

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

5657 HOUSE HEALTH, EDUCATION & SOCIAL SERVICES

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APPENDIX A

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION SERVICES AGENCY
SCHEDULE OF REVENUES AND EXPENDITURES
For the Period July 1, 1987 through June 30, 1988
(UNAUDITED)
(Note 1)

Revenues (Note 2)

State Grants (received to date)	\$1,222,547
Federal Grants	<u>320,914</u>

<u>Total Revenues as of 6/30/88</u>	<u>\$1,543,461</u>
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Expenditures (Note 2)

State Grants	\$1,215,762
Federal Grants	<u>401,250</u>

<u>Total Expenditures as of 6/30/88</u>	<u>\$1,616,512</u>
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Note 1

The information included in this schedule was obtained from SESA records. This information has not been audited by us and accordingly, we express no opinion on it.

Note 2

SESA has been authorized to receive and expend \$1,723,193 in Federal and State grants for FY88.

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APPENDIX B

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION SERVICES AGENCY
SCHEDULE OF ESTIMATED REVENUES

For the Period July 1, 1988 through June 30, 1989
(Note 1)

REVENUES

State Contract	\$1,334,100
Infant Learning Program	141,789
Deaf/Blind	122,147
State Wide Systems Change Grant	18,971
Model Demonstration Training Project	115,876
Alaska Consortium for Transition Services	<u>173,096</u>
<u>Total Estimated Revenues for FY89</u>	<u>\$1,905,979</u>

Note 1

The information included in this schedule was obtained from SESA records.

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APPENDIX C

SPECIAL EDUCATION SERVICES AGENCY
DISTRICTS AND SITES VISITED AND STUDENTS SERVED

July 1, 1987 through June 30, 1988
(Note 1)

<u>VISITS</u>	<u>DISTRICTS</u>	<u>SITE</u>	<u>STUDENTS</u>
8	Alaska Gateway	Dot Lake	4
		Northway	3
		Tetlin	3
		Tok	3
20	Bering Strait	Brevig Mission	1
		DiomeCe	1
		Gambell	2
		Koyuk	4
		St. Michael	2
		Shishmaref	2
		Stebbins	1
		Teller	2
		Unalakleet	3
6	Bristol Bay	Bristol Bay	2
		Naknek	3
11	Chatham	Angoon	1
		Gustavus	2
2	Copper River	Glenallen	1
		Kenny Lake	1
1	Craig	Craig Schools	1
13	Delta Greely	Delta Elementary	5
8	Dillingham	Dillingham Schools	6
5	Fairbanks	Birch Sped	1
		Hutchison	1
		Tanana	1
3	Haines	Haines Schools	4
		Mosquito Lake	1
4	Hoonah	Hoonah	2
5	Iditarod	Anvik	1*
		Grayling School	2
		Holy Cross	2*
		Shageluk	1*
15	Juneau	Faith Lutheran Pre-Sch	1
		Gastineau	1
		Juneau-Douglas H.S.	7
		Mar 3 Drake M.S.	1
		Mendenhall	4
		St. Jude	4
3	Kake	Kake School	1
4	Kashunamuit	Chevak	5
14	Ketchikan	Schoenbar J.H.	2
		Valley Park Elem	3
		White Cliff Elementary	4
2	King Cove	King Cove School	1
13	Klawock	Klawock School	5

<u>VISITS</u>	<u>DISTRICTS</u>	<u>SITE</u>	<u>STUDENTS</u>
14	Kodiak	Chiniak	1*
		East Elementary	5
		Main Elementary	2
		Ouzinkie	1
8	Kuspuk	Aniak School	1
		Crooked Creek	1
		Upper Kalskag School	1
6	Lake & Penn	Newhalen School	2
27	Lower Kuskowim	Bethel	4
		Chefornak	2
		Eek	2*
		Kasigluk	2
		Kilbuck	3
		Kipnuk	1
		Kongiganak School	3
		Kwethluk	3
		Kwigillingok	1
		M. Elitnaurviat	4
		Napaskiak	2
		Tooksook Bay	1
		Tununak	1
8	Lower Yukon	Emmonak	1
		Mt. Village School	3
9	Mat-Su	Houston Jr/Sr High	1
		Palmer Jr. High	1
		Palmer St. High	1
		Pioneer Peak	1
		Wasilla High School	1
1	Mt. Edgecumbe	Mt. Edgecumbe H.S.	1
1	Nenana	Nenana Elementary	1
6	Nome	Nome Elementary	5
13	North Slope	Barrow Elementary	3
		Anaktuvuk Pass	1
		Ipalook Elementary	7
		Nuiqsut School	1
		Pt. Lay	1
9	Northwest Arctic	Ambler	1
		Kiana	2*
		Kotzebue	1
		Noorvik	1
		Selawik	2
1	Pelican	Pelican	1
2	Petersburg	Petersburg	2*
3	Railbelt	Anderson	3
		Cantwell	1
11	SE Island	Coffman Cove	1
		Hollis	1
		Whale Pass	1
8	Sitka	Baranof Elementary	3
		Blatchley Jr. High	3
		Etolin	6
		Mt. Edgecumbe Elem.	2
		Sitka H.S.	15
3	Skagway	Skagway Schools	1

<u>VISITS</u>	<u>DISTRICTS</u>	<u>SITE</u>	<u>STUDENTS</u>
3	St. Mary's	St. Mary's	1
4	SW Region	Levelock	2
		New Stuyahok	1*
		Togiak School	1
13	Wrangell	Evergreen Elem.	1
		Wrangell Elementary	5
3	Yukon Flats	Ft. Yukon	1
		Venetie School	2
6	Yukon Koyukuk	Bettles Field	1
		Huslia School	1
		Kaltag	1*
2	Yupiit	Akiachak	2
		<u>Tuluksak Elementary</u>	<u>1</u>
<hr/>	<hr/>		<hr/>
298	41	112	247
<u>VISITS</u>	<u>DISTRICTS</u>	<u>SITES</u>	<u>STUDENTS</u>

* Includes students monitored or served in an alternate way.

Note 1

All information obtained from SESA "State Contract for Low Incidence Handicapped Outreach Service Final Report for FY38".

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APPENDIX D

SPECIAL EDUCATION SERVICES AGENCY
TYPE AND NUMBER OF DISTRICT PERSONS ASSISTED

July 1, 1987 through June 30, 1988
 (Note 1)

<u>DISTRICT</u>	<u># OF TEACH</u>	<u># OF AIDES</u>	<u># OF ADMIN</u>	<u># OF CERT</u>	<u># OF NON CERT</u>	<u># OF PARENTS</u>	<u>TOTAL</u>
Alaska Gateway	7	1	3	1	0	1	13
Bering Strait	34	9	16	7	14	10	90
Bristol Bay	13	0	4	1	2	0	20
Chatham	4	2	5	1	5	2	19
Copper River	2	3	3	0	0	0	8
Craig	2	0	0	0	0	0	2
Delta/Greely	27	11	12	6	5	2	63
Dillingham	13	4	7	4	5	1	34
Fairbanks	6	2	7	4	2	0	21
Haines	7	0	2	0	3	0	12
Hoonah	3	1	3	0	3	0	10
Iditarod	3	0	1	0	1	0	5
Juneau	39	22	8	13	8	12	102
Take	2	1	1	0	1	1	6
Kashunamuit	8	4	3	0	6	0	21
Ketchikan	12	4	5	6	5	7	39
King Cove	4	0	3	0	1	1	9
Klawock	8	4	4	3	5	4	28
Kodiak	8	6	7	7	6	1	35
Kuspuk	9	6	5	0	5	6	31
Lake & Penn	9	5	6	5	4	0	29
Lower Kuskokwim	53	12	23	14	16	8	126
Lower Yukon	8	4	4	0	5	0	21
Mat-Su	4	2	2	0	1	1	10
Mt. Edgecumbe	2	0	3	1	0	0	6
Nenana	1	0	1	0	2	2	6
Nome	5	1	5	3	5	4	23
North Slope	21	12	27	1	12	0	73
NWASD	9	2	8	0	6	0	25
Pelican	3	1	1	0	1	0	6
Petersburg	3	0	1	1	1	1	7
Railbelt	4	3	2	0	1	0	10
St. Mary's	3	1	2	0	1	0	7
SE Island	5	6	3	3	2	4	23
Sitka	26	3	13	4	4	11	61
Skagway	4	0	2	0	1	0	7
SW Region	3	1	0	0	1	0	5
Wrangell	14	5	4	3	9	3	38
Yukon Flats	4	2	4	0	4	2	16
Yukon Koyukuk	4	1	4	1	1	0	11
Yupitit	3	1	3	0	0	0	7
TOTAL	<u>399</u>	<u>142</u>	<u>217</u>	<u>89</u>		<u>84</u>	<u>1085</u>

Note 1

Data from SESA "State Contract for Low Incidence Handicapped Outreach Services Final Report for FY88".

APPENDIX E

SPECIAL EDUCATION SERVICES AGENCY
TECHNICAL ASSISTANCE SATISFACTION RATINGS
 July 1, 1987 through June 30, 1988

(Note 1)

	QUARTER								<u>Annual Average</u>
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>					
	<u>Cum No.</u>	<u>RTG</u>	<u>Cum No.</u>	<u>RTG</u>	<u>Cum No.</u>	<u>RTG</u>	<u>Cum No.</u>	<u>RTG</u>	
A. Was the purpose of this trip achieved?	2	7.0	36	6.9	21	6.8	44	6.4	6.77
B. The assistance provided was beneficial to me.	2	7.0	36	6.8	21	6.9	44	6.5	6.80
C. I will utilize the assistance/information provided during the school year.	2	7.0	36	7.0	21	6.9	44	6.5	6.92
D. Overall, the assistance provided met my needs to better serve the student(s).	2	7.0	36	7.0	21	6.9	44	6.4	6.82

Note 1

Data was obtained from SESA "State Contract for Low Incidence Handicapped Outreach Services Final Report for FY88". School district personnel were asked to rate SESA services on a 7.0 point scale, with 7.0 being the highest rating. Cumulative numbers refer to the number of school districts polled.

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SPECIAL EDUCATION SERVICE AGENCY

2211-B ARCA DRIVE / ANCHORAGE, ALASKA 99508 / PHONE (907) 279-9675 / TTY (907) 276-6134

January 19, 1989

Mr. Randy S. Welker
Legislative Auditor
Division of Legislative Audit
P.O. Box W
Juneau, Alaska 99811-3300

JAN 26 1989

LEGISLATIVE
AUDIT

Dear Mr. Welker:

This letter is in response to your preliminary audit report entitled:

"A Performance Report on the Special Education Services Agency,
July 1, 1987 - June 30, 1988."
Audit Control Number - 05-1345-88-R.

Recommendation No. 1

The Department of Education and SESA should work together to seek statutory changes that would clarify the Department's administrative responsibility over the Agency.

Response:

We have spoken to the Commissioner's Office of the Department of Education and understand that they do not believe statutory changes are necessary. We plan to pursue with the Commissioner's office any regulatory language which would cover the Department's responsibilities relative to monitoring of program files, establishing SESA reporting requirements to the Department, comparing Agency planned to actual service levels, and evaluating SESA's operations to assure that we are functioning according to program standards.

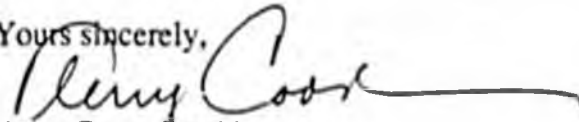
Recommendation No. 2

The Department of Education should provide guidelines to the school districts and SESA for the proper reporting of special education students and the transmitting of information between the entities.

Response:

We are ready to incorporate changes that the Department of Education suggests. We hope that those suggestions are cost-effective and within the power of the agency to implement.

Yours sincerely,



Terry Coon, President
Board of Directors

STATE OF ALASKA

STEVE COWPER, GOVERNOR

RECEIVED

FEB 03 1989

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

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

LEGISLATIVE
AUDIT

February 2, 1989

The Legislature
Budget and Audit Committee
Finance Division
Post Office Box WF
Juneau, Alaska 99811

Attention: Randy Welker, Legislative Auditor

Dear Mr. Welker:

This letter is in response to the Preliminary Performance Report of the Special Education Services Agency, dated December 7, 1988.

Recommendation No. 1

The Department of Education and SESA should work together to seek statutory changes that would clarify the Department's administrative responsibility over the Agency.

Although there are ambiguities in the statutes, we do not feel that a statutory change is necessary and that the Department can clarify its administrative responsibilities with the Special Education Services Agency (SESA) through regulation.

AS 14.30.285 pertains to transfers of exceptional children and although it begins with the statement, "...requires the Department to institute a statewide program for the education of exceptional children," this part cannot be taken out of context of the entire statute. This statute provides for the education of children in the state at locations in or near their resident school district. It does not provide the Department the authority to supervise other agencies' activities. Probably a more pertinent statute for administrative supervision would be under AS 14.07.020(1) which deals with general supervision by the Department. Although this statute speaks only to the supervision of public schools, SESA works in public schools and receives State funds for its operation. It would be appropriate then, to draft regulations under this statute, under AS 14.30.180-350, Education for Exceptional Children, and under AS 14.30.630(b)(3).

The Legislature
Randy Welker, Legislative Auditor

-2-

February 2, 1989

Recommendation No. 2

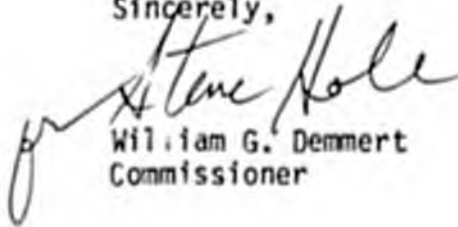
The Department of Education should provide guidelines to the school districts and SESA for the proper reporting of special education students and the transmitting of information between the entities.

To ensure uniform reporting of special education students the Department will request SESA to use the same student reporting system as required of the districts. AS 14.17.160 establishes student counting periods for districts to report student counts to the Department. Using this reporting requirement, both SESA and local school districts will be looking at the same data and this should minimize the errors indicated by your letter.

We will further ask local school district administrators to inform SESA of a change in a student's classification if that student receives assistance from SESA. This will further lessen the disparity in the agency's data.

If you have any questions, please contact my office so that we can get closure on this matter.

Sincerely,



William G. Demmert
Commissioner

HB

198



Alaska State Legislature

Please enter into the record my testimony to the House Health, Education & Social Services
 committee on HCR 18 committee name
 committee on HB, 33, 198, 203, 231, 251, 252 dated 3-31-89
 bill/subject

It amazes me that our legislature can come to us requesting our input on how we would cut necessary services to our people and then turn around and giving one of our biggest industries an unnecessary Tax Credit. What types of services will be cut from the budget when the fishing industry takes advantage of this tax credit? I hope it will only come out of the Fish & Game budgets. It is my feeling that if budget cuts are going to be necessary, H.B. 33 should be scraped. At least until we come on better Times.

See attached sheets.

Signed: Darryl Trigg Darryl Trigg
 Testifier Nome Eskimo Community Nome Eskimo Community
 Representing (Optional) P.O. Box 401, Nome, ALASKA 99762 Box 401, Nome, AK 99762
 Address (907) 443-2246 443-2246
 Phone No.

TESTIMONY RE: HB's 198, 203, 281, 251, 252

In regards to HB 198, I feel it is a good bill, but needs under Section 1 an additional sub paragraph that states: -

"(5) For not having a sufficient number of their students passing a test admitting them to the next higher grade."

Section 2 should read "The amendment to AS 14.20.175 made by sec. 1 of this Act, applies to all Teachers and administrators hired by a school district prior to and after the effective date of this act.

Subparagraph (5) is suggested because we feel that too many of our students are "socially" rather than "academically" promoted into higher grades. The Nome school district has many high school level students who still are only capable of reading at 3-7 grade levels.

The only problem I see with H.B. 203, is that it does not address non-degreed bilingual Teachers. It is my feeling that they are gross unrecognized and often under paid.

HCR 19, is, in my opinion, a work of Art with the exception of the last "be it further resolved." This should be an ongoing action.

H.B. 231 is long over due. It is our feeling that Section 14.03.015, sub paragraph (c) (d) should include in each grade level, "Entrance and Exit" exams that show our students have actually achieved the academic skills necessary to advance to the next grade level.

HB 257

It is the feeling of Nome Eskimo Community that should it become necessary to institute an income tax, that the Longevity Bonus, Property Tax exemptions and the State Dividend check be exempt from taxation. In other words, that income taxes only be levied on earned income and/or wages. We feel that many dollars could be shaved from the budget if the Legislature would study the state hierarchy's and delete all or most of the "pork barrel" positions and administrative costs that were created in times of plenty. Nome Eskimo Community requests that all other sources of revenue and budget cuts be reviewed before an Income Tax is initiated.

We here at Nome Eskimo Community feel the H.B. 257 is supportable and would like to see it if educational programs reduce the

the uneducational "soap" programs.

CORRECTION

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

HCR 19, is, in my opinion, a work of Art with the exception of the last "be it further resolved." This should be an ongoing action.

H.B. 231 is long over due. It is our feeling that Section 14.03.015, subparagraph (3) (4) should include in each grade level, "Entrance and Exit" exams that show our students have actually achieved the academic skills necessary to advance to the next grade level.

HB252

It is the feeling of Nome Eskimo Community that should it become necessary to institute an income tax, that the Longevity Bonus, Property Tax exemptions and the State Dividend check be exempt from taxation. In other words, that income taxes only be levied on earned income and/or wages. We feel that many dollars could be shaved from the budget if the Legislature would study the state hierarchy's and delete all or most of the "pork barrel" positions and administrative costs that were created in times of plenty. Nome Eskimo Community requests that all other sources of revenue and budget cuts be reviewed before an Income Tax is initiated.

We here at Nome Eskimo Community feel that H.B. 251 is supportable and would like to see it + Educational Programs reduce (6

the uneducational "soap" programs.

HB

200

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510 • (907) 586-1083

HOUSE BILL NO. 200

TEACHER TENURE

AASB Position

AASB strongly supports the passage of H.B. 200, relating to the acquisition of tenure rights, effectively changing the length of time for those rights to be granted from two to five years.

Under the current law, which basically grants tenure rights to a teacher after two years of service, school boards are faced with the dilemma of:

1) granting tenure rights to teachers who have questionable potential, but who, because of a short time line have not been adequately evaluated to determine they should not have it, or

2) non-retaining teachers who may, with more extensive evaluation and professional development assistance, become outstanding teachers.

The quality of education our schools offer relies to a great degree on the quality of teachers in our schools. Therefore, it is of critical importance that school boards are not forced into making the important decision of granting tenure based on inadequate evaluation information forced by unrealistic timelines.

Extending the time required to acquire tenure to five years gives school boards reasonable assurance that there has been sufficient on-going evaluation and accompanying professional development, and the teachers acquiring it will enhance the overall quality of education in their school district.



TENURE ON ALL STATES

TEACHER TENURE/CONTINUING CONTRACT LAWS November 1985

State	Law in Existence		State	Law in Existence	
	Yes	No		Yes	No
Alabama	X		Missouri	X (4)	
Alaska	X		Montana	X	
American Samoa		X	Nebraska	X (5)	
Arizona	X		Nevada	X	
Arkansas		X	New Hampshire	X	
California	X		New Jersey	X	
Colorado	X		New Mexico	X	
Connecticut	X		New York	X	
Delaware	X		North Carolina	X	
Florida	X		North Dakota	X (6)	
Georgia	X		Ohio	X	
Hawaii	X		Oklahoma	X	
Idaho	X		Oregon	X	
Illinois	X (1)		Pennsylvania	X	
Indiana	X		Rhode Island	X	
Iowa	X		South Carolina (7)		X
Kansas	X		South Dakota	X	
Kentucky	X		Tennessee	X	
Louisiana	X		Texas	X	
Maine	X (2)		Utah	X	
Maryland	X		Vermont		X
Massachusetts	X		Virginia	X	
Michigan	X		Washington	X	
Minnesota	X (3)		West Virginia	X	
Mississippi		X	Wisconsin	X	
			Wyoming	X	

- (1) Different law for Chicago
- (2) The law is for continuing contract, not tenure
- (3) Different rules for cities in the first-class designation
- (4) Different rules for different size schools
- (5) Different rules for different size schools
- (6) For continuing contract only; no tenure
- (7) No tenure; continuing contract after successful completion of probationary contract

Compiled by: ECS Clearinghouse



AMERICA

**Teacher Tenure Acts
in the
Fifty States**

Survey Conducted by Howard Brown
Colorado Department of Education
July 30, 1986



OVERVIEW OF SURVEY OF TEACHER TENURE ACTS IN THE FIFTY STATES

INTRODUCTORY NOTE.

The Teacher Tenure or Fair Dismissal Act of each state was reviewed in preparation of the attached survey. All states have either teacher tenure acts or laws which provide specific rights to teachers upon termination of employment. The basic purpose of a tenure act is to assure continued employment to teachers who have been employed in a school district for a probationary period of time and have performed satisfactorily. There has arisen a common misunderstanding that once a teacher achieves "tenure", that he/she cannot be fired or terminated from employment, despite unsatisfactory performance. There is no tenure or "due process" act in any state which assures permanent and continuous employment to a teacher who is performing unsatisfactorily. Rather, the tenured or permanent teacher is assured that he/she will receive a written notice, a statement of causes or reasons for termination, and a hearing before a school board or other panel prior to the board's decision to either dismiss the teacher or non-renew employment for the following year. Generally the tenured teacher has the right to appeal the decision of the school board either in court or before a state agency, such as the State Department of Education or the State Tenure Commission.

The rights and procedures guaranteed to teachers upon termination arise from the United States Constitution which requires that persons who are to be deprived of a "property right" must be afforded due process before the deprivation. The courts have decided that the continuous re-employment of a teacher in a school district for a period of time (probation) creates a property right in continued employment in the district. For that reason, a district or school board cannot terminate the employment without providing "due process" to the teacher. Due process requires notice, reasons, and a hearing. "Tenure" can be provided by law through a state statute or earned through a period of continuous employment ("de facto" tenure). Teachers must be afforded due process upon termination. The advantage of a tenure or due process law is that both the teacher and the school board can read and understand the specific procedure to be followed on non-renewal of or dismissal from employment. The survey is presented in a graph form with one graph pertaining to probationary teacher non-renewals and dismissals, and the other graph covering non-renewal and dismissal of tenured teachers. The following discussion will briefly explain the categories presented on the graphs.

GRAPH ON PROBATIONARY TEACHER RIGHTS ON NON-RENEWAL OR DISMISSAL:

A. Probationary Non-Renewal. "Non-renewal" refers to the termination of employment at the close of the school year. The probationary teacher generally receives a notice prior to the close of the preceding year that his or her contract of employment will not be renewed for the following year. The employment does not terminate until the end of the current school year as opposed to a "dismissal" which is termination during the contract year.

1. Written Notice By Deadline. All fifty states require that the probationary teacher receive a notice that the contract of employment will not be renewed for the following year, the notice must be received by a certain deadline which varies from between 60 days to the last day of the school year.

2. Reasons Specified. Twelve state statutes including the Arizona School Employees Act require that the written notice contain the reason for non-renewal. Some statutes state that the non-renewal can be for any reason the board deems sufficient.

3. Reasons Supplied on Request of Teacher. Fifteen state statutes allow the teacher to request a written statement of reasons after he or she has received a notice of intent to non-renew and generally the teacher must request the statement of reasons by certain date.

4. Conference or Hearing Required. Eight state statutes require that the teacher be given a board hearing, or an informal conference with the board, superintendent and teacher present. In Arizona, a probationary teacher does not have a right to a hearing on non-renewal of the employment contract.

5. Conference or Hearing on Request. Twelve states allow the teacher to request either a hearing before the school board or an informal conference between the teacher and superintendent or teacher, superintendent and board after receiving a notice of intent to non-renew the contract. It should be noted regarding both Items #4 and #5 on probationary non-renewals that seven states do not distinguish between probationary and tenured teachers. In all of those states, it is clear that a teacher who has been employed in a school district for a certain number of years must be provided with notice, causes and the right to a hearing prior to the non-renewal of the employment contract. However, in those state statutes in which probationary and tenured teachers are not differentiated, it is not clear that the probationary teacher would be entitled to a board hearing upon the non-renewal of the contract. The reason this is not clear is that courts have determined that only "tenured" teachers have a property right to continued employment and therefore, must be provided with due process before that employment is terminated. It is not clear that probationary teachers have a property right to continued employment. If they do not have that property right, they would not necessarily be required to receive a hearing before the non-renewal of the employment contract. For the purposes of this survey, in those state statutes which do not distinguish between probationary and tenured teachers, Items #4 and #5 on probationary non-renewals were left blank.

6. Probationary Dismissals During the Contract Year. Generally, a teacher although probationary, has a property right to employment for the full contract year. Therefore, the teacher has a right to due process if that year of employment is to be interrupted through a dismissal by the school board. Probationary teachers generally receive the same due process rights upon dismissal that tenured teachers receive upon either dismissal or non-renewal of employment.

1. Hearing Required. Twenty-four states require that a hearing be conducted within a reasonable time after the teacher has received the notice of intent to dismiss. The dismissal is not effective until the hearing has been conducted and the board has subsequently decided to dismiss. Generally, a teacher can be suspended either with or without pay pending the hearing, depending upon the reason for the dismissal.

2. Hearing on Request. The other twenty-six states provide the right to a hearing upon request of the teacher within a certain time period after the notice has been received.

3. Statutory Causes. All states require that there be a cause or reason for dismissal during the contract period. Thirty-eight statutes state the causes for dismissal. The other twelve states do not specify causes but it is clear that there must be a cause or reason for a probationary dismissal. The states which do not specify causes are Arizona, Arkansas, Idaho, Illinois, Iowa, Kansas, Michigan, New Hampshire, New Mexico, Rhode Island, Utah and Washington.

The most frequently listed causes in the state statutes are inadequacy, incompetency, inefficiency, immorality, insubordination, disloyalty, noncompliance with board rules and regulations or state laws, mental/physical disability, neglect of duty, misconduct, felony convictions or convictions of crimes involving moral turpitude. Many states include a "catch all" clause such as "other good and just cause". A few states include less common causes in addition to the more common ones. They are as follows:

- California - alcoholism or drug addiction
- Georgia - encouraging students to violate state laws or board rules
- Florida - drunkenness
- Louisiana - belonging to a group not allowed in state
- Maine - the teacher's services are "unprofitable to the board"
- Mississippi - brutality; intemperance
- North Carolina - alcohol or drug addiction; advocating overthrow of the government; failure to repay money owed to the state
- Missouri - excessive absence
- Nebraska - failure to show professional growth
- Oklahoma - engaging in homosexual activity
- Pennsylvania - cruelty; subversion
- Texas - failure to pay debts

TENURED TEACHER RIGHTS ON NON-RENEWAL OR DISMISSAL.

The word "tenured" refers to a teacher who has been employed in a school district for a certain period of time and is rehired as a result of satisfactory service. Many state statutes do not utilize the word "tenured" but refer to such teachers as permanent teachers or continuing teachers. The terms are interchangeable. As stated above, seven states

do not distinguish between probationary and tenured or continuing teachers. Therefore, those state statutes do not specify a probationary period of time. Generally, the statutes provide due process rights to teachers upon termination, but it is not clear whether a teacher with only one or two years of service in the district would receive all of the rights that a teacher with longer service in the district would receive.

X

1. Required for Tenure. Seventeen states require three years continuous service plus the issuance of a fourth year contract for tenure. Twelve states require three years continuous service. Three states require two continuous years of service plus the issuance of a third year contract. Eight states require two years of continuous employment. Three states require either four years of continuous service plus the issuance of the fifth year contract or five years of continuous service before tenure is achieved. Seven states do not specify a probationary period of time.

2. All states require written notice of the dismissal or non-renewal of a tenured teacher's contract by a certain deadline prior to the close of the school year.

3. Cause Specified. All states require that the board provide the cause or reason for the dismissal or non-renewal.

4. Board Hearing Required. Sixteen states require that the board conduct a hearing before the final decision to dismiss or non-renew the contract.

5. Board Hearing on Request of Teacher. Twenty-one states provide the teacher with the right to a hearing on request before the school board.

6. Hearing Before Other Panel. Thirteen states provide that the hearing shall be conducted before a panel or commission. Generally, the panel is comprised of three members, one selected by the teacher, one selected by the school board and the third selected by the other members of the panel. This is the procedure in Arizona and in California, Kansas, New York and Virginia. In other states, a list of attorneys is compiled by a state agency or official and a list with a certain number of names is sent to the teacher and the school board. The two parties can agree to one name on the list or each can strike names from the list until one remains and that individual serves as the hearing officer and conducts the hearing. This procedure is followed in Colorado, Illinois, Nevada and Oklahoma. Massachusetts allows a hearing before a school committee. Montana allows the County Superintendent of Education to conduct the hearing. In New Jersey, the Commissioner of Education conducts the hearing. In Oregon, a panel is appointed by the Superintendent of Public Instruction to conduct the hearing.

7. Court Appeal. The majority of states allow an appeal of the decision of the school board following the hearing in court either explicitly by containing a provision on court appeal or implicitly because the law generally allows a court appeal to the losing party. Twelve states require the appeal to be taken to another tribunal and those tribunals and states are indicated on the graph.

8. Suspension With Pay Pending Hearing. Fifteen states allow the board at its option to suspend the teacher with pay pending the hearing. Four states allow the board to suspend the teacher without pay pending the hearing but provide that if the teacher is reinstated or the charges are unfounded, the pay withheld will be given to the teacher.

9. Preliminary Notice Requirement. Eleven state statutes contain preliminary notice requirements. Generally, the board or a designated representative must give the preliminary notice to the teacher prior to a final notice of intent to non-renew or dismiss and the failure to provide both notices may result in the reinstatement of the teacher to the teaching position with back pay.

In Arizona, if a teacher is to be dismissed or non-renewed for the reason of inadequacy of classroom performance, the board or an authorized representative must provide a written preliminary notice of classroom inadequacy at least 90 days before the final notice of intent to dismiss or non-renew is forwarded to the teacher.

In California, a 90 day preliminary notice is required if the reason for dismissal or non-renewal is incompetency or unprofessional conduct and the notice must specify the conduct.

In Illinois, if the cause is considered "remediable", a reasonable warning notice must be given to the teacher prior to the final notice, in order that the teacher has an opportunity to correct or remedy the problem.

In Minnesota, the teacher must receive a notice specifying deficiencies which could lead to dismissal or non-renewal within a reasonable time prior to the final notice and the board must vote by April 1st to give the final notice.

In Missouri, if the reason given is incompetency, the teacher must receive a 90 day notice prior to the final notice. If the reason given is inefficiency or insubordination, the teacher must receive a 30 day warning notice in writing and an opportunity to confer and try to resolve the problem with the superintendent of the school district.

In New Jersey, if the reason is inefficiency, the teacher is entitled to written notice 90 days prior to a final notice and an opportunity to improve.

In North Dakota, if the reason is inefficiency, the teacher is entitled to a written notice within a reasonable time prior to the final notice to correct the inefficiency.

In South Dakota, the teacher must receive a notice by the third Monday in March of the possible intent to non-renew the contract. The teacher may then have an informal conference before the school board. Within 14-21 days after the first notice, the board must give final notice of intent to non-renew or the contract remains in effect for the following year.

In Utah, at least two months prior to the final notice, the teacher must receive a warning notice and opportunity to correct deficiencies.

Following receipt of the preliminary notice, the teacher has a right to a conference with the school board.

In Washington, if the teacher receives an unsatisfactory evaluation, the teacher is entitled to a notice of deficiency by February 1st and from February 1st to April 15th to improve.

In Wisconsin, the final notice must be given by March 15th and a preliminary notice of the possibility of non-renewal by March 1st. After the March 1st notice, the teacher has the right to a private conference with the board before receiving a final notice.

10. Alternatives to Termination. Ten states contain statutes which provide the board with some alternative to terminating employment for cause. These include suspension for a definite period of time without pay, placing a tenured teacher on probation for a specified period of time, withholding pay for a definite period of time or a reduction in salary.

In New Hampshire, the superintendent may remove the teacher from the classroom for a definite period of time but compensation continues.

In New York, the board has the options of reduction in pay, fine or suspension in lieu of termination.

In North Carolina, the teacher can be demoted. Generally, a demotion is considered an employment position change which results in a lower salary to the employee and/or less status or responsibility.

PROG. NOV-RETRIALS

PROG. DISMISSALS

	Written Notice by Deadline	Reasons Specified	Reasons Supplied on Request of Teacher	Conference or Hearing Required	Conference or Hearing on Request	Hearing Required	Hearing on Request	Statutory Causes
ARIZONA	X					X		X
ALABAMA	X	X				X		X
ALASKA	X					X		X
ARIZONA	X					X		X
CALIFORNIA	X	X				X		X
COLORADO	X					X		X
CONNECTICUT	X		X		X	X		X
DELAWARE	X					X		X
FLORIDA	X					X		X
GEORGIA	X		X			X		X
HAITI	X					X		X
IDaho	X					X		X
ILLINOIS	X					X		X
INDIANA	X	X				X		X
IOWA	X		X		X	X		X
KANSAS	X		X		X	X		X
KENTUCKY	X		X		X	X		X
LOUISIANA	X					X		X
MAINE	X					X		X
MARILAND	X					X		X
MASSACHUSETTS	X					X		X
MICHIGAN	X					X		X
MINNESOTA	X					X		X
MISSISSIPPI	X		X			X		X
MISSOURI	X		X			X		X
MONTANA	X					X		X
NEBRASKA	X					X		X
NEVADA	X	X				X		X
NEW HAMPSHIRE	X		X			X		X
NEW JERSEY	X					X		X
NEW MEXICO	X					X		X
NEW YORK	X		X			X		X
NORTH CAROLINA	X	X				X		X
NORTH DAKOTA	X	X				X		X
OHIO	X					X		X
OKLAHOMA	X	X				X		X
OREGON	X		X			X		X
PENNSYLVANIA	X	X				X		X
RHODE ISLAND	X					X		X
SOUTH CAROLINA	X					X		X
SOUTH DAKOTA	X					X		X
TENNESSEE	X					X		X
TEXAS	X		X			X		X
UTAH	X	X				X		X
VERMONT	X	X				X		X
VIRGINIA	X		X			X		X
WASHINGTON	X	X				X		X
WEST VIRGINIA	X	X				X		X
WISCONSIN	X					X		X
WYOMING	X					X		X

RETURNED TEACHER RIGHTS ON DISMISSAL AND NON-RENEWAL

State	Required for Tenure - Years	Written Notice By Deadline	Cause Specified	Causes Listed In Statute	Board Hearing Required	Bd. Hearing On Request of T.	Hearing Before Other Panel	Court Appeal	Appeal to Other Tribunal	Suspension With Pay Pending Hearing	Suspension Without Pay Pending Hearing	Preliminary Notice Required	Alternatives to Termination
ARIZONA	3+4K	X	X	X	X			X	STC	X	X	90 day	Prob.
ALABAMA	3+4K	X	X	X	X	X				X		90 day	Prob.
ALASKA	2+3K	X	X	X	X	X				X		90 day	Prob.
ARKANSAS	NS*	X	X	X	X	X	X	X		X		90 day	Prob.
CALIFORNIA	3	X	X	X	X	X	X	X		X		90 day	Prob.
COLORADO	3+4K	X	X	X	X	X	X	X		X		90 day	Prob.
CONNECTICUT	3+4K	X	X	X	X	X	X	X		X		90 day	Prob.
DELAWARE	3	X	X	X	X	X	X	X		X		90 day	Prob.
FLORIDA	3+4K	X	X	X	X	X	X	X	SOE SDC	X		90 day	Prob.
GEORGIA	3+4K	X	X	X	X	X	X	X		X		90 day	Prob.
HAWAII	2+3K	X	X	X	X	X	X	X		X		90 day	Prob.
IDAHO	3+4K	X	X	X	X	X	X	X		X		90 day	Prob.
ILLINOIS	2	X	X	X	X	X	X	X		X		90 day	Prob.
INDIANA	2+3K	X	X	X	X	X	X	X	SBPT	X		90 day	Prob.
IOWA	2	X	X	X	X	X	X	X		X		90 day	Prob.
KANSAS	3	X	X	X	X	X	X	X		X		90 day	Prob.
KENTUCKY	4+5K	X	X	X	X	X	X	X		X		90 day	Prob.
LOUISIANA	3	X	X	X	X	X	X	X		X		90 day	Prob.
MAINE	2	X	X	X	X	X	X	X		X		90 day	Prob.
MARYLAND	2	X	X	X	X	X	X	X		X		90 day	Prob.
MASSACHUSETTS	2	X	X	X	X	X	X	X		X		90 day	Prob.
MICHIGAN	2	X	X	X	X	X	X	X	STC	X		90 day	Prob.
MINNESOTA	3	X	X	X	X	X	X	X		X		90 day	Prob.
MISSISSIPPI	NS*	X	X	X	X	X	X	X		X		90 day	Prob.
MISSOURI	5	X	X	X	X	X	X	X		X		90 day	Prob.
MONTANA	3+4K	X	X	X	X	X	X	X		X		90 day	Prob.
NEBRASKA	3	X	X	X	X	X	X	X		X		90 day	Prob.
NEVADA	3	X	X	X	X	X	X	X		X		90 day	Prob.
NEW HAMPSHIRE	3+4K	X	X	X	X	X	X	X		X		90 day	Prob.
NEW JERSEY	3+4K	X	X	X	X	X	X	X		X		90 day	Prob.
NEW MEXICO	3+4K	X	X	X	X	X	X	X	SOE SBE CE	X		90 day	Prob.
NEW YORK	3	X	X	X	X	X	X	X		X		90 day	Prob.
NORTH CAROL.	3+4K	X	X	X	X	X	X	X		X		90 day	Prob.
NORTH DAKOTA	NS*	X	X	X	X	X	X	X		X		90 day	Prob.
OHIO	5	X	X	X	X	X	X	X		X		90 day	Prob.
OKLAHOMA	3	X	X	X	X	X	X	X		X		90 day	Prob.
OREGON	3	X	X	X	X	X	X	X		X		90 day	Prob.
PENNSYLVANIA	2	X	X	X	X	X	X	X	SPI SDE	X		90 day	Prob.
RHODE ISLAND	3+4K	X	X	X	X	X	X	X		X		90 day	Prob.
SOUTH CAROL.	NS*	X	X	X	X	X	X	X		X		90 day	Prob.
SOUTH DAKOTA	2	X	X	X	X	X	X	X		X		90 day	Prob.
TENNESSEE	3+4K	X	X	X	X	X	X	X		X		90 day	Prob.
TEXAS	3	X	X	X	X	X	X	X		X		90 day	Prob.
UTAH	NS*	X	X	X	X	X	X	X		X		90 day	Prob.
VERMONT	NS*	X	X	X	X	X	X	X		X		90 day	Prob.
VIRGINIA	3	X	X	X	X	X	X	X		X		90 day	Prob.
WASHINGTON	NS*	X	X	X	X	X	X	X		X		90 day	Prob.
WEST VIRGINIA	3	X	X	X	X	X	X	X	SS	X		90 day	Prob.
WISCONSIN	3+4K	X	X	X	X	X	X	X		X		90 day	Prob.
WYOMING	3+4K	X	X	X	X	X	X	X		X		90 day	Prob.

NOTES FROM THE TENURED TEACHER GRAPH

- 1) Some state laws do not have provisions for appeal but court appeal would be permissible for losing party.
- 2) Abbreviations for appeal tribunals other than courts:

STC: State Tenure Commission
SDE: State Department of Education
SBE: State Board of Education
SBPI: State Board of Public Instruction
CE: Commissioner of Education
SPI: Superintendent of Public Instruction
SS: Superintendent of Schools

*: Not specified
**: Reasonable time before final
***: Reprimand, fine or suspension
X: Contract

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PART IV
PERSONNEL

CHAPTER IV

FACULTY APPOINTMENT, REVIEW, PROMOTION, TENURE & SABBATICAL LEAVE

Mission

04.04.01

The basic mission of the University of Alaska is to serve the people of Alaska and the nation through teaching, research and other scholarly and creative activity, and public service. Scholarly and creative activity is directed toward the development of new knowledge, teaching to the transfer of existing knowledge, and public service toward the application of teaching, research, and other scholarly and creative activity to constituencies beyond the university system.

Thus, the successful pursuit of the University of Alaska's mission requires strong, stable and effective institutions staffed with dedicated and competent employees in all areas of endeavor. These "Policies of the Board of Regents" are designed to provide a broad framework for the operation of the university system as it seeks to achieve its mission. As such, these Policies are intended for use in conjunction with the policies and procedures of the individual universities and community colleges of the University of Alaska which have been approved by the Board of Regents.

Construction and Application

04.04.02

1. Construction. These Policies shall constitute rules of the Board of Regents for the governance of the university system and the institutions therein, regulating the matters contained herein as authorized by law. Nothing contained in these Policies shall be construed to restrict the power of the Board of Regents to periodically alter, amend, revise or repeal the provisions hereof in whole or in part from time to time.
2. Application. These Policies shall apply to all universities and community colleges of the University of Alaska System and are designed and intended for use with appropriate policies and procedures developed for each university and community college, which the Board of Regents will also approve. These policies and procedures may differ from each other in their provisions, but no provision of these policies and regulations may supersede the application of the "Policies of the Board of Regents."

Definitions

04.04.03

As used in these Policies, unless otherwise specified, the following terms shall mean:

1. "University system, University of Alaska, University of Alaska system". The public universities and community colleges of the State of Alaska referenced collectively as a system of higher education.

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2. "University". Any one of the three universities within the University of Alaska.
3. "Community College". A program of education, including both academic degree and non-degree programs, established by the University of Alaska in cooperation with qualified school districts or qualified political subdivisions of the state, and sponsored and funded by the school district or political subdivision and the University of Alaska.
4. "Board of Regents". The Board of Regents of the University of Alaska system.
5. "President". The chief executive officer of the University of Alaska system.
6. "Chancellor". The chief executive officer of one of the universities within the University of Alaska system.
7. "Campus President". The chief executive officer of one of the community colleges within the University of Alaska system.
8. "Faculty". Those persons who have accepted and hold appointment to academic rank or special academic rank.
9. "Academic ranks". Ranks held by persons having the title of professor, associate professor, and assistant professor. These titles denote academic rank exclusively. The title of instructor may also be a title of academic rank at the discretion of the policies and procedures approved for each university; see "Note" for section 10 below.
10. "Special academic ranks". Ranks held by persons having the following title and the qualification specified:

Lecturer: employed to teach full- or part-time;

or titles of academic rank preceded by:

- Adjunct: employed to teach part-time;
- Affiliate: voluntary faculty service, not employed by the university;
- Visiting: employed to perform the faculty functions expected of academic rank for a specific period;
- Research: supported primarily by grant funding;
- Clinical: special category reserved for practitioners in the health care delivery professions.

These titles denote special academic rank exclusively. The title of instructor may also be a title of special academic rank at the discretion of the policies and procedures approved for each university; see "Note" below.

Note: The term "instructor" is to be used for those faculty employed to teach and perform other faculty functions as assigned. A university may use the title of instructor as a title of academic rank or special academic rank, but not both.

11. "Policies and procedures approved for each university". Policies and procedures designed by each university for its own use and approved by the Board of Regents.
12. "Tenure". The status of holding a faculty appointment on a continuing basis following evaluation and award according to the terms of Policy 04.04.04(B).
13. "Tenure track position". A tenure track position is one which may lead to consideration for appointment to tenure as described in the policies and procedures approved for each university. A tenure track position will require the performance of faculty function at least 50% of full-time. For exceptional cases, and when in the judgment of the Chancellor the best interests of the university will be served, a faculty member may be appointed to a tenure track position at less than 100% but more than 50% of a full-time appointment.
14. "Non-tenure track position". A non-tenure track position is one which does not provide a faculty member any rights to consideration for appointment to tenure.

Appointment of Faculty

04.04.04

A. Categories of, Obligations of and Method of Appointment

1. Appointment Categories. The following categories of appointment shall be used to fully specify the type of appointment and associated rights:
 - a. Type of position
 - (1) Tenure track position. Faculty appointed to tenure track positions either hold tenure or may become eligible for consideration for appointment to tenure under the conditions stated in Policy 04.04.04(B). Time spent in these positions shall be counted towards the maximum time by which a tenure track appointee must be considered for tenure for continuation of employment. Faculty appointed to tenure track positions shall have titles of academic rank. (See also Policy 04.04.03-13).
 - (2) Non-tenure track position. Faculty appointed to non-tenure track positions have no rights to consideration for appointment to tenure, nor does time spent in these positions count towards tenure. Faculty appointed to these positions shall have titles of special academic rank.
 - b. Tenure status. A faculty member appointed to a tenure track position may receive tenure only under the conditions of Policies 04.04.04(B) and 04.04.05(B).
 - c. Faculty rank and title.
 - (1) Academic rank. Titles of academic rank shall be the same throughout the university system with the exception of the use of the title

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"instructor" (see subsection (3) below). Titles designating academic rank exclusively are: assistant professor, associate professor, and professor.

- (2) Special academic rank. Titles of special academic rank shall be the same throughout the university system with the exception of the use of the title "instructor" (see subsection (3) below). Titles designating special academic rank exclusively are: lecturer and titles of academic rank preceded by the terms adjunct, affiliate, visiting, research, or clinical. (See also Policy 04.04.03-10)
- (3) Instructor. The title "instructor" is to be used for those faculty employed to teach and perform other faculty functions as assigned. A university may, in accordance with the policies and procedures approved for that university, use the title of instructor as a title of academic rank or special academic rank, but not both.

d. Continuing and fixed term appointments

- (1) Continuing appointment. A continuing appointment is one which is expected to continue unless a faculty member is terminated in accordance with Policy 04.04.04(C). Continuing appointments shall be given with appointment to academic rank and tenure track positions, with or without tenure. A continuing appointment may be appropriate for an appointment to special academic rank. Continuing appointments may be made for up to three years in duration. Appointment may be renewed subject to limitations imposed by Policy 04.04.04(B)-b.(1-4).
- (2) Fixed term appointment. A fixed term appointment is one which is expected to expire at the end of a specified period of up to three years unless renewed or terminated early in accordance with Policy 04.04.04(C). Such appointments may not be made for periods longer than three years, but may be renewed. Fixed term appointments may be given to a faculty member appointed to special academic rank.
- (3) Terminal appointment. A terminal appointment is a non-tenure track fixed term appointment used when a decision has been made to terminate a faculty member at the end of the next appointment.

c. Appointments of distinction for faculty.

- (1) Distinguished and University Professors. Tenured appointment as Distinguished Teaching Professor, Distinguished Research Professor, Distinguished Service Professor or University Professor may be given by action of the Board of Regents on recommendation of the faculty and concurrence of the Chancellor and the President.
- (2) Distinguished Visiting Professors. Appointment as Distinguished Visiting Professor shall be made by the Chancellor, following

consideration of recommendations of the faculty. Such appointment shall be reported to the President and shall be a non-tenure track appointment for a period of time not to exceed three years. These appointments are renewable indefinitely.

(3) Professor Emeritus or Emerita. Appointment as Professor Emeritus or Emerita is an honor conferred by the Chancellor, following consideration of recommendations by the faculty, upon an outstanding retiree of the university as described in Regents' Policy 04.09.03 and related University Regulation pertaining to retirement.

2. Appointment year and appointment obligation. Unless the terms of appointment otherwise provide, the normal appointment year shall be from July 1 to June 30 or a portion thereof, regardless of payroll mode. The duration of appointment obligation may be for a full year or less as follows:

- a. Fiscal year obligation. An obligation of service for the full fiscal year, i.e., twelve months;
- b. Academic year obligation. An obligation of service for the academic year as set by each university or community college;
- c. Institutional year obligation. An obligation of service for any period less than a full year, other than the academic year.

Academic year and institutional year faculty may be required to serve at dates necessitated by a unit's operating requirements.

3. Faculty obligation.

- a. Duties. Faculty obligation may include teaching, research or other scholarly and creative activity, public service, university service and other duties and responsibilities required of a faculty member during the appointment year, and shall be consistent with academic rank and professional or disciplinary field.
- b. Non-university activities. A faculty member shall not engage in outside activities which interfere with or are inconsistent with the performance of faculty obligation or are determined to run counter to the provisions of the Alaska Executive Branch Ethics Act or Board of Regents Policy 04.10.07 or University Regulation 04.10.07 governing conflict of interest.

4. Method of appointment. All appointments shall be made by the Chancellor or the Chancellor's designee in accordance with Regents' Policy and policy and procedures approved for each university.

B. Tenure

1. Purpose. Tenure assures the academic community an environment that will nurture academic freedom by providing employment security.

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2. Responsibilities, rights and privileges of tenure.
 - a. Performance. A tenured faculty member has a responsibility to maintain high standards of professional performance and conduct.
 - b. Appointment. An appointment with tenure shall be an appointment to academic rank which shall not be affected by changes in such rank and shall be continued until resignation, retirement, or termination. The award of tenure guarantees continuing appointment for at least nine months per year. Any change in fraction of full-time appointment as a tenured faculty member must be by mutual consent of the university and the faculty member. The award of tenure does not exempt a faculty member from changes in policies and procedures approved for each university.
 - c. Locus of tenure. Faculty are tenured within an academic unit or units of a university of the University of Alaska system.
3. Method of appointment to tenure. Tenure is not received automatically. It is awarded only following careful consideration of an applicant faculty member in accordance with the methods described in this title, Policy 04.04.05(B) and the policies and procedures approved for each university. Following consideration of the recommendations of the faculty the Chancellor may grant tenure to faculty who are qualified.
4. Eligibility for consideration for award of tenure.
 - a. Criteria. Tenure may be awarded to faculty appointed to a tenure track position and any academic rank. Tenure is not awarded to faculty members holding special academic rank.
 - b. Conditions. A faculty member may request an evaluation for award of tenure during any year of service. However, a faculty member must be reviewed for tenure in accordance with the following:
 - (1) Initial appointment to full or associate professor. An initial appointment to the rank of professor may be made with or without tenure. However, faculty receiving such appointments without tenure must be reviewed for tenure no later than the second consecutive year of service. Appointments to full professor may continue beyond the third year only with tenure. Initial appointment to the rank of associate professor also may be made with or without tenure. Likewise, faculty receiving such appointments without tenure must be reviewed for tenure no later than the fourth consecutive year of service. Appointments to associate professor may continue beyond the fifth year only with tenure.
 - (2) Promotion to associate professor. Non-tenured faculty undergoing review for promotion to associate professor must also be reviewed for tenure. Promotion to associate professor cannot be made without prior or simultaneous award of tenure.

- (3) Review of assistant professor. All non-tenured faculty appointed at the rank of assistant professor must be reviewed for tenure no later than the seventh consecutive year of service in this rank. Service in this rank or in a combination of this rank and a tenure track appointment as instructor may continue beyond the eighth year only with tenure.
- (4) Review of instructor. Faculty with the title of instructor may be reviewed for tenure only if the title is one of academic rank according to policies and procedures of an individual university. In this case faculty must be reviewed for tenure no later than the seventh consecutive year of service in this rank. Service in this rank may continue beyond the eighth year only with tenure if the title is one of academic rank.

c. Years of service.

- (1) Towards mandatory review. In computing total consecutive years of service for determining the time of mandatory tenure review, periods of leave at full salary and sabbatical leave will be included. Periods of leave of absence at partial or no salary shall not be included unless requested by the faculty member and approved at the time the leave is granted. However, regardless of inclusion in the computation of total years, leave of absence shall not be deemed an interruption of otherwise consecutive service. Years of service preceding a break in consecutive years of university employment may be counted only upon agreement between the faculty member and the university at the time of re-employment.
 - (2) Partial year of service. A partial year of service which includes at least one semester of full-time faculty service (e.g., as in a mid-year appointment) will be included as a full year of service in computing the time of mandatory tenure review only if this year has been included in determining eligibility for any sabbatical leave.
5. Failure to receive tenure. A faculty member must stand for tenure in the mandatory review year as defined in section 4.b.(1-4) above. If tenure is not awarded, the faculty member shall be offered a terminal appointment for one additional year of service. A faculty member may stand for tenure prior to the mandatory year of review. In so doing, the candidate may withdraw at any step in the process prior to review by the Chancellor. If the decision of the Chancellor is to deny tenure, the faculty member shall be offered a terminal appointment.
 6. Rejection of tenure. A faculty member who is offered tenure by a university pursuant to this policy but who declines to accept it may continue to be employed in a manner to be determined by the Chancellor of each university.

C. Termination of Faculty Appointment

Termination is the severance of the employment relationship of a faculty member which is based on a decision to discontinue an existing employment relationship. Faculty may be terminated under any of the following conditions:

1. Non-retention. Non-retention follows a decision not to continue the employment of a non-tenured faculty member in a tenure track position or of a faculty member holding special academic rank and a continuing appointment. The Chancellor or the Chancellor's designee will notify the faculty member of this decision in writing not less than:
 - a. Three months prior to the end of an appointment expiring at the end of a faculty member's first year of uninterrupted service within the university system, but not later than March 1 for appointments ending in May, June, July or August;
 - b. Six months prior to the end of an appointment expiring after the completion of one, but not more than two, years of service within the university system, but not later than December 15 for appointments ending in May, June, July or August;
 - c. Twelve months prior to the expiration of an appointment after two or more years of uninterrupted service within the university system.
2. Failure to receive tenure. Following a decision not to award tenure in the mandatory year for tenure review, the faculty member will receive notice at least twelve months prior to the end of the academic or fiscal year of final service.
3. Retirement. Retirement eligibility is determined by the Teachers Retirement System or the Public Employees Retirement System of the State of Alaska. Faculty planning to retire shall notify their supervisor as soon as possible prior to the anticipated retirement date.
4. Resignation. A faculty member intending to resign from employment with the university system shall file with the appointing authority a written resignation stating the effective date. Faculty are expected to provide notice adequate to allow for their orderly replacement.
5. Discontinuance of program. When a decision is made to discontinue a program (following program review as specified in Regulation 10.02.07), a good faith effort must be made to place tenured faculty in another program where appropriate. The Chancellor or the Chancellor's designee will notify faculty members of the decision to terminate employment in writing not less than:
 - a. Three months prior to the end of the academic or fiscal year of a faculty member's first year of uninterrupted service within the university system, but not later than March 1 for appointments ending in May, June, July or August.

REGENTS' POLICY

04.04.04

- b. Six months prior to the end of the academic or fiscal year after the completion by a faculty member of one, but not more than two, years of service within the university system, but not later than December 15 for appointments ending in May, June, July or August.
 - c. Twelve months prior to the end of the academic or fiscal year after two or more years of uninterrupted service within the university system.
 - d. Should the program be reactivated within two years, tenured faculty members shall be invited to return to the program faculty. The faculty member must notify the university of the decision to decline or accept within thirty days of receipt of this invitation.
- 6. Reduction in program. When a decision is made to reduce a program (following program review as specified in Regulation 10.02.07), a good faith effort must be made to retain tenured faculty in preference to non-tenured faculty, or to place tenured faculty in another program where appropriate. The Chancellor or the Chancellor's designee will notify faculty members of the decision to terminate employment in writing not less than:
 - a. Three months prior to the end of the academic or fiscal year of a faculty member's first year of uninterrupted service within the university system, but not later than March 1 for appointments ending in May, June, July or August.
 - b. Six months prior to the end of the academic or fiscal year after the completion by a faculty member of one, but not more than two, years of service within the university system, but not later than December 15 for appointments ending in May, June, July or August.
 - c. Twelve months prior to the end of the academic or fiscal year after two or more years of uninterrupted service within the university system.
 - d. Should the program be expanded within two years, tenured faculty members shall be invited to return to the program faculty. The faculty member must notify the university of the decision to decline or accept within thirty days of receipt of this invitation.
- 7. Financial exigency. Following a declaration of financial exigency (as described in Regents' Policy 04.09.06 and related University regulations), faculty members are entitled to a minimum of sixty calendar days notice in advance of the cessation of their employment.
- 8. Cause. Cause shall mean some substantial shortcoming which renders continuance in employment detrimental to appropriate discipline and efficiency of service. Cause shall include, but not be limited to: incompetency, neglect of duty, unprofessional conduct or other conduct which interferes substantially with the continued performance of duties. Cause may also include physical or mental incapacity. Faculty may be dismissed immediately for cause.

COURT CASE: State of Alaska vs. Colleen Redman

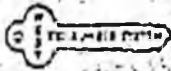
STATE v. REDMAN

Alaska 157

Alaska Stat. 43.10.010

proper statements made by the bailiff to the jury during the course of their deliberations. We find that the record furnished us does not permit intelligent review of this question. As far as we can discern, Howard's counsel never explicitly moved for an evidentiary hearing or bottomed his motion for new trial on the grounds of misconduct on the bailiff's part. Thus we find that the issue is not properly before this court and therefore decline to pass on the question.⁴

The judgment and commitment entered below is affirmed.



STATE of Alaska, Appellant,

v.

Colleen REDMAN, Appellee.

No. 1451.

Supreme Court of Alaska.

Nov. 30, 1971.

Declaratory judgment action by teacher in which she also sought compensatory damages from State. The Superior Court, Fourth Judicial District, Fairbanks, Warren Wm. Taylor, J., entered partial summary judgment that teacher was a tenured teacher who had been improperly dismissed, and State appealed. The Supreme Court, Rabinowitz, J., held that fact that teacher, who was home-school coordinator and who worked continuously throughout particular school year, was employed half-time basis during such year did not make year's employment incompetent for purpose of acquisition of tenure rights, and that such teacher, who worked as home-school coordinator on half-time basis for

full 1967-68 school year and on full-time basis during 1968-69 school year, attained tenure rights, and thus attempt by Department of Education to dismiss her in June of 1970 was ineffectual.

Declaratory judgment affirmed, and case remanded for determination of damage issues.

Diamond, J., did not participate.

1. Schools and School Districts 193.11

Fact that teacher, who was home-school coordinator and who worked continuously throughout particular school year, was employed on half-time basis during such year did not make year's employment incompetent for purpose of acquisition of tenure rights. AS 14.20.150.

2. Schools and School Districts 193.8

Tenure laws are intended to give job security to experienced teachers and to insure that they will not be discharged for inadequate reasons; a system of tenure has as its objective the retention of able personnel after they have undergone an adequate period of probation with concomitant result that more talented personnel will be attracted to enter the teaching profession.

2. Schools and School Districts 193.11

Teacher, who worked as home-school coordinator on half-time basis for full 1967-68 school year and on full-time basis during 1968-69 school year, attained tenure rights, and thus attempt by Department of Education to dismiss her in June of 1970 was ineffectual. AS 14.20.140(a), 14.20.145, 14.20.150.

John E. Havelock, Atty. Gen., Juneau, Stephen Cooper, Dist. Atty., Lyle R. Carlson and William Christian, Asst. Dist. Attys., Fairbanks, for appellant.

Howard is not precluded from raising this issue in future proceedings. Under Crim.R. 33 and 53, it is possible that Howard's objections of the bailiff's misconduct

could provide the basis for a motion for new trial. Additionally, Howard can advance this ground as a basis for post-conviction relief under Crim.R. 35(b).

Joseph W. Sheehan, Rice, Hopper, Blair & Associates, Fairbanks, for appellee.

Before BONEY, C. J., and RABINOWITZ, WITZ, CONNOR and ERWIN, JJ.

OPINION

RABINOWITZ, Justice.

Colleen Redman brought a declaratory judgment action in which she also sought compensatory damages from the State of Alaska. Redman prevailed below where a partial summary judgment was entered in which the trial court held that Redman was a tenured teacher who had been improperly dismissed. We affirm.

Alaska's Education Code provides that a teacher acquires tenure rights when he:

(a) (1) possesses a standard teaching certificate;

(2) has been employed as a teacher in the same district continuously for two full school years and is re-employed for the school year immediately following the two full school years.

(b) The tenure rights acquired under (a) of this section become effective on the first day the teacher performs teaching services in the district during the school year immediately following the two full school years.¹

In July of 1967 Colleen Redman was hired by Alaska's Department of Education as a Home-School Coordinator under the Boarding Home Program in Fairbanks. Memoranda of Agreements were initially used to hire Redman for the period covering August 1, 1967, to October 31, 1967, on a half-time basis. Then on November 1, 1967, the Department of Education and Redman entered into a contract in which it was agreed that she would work the

remainder of the school year on a half-time basis. Pursuant to this latter contract, Redman was considered a teacher and was given a provisional teaching certificate retroactively dated to September 1, 1967.² Subsequently Redman was hired on a full-time basis as a Home-School Coordinator for the 1968-69 and 1969-70 school years. During this period Redman obtained a standard teaching certificate. The state concedes that Redman's employment during the 1968-69 and 1969-70 school years qualifies towards attainment of tenure rights, but disputes Redman's contention that her employment for the 1967-68 school year can be counted towards fulfillment of the two full school years prerequisite established by AS 14.20.150(a) (2). The crux of the position of the state Board of Education is that Colleen Redman was not continuously employed for two full years as required by subsection 2 of AS 14.20.150(a) because she only worked half days during the school year 1967-68.³ We fail to find any provision of our statutes concerning education which requires, or to perceive of any persuasive policy reasons why, a teacher must work full days throughout the school year in order to attain tenure rights. No legislative intent to exclude a teacher who works less than full days is manifest from our study of the applicable statutes.

We think the reasoning of the court in *Sherrill v. Lawrenceburg School City*, 213 Ind. 392, 12 N.E.2d 944 (1935), is persuasive and dispositive of the state's argument that a teacher must be a full-time teacher in order to attain tenure under AS 14.20.150(a) (2). In that case it was contended that tenure was not achieved because the teacher was a part-time teacher who did not teach classes every day, but only taught

1. AS 14.20.150.

2. The Department of Education required that anyone holding the position of Home-

3. AS 14.20.207 broadly defines the term "teacher" as

a person acting in a teaching, instructing, or administrative capacity and who is to be certified in order to hold

STATIST REDMAN

Alaska 139

State Alaska 12115

twelve school days each month. In rejecting this position, the court in *Sherrod* said:

There can be no merit in this contention. She was not an occasional teacher, who taught intermittently as a substitute or otherwise. She was a regular teacher. The law does not require that teachers shall teach every day, or every hour of every day. Such subjects as art or music may require fewer hours of teaching. This is in the discretion of the school authorities. Our appellee was undoubtedly regularly employed, teaching the same subject a given number of days per month, over a period of years, and must be considered a regular teacher.⁴

[1,2] Since Colleen Redman worked continuously throughout the full 1967-68 school year, we hold that the fact that she was employed half time did not make that year's employment incompetent for purposes of acquisition of tenure rights. Tenure laws are intended to give job security to experienced teachers and to ensure that they will not be discharged for inadequate reasons. A system of tenure has as its objective the retention of able personnel after they have undergone an adequate period of probation with the concomitant result

that more talented personnel will be attracted to enter the teaching profession. *McSherry v. City of St. Paul*, 292 Minn. 102, 277 N.W. 541 (1954). In the case at bar Redman fulfilled her duties during the 1967-68 school year on a regular basis. Her employment during this first school year and her full-time employment during the ensuing full 1968-69 school year afforded the Board of Education an adequate opportunity to observe the quality of her performance. Redman's situation is analogous to that of a music or art teacher who, because of the specialized nature of his skills, may teach less than a full school day. When such a teacher's duties are regular and substantial enough to afford intelligent evaluation, we perceive little in the way of persuasive policy considerations for excluding such service from the ambit of our tenure laws.

[3] We therefore hold that by virtue of her employment during the full school years 1967-68, 1968-69, Colleen Redman attained tenure rights, and that the Department of Education's attempt to dismiss her in June of 1970 was ineffectual under our statutes.⁵

The declaratory judgment of the superior court is affirmed and the case remanded for determination of the damages issue.⁶

4. 12 N.S.2d 12 641-645. See also State ex rel. Shastrom v. District Court, Fairbanks County, 129 Mont. 333, 275 P.2d 248, 315-320 (1954).

5. AS 24.20.340(a) provides: "If a teacher who has acquired tenure rights is not to be retained for the following school year, the employer shall notify the teacher of the nonretention by writing, delivered before March 30, or by registered mail postmarked before March 30.

Regarding the failure to give notice in accord with the foregoing, AS 24.20.347 provides:

If notification of nonretention is not given according to § 24.20 of this chapter a teacher is entitled to be reemployed

in the same district for the following school year on the contract terms the teacher and the employer may agree upon, or if no terms are agreed upon, the provisions of the previous contract are continued for the following school year, subject to § 24 of this chapter. The right to be reemployed according to this section expires if the teacher has not sought reemployment within 30 days after the date on which the teacher receives the contract of nonemployment.

6. The appeal is not final until an order of judgment. We have decided to resolve the matter under the authority of *Shannon, Inc. v. Wilts*, 190 P.2d 23, 25 (Alaska 1948).

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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 3-27-70

H. HESS 3-27-80

HB

203

Committee file

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 6, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 4/27/89

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HB 203

HOUSE BILL NO. 203 [TEACHER CERTIFICATION]
"An Act relating to requirements for teacher certificates and accounting for teacher certificate fees; and defining teacher."

RECOMMENDATIONS:

replaced with CS HB 203 (HESS) [] the same title
[X] 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):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note Education
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

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SIGNING:
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§ 14.18.110

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Chapter 20. Teachers and School Officials.

Article

1. Teacher Certification (§§ 14.20.010 — 14.20.040)
2. Employment and Tenure (§§ 14.20.095 — 14.20.215)
3. Salary Scales (§ 14.20.220)
4. Sabbatical Leave (§§ 14.20.280 — 14.20.350)
5. Professional Teaching Practices Act (§§ 14.20.370 — 14.20.510)
6. Negotiation and Mediation (§§ 14.20.550 — 14.20.610)
7. Interstate Agreement on Qualification of Educational Personnel (§§ 14.20.620 — 14.20.650)

Article 1. Teacher Certification.

Section

10. Teacher certificate required
20. Requirements for issuance of certificate

Section

30. Causes for revocation and suspension
40. Applicability of the Administrative Procedure Act

Collateral references. — 68 Am. Jur. 2d Schools, §§ 128-143.

78 C.J.S. Schools and School Districts, §§ 154-182.

Matters proper for consideration in appointment of teachers. 94 ALR 1484.

Tests of moral character of fitness as requisite to issuance of teacher's license or certificate. 96 ALR2d 536.

Bias of members of license revocation board. 97 ALR2d 1210.

Actionability of statements imputing inefficiency or lack of qualification to public school teacher. 40 ALR3d 490.

Self-defense or defense of another as justification, in dismissal proceedings, for use or threat of use of force against student. 37 ALR4th 842.

Sec. 14.20.010. Teacher certificate required. A person may not be employed as a teacher in the public schools of the state unless that person possesses a valid teacher certificate except that a person who has made application to the department for a teacher certificate or renewal of a teacher certificate which has not been acted upon by the department may be employed as a teacher in the public schools of the state until the department has taken action on the application, but in no case may employment without a certificate last longer than three months. (§ 37-5-3 ACLA 1949; am § 9 ch 98 SLA 1966; am § 1 ch 165 SLA 1976)

Sec. 14.20.020. Requirements for issuance of certificate.
(a) The department shall issue a teacher certificate to every person who meets the requirements in (b) and (c) of this section.

(b) A person is not eligible for a teacher certificate unless that person has received at least a baccalaureate degree from an institution of higher education accredited by a recognized regional accrediting association or approved by the commissioner. However, this subsection is not applicable to

(1) persons employed in the state public school system on September 1, 1962;

(2) persons issued an emergency certificate during a situation which, in the judgment of the commissioner, requires the temporary issuance of a certificate to a person not otherwise qualified.

(c) The board may establish by regulation additional requirements for the issuance of certificates, including the fees to be charged for each certificate.

(d) The board may by regulation establish various classes of certificates.

(e) The commissioner of administration shall separately account for teacher certification fees that the department deposits in the general fund. The annual estimated balance in the account may be used by the legislature to make appropriations to the department to carry out the purposes of this section and to support the activities of the Professional Teaching Practices Commission under AS 14.20.460, 14.20.470, and 14.20.500. (§ 37-5-4 ACLA 1949; am § 1 ch 76 SLA 1962; am § 10 ch 98 SLA 1966; am §§ 13, 14 ch 32 SLA 1971; am §§ 19, 20 ch 138 SLA 1986)

Effect of amendments. — The 1986 amendment added "including the fees to be charged for each certificate" at the end of subsection (c) and added subsection (e).

Sec. 14.20.030. Causes for revocation and suspension. The commissioner or the Professional Teaching Practices Commission may revoke or suspend a certificate only for the following reasons:

(1) incompetency, which is defined as the inability or the unintentional or intentional failure to perform the teacher's customary teaching duties in a satisfactory manner;

(2) immorality, which is defined as the commission of an act which, under the laws of the state, constitutes a crime involving moral turpitude;

(3) substantial noncompliance with the school laws of the state or the regulations of the department; or

(4) upon a determination by the Professional Teaching Practices Commission that there has been a violation of ethical or professional standards or contractual obligations. (§ 11 ch 98 SLA 1966; am § 1 ch 9 SLA 1975; am § 1 ch 103 SLA 1976)

NOTES TO DECISIONS

Quoted in *Watts v. Seward School Bd.*, Sup. Ct. Op. No. 380 (File No. 427), 421 P.2d 586 (1966).

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A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 703 (HESS)

Page 7, after line 27:

Insert new bill sections to read:

"* Sec. 3. AS 14.20.020(a) is amended to read:

(a) The board shall, by regulation, provide for the issuance of various types of teacher certificates, and establish the requirements and application process for issuance of each type, including the fees to be charged. The [EXCEPT AS PROVIDED IN (b) OF THIS SECTION, THE] board must require for each type that the applicant have received at least a baccalaureate degree from an institution of higher education accredited by a recognized regional accrediting association or approved by the commissioner.

* Sec. 4. AS 14.20.020(c) is amended to read:

(c) If, despite diligent efforts, an employer has been unable to fill a position that requires certification with an individual holding a certificate issued under (a) [OR (b)] of this section, the employer may request the commissioner to issue an emergency teacher certificate to an individual to enable the employer to fill the position. The board may adopt additional regulations concerning issuance of emergency certificates. The commissioner may issue the emergency certificate, for a period not to exceed the school year in which it is issued, if satisfied that the requirements of this subsection and the appropriate regulations are met."

Renumber following bill sections accordingly.

Page 3, line 11:

Delete all material.

Insert new bill sections to read:

"* Sec. 6. AS 14.20.020(b) is repealed.

* Sec. 7. Notwithstanding sec. 6 of this Act, a certificate issued under AS 14.20.020(b) is valid until it expires.

* Sec. 8. Sections 3, 4, 6, and 7 of this Act take effect July 1, 1994.

* Sec. 9. Sections 1, 2, and 5 of this Act take effect July 1, 1989."

A M E N D M E N T 11 3

OFFERED IN THE HOUSE

TO: CSHB 203 (HESS)

Page 2, lines 6 - 7:

Delete "competency and academic training as may be necessary"

Insert "instructional skills and subject matter expertise sufficient"

A M E N D M E N T 113

OFFERED IN THE HOUSE

TO: CSHB 203 (HESS)

Page 2, line 10 after ".":

Insert "A certificate issued under this section is valid only for the area of expertise for which it was issued."

ALASKA STATE LEGISLATURE

Representative Eileen Panigoo MacLean
P.O. Box 290
Barrow, Alaska 99723



Chairman
Community & Regional Affairs
Committee

Vice-Chairman
State Affairs Committee
Bush Caucus

Member Finance Subcommittee
Community & Regional Affairs
Education
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MEMORANDUM

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TO: All Interested Parties

FR: Representative Eileen P. MacLean

DATE: March 16, 1989

Eileen P. MacLean

SUBJ: HB 203 Relating to requirements for
teacher certificates and accounting for
teacher certificate fees; and defining
teacher.

Enclosed please find a copy of HB 203 which would revise AS 14.20.020 on the issuance of teacher certificates. The bill will clearly define who is a "teacher" required to have a teacher certificate, and the process of issuing teacher certificates. It will authorize the Department of Education to issue the certificates based on regulations established by the State Board of Education.

The definition of "teacher" would include instructors of language and culture, vocational education, and ROTC. These instructors teach specific courses on subjects based on experience, skills, and expertise that is not necessarily obtained in a university setting.

The State Board of Education would implement regulations for issuance of separate teacher certificates to fit special categories such as ROTC, Voc Ed, or a baccalaureate degree program. For example, to accommodate the baccalaureate degree programs, the State Board of Education would establish regulations to specifically target those types of teacher certificates requiring baccalaureate degree program.

This provision would allow alternative methods of quality control over teachers to be developed by the State Board of Education, Department of Education, in addition to the traditional baccalaureate degree program.

Presently, statutes do not address the competency base requirements for the universities to follow when they are in the process of issuing baccalaureate degrees in education. As it now stands, a student can fulfill college requirements in theory with only limited actual classroom experience. As we are all aware, the quality of education is an important aspect which is dependent on the school environment, including that of the community and the culture.

Another category of instructors who would be covered by the definition of "teacher" under this bill are school counselors, nurses or psychologists who teach short continuous courses in the schools relating to health, suicide intervention/prevention, substance abuse, and teenage pregnancy. A separate category of certificates would also be issued to this group of special service providers, based on regulations developed by the State Board of Education.

It is important to understand that this bill would not take away local control from school districts. Salaries would continue to be determined by the school district and even deciding whether to have these kinds of teachers would be the option of the school district.

This is not a tenure bill. HB 203 will only address retirement benefits and does not include special certificates in the teacher tenure system.

Also, the traditional baccalaureate degree process would not be changed. Requirements for four year degree would remain the same for Class A teaching certificate.

Last year, a similar bill was introduced by Senator Willie Hensley.

For the last few years, the issuance of teacher certificates has been a continuous topic. The problem I see is that the definition of teacher has not been definitive. It will continue to exist if we do not define what "teacher" means.

by Rep. Macdon

HB 203 Relating to Teacher Certificates and the definition of Teachers.

I am very excited about this bill and I know many of you share my sentiments exactly!

There is definitely a need for providing certificates for certain groups of individuals who teach in the Public School system within Alaska; such as, instructors of ROTC, Voc Ed or Native Language and Culture teachers.

For example, Native language teachers are currently classified as "recognized experts" by the state, not "certified teachers". This has created an inequity in the system where two teachers may teach side by side and perform essentially the same quality of work but are treated differently.

HB 203 would help to resolve some of the problems by clearly defining "teacher" and the process for issuing teacher certificates. It would authorize the Dept. of Ed. to issue teacher certificates for specialized instructors based on regulations established by the State Brd of Ed.

The maintenance and preservation of the integrity for the four year degree program, the State Brd of Ed. would continue to use a separate and distinct classification for the baccalaureate degree programs. However, the definition of "teacher" would be expanded to include new categories of instructors for language and culture, Voc Ed, and ROTC. These instructors would teach specific courses based on experiential skills. The regulations would be as guidelines for school districts if they so chose to certify these instructors within the specialized fields.

It is important to understand that this bill wouldn't take away local control from school districts. As usual, salaries would be decided by the school districts. They would even have the option if they wanted to, to have certificated teachers or not.

THIS IS NOT A TENURE BILL. HB 203 only addresses retirement benefits.

For the last few years, the inequity of the teacher certification process has been a recurring concern. It is an issue that will not be resolved until a definitive and standardized process for certification of teachers is developed.

If you have any questions on HB 203, I'd be happy to answer them.

We have 3 departmental officials from DOE who can answer technical questions you may have.

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

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Territorial Retirement System
Retirees' Voluntary Dental Vision Audio Plan
Supplemental Benefits System
Group Term Life Insurance Benefits
Deferred Compensation Plan
Public Employers Social Security Contributions

STEVE COWPER, GOVERNOR

March 20, 1989

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

Dear Representative MacLean:

Your legislative assistant has requested a letter explaining the requirements of membership in the TRS as they relate to certification and HB 203. The following statutory references provide the requirements of participation.

AS 14.25.220(40) "teacher" or "member" means a person eligible to participate in the system and who is covered by the system, limited to

(A) a certificated full-time or part-time elementary or secondary teacher, a certificated school nurse, or a certificated person in a position requiring a teaching certificate as a condition of employment in a public school of the state;

(B) the commissioner of education and all supervisory positions in the Department of Education;

(C) a full-time or part-time teacher of the University of Alaska or a person occupying a full-time administrative position at the University of Alaska which requires academic standing; the approval of the administrator must be obtained before an administrative position qualifies for membership in the system;

(D) a state legislator who elects membership under AS 14.25.040(b);

Membership service is also defined under AS 14.25.220(21) and includes "full-time or part-time service as an Alaska Native language or culture expert, subject to the requirements of AS 14.25.048;"

The Teachers' Retirement System has no control over the qualification requirements for certification by the Department of Education. Since HB 203 deals only with that, we have no position on its passage.

I hope that this letter satisfies your request. If we can be of additional assistance, please contact us.

Sincerely,


Sally Smith
Director

SS/RFS/cam/1

R&B 89-008

02-B4LH

Note: Please include Your Social Security Number In All Correspondence & Requests Concerning Your Benefits

STATE OF ALASKA
THE LEGISLATURE

POUR LE STAT EAPHER
JURIALI ALASKA YUBII
907 465 3000

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 23, 1989

SUBJECT: Sectional analysis of draft SSHB 203
(Requirements for teacher certificates)

TO: Representative Eileen MacLean

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 directs the Board of Education to establish classes or types of teacher certificates and removes the requirement, now found in AS 14.20.020(b), that teachers hold a baccalaureate degree. In subsection (c), the bill permits the commissioner of education to issue emergency teacher certificates.

Subsection (d) of the bill is identical in substance to AS 14.20.020(e).

Section 2 amends the definition of "teacher" for the statutes concerning teacher certification and employment and acquisition of tenure rights. The new definition specifically includes school nurses. The existing definition reads:

"teacher" means a person serving in a teaching, counseling, or administrative capacity and required to be certificated in order to hold the position.

Section 3 gives the bill an effective date of July 1, 1989.

If I may be of further assistance, please advise.

TC:gc
wkk3/034

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Relating to Teachers
Sponsor: MacLean
Requestor: MacLean

Agency Affected: Education
BRU: Education Finance and Support Services
Components: District Support

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 Phone: 465-2800
Division: Commissioner's Office Date: 3/13/89

Approved by Commissioner: William G. Demery Date: 3/13/89
Agency: Education

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



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Box 873833
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602 E. 23rd Avenue
Anchorage, Alaska 99503

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JUNEAU, ALASKA 99801
(907) 586 3090

FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456 4433

March 21, 1989

To: Representative Eileen MacLean
From: Judy Salo, NEA-Alaska President *Jas*
Re: HCR 18 and HB 203
Preliminary Reaction Paper for: Sponsor Only

Reich 3/20

HCR 18 - Establishing the Joint Committee on School Performance

The idea and motivation for establishment of a special committee on school performance is commendable. NEA-Alaska supports and encourages any proper and positive focus on education and the improvement of educational services in Alaska.

The scope of activity and responsibility for a legislative task force on school performance is best focused on obtaining constituent input and statutory review of education law. If the purpose is broader than that, then perhaps the task force should be expanded to include expertise from various interest groups, and certainly from the profession.

If the intent and purpose of the Joint Committee on School Performance is primarily to examine education in rural Alaska then perhaps that should be clearly stated in the title or the body of the resolution.

We will certainly not oppose this resolution. We do, however, have a few reservations about the effect that another committee or task force will actually have on education. It is very difficult to legislate education reform because the best efforts to change educational practice are made at the school level. There were some suggestions on how to facilitate local change in the Hensley Report and an effort to implement those suggestions might come as a result of this follow-up committee.

HB 203 - An Act relating to requirements for teacher certificates and accounting for teacher certificate fees; and defining teacher.

There is little doubt that you have tackled a serious problem with the draft of HB 203. Working it out is difficult at best and we have particular problems with the issue for the following reasons:

1. In this age of education reform we are hearing a cry for higher standards for teachers in regards to initial certification.
2. At the same time we believe in the value of the Native language and culture programs, and for that matter the services that are being rendered by ROTC instructors in Anchorage and the Type D Vocational instructors.

It does make us very nervous to read the sectional analysis for this bill that states that 203 removes the requirement, now in place that teachers hold at least a baccalaureate degree, from an accredited institution of higher education.

Both this provision and the provision allowing for emergency certificate issuance empower the state board and the commissioner's office to make more exceptions to the currently held standard.

The definition of teacher is done very well. If the bill can be amended to provide legislative restriction on the certification of more non-baccalaureate instructors in Alaska, and clearly define the perimeters of such certification, we may be able to support it.

During our legislative Fly-In we will have all five people here from NEA-Alaska who are experts regarding certification issues. We will try to meet next week to give you more specific suggestions regarding the legislation. I think it would also be an excellent topic of discussion for the Certification Advisory Council which has spent a considerable amount of time with various solutions to the problem that HB 203 seeks to address.

I regret that we are unable to be more supportive or more specific about suggestions at this time. I am confident after our discussion last week that you, too, are not interested in expansion of non-baccalaureate teachers and want the legislation to solve a problem rather than create one.

ALASKA STATE LEGISLATURE

Representative Eileen Panigeo MacLean
P.O. Box 290
Barrow, Alaska 99723



Chairman
Community & Regional Affairs
Committee

Vice Chairman
State Affairs Committee
Bush Caucus

Member Finance Subcommittee
Community & Regional Affairs
Education
Corrections

WHELE IN JUNEAU

Box V
Juneau, Alaska 99811
465-4525
465-4833

HOUSE OF REPRESENTATIVES

March 23, 1989

District 22

Ambler
Anaktuvuk Pass
Atkasuk
Barrow
Buckland
Deering
Kaktovik
Kiana
Kingsville
Kotuk
Kotzebue
Pease
Pepervik
North Slope
Borough
Northwest Arctic
Borough
Nunavut
Point Hope
Point Lay
Selawik
Shungnak
Wainwright

Judy Salo, President
NEA-Alaska
105 Municipal Way
Suite 302
Juneau, AK 99801

Dear Judy:

I appreciate your comments on HB 203 relating to requirements for teacher certification and the definition of "teacher". It is my hope, that we continue to work together on this bill to resolve further concerns that your organization may have.

In your letter, you identified two problem areas on the issue of teacher certification relating to: 1). the "cry" for higher standards of teachers in regards to initial certification, 2). allowing emergency certificate issuance empowers the state board and the commissioner's office to make more exceptions to the currently held standard (instructors of Language and Culture, Voc Ed, ROTC and School counselors, psychologists).

First, HB 203 gives authority to the State Board of Education to create a class or classes of certificates, other than emergency certificates, not based on baccalaureate degree requirement. These regulations would not change the baccalaureate degree requirements or lower the standards.

Secondly, the provision in HB 203 to include instructors of language and culture, Voc Ed., ROTC and special service providers such as school counselors, nurses and psychologists allows these individuals be eligible for a teaching certificate as long as they meet the requirements. These requirements will be based on the regulations established by the State Board of Education. In the process of developing regulations for new classes of certificates, career ladders or instruction strategies and courses that would be helpful to instructors and can be added to the requirements. The number of certificates

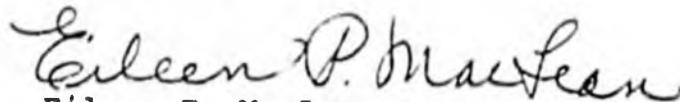
Judy Salo
March 29, 1989
Page 2

issued depends on who qualifies for each category. Again, the issuance of teaching certificates will be restrictive and controlled by the State Board of Education. The duration and renewal of certificates will be determined by the Department of Education.

HB 203 would improve the current system of issuance of teaching certifications and it defines what "teacher" really means.

Judy, I hope this letter explains the areas of concerns that you identified. I am willing to discuss this bill with you to resolve further concerns. Please contact my office at your convenience. Thank you.

Sincerely,



Eileen P. MacLean
Alaska House of
Representatives



NEA-ALASKA

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March 21, 1989

To: Representative Eileen MacLean
From: Judy Salo, NEA-Alaska President *JJS*
Re: HCR 18 and HB 203
Preliminary Reaction Paper for Sponsor Only

HCR 18 - Establishing the Joint Committee on School Performance

The idea and motivation for establishment of a special committee on school performance is commendable. NEA-Alaska supports and encourages any proper and positive focus on education and the improvement of educational services in Alaska.

The scope of activity and responsibility for a legislative task force on school performance is best focused on obtaining constituent input and statutory review of education law. If the purpose is broader than that, then perhaps the task force should be expanded to include expertise from various interest groups, and certainly from the profession.

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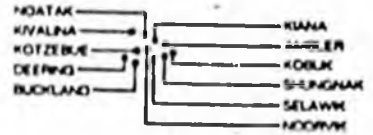
HB 203 - An Act relating to requirements for teacher certificates and accounting for teacher certificate fees; and defining teacher.

There is little doubt that you have tackled a serious problem with the draft of HB 203. Working it out is difficult at best and we have particular problems with the issue for the following reasons:

1. In this age of education reform we are hearing a cry for higher standards for teachers in regards to initial certification.
2. At the same time we believe in the value of the Native language and culture programs, and for that matter the services that are being rendered by ROTC instructors in Anchorage and the Type D Vocational instructors.

Northwest Arctic Borough School District
BOX 51
KOTZEBUE, ALASKA 99752
(907) 442-3472

see attached response



March 14, 1989

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

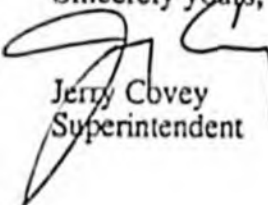
Dear Representative MacLean:

I have received the copy of House Bill 203 which you sent and our district is opposed to this legislation for the following reasons:

1. We believe certification of teachers should be controlled by statute not regulation.
2. Changes in the process will result in additional staff members becoming part of the teachers bargaining unit and will adversely impact the finances of our school district.

If you wish to discuss the district's position on this bill in further detail please contact me at your convenience.

Sincerely yours,



Jerry Covey
Superintendent

ALASKA STATE LEGISLATURE

Representative Eileen Panigeo MacLean
P.O. Box 290
Barrow, Alaska 99723

WHILE IN JUNEAU

Box V
Juneau, Alaska 99811
465-4525
465-4833



Chairman
Community & Regional Affairs
Committee

Vice-Chairman
State Affairs Committee
Bush Caucus

Member Finance Subcommittee
Community & Regional Affairs
Education
Corrections

HOUSE OF REPRESENTATIVES

March 28, 1989

District 22
Ambler
Anaktuvik Pass
Atkasuk
Barrow
Buckland
Deering
Kaktovik
Kiana
Kivalina
Kobuk
Kotzebue
Noatak
Noorvik
North Slope
Borough
Northwest Arctic
Borough
Nulqsut
Point Hope
Point Lay
Selawic
Shungnak
Wainwright

Jerry Covey, Superintendent
Northwest Arctic School District
P.O. Box 51
Kotzebue, AK 99752

Dear Jerry: *Jerry*

I appreciate your letter of March 14th relating to HB 203.

It is unfortunate the Northwest Arctic Borough School District opposes this bill when the concept of issuing teaching certificates would benefit instructors who are presently teaching language and culture in the outlying village schools including Kotzebue.

You have identified two reasons why the district opposes this bill. I would like to explain how this bill address your concerns:

First, HB 203 would give the State Board of Education authority to create classes or classes of certificates, other than emergency certificates not based on the baccalaureate degree requirements. However, to maintain the integrity of the four year degree program for teachers, the State Board of Education would continue to use a separate and distinct classification for those baccalaureate degree program. These traditional four year programs for teachers seeking Class A certificates would not be changed.

Secondly, HB 203 would establish categories of teaching certificates for the instructors of language and culture, Voc Ed, ROTC including the School counselors, nurses and psychologists. The number of certificates will depend on the qualifications of these individuals and the school districts' recommendations. These individuals who qualify would participate in the teacher retirement and benefit system.

Jerry Covey
March 29, 1989
Page 2

It is important to understand that this bill would not take away local control from school districts. Salaries would continue to be determined by school districts and even deciding whether to have these kinds of teachers would be the option of the school. Teacher tenure is not addressed in this bill. The school districts can address this issue in their current fashion.

Jerry, I hope my explanations are helpful. Please let me know if you have further questions. It is important that we continue working together on this bill and other issues. Quyanaq!

Sincerely,



Eileen P. MacLean
Alaska House of
Representatives

cc: Chuck Greene, Mayor, Northwest Arctic Borough
Sophie Ferguson, President, NWAB School Board
Willie Hensley, President, NANA Regional Corp., Inc.

WESTERN ALASKA COALITION OF SCHOOL BOARDS

Iditarod Area, Kashunamiut, Kuspuk, Lower Kuskokwim,
Lower Yukon, St. Mary's, Yupiit

SPRING MEMBERSHIP MEETING
MARCH 14-15, 1989
LKSD BOARD ROOM
BETHEL, ALASKA

Coalition Draft Minutes Excerpt Showing Position of the Coalition on Some Current, Proposed Bills.

Background Information. Representatives from six of the seven member school boards (Iditarod Area, Kashunamiut, Lower Kuskokwim, Lower Yukon, St. Mary's, and Yupiit) met and discussed various proposed bills during a worksession held before the regular Coalition business meeting on March 15, 1989. While agreement was reached on each of the bills, the Iditarod Area representative had to leave before the regular business meeting was called to order.

Draft Minutes Excerpt

2. Review of Current, Proposed Legislation

A. School Construction and Debt Retirement: CS for House Bill 37:

Discussion about HB37 came to focus on why the Coalition could not support the proposed bill. Mr. Harold Sparck, L.K.S.D., moved and Mr. Mike Williams, Yupiit, seconded that the Coalition of Western Alaska School Boards recommends the Legislature recognize that the issues of debt retirement and new school construction are essentially separate issues and that they should be dealt with as such. In particular:

- * The State should only be required to pay for school construction debt retirement costs incurred as a result of building according to the minimum square footage guidelines in effect at the time of construction. Some cities and boroughs built facilities that greatly exceeded the minimum guidelines: these cities and boroughs should be required to pay for all costs due to decisions made to exceed the minimum guidelines for numbers of students and square footage.

- * CSHB37 does not adequately recognize that schools are also community centers in most rural Alaskan communities in contrast to more urban areas that have separate gyms, auditoriums, cafeterias, sports centers, etc., etc. CSHB37 does not take into account other community resources in determining priorities for new construction.

- * CSHB37 does not recognize that some school facilities have been constructed as a result of grants to municipalities instead of through the Department of Education to school Districts.

- * The priority system for new construction proposed in CSHB37 will largely serve to perpetuate differences between wealthy and poor communities in which richer communities have outstanding, specialized facilities while poor communities have minimum, multi-purpose buildings.

- * The 10 year debt retirement pay-off deadline is unnecessary. Why not 30 years so more money could be made available for new construction??

• It was not fair in the past to allow Alaska's richer cities and boroughs to tie-up and otherwise obligate state funds for school construction by their own actions. The Governor and Legislature are to be commended for trying to correct this injustice and problem.

Motion Carried Unanimously

B. School Finance: Single and Dual-Site Districts: House Bill 185:

This bill is the same as SB179. The Bill corrects The Public School Foundation Program for 28 single and dual-site school districts so as to put them on a funding par with multiple-site districts. The Legislature made special appropriations to some districts during the past two years in order to deal with this problem. Passage of HB185/SB179 directly helps Kashunamiut and St. Mary's School Districts.

Ms. Gloria Simeon, L.K.S.D., moved and Mr. Joe Paniyak, K.S.D., seconded supporting HB185.

Motion Carried Unanimously

C. Binding Arbitration: CSSB15:

Discussion centered on the reasons everyone present opposed binding arbitration. Binding arbitration takes away control and responsibility from elected school board members and gives it to unelected arbitrators who do not have to live with the results of their decisions and who may be ignorant of local conditions and needs. CSSB15 also does not distinguish between the different kinds of school employees such as maintenance workers and teachers. This needs to be done or else maintenance workers might be able to strike during the coldest part of the winter with millions of dollars of property damage resulting from their actions. The Legislature should not let employee unions run the schools instead of elected school board members.

Coalition Chair Ms. Flora Paukan appointed a committee consisting of Mr. Jim Johnson, I.A.S.D.; Ms. Elizabeth Carden, L.Y.S.D.; Mr. John Thompson, Sr., SMSD, Mr. Mike Williams, Yupiit, and Mr. Joe Paniyak, K.S.D., to meet with Mrs. Susan Murphy of the L.K.S.D. staff to draft a position opposing binding arbitration and in response to CSSB15. This committee would meet as soon as possible so that Mrs. Murphy could represent the Coalition at a public hearing on binding arbitration through the Bethel Legislative Information Office on March 16 from 3:30-6:30 P.M. No other action was taken on this topic at this time.

D. HB 198: Teacher Nonretention:

This Bill would enable a school board to reduce its staff as a result of a reduction of funds available to the school district as determined by the school board. Following discussion, Mr. Harold Sparck, L.K.S.D., moved and Mr. Paul Kiunya Sr., L.K.S.D., seconded support of HB198.

Motion Carried Unanimously

E. HB199: Teacher Salaries During Collective Bargaining:

This Bill would not require a school board to give a teacher a step or step and column salary increase if a new collective bargaining agreement is not reached prior to the expiration of the current agreement. Following discussion, Ms. Gloria Simeon, L.K.S.D., moved and Ms. Elizabeth Carden, L.Y.S.D., seconded support of HB199.

Motion Carried Unanimously

F. HB200: Teacher Tenure Rights:

HB200 would increase the time required to earn teacher tenure from two years to five years. Following discussion, Mr. Mike Williams, Yupiit, moved and Ms. Gloria Simeon, L.K.S.D., seconded support of HB200.

Motion Carried Unanimously

G. HB203: Insurance of Teacher Certificates:

HB203 would return responsibility for issuing teacher certificates to the Department of Education based on State Board of Education approved requirements. At present, the Department issues certificates based on University of Alaska "approved program" requirements. The University "approved programs" route has not and does not meet the teacher preparation needs of many Alaskan school districts.

Mr. Mike Williams, Yupiit, moved, and Mr. Paul Kiunya Sr. L.K.S.D. seconded support of HB203.

Motion Carried Unanimously

H. CSHB139: Payments of Bills Within 30 days by Schools and Municipalities:

This bill would require cities and schools to pay for all purchases within 30 days. Discussion clarified that this bill is unnecessary because nearly all successful businesses increase their base prices to take into account delayed payments and/or offer a discount for prompt payment. HB139 would also make it necessary for schools to hire more business office staff in order to comply with the law. Since no new funds are to be granted to schools for this purpose, HB139 would lead to a shift of money from instruction to administration in order to help less successful private businesses.

Mr. Harold Sparck, L.K.S.D., moved and Mr. Mike Williams, Yupiit, seconded opposing CSHB139.

Motion Carried Unanimously

I. CSHJR13: Creation of a Permanent Endowment Fund for Education:

Everyone present reviewed a videotape by Governor Cowper explaining why a permanent endowment fund for Alaskan schools should be created through a constitutional amendment. Ms. Edna MacLean, representing the Alaska Department of Education, also spoke about the proposal. A lengthy discussion about the proposal took place. Concerns were expressed that existing inequities in how schools are financed need to be recognized and dealt with before money is set aside in ways that could perpetuate such inequities. Coalition President Flora Paukan suggested that the Lower Yukon School District write a letter to Governor Cowper commending him for his efforts to establish a permanent fund for schools and explaining the major concerns members of the Coalition have about the plan. Following discussion, Mr. Leslie Hunter, L.Y.S.D., moved and Mrs. Gloria Simeon, L.K.S.D., seconded having L.Y.S.D. write to Governor Cowper as had been explained.

Motion Carried Unanimously

No other action was taken on this topic at this time.

WESTERN ALASKA COALITION OF SCHOOL BOARDS

IDITAROD AREA, KASHUNAMIUT, KUSPUK, LOWER KUSKOKWIM,
LOWER YUKON, ST. MARY'S, YUPIIT

Executive Summary of Legislative Positions Taken by the Coalition on March 15, 1989.

- A. CSHB37: Debt Retirement and School Construction:
COALITION OPPOSES. Debt retirement and school construction are two different issues.
- B. HB185: Single and Dual-Site School Funding:
COALITION SUPPORTS. Puts single and dual-sites on a par with multi-site districts.
- C. CSSB15: Binding Arbitration for School Employees:
COALITION OPPOSES. Need to keep local control instead of letting unions and non-resident arbitrators run schools.
- D. HB198: Teacher Nonretention:
COALITION SUPPORTS. Lets school boards nonretain teachers due to reduced funding.
- E. HB199: Teacher Salaries During Collective Bargaining:
COALITION SUPPORTS. Lets districts keep teachers at same salary step and column until new agreement is reached.
- F. HB200: Teacher Tenure Rights:
COALITION SUPPORTS. Extends time required for a teacher to acquire tenure from two to five years.
- G. HB203: Issurance of Teacher Certificates:
COALITION SUPPORTS. Makes Department of Education responsible for determining requirements for kinds of teacher certificates instead of University of Alaska.
- H. CSHB139: Payment of Bills by Schools and Cities:
COALITION OPPOSES. Would add to costs of school administration operations and favors inefficient businesses.
- I. CSHJR13: Creation of Permanent Fund For Education
COALITION DECIDED NOT TO SUPPORT OR OPPOSE. Letter will be written to Governor explaining concerns about the need for an equitable school funding plan.



Lower Kuskokwim School District

Sue C. Hare.
Superintendent

P.O. Box 305 • Bethel, Alaska 99559
907 543-4800 Ext. 812, 813

To: Nels Anderson

From: Sue Hare

Subject: HB203

Date: 3/29/89

The Lower Kuskokwim School District Board has supported HB203 which places responsibility for the issuing teacher certificates with the Department of Education. Bob Herron may be calling you to let you know that House Hess will be holding a hearing on Friday at 8:30 a.m.



Alaska State Legislature

Please enter into the record my testimony to the Johnson O'Malley Program
committee name

committee on HOUSE BILL 203 & 231, dated March 31, 1989
bill/subject

HOUSE BILL 203

I support that Bill. I think that it is very vital that it is passed for 3 main reasons:

1. The language teachers needs the certification. These people are good in teaching the language.
2. These people are role models for the children. We need role models very much.
3. The people that teaches cultural enrichment also needs to be recognized. The special certification would be one way of recognizing these people as part of these bill, I would also like to recommend that these people will further their education on children management. I think for people who could understand English very well would also benefit from Methods courses to improve their dispersement of their knowledge.

HOUSE BILL 231

I support this. Sec. 1. AS14.03.05 "It is the policy of this state that education should encourage all students to succeed in learning, assist students to shape worthwhile and satisfying lives, exemplify societal values, and provide students with tools to influence the character and quality of the world." This is a very good and worthwhile statement to hold onto especially if you are a native. This has been the intend of education for a number of decades, but it hasn't come through to alot of the Native people as a whole.

I support the planning parts (a) 1 establishes goals and priorities for improving education in the district;

(3) Includes a means of measuring the achievement of goals and priorities.

4(c) Students, parents, teachers and other members of the community shall be encouraged by the district to participate in the preparation of the report submitted under (a) of this section.

7(d) 17 (3)

These steps shall make the people accountable of their education for their children as well as the parents and the community as a whole. These steps would also make the parents aware of the education that the children are acquiring. This would be very good for Native Villages and natives fr the urban native population.

Signed: *Anna Nagalak*
Testifier

FNA/Johnson O'Malley Program
Representing (Optional)

310 1/2 1st Avenue
Address

452-8344
Phone No.



Tanana Chiefs Conference, Inc.



201 First Avenue
Fairbanks, Alaska 99701-4887
(907) 452-8251

The Tanana Chiefs Conference Education Department strongly supports HB 203.

We have been fortunate in this state to have a diverse cultural and unique socio-economic environment which allows for a rich experience in the development of our children. The skills, languages and cultural philosophies of Alaska's people have an intrinsic value, many of us would like to impart to our children. We do so in our homes and in our communities. Yet in the one environment in which our children spend nine months each year - the schools only limited opportunities prevail in which such skills, languages and lessons can be adequately taught.

HB 203 allows for an avenue in which many expert yet non conventional instructors could be formally added to the Bank of Resources of each school district. Some school districts in the past have utilized such natural teachers but in most cases only to a limited degree while voluntarism has always been an important part of the Alaska experience and will remain so. This bill affords local school boards to give the proper credence to support to these invaluable human resources and allows them to fully utilize the skills available in their communities.

HB 203 encourages increased utilization of these natural and traditional teachers and assures an avenue for the propagation of our unique Alaskan way of life. In village after village, community to community, all around Alaska, we have many teachers. HB 203 respectfully and formally invites all of those teachers to a rich community forum, the classrooms of our schools. It further assures the most relevant and culturally appropriate classroom environment for our children and affords them access to learning and skills they in turn will be able to pass on to future generations of our people here in Alaska.

UNIVERSITY OF ALASKA, FAIRBANKS

Fairbanks, Alaska 99775

Cross-Cultural Education Development Program

(907) 474-6963

April 3, 1989

To: Rep. John Ellis, Chair
House Health, Education and Social Services Committee

From: Ray Barnhardt *RB*

Subject: House Bill No. 203

I wish to offer testimony regarding House Bill No. 203, pertaining to requirements for teacher certification in Alaska. I commend Rep. Maclean and the committee for taking on a lingering issue and proposing action that has been long overdue. I strongly support the provision of the bill delegating to the State Board of Education the responsibility to develop alternative approaches to teacher certification appropriate to the needs and conditions of schools and communities throughout Alaska. After eighteen years with the University of Alaska Fairbanks teacher education program, it is my assessment that the statutory requirement of a baccalaureate degree to obtain a Type A teaching certificate is inhibiting rather than enhancing the quality of education in Alaska. Some of the observations on which I base this assessment are as follows:

1. While a baccalaureate program may provide one avenue by which a person can acquire the expertise necessary to be a teacher, it is by no

means the only way, nor is it necessarily the most effective and efficient way. Furthermore, there is no evidence to indicate that there is a significant correlation between holding a baccalaureate degree in education and being a good teacher, and therefore, a degree alone does not serve the function of providing quality control for entry into the teaching profession. As someone who has responsibility for recommending students who complete our teacher education program to the State Department of Education for issuance of a teaching certificate, I am much more comfortable when I can base that recommendation on demonstrated performance in a real teaching situation over an extended period of time, than on a GPA earned taking courses in a detached campus environment. In some instances, the pursuit of a baccalaureate degree can even be a hinderance rather than a help, by interfering with experientially acquired teaching skills that may be unconventional in nature, but nevertheless effective.

2. Given the continuing high turnover rate of education personnel in Alaska's rural schools and the constraints this places on the stability, continuity and long term development of those schools, the single most cost-effective step the State can take to improve the quality of rural schools and academic performance of Native students is to increase the presence of local people in the professional roles in those schools. To do so will require recognition of the unique qualities and qualifications Native teachers can bring to the teaching situation, which often go beyond what a formalized university teacher education program is able to adequately deal with. We need to provide opportunities for people with such specialized knowledge, skills and expertise as a teacher to pursue alternative routes, such as

apprenticeships and internships, as a way to demonstrate their expertise and receive full recognition as a teacher, including receiving a Type A certificate.

3. We at the university have been frustrated for years in our efforts to build a workable internship year onto our teacher education programs as a way to assist graduates in their transition from the role of student to that of real-life teacher/practitioner. It would be a big step forward if it were possible that all Alaskan teaching candidates, whether they were coming from the university programs, from apprenticeships, or from outside the state, could be granted a provisional certificate for an internship year with full teaching responsibilities, but during which they would receive instructional support and professional development assistance leading to a formal evaluation of their qualifications to teach at the end of the year. Their professional competence could then be assessed and recognized on the basis of demonstrated performance in a real teaching situation for an extended period of time, regardless of whether they acquired that competence from experience or via a baccalaureate degree. H.B 203 would remove the current statutory constraints to alternative routes and permit the State Board of Education to create a more flexible and appropriate certification procedure.
4. Given the diversity of social, cultural and educational needs that exist in Alaska; given the continuing performance problems faced by many of the schools in the state; given the projection of a severe shortage of teachers for all schools in the near future; and given the insufficiency of evidence that the baccalaureate requirement correlates with higher quality in the

teaching profession, I think it is entirely proper that the legislature enact H.B. 203 and grant the State Board of Education greater authority, flexibility and responsibility to find better and more innovative ways to staff our schools for the future.

In closing, I would like to mention that I spent a year in New Zealand looking at their educational system. Teachers in New Zealand receive their teaching credential after three years of training at "Teacher's Colleges" operated by the equivalent of our State Department of Education. The baccalaureate degree is reserved for those who want to go to a university and pursue further study of educational theory rather than practice. New Zealand teachers, without the benefits of a baccalaureate degree for the most part, have produced one of the highest literacy rates in the world, notwithstanding a minority population comparable in proportion to that of Alaska. It is time that we recognized that teaching is a means, not an end in itself, and that learning is the end to which all decisions regarding teaching should be directed. H.B. 203 is an overdue step in that direction.



Alaska State Legislature

Please enter into the record my testimony to the Education
 committee on HB 203- HCR committee name
HB 231 sub HB 18 dated 31 March 89
 bill/subject

I strongly support HB 231 and HB 18. The State needs a policy on effective education. Please see the attached statistics on Native children in Nome Public Schools. To summarize 65% of them are below grade level (they make up 71% of total enrollment). When there are so many students below grade level the school district needs to have requirements to rectify the situation over a period of time. Nome has some of the highest paid teachers in the state. Look at our statistics. We need more ^{developed} curriculum used by regular classroom teachers, dealing with Native cultures, issues, and history and for ~~English~~ ^{Native} Language and Culture instructors. The State of Alaska needs a strong policy statement on EQUITABLE education - see attached parent comments from our surveys. That is one reason why our children do so poorly. They ^{are} all treated differently by some teachers. We put so much money into education yet something is not being done right for Native students. There needs to be more integration of culture curriculum into regular curriculum. The State should have a policy of offering Native language instruction as foreign language credit.

Eileen Norbert, Coordinator

Signed: Eileen Norbert - Coordinator

Testifier

Native Programs/Nome Public Schools

Native Programs (Bilingual, Indian Education, JOM & Migrant)

Representing (Optional)

Box 131, Nome, AK 99762

P.O. Box 131, Nome, AK 99762

Address

443-2231

443-2201

Phone No.

SOME STATISTICS ON NATIVE STUDENTS

Total Native enrollment in grades K-12, including the Alternative Correspondence School 540 (70% of total Nome Public Schools enrollment)

- 20% of elementary students below grade level
- 45% of jr/high students at least TWO grade levels below
- 54% (118) of jr/high students received deficiency notices
-there were a total of 123 notices sent out-

these students received a total of 206 deficiencies

- 152 (74%) for poor test scores
- 115 (56%) for inadequate written homework
- 91 (45%) for inadequate preparation for class
- 82 (40%) for lack of serious approach to study
- 65 (32%) for poor attendance/lateness
- 68 (33%) for lack of effective motivation
- 51 (25%) for lack of attention or participation
- 3 (2%) for poor aptitude in subject and one for inadequate foundation in subject

BY SUBJECT

- 44% (87) in English
- 21% (40) in math
- 11% (22) in science
- 9% (17) in social sciences
- 9% (17) in PE
- 8% (15) in other (home ec, family life, typing etc.)

BY STUDENT FOR DEFICIENCY

- 101 (86%) for poor test scores
- 85 (72%) for inadequate written homework
- 65 (55%) for inadequate preparation for class
- 60 (51%) for lack of serious approach to study
- 40 (34%) for poor attendance/lateness
- 54 (47%) for for lack of effective motivation
- 38 (32%) for for lack of attention or participation
- 2 (1.7%) for poor aptitude in subject
- 1 for inadequate foundation in subject

1.75 average deficiencies per student received
2.3 average deficiencies received by students with attendance/lateness problems