policy issue and therefore non-negotiable; and

Whereas, the research on the effect of decreased class-size is mixed, at best; and

Whereas, the increased cost of substantial decreases in class size could even double the educational cost in the State of Alaska due to increased numbers of teachers and classrooms; and

Whereas, the determination of class size and teacher workload is a management decision; and

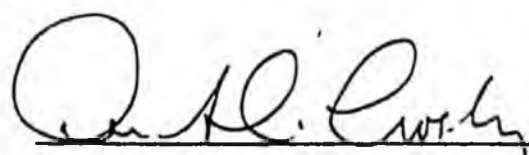
Whereas, most school districts already negotiate on extra duty responsibilities as "workload;" and

Whereas, these issues can already be negotiated if both sides are desirous of so doing;

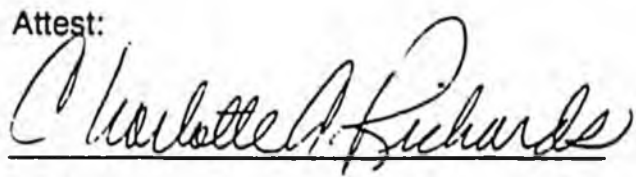
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

- 1. That the Board of Education of the City and Borough of Juneau opposes the passage of House Bill 21 allowing for class size and work load to become a part of the negotiations between school boards and their teachers.
- 2. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 7th day of February, 1989.



 David Crosby, President

Attest:


 Charlotte Richards, Clerk

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

GOLDBELT PLACE
801 WEST 10TH STREET
P.O. BOX F
JUNEAU, ALASKA 99811-0500

January 31, 1989

Jim/Jam

REC'D FEB 02 1989

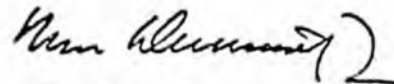
Representative Johnny Ellis
House HESS Committee Chairman
P.O. Box V
Juneau, Alaska 99811

Dear Representative Ellis:

This letter is in response to questions raised by House HESS Committee members regarding HB 21, an act relating to negotiations between school boards and their employees. This bill adds class size and workload as negotiable items between local school boards and school employees. Since this legislation affects the negotiation process at the local level the Department cannot estimate what, if any, financial impact it would have on school districts or the State. The impact is likely to vary significantly from district to district, dependent on the local circumstances and negotiation process. Attached is a copy of the Department's zero fiscal note which reflects the direct and foreseeable cost of the legislation to the State. However, there are potential, but indeterminate, costs to the State if local negotiations result in added school construction costs reimbursed under AS 14.11, or operating costs which require additional State aid under AS 14.17.

Please contact me if you need further information or clarification.

Sincerely,



William G. Demmert
Commissioner



ANCHORAGE SCHOOL DISTRICT

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

February 13, 1989

SCHOOL BOARD

William Frick
President

Betty Davis
Vice President
Past President
1985-88

Carol Balpe
Clerk

Darryl Jordan
Treasurer

Betty Brookman

Jean Buchanan
Past President
1983-84, 1986-87

Sharon Richards

SUPERINTENDENT

William Coats, Ph.D.

Representative Walt Furnace
Alaska State Legislature
P. O. Box V (MS3100)
Juneau, AK 99811

Dear Rep. Furnace:

You have requested information on the cost of reducing class size within the Anchorage School District. An estimate has been prepared by the Finance Division and is attached. The total cost is approximately \$5 Million (or \$4.836 million, to be more precise).

The School Board may take a position on H.B. #21 this evening. Please let me know if you have any additional questions. We appreciate your continued support of education.

Sincerely,

Michael P. Malone, Executive Director
Planning, Communications, and Development

MPM/ik

cc: William Coats, Superintendent
Guy Bellville, Chief Financial Officer
Sharon Macklin, Lobbyist

Anchorage School District

Anchorage, Alaska

FY 1989-90

COST OF REDUCING CLASS SIZES

ANNUAL COSTS**Cost of Reducing Regular Class
Sizes by One (1) Student**

| | | |
|------------|-------------|-------------|
| Elementary | 38 Teachers | \$1,876,900 |
| Secondary | 22 Teachers | 1,156,800 |

**Cost of Reducing Special
Education, Gifted, and Bilingual
Class Sizes by Equivalent of One
(1) Student**

| | | |
|----------------------------|---------------|--------------------|
| Special Education/Services | 22 Teachers | 1,082,800 |
| | 13 Assistants | 277,300 |
| Gifted and Bilingual | 2 Teachers | 98,400 |
| | 2 Tutors | 44,200 |
| Annual Additional Cost | | <u>\$4,538,400</u> |

Annual Ongoing Staff Needs:
84 Teachers
15 Assistants and Tutors

START-UP COSTS

The formation of up to 84 additional classrooms would require additional classroom supplies, furniture and equipment. Approximately \$300,000 for these initial costs is estimated.

Prepared 2/09/89

Original sponsors: Ellis, Koponen,
and Gruenberg

1 IN THE HOUSE

BY THE HEALTH, EDUCATION, AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 21 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to negotiations between school
7 boards and their employees."

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

9 * Section 1. AS 14.20.550 is amended to read:

10 Sec. 14.20.550. NEGOTIATION WITH EMPLOYEES. A school board
11 shall negotiate with its certificated employees in good faith on
12 matters pertaining to their employment and the fulfillment of their
13 professional duties, including class size and teacher load. A school
14 board shall negotiate in good faith with its noncertificated employees
15 on matters of wages, hours, and other terms and conditions of employ-
16 ment.

HB

23

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 1, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 3/1/89

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee recommends that:

HOUSE BILL NO. 23 [PERS & TRS CREDIT FOR PART-TIME SERVICE]
"An Act relating to credit for part-time service in the public employees' retirement system and the teachers' retirement system; and providing for an effective date."

[X] be replaced with CS HB 23 (SA) [X] the same title
[] a new title

[] have attached amendment(s)

- [X] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
- [] zero fiscal note
- [] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published:
- [X] zero fiscal notes(s) published:
2/1/89

SIGNING DO PASS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Cheri Davis no rec

Wfurnace no rec

[Signature]

Chairman's signature

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 9, 1989

FURTHER REFERRALS: HESS
FINANCE

Date of Committee Action: _____

The STATE AFFAIRS Committee recommends that:

HOUSE BILL NO. 23 [PERS & TRS CREDIT FOR PART-TIME SERVICE]
"An Act relating to credit for part-time service in the public employees' retirement system and the teachers' retirement system; and providing for an effective date."

be replaced with CS HB 23 (SA) the same title
 a new title

have attached amendment(s)

- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published: _____
- zero fiscal note(s) published: _____

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Eileen P. Maclean
[Signature]
[Signature]
[Signature]

[Signature] - No Rec
[Signature] NO Rec

[Signature]
Chairman's signature

Original sponsors: Ulmer and Koponen

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 23 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to credit for part-time service in
7 the public employees' retirement system and the
8 teachers' retirement system; and providing for an
9 effective date."

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

11 * Section 1. AS 14.25.040 is amended by adding a new subsection to
12 read:

13 (d) A person who is employed at least half-time in the system
14 during the same period that the person is employed at least half-time
15 in a position in the public employees' retirement system under
16 AS 39.35 shall receive credited service under each system for half-
17 time employment. However, the amount of credited service a person
18 receives under the public employees' retirement system during a school
19 year may not exceed the amount necessary, when added to the amount of
20 credited service earned during the school year under the system, to
21 equal one year of credited service.

22 * Sec. 2. AS 39.35 is amended by adding a new section to read:

23 Sec. 39.35.131. MEMBERSHIP IN TEACHERS' AND PUBLIC EMPLOYEES'
24 RETIREMENT SYSTEMS. A person who is employed at least half-time in
25 the system during the same period that the person is employed at least
26 half-time in a position in the teachers' retirement system under
27 AS 14.25 shall receive credited service under each system for half-
28 time employment. However, the amount of credited service a person
29 receives under the system during a school year may not exceed the

1 amount necessary, when added to the amount of credited service earned
2 during the school year under the teachers' retirement system, to equal
3 one year of credited service.

4 * Sec. 3. AS 39.35.680(21) is amended to read:

5 (21) "member" or "employee"

6 (A) means a person eligible to participate in the
7 system and who is covered by the system;

8 (B) includes

9 (i) active member;

10 (ii) inactive member;

11 (iii) vested member;

12 (iv) deferred vested member;

13 (v) non-vested member;

14 (vi) disabled member;

15 (vii) retired member;

16 (C) does not include

17 (i) former members;

18 (ii) persons compensated on a contractual or fee
19 basis;

20 (iii) casual or emergency workers or nonpermanent
21 employees as defined in AS 39.25.200;

22 (iv) persons covered by the Alaska Teachers'
23 Retirement System except as provided under AS 39.35.131;

24 (v) employees of the division of marine transpor-
25 tation engaged in operating the state ferry system who are
26 covered by a union or group retirement system to which the
27 state makes contributions;

28 (vi) justices of the supreme court or judges of
29 the court of appeals or of the superior or district courts

1 of Alaska;

2 (vii) the administrative director of courts ap-
3 pointed under art. IV, sec. 16 of the state constitution
4 unless the director becomes a member under AS 39.35.158; and

5 (viii) members of the elected public officers'
6 retirement system (former AS 39.37);

7 (D) may include employees of the division of marine
8 transportation excluded under (C)(v) of this paragraph provided
9 that

10 (i) the State of Alaska formally agrees to their
11 inclusion through the process of collective bargaining; and

12 (ii) no collective bargaining agreement has the
13 effect of obligating contributions made by the state under
14 AS 39.30.150 in the event the state resumes participation in
15 the federal social security system;

16 * Sec. 4. A person who was employed after January 15, 1988, at least
17 half-time in a position in the public employees' retirement system under
18 AS 39.35 in the same period that the person was employed at least half-time
19 in a position in the teachers' retirement system under AS 14.25 may elect
20 to receive credited service in both systems under AS 14.25.040(d) and
21 AS 39.35.131, as enacted by secs. 1 and 2 of this Act, for employment from
22 January 16, 1988, to the effective date of this Act. To obtain credited
23 service under this section, the person shall elect to do so and verify the
24 period of half-time service before July 1, 1990. When eligibility for
25 half-time service credit has been established, an indebtedness shall be
26 determined to the retirement system in which the person did not partici-
27 pate. The amount of the indebtedness is the full actuarial cost of provid-
28 ing benefits for the credited service claimed. Interest as prescribed by
29 regulation accrues on that indebtedness beginning July 1, 1990. Any

1 outstanding indebtedness existing at the time the person retires will
2 require an actuarial adjustment to the benefits payable based on that
3 service.

4 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Administration
 Title: Part-Time Service in Both the
Public Employees' Retirement System
and Teachers' Retirement System
 BRU: Retirement and Benefits
 Sponsor: Ulmer Components: Retirement and Benefits
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS, CLAIMS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary) This will not result in additional operations cost for the Division of Retirement and Benefits.

THIS BILL IS ESTIMATED TO COST ALL STATE AGENCIES \$63.1 IN INCREASED FY 90 PERSONAL SERVICES COSTS.

THIS BILL IS ESTIMATED TO COST SCHOOL DISTRICTS AND OTHER PARTICIPATING POLITICAL SUBDIVISIONS \$103.3 IN INCREASED PERSONAL SERVICES COSTS IN FY 90.

See pages 2 and 3 for a detailed analysis.

Prepared By: Sally Smith, Director *R. 2. Staturuck* Phone: 465-4470
 Division: Retirement and Benefits Date: 1/25/89

Approved by Commissioner: John M. Andrews *[Signature]* Date: 1/25/89
 Agency: Department of Administration

Distribution (by preparer):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

House Bill 23
 Analysis of Fiscal Implications to the Retirement Funds
 Prepared by Division of Retirement & Benefits
 Department of Administration
 January 19, 1989

Analysis: This bill will allow members to receive service credit in both the Teachers' (TRS) and Public Employees' Retirement System (PERS) concurrently, if they work at least 1/2 day in each.

The estimated increase to the FY90 TRS rate is .02% and the estimated increase in the FY90 PERS rate is .01%. The estimated FY90 state TRS payroll is \$55,085,786 - University of Alaska (U of A), \$50,060,086; and Department of Education (DOE), \$5,025,700. The estimated FY90 state PERS payroll is \$521,208,708. The State payroll is anticipated to remain stable for each year thereafter.

The estimated cost to the state in FY90 of \$63,138 is calculated as follows:

| | | |
|--------------------------------|---|----------------|
| Fy90 DOE estimated salaries | | \$ 5,025,700 |
| Increase in the FY90 TRS rate | X | <u>.02%</u> |
| Total DOE TRS cost... | | \$ 1,005 |
| | | |
| FY90 U of A estimated salaries | | \$ 50,060,086 |
| Increase in FY90 TRS rate | X | <u>.02%</u> |
| Total U of A TRS cost | | \$ 10,012 |
| | | |
| FY90 estimated PERS salaries | | \$ 521,208,708 |
| Increase in FY90 PERS rate | X | <u>.01%</u> |
| Total state PERS cost | | \$ 52,121 |

In addition to the state cost, there would also be an increase in the political subdivisions' contribution rate of .02% in the TRS and .01% in the PERS. The estimated FY90 school district TRS payroll is \$339,201,043 and the total estimated political subdivision FY90 PERS payroll is \$354,521,366. The political subdivision/school district payroll is estimated to remain stable for each year thereafter.

The estimated FY90 cost for political subdivisions of \$103,292 is calculated as follows:

| | |
|---|-------------------------|
| Fy90 School District estimated salaries | \$ 339,201,043 |
| Increase in FY90 TRS rate | X <u> .02%</u> |
| Total TRS cost | \$ 67,840 |
| | |
| FY90 Political Subdivision estimated salaries | \$ 354,521,366 |
| Increase in FY90 PERS rate | X <u> .01%</u> |
| Total PERS cost | \$ 35,452 |

There would not be an adverse impact on the actuarial soundness of either the PERS or the TRS funds. The increase in the unfunded liability and the decrease in the funding ratio in each would be negligible.

Alaska State Legislature

Representative Fran Ulmer



P.O. Box V
Juneau, Alaska 99811
(907) 465-4947

HOUSE OF REPRESENTATIVES

MEMORANDUM

TO: Rep. Johnny Ellis, Chairman
Members
House HESS Committee

FROM: Rep. Fran Ulmer

DATE: March 1, 1989

RE: HB 23-credit for part-time service in TRS and PERS

HB 23 would allow persons who are employed part-time for the State of Alaska and part-time as teachers concurrently, to receive credited service in the public employees retirement system (PERS) and the teachers retirement system (TRS) at the same time.

Alaska statutes currently prohibit employees accruing retirement credit in both systems at the same time. A person who is working part-time as a state employee and part-time as a teacher is required to choose which retirement system they wish to participate in.

This legislation would allow them to accrue credited service in both systems at the same time after January 15, 1988.

One change was made to this bill in State Affairs. The Division of Retirement and Benefits proposed an amendment which would limit the total amount of credited service, when added together from both PERS and TRS, to no more than one year of credited service per each year worked. This amendment was adopted by the committee.



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

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

JUNEAU OFFICE

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

FAIRBANKS REGIONAL OFFICE

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

January 23, 1989

To: Rep. Red Boucher, Chair
Members, House State Affairs Committee

Re: House Bill No. 23; "An Act relating to credit
in the public employees' retirement system
and the teachers' retirement system; and
providing for an effective date."

NEA-Alaska supports and encourages passage of HB 23.

This legislation addresses an equity question and we encourage your favorable consideration of it.

Thank you for your consideration of our position

Respectfully submitted,

Bob Manners
Executive Secretary

cc: Rep. Fran Ulmer

HB

24

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Credited service in the teachers'
retirement system
 Sponsor: Ulmer & Boucher
 Requestor: House HESS

Agency Affected: Education
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Mary Hakala
 Division: Commissioner's Office
 Approved by Commissioner: William C. Demmert
 Agency: Education

Phone: 465-2800
 Date: January 18, 1989
 Date: January 18, 1989

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Administration
 Title: An act relating to credited service BRU: Retirement and Benefits
 in the Teachers' Retirement System for
 part-time.
 Sponsor: Utner Components: Retirement and Benefits
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS, CLAIMS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

| POSITIONS: | 0 | 0 | 0 | 0 | 0 | 0 |
|------------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary)

See Page 2 for discussion of employer contributions and fiscal impact to the Teachers' Retirement Fund.

Prepared By: Sally Smith, Director *Sally Smith* Phone: 465-4470
 Division: Retirement and Benefits Date: January 12, 1989

Approved by Commissioner: John M. Andrews Date: _____
 Agency: Department of Administration

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

House Bill 24
Financial Implications On Retirement Fund
Prepared by Division of Retirement & Benefits
Department of Administration
January 17, 1989

Analysis: This bill applies to all current active and inactive members of the TRS, as well as any prior member who reemploys under the TRS prior to June 30, 1990.

It is estimated that this bill would increase the State's cost by .065% of TRS payroll. This would result in an annual increased cost of \$ 35,806 to the State. The \$ 35,806 cost is calculated as follows:

| | |
|---|----------|
| Increase in the TRS contribution rate (.065%) times the estimated FY 90 State TRS payroll (\$5,025,700) | \$ 3,267 |
|---|----------|

| | |
|---|-----------------|
| Increase in the TRS contribution rate (.065%) times the estimated FY 90 University of Alaska payroll (\$50,060,086) | <u>\$32,539</u> |
|---|-----------------|

| | |
|----------------------|-----------------|
| Total State TRS cost | <u>\$35,806</u> |
|----------------------|-----------------|

It is also estimated that this bill would increase the School Districts' cost by .065% of their TRS payroll (\$339,201,043). This would result in an annual increased cost to School Districts of \$220,480.

There would be no appreciable increase in accrued liability or decrease in funding ratio.

Alaska State Legislature

Committees:

Chair-State Affairs
V. Chair-Judiciary
Telecommunications
Special Ethics
Legislative Council
Finance Subcommittee
for the University of Alaska
Joint Committee
on Economic Recovery



PO Box V
Juneau, Alaska 99801
(907) 465-4047

REPRESENTATIVE FRAN ULMER

MEMORANDUM

TO: House HESS Committee Members
FROM: Rep. Fran Ulmer
DATE: January 19, 1989
RE: HB 24

HB 24 adds a new section to AS 14.25 which allows a part-time teacher to purchase additional credited service in the Teachers Retirement System (TRS). The amount that can be purchased plus the credit that the member receives for their actual part-time service, cannot exceed an amount that the member would have received had they been employed as a full-time teacher.

Section (b) of the legislation provides that a member is required to pay the full actuarial costs of the additional retirement benefits. This section also requires that a member pay interest on the indebtedness.

Section (c) places time deadlines for a member to claim the additional benefits at June 30, 1990, or one year after the last day of the school year in which the member was employed part-time.



NEA-ALASKA

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FAIRBANKS REGIONAL OFFICE

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

January 13, 1989

To: Rep. Johnny Ellis, Chair
Members, House HESS Committee

Re: House Bill No. 24; "An Act relating to credited
service in the teachers' retirement system for
part-time teachers."

NEA-Alaska supports and encourages passage of HB 24.

Part-time teachers are growing in number as the tight revenue situation forces many school districts to reduce the teaching staff and curtail programs and services.

For a teacher who is only able to work on a part-time basis this legislation would enable them, at their expense and no cost to the state or their employer, to establish eligibility for and access to the same benefit system which is available to full-time teachers.

This legislation establishes fairness and equity for an increasing number in the teacher work force.

Thank you for your consideration of our position.

Respectfully submitted,

Bob Manners

Bob Manners
Executive Secretary

cc: Rep. Ulmer

f2j89h24



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

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
326 Fourth St., Suite 408 Juneau, Alaska 99801 586-9702

POSITION STATEMENT

THE ALASKA COUNCIL OF SCHOOL ADMINISTRATORS SUPPORTS HB 24 "AN ACT RELATING TO CREDITED SERVICE IN THE TEACHERS' RETIREMENT SYSTEM FOR PART-TIME TEACHERS."

RATIONALE

TEACHERS WHO ELECT TO WORK PART-TIME MUST WORK TWICE AS LONG AS A FULL TIME EDUCATOR TO BE ELIGIBLE FOR TRS. THIS MEANS FOR A PART-TIME TEACHER, 40 YEARS OF PART-TIME SERVICE MUST BE RENDERED BEFORE THEY ARE ELIGIBLE FOR FULL RETIREMENT BENEFITS IN ALASKA.

ALSO, FROM AN ADMINISTRATORS POINT OF VIEW, I HAVE SEEN FEW PART-TIME TEACHERS WORK JUST PART-TIME. MANY PUT IN THE EXTRA TIME IN STAFF MEETINGS, CONTACTING PARENTS, INVOLVED IN IEP'S AND SPONSORING EXTRA-CURRICULAR ACTIVITIES FOR THEIR STUDENTS.

IT IS OUR FEELING THAT AS LONG AS THE RETIREMENT SYSTEM REMAIN ACTUARIALLY SOUND, THIS WOULD BE A NICE BENEFIT FOR A GROUP OF EDUCATORS WHO ARE DESERVING OF IT.

January 24, 1989

Dear Representative Ulmer,

We are writing to express our support for ~~HB 24~~, and to thank you for your efforts in this matter. We are all women who have worked some combination of full time and half time years. Most of us worked half time during years when our children were small. We chose to continue our careers at that time for many reasons. We appreciated being able to stay current with changes that occurred during that time. We appreciated continuing with our professional lives. We also needed the half time years to be with families.

Being able to buy the extra half time years of retirement will help many of us reach retirement at a reasonable stage of life and with a greater security for our retirement years. As you well know, women can be penalized in many ways for interrupting careers to have families, even when they work part time in an effort to have both careers and time for children. One of these penalties comes many years later, during retirement. Our benefits are delayed and reduced, based on salary and time of service. We cannot always depend on husbands and their benefits. We do not belong to the Social Security system. We believe HB 24 is a step in the right direction!

Sincerely,

Judy Thomas
PO Box 210223
Anchorage, AK
99821

Carol Young
17001 Towers Rd.
Juneau, AK 99801

Karen Hill
2565 Mendenhall Ln
Juneau, AK 99801

RECEIVED JAN 26 1989

January 24, 1989

Rep. Fran Ulmer
House of Representatives
Juneau, Alaska

Dear Rep. Ulmer,

I am writing to support your bill HB 24. It is my understanding that this bill would allow employees who have elected to work part-time to buy back in for retirement purposes.

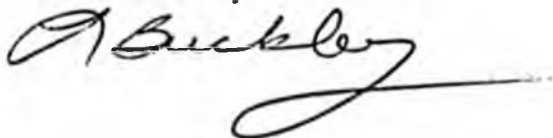
As a working mother, I chose to work part time for the school district on a number of occasions to allow quality time as a parent.

I also support part-time employment to provide opportunities for professional and personal growth. For example, I worked for the school district in 1983 for one semester and travelled and compiled study units on the Music of Asia the second semester. As I was not officially enrolled in a university program, I did not request a sabbatical. However, it was one of the great learning opportunities of my life.

Thankyou for your support of quality of life for adults and for their children.

sincerely,

Linda Buckley



Alaska State Legislature

Representative Fran Ulmer




P. O. Box V
Juneau, Alaska 99811
(907) 465-4947

HOUSE OF REPRESENTATIVES

MEMORANDUM

TO: House 'HESS Members

FROM: Rep. Fran Ulmer 

DATE: Feb 2, 1989

RE: HB 24-relating to credited service in the teachers' retirement system for part-time teachers.

Attached you will find a list of teachers who are in in favor of HB 24. They are unable to testify today, and wanted you to know of their support for this legislation.

WE SUPPORT HB 24: "AN ACT RELATING TO CREDITED SERVICE IN THE TEACHERS' RETIREMENT SYSTEM FOR PART-TIME TEACHERS."

SIGNATURE

ADDRESS

| | |
|-------------------|---------------------------------|
| Suzanne Cary | 1870 Fritz Cove Rd |
| M. Gorskovich | 8295 Barret |
| J. M. McCallan | Box 210162 - Auke Bay |
| Lynn V. Williams | 9253 Lee St; Juneau |
| Marilyn Northan | 8900 Nancy Jun. |
| Lori B. Meiners | P.O. Box 3299, Juneau |
| Susan H Engen | 9237 Emily Way Juneau |
| Sharon Holland | Box 20548 Juneau |
| Susanne Wilder | 8168 Erin Street Juneau |
| Carole C Oien | P.O. Box 34852, Juneau 99803 |
| Beverly Miller | BX. 210351 - Auke Bay 99802 |
| Jane Mulready | 8618 Sail 99801 |
| Jane M Koyuk | 4501 Jennifer Dr. 99801 |
| Jane Henderson | 1025 Arctic Circle 9980 |
| Richard Fagnant | 8124 Pinewood Dr., Juneau 9980. |
| Deanne Rose | 4533 Riverbend Ct., Jun |
| Myra Ahlander | 3464 Kant Ct |
| Mary Bonnie Elder | 12175 Glacier Hwy E.404 |

Janice Mercer
Nils Dible

Linda Johnson
Cheryl Revo

Box 210266 Alameda, 99822

2454 Engineers Cutoff Junction, Ak. 99801

424 5th St Douglas Ak 99824
P.O. Box 210355 Omba Bay, AK 99822

STATE OF ALASKA
THE LEGISLATURE

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

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS 2-2-89

HB

25

FISCAL NOTE

REQUEST:

Revision Date: 1/20/89
 Title: "An Act relating to irradiated foods."
 Sponsor: Phillips & Brown
 Requestor: _____

Agency Affected: Health & Social Services
 BRU: State Health Services
 Components: Laboratory Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
| REVENUE | -0- | -0- | -0- | -0- | -0- | -0- |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : (Attach a separate page if necessary)

The enactment of HB 25 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director *E. Ward* Phone: 465-3090
 Division: Public Health Date: _____

Approved by Commissioner: Myra M. Munsbrock *Myra M. Munsbrock* Date: 1/20/89
 Agency: Health & Social Services

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Position Paper

HB 25

For an Act entitled: "An Act relating to irradiated food."

HB 25 prohibits the sale of irradiated food including spices and food that contains an irradiated ingredient unless the only irradiated ingredient is a spice. The scope of this position paper is limited to the health considerations of irradiated food.

Background

The health aspects of irradiated food have been studied for many years. The Food and Drug Administration (FDA) has conducted exhaustive reviews of all available studies and has determined that irradiated food is safe for human consumption. The FDA has concluded there is no scientific evidence meeting FDA standards for toxicological studies that shows adverse effects on health from the consumption of irradiated food. Results of studies used to support claims of harmful effects have been rejected due to lack of adequate scientific controls or design, including radiation doses far in excess of those considered acceptable for food processing. In its conservative approach, the FDA has approved the irradiation of certain foods only, and it has limited the radiation doses to one-tenth of those shown to be safe. This position is supported by such diverse groups as the Council for Agricultural Science and Technology, the World Health Organization, The Food and Agricultural Organization of the United Nations, the American Medical Association, and the International Atomic Energy Agency.

In addition to the FDA, numerous national organizations recognized in health, food technology, and radiation safety have closely examined claims of harmful effects presently being made by those opposed to food irradiation. In every case, these organizations have judged irradiated food to be safe for human consumption.

Position

The Department does not believe that sufficient evidence exists to show that irradiation of food is harmful to health. The Department believes that proper labeling of irradiated foods is necessary to allow those opposed to it to exercise their choice in the foods they purchase.

POSITION PAPER/Department of Health & Social Services

Recommended by:

Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date:

1/20/89

Approved by:

Myra M. Munson
Myra M. Munson
Commissioner
Department of Health and
Social Services

Date:

1/20/89

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION (907) 465-2609

POSITION PAPER

House Bill No. 25

January 23, 1989

"An act relating to irradiated food."

Department Statement

The Department has not taken a position on this bill for the following reasons. The Department has no staff with training and experience in the irradiation of food. The Department's expertise regarding food products is inspecting the sanitary operations of food production facilities. There is a large amount of information and scientific data on this issue. Although review and analysis of the available data is beyond the Department's current capacity, we are pleased to assist the committee in identifying useful information.

If the proposed law is to be enforceable, the Department recommends that 17.20.020(b) be amended to include irradiated foods. Without this addition, the Department's ability to embargo or detain irradiated food would be questionable.

The Department would enforce the provisions of this bill by inspecting food distributors, warehouses, and retail and wholesale outlets for food labeled with the federally required irradiation symbol and product statement. If food containing the irradiated label was found during the course of inspection, the department would embargo the product under the authority in AS 17.20.230 and require that it be destroyed or returned to an out-of-state distributor.

The Department is pleased to provide the following background information about irradiated foods.

Background Information

1. FDA Requirements

The treatment of certain food products and spices with ionizing radiation is approved by the U.S. Food and Drug Administration (FDA). FDA has approved the following application dosages: for foods which can comprise more than 0.01% of the daily diet, the dosage cannot exceed 1 kilogray (K Gy); for foods which can comprise less than 0.01% of the daily diet, dosage cannot exceed 50 K Gy.

2. FDA-Approved Sources of Irradiation

Approved ionizing irradiation sources include: radioactive isotopes (Cobalt-60 or Cesium -137) and machines (X-ray or electron beam).

3. Foods Approved for Irradiation

FDA has approved the application of irradiation to the following foods: fruits/vegetables (to slow growth and ripening and control of insects); dried spices and herbs (to kill insects and control microorganisms); pork (to control trichinosis); white potatoes (to inhibit growth and maturation); and wheat and wheat flour (to control insects).

4. FDA Labeling Requirements

Labeling requirements have also been imposed by FDA. Treated products contain a label statement that contains the international irradiation process logo (tulip) and the statement "treated with radiation" or "treated by irradiation." On April 18, 1988 the requirement for the written warning was scheduled to be withdrawn. This action would have left only the international irradiation process logo on retail packages. FDA has extended the present labeling requirements to April 18, 1990.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to irradiated food.
Sponsor: PHILLIPS AND BROWN
Requestor: _____

Agency Affected: Environmental Conservation
BRU: Environmental Health
Components: Sanitation.

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | -- | 15.0 | 15.0 | 15.0 | 15.0 | 15.0 |
| TRAVEL | -- | -- | -- | -- | -- | -- |
| CONTRACTUAL | -- | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |
| SUPPLIES | -- | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| EQUIPMENT | -- | -- | -- | -- | -- | -- |
| LAND & STRUCTURES | -- | -- | -- | -- | -- | -- |
| GRANTS, CLAIMS | -- | -- | -- | -- | -- | -- |
| MISCELLANEOUS | -- | -- | -- | -- | -- | -- |
| TOTAL OPERATING | -- | 18.0 | 18.0 | 18.0 | 18.0 | 18.0 |
| CAPITAL | -- | -- | -- | -- | -- | -- |
| REVENUE | -- | -- | -- | -- | -- | -- |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|----|------|------|------|------|------|
| GENERAL FUND | -- | 18.0 | 18.0 | 18.0 | 18.0 | 18.0 |
| FEDERAL FUNDS | -- | -- | -- | -- | -- | -- |
| OTHER | -- | -- | -- | -- | -- | -- |
| TOTAL | -- | 18.0 | 18.0 | 18.0 | 18.0 | 18.0 |

POSITIONS:

| | | | | | | |
|-----------|----|----|----|----|----|----|
| FULL-TIME | -- | -- | -- | -- | -- | -- |
| PART-TIME | -- | 1 | 1 | 1 | 1 | 1 |
| TEMPORARY | -- | -- | -- | -- | -- | -- |

ANALYSIS : (Attach a separate page if necessary)

The passage of HB 25 would require that the Department expand its inspection activities at approximately 500 food distributors, warehouses and wholesale and retail outlets to ensure that irradiated products were not being sold. For facilities presently under inspection the additional inspection time

(Continued)

Prepared by: Douglas C. Donegan Phone: 465-2609
Division: Environmental Health Date: 1-19-89

Approved by Commissioner: Dennis D. Keise Date: January 23, 1989
Agency: Environmental Conservation

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

| | | | | |
|--|--------------------------|-------------------------------|--------------------|------------------------|
| Position Title Environmental Sanitarian II | | No. of Positions 1 | Range/Step 16/A | Org. Unit G |
| Time Status P | Staff Months Four (4) | Location Anchorage, Alaska | | Election District 7 |
| Justification | | | | |
| This position is required to support the implementation of HB 25, "An Act relating to irradiated food." Approximately 500 food distributors, warehouses and wholesale and retail outlets would be inspected to ensure that prohibited products were not being sold. All facilities would be contacted and notified of the new law. The additional inspection time required for facilities presently inspected would be approximately (1) hour and for facilities not currently inspected would be approximately two (2) hours including travel time. | | | | |
| The additional inspection effort would amount to a total of 602 hours per year or about four months per year. | | | | |
| Type of Expenditure | | Amount | | |
| 1 | 2 | 3 | | |
| Salary | 10.8 | | | |
| Benefits | 4.2 | | | |
| Premium Pay | 0 | | | |
| Other | 0 | | | |
| Total Personal Services | | 15.0 | | |
| Travel | | 0 | | |
| Contractual | | 2.0 | | |
| Commodities | | 1.0 | | |
| Equipment | | 0 | | |
| Other | | 0 | | |
| Total Cost | | 18.0 | | |
| Funding Source for Total Cost | | | | |
| Federal Receipts 1002 | | 0 | | |
| G. F. Match 1003 | | 0 | | |
| General Fund 1004 | | 18.0 | | |
| GF Program Receipts 1005 | | 0 | | |
| Other | | 0 | | |

**Request For
New Position**

Agency ENVIRONMENTAL CONSERVATION
 BRU ENVIRONMENTAL HEALTH
 Component SANITATION

Page of
 Revised Date

FY 90