

ALASKA LEGISLATURE COMMITTEE FILES 1989-1990 8672
5661 HOUSE HEALTH, EDUCATION & SOCIAL SERVICES

Position Title Clerk Typist III		No. of Positions 1	Range/Step 8B	Barg. Unit CCB
Time Status PT	Staff Months 6.0	Location Juneau		Election District
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary	9.8			
Benefits	4.8			
Premium Pay				
Other				
Total Personal Services		14.6		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		14.6		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	14.6		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

The Clerk Typist will provide all back-up support to the Research Analyst in meeting the administrative requirements of HB 231. This includes typing of correspondence, basic data entry, tracking of compliance reports and response to general phone inquiries.

**Request For
New Position**

Agency Education
 BRU Education Program Support
 Component Basic Education and Instructional Improvement

Page 4 of 4
 Revised Date

FY 90

FISCAL NOTE

REQUEST:

Revision Date: 4/10/89
 Title: Establishing a State Education Policy; Education Planning & Planning Grants
 Sponsor: MacLean, Ellis, Goll
 Requestor: House HESS
 Agency Affected: Education
 BRU: Education Program Support
 Components: Basic Education and Instructional Improvements

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		61.1	61.1	61.1	61.1	61.1
TRAVEL		1.2	1.2	1.2	1.2	1.2
CONTRACTUAL		14.0	14.0	14.0	14.0	14.0
SUPPLIES		1.5	1.5	1.5	1.5	1.5
EQUIPMENT		9.5				
LAND & STRUCTURES						
GRANTS, CLAIMS	-0-	375.0	375.0	375.0	375.0	375.0
MISCELLANEOUS						
TOTAL OPERATING		462.3	452.8	452.8	452.8	452.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		462.3	452.8	452.8	452.8	452.8
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME		1	1	1	1	1
TEMP ARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis.

Prepared by: Mary Hakala Phone: 465-2800
 Division: Commissioner's Office Date: 4/10/89
 Approved by: William G. Demmert Date: 4/10/89
 Agency: Education

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

DEPARTMENT OF EDUCATION
FISCAL NOTE ANALYSIS
4/10/89

HB 231: Establishing a state education policy; relating to powers and duties of school districts, the Department of Education and the State Board of Education with respect to education planning and planning grants; requiring regional school boards to establish and consult with advisory boards.

Personal Services

1 FT Research Analyst II	\$46.5
1 PT Clerk Typist III	14.6

Subtotal	\$61.1

The Research Analyst will perform the functions required under the legislation including: 1) compile summary report to be submitted to the Legislature, School Districts and State Board of Education based on data submitted to the Department for each of the 466 schools in the state and 55 school districts; 2) review reports for compliance with statutory requirements and elements required of the plan; and 3) serve as grant administrator for award of grants. The part time clerk typist will provide all necessary clerical support for these functions.

Travel

Travel to centralized conference/training session to assist districts in establishment of their local process and develop streamlined reporting procedures. \$1.2

Contractual

Contractual costs include one additional audioconference meeting with the State Board of Education to make grant awards (1.0); printing, production and distribution of the required report (4.6); RSA for increased costs associated with accounting for an estimated 20 planning grant awards per year (3.6); telephone, postage, minimal planning resource materials purchases (3.0); maintenance of workstations (.5); and purchase software for reporting and spreadsheet functions (1.3). \$14.0

Commodities

Supplies for staff positions. \$1.5

Equipment

1st year: One PC work station to enable Research Analyst position to perform necessary reporting and drafting functions (5.0); one word processing work station (3.5); and desk, chair and needed equipment such as an adding machine (1.0)

9.5

Grants

As stated in the legislation, funds within the planning grant fund consist of money appropriated by the Legislature for that purpose. This fiscal note assumes that 25 school districts will each receive \$15.0 per year. This brings the total grant program cost to \$375.0

\$375.0

TOTAL

\$462.3

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Page 4 of 4
 Revised Date

FY 90

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 30, 1989

SUBJECT: Improving public education - HB 231
TO: Representative Eileen MacLean
FROM: Michael F. Ford *mmf*
Legislative Counsel

The following is a sectional analysis of HB 231:

Section 1 - Establishes a state education policy.

Section 2 - Requires school districts to plan for education by annually filing a district planning report and an individual school performance report.

Section 3 - Establishes an education planning grant fund to be used to provide education planning grants to school districts.

Section 4 - Requires the state board of education to adopt regulations for improving public schools.

Section 5 - Requires regional educational attendance areas to establish advisory boards, and to consult with the appropriate advisory board regarding organization and operation of schools, and appointment of school personnel.

Section 6 - Effective date.

MFF:gc
WKG8/098



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

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

JUNEAU OFFICE

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

FAIRBANKS REGIONAL OFFICE

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

March 27, 1989

To: Representative Johnny Ellis, Chair
Members, House HESS Committee

Re: House Bill No. 231: "An Act establishing a state education policy; relating to the powers and duties of school districts, the Department of Education, and the State Board of Education with respect to education planning and planning grants; requiring regional school boards to establish and consult with advisory boards; and providing for an effective date."

NEA-Alaska supports the basic concepts which are included in HB 231.

On page 2 on lines 4 and 15 we encourage that provision be made for response by all school district employees, individually and through their organizations.

It is our hope that the planning grants which are referenced on pages 2 and 3 are not in lieu of or at the expense of the basic foundation funding program but are to be considered as additional funding amounts available to the district.

Further, it seems appropriate in those districts in which the governing body has not taken the initiative to seek planning grants for developing programs to improve student performance that the grant application process be open to employee organizations which are so committed in this regard.

Thank you for your consideration of our position.

Respectfully submitted,

Bob Manners

Bob Manners
Executive Secretary

Judy Salo
Judy Salo
President

cc: Representative Eileen MacLean

Governor's Council on Vocational Education

David Rees
Chair

Jim Schlegel
Vice Chair



Rosie Peterson
Executive Director

Mary Stone
Administrative Assistant

211 Fourth Street, Suite 101 • Juneau, Alaska 99801
(907) 586-1730

March 28, 1989

Representative Eileen P. MacLean
Alaska State House of Representatives
Post Office Box V
Juneau, Alaska 99811

SUBJECT: HOUSE BILL 231

Dear Representative MacLean:

On behalf of the Governor's Council on Vocational Education, I would like to extend the Council's support of House Bill 231, which implements select recommendations from the Senate Special Committee on School Performance, which was chaired by Senator Willie Hensley. Establishing a state education policy, requiring a district to develop a plan to implement measurable goals and objectives, requiring citizen participation in preparation of a district's plan, making available a report on the performance of Alaska's schools, and providing grants to implement education planning will go a long way toward greater accountability of, and involvement in, education in the state.

Three years ago the State Board of Education adopted regulations in vocational education that require school districts to plan for their vocational programs, to evaluate those programs, to have curriculum in place that is current and meaningful, to use up-to-date equipment, and among other things to utilize local representatives of business and industry on local advisory committees. The Governor's Council believes those regulations, like HB 231, add to the responsiveness and quality of educational programs.

In conclusion, HB 231 would, in a period of declining revenue, provide greater accountability to parents and policy makers that Alaska's education dollars are being well-spent.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Rosie Peterson'.

Ms. Rosie Peterson
Executive Director



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. AS14.03.015 "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 in the urban native population.

Signed: Anna Nagalak
Testifier

ENVA/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 99701-4897
(907) 452-8281
Fax (907) 451-8963

Position Statement HB 231

The Tanana Chiefs Conference, Inc. Education Department strongly supports HB 231.

Each Year, the legislature appropriates funding to schools for operating and construction needs without requiring formal reports on the performance of each school and how the funding is used. From a fiscal perspective alone, such practices are absurd especially during times of limited resource availability. From an educational perspective, this practice does nothing to assure the improvement of the quality of educational services to our children.

Sound Planning from the bottom up and top down which includes the active participation of local advisory school boards in cooperation with each school district's board and administrative staff can assure that each school district maintains a focus on the specific needs of their students and the communities they serve.

Special needs which arise or exist in any given school district under such a system could be comprehensively discussed and a planned methodology cooperatively created to approach such problems.

HB 231 incorporates the tenets of sound planning and management techniques, community empowerment, and competitive bidding to improve the current performance of Alaska's schools and to encourage excellence in education.

Through the past 12 years of REAA programing in Alaska's rural school districts we recognize that it takes more than money to assure quality education. The 1988 report of the Senate Special Committee on School Performance reiterated this contention, and HB 231 puts forth an approach for significant systemic changes which could implement sound local educational planning and encourage excellence in educational services. The Tanana Chiefs Conference, Inc. strongly supports HB 231 because we feel it encourages school boards and school districts to effectively focus their efforts toward excellence. We expect no less from them than we do from our students.



Alaska State Legislature

Please enter into the record my testimony to the Education
 committee name HB 203- HCR
 committee on HB 231 and 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 culture, issues, and history and for ~~Bilingual~~ ^{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 ^{some} are 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.

Signed: Eileen Norbert - Coordinator

Testifier Eileen Norbert, Coordinator
 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.

(6)

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

BY GRADE

12 seventh
33 eighth
25 ninth
13 tenth
18 eleventh
22 twelveth

DROPOUTS

one dropout from regular high school
five dropouts from Alternative High School
Three seniors will not be graduating because of lack of credits
Two seniors are marginal, they must pass every course and are receiving tutorial help

ALTERNATIVE CORRESPONDENCE SCHOOL

11 students are below the 3rd grade reading level
3 students are below the 4th grade reading level
3 students are below the 5th grade reading level
3 students are below the 6th grade reading level
5 students are below the 7th grade reading level
8 students are below the 7th grade reading level

a) parent - 27
 c) parent/teacher - 2
 c) teacher - 1

Native Programs Survey
 Sent out 90 - May 31, 1988

Please Circle the number which rates the program according to the importance you feel it should have. Will you please rate these as (1) very important, (2) important, (3) less important, and (4) not important.

GOALS & OBJECTIVES

Develop academic skills (math, reading, language, science, etc.)

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	25 (93%)	1	1	
T=	3			1

Develop social skills (listening, speaking, self-confidence, etc.)

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	18 (67%)	8 (31%)	1	
T=	2	2		

Develop life skills (job preparation, decision-making, vocational education)

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	17 (66%)	8 (31%)	1	
T=	1	2		1

Develop knowledge of and pride in Native culture and heritage (and in current Native issues) (teachers too)

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	14 (59%)	3 (13%)	3 (21%)	2
T=		2		1

TUTOR PROGRAM

Basic skills, tutoring in math

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	17 (66%)	7 (30%)	1	
T=		3	1	

Basic skills, tutoring in reading

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	18 (70%)	6 (23%)	1	
T=	3		1	

Basic skills, tutoring in language arts

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	12 (47%)	8 (31%)	4 (20%)	1
T=		3	1	

Basic skills, tutoring in writing

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	12 (46%)	9 (35%)	3 (15%)	1
T=		1	2	1

Tutor in any subject student needs help in

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	15 (58%)	10 (39%)	1	
T=	1	1	1	1

TUTOR PROGRAM (Continued)

Tutoring during school hours

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	13 (620)	7 (270)	3 (110)	
T=	1	1	1	1

Tutoring after school hours

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	10 (390)	6 (310)	4 (230)	2 (80)
T=	1	1		

Preschool Aide (helps teacher with preschool children in school readiness skills)

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	13 (520)	5 (200)	6 (240)	1
T=	1	2	1	

Communication between tutors & parents

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	13 (520)	10 (400)	2 (80)	
T=	1	1	2	

HOME SCHOOL COORDINATOR/COUNSELING

Home visits by Home School Coordinator

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	3 (120)	11 (400)	9 (300)	1
T=	1	1		

Counseling services for students at all grade levels

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	15 (500)	6 (220)	4 (150)	1
T=	2	1	1	

Special help for potential drop-outs

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	14 (500)	6 (240)	4 (160)	1
T=		1		1

Alcohol and drug prevention awareness among school age population

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	14 (500)	6 (250)	3 (120)	1
T=	1	1		1

Child abuse prevention

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	14 (500)	8 (320)	3 (120)	
T=	2	1		1

Career counseling

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	13 (520)	6 (240)	3 (200)	1
T=	1	1	1	

CULTURAL KNOWLEDGE/ENRICHMENT

Native language instruction in Inupiaq

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	9 (360)	6 (240)	5 (200)	5 (200)
T=		3	1	

Native language instruction in Siberian Yupik

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	6 (240)	9 (360)	4 (160)	6 (240)
T=	1	2	1	

Curriculum and materials development on Native cultures

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	14 (560)	1	6 (240)	4 (200)
T=		3	1	

Land claims/Native corporations, Native issues

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	12 (480)	6 (240)	5 (200)	3 (120)
T=	2	1	1	

PARENT INVOLVEMENT

Parent training on discipline, drugs, alcohol

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	11 (440)	9 (360)	4 (160)	2 (80)
T=	2		1	1

Parent training on helping their children with schoolwork, study habits

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	9 (360)	11 (440)	3 (120)	2 (80)
T=	1	2		1

Communication between home and school

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	15 (600)	7 (280)	2 (80)	2 (80)
T=	1	1	1	1

Native Parent Committee

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
P=	11 (440)	4 (160)	4 (160)	5 (200)
T=	1	2		1



PARENTS

COMMENTS-SECTION III
Other Services

1. Pride is lacking in many students. They need to achieve feelings of self worth, equality, confidence.
2. Consumer Education under Extracurricular Activities.
3. Teacher aids from students enrolled in Exceed etc?
4. Good teachers who are not just in it for the money. The teachers at the Nome Public Schools make to much money!!
5. Teacher evaluation, to hell with tenour (sp?). If a teacher is worthless & overpaid, then can them.
6. How you are going to get from here to there.
7. School Social workers.
8. The bus rides are hectic, kids are noisey. Extracurricular activities need to have other activities besides basketball continues sponsoring dances. Should have class gatherings, i.e. pizza feeds, video nights, comic book or cassette tape trade-a-shows, or "putting-on-the kids".

PARENTS

COMMENTS-SECTION V

What Keeps Students From Learning? Others

1. Teachers who drink & go school hangover & shaking.
2. To my knowledge, my children aren't into drugs & alcohol. Let's hope it stays that way.
3. Role models. Students see very poor role models in their teachers. Alcoholics/smokers/moneygrubbers. Bar hoppers.
4. Communication problems between students & teachers. Knowing the Rules - Rules should be the same in all classes with ALL the teachers.
5. In order to learn in school you need discipline in the home and school. I don't mean abuse. I mean discipline with guidelines.
6. I know the 05% of teachers I had were good, the other 95% only collected paychecks. Teacher attitude is a students biggest problem.
7. Community support.
8. No goal is presented, no opportunity to see the need for effort in an area like Algebra or Grammar or History ever arises. The wealth of Literature on the market in the form of News Papers, Magazines, with pertinent articles are ignored in favor of work books. These are sterile.
9. Emotional Maturity.
10. The biggest problem is many teachers don't care. The school is an hostile environment to students & parents. Many students & their parents don't care also. The parents are into bars, bingo & booze. The students into playing out late, booze & drugs.
11. A teacher that is boring to a student - who normally gets good grades. More teachers discipline in student work habits.
12. This question is poorly asked - depending on the child & their problem & home life will reflect the answer of why the child doesn't learn. They all enter into how students learn. Excluding teachers - the quality of the teacher depends on whether many students learn - children at a "normal" home life - aren't motivated & desire to learn by poor teachers - or teachers bringing their problems to the class room.
13. Kids have no idea how Education will help them until after their out of school and working. The people that quit school work for peanuts and those who continue their Education make out like fat rats.
14. Teachers need to promote interest in students. A good teacher can almost teach anyone.

PARENTS

COMMENTS-SECTION V
What Keeps Students From Learning
Others Cont.

15. Lovable Teacher's for our Native childrens.
16. Family violence, teacher interest. Respect.

PARENTS

COMMENTS-SECTION V
What Keeps Students From Learning?
Other Comments

1. Having a goal in life is important. And knowing what is required to reach a goal or job is helpful.
2. Students must experience success and they must be introduced to failure. They must never leave a subject without a mastery of it.
3. An encouraging "SMART" teacher can influence a kid really well. A teacher who gold mines or does other summer jobs only give 3/4%. Teachers are paid for the whole year & should work the whole year.
4. I have a shy 9th grade girl - she needs an Adult "friend" in the school building. Some one she could SAY: "Hi" to or confide with.
5. Some teachers come to school with booze on their breath. Real poor examples for the students to follow.
6. Get rid of all teachers who drink. It's a big lie having drunk teachers and try to put this sheet of paper out.
7. Maybe not encouraging the children and giving them credit for what they have learned.
8. I feel if a student has a potential to learn more, the teacher should see the need to expose the child to a higher advanced level and not to think that just because the other children in the same class are "just learning their a, b, c's, the student has to suffer".
9. Students in Jr. High or High School should not repeat subjects when they are more advanced than other students. Advanced students should be allowed to choose classes that are more challenging and interesting. Example: Jr. High students should not have to repeat basic science in High School but Advanced Science.
10. I think this survey is a good idea. I'd like to have some feedback on it.
11. So we'll have less drop out from our school.
12. Nome Beltz teachers have No Pride as educators. The teachers are very poor role models, with extremely low standards. Nome Beltz School Board members do not know how to function as school policy makers where student achievement(s) are concerned.

STUDENT COMMENTS

Section 5 - What keeps students from learning

1. Interference w/other peopel like brothers
2. Teachers don't make the classes that fun so what interest do we have.
3. Like getting bored in class when the teacher is speaking
4. A loss of relative or good friend.
5. Too may conveniences such as t.v., rec. center, 4 wheelers, etc.
6. Personal problems.
7. Depression.
8. If you already know what the teacher is teaching, you might be bored out of your brains.
9. Not getting enough sleep.
10. What other people think of you.
11. Teachers
12. Not the right skills being taught to study.
13. Music.
14. Some of the teachers don't seem to care if you are failing, they seem to enjoy it.
15. People like teachers telling you what you should do, and what you can't or haven't done.
16. Don't want to, lack of motivation.
17. Not real understanding what the teachers say and don't have time to come in mornings or after school to speak to them.



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, 221, 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, 231, 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, subparagraph (3) (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 252

It is the feeling of Nome Eskimo Community that should it become necessary to institute a 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. 251 is supportable and would like to see it + Educational Programs reduce (4

the uneducational "soap" programs.

Alaska State Legislature

Please enter into the record my testimony to the House Health Education and Social Services
committee name

committee on HB251, HCR18, HB231, HB203, dated March 31, 1980
bill/subject

Kawerak Incorporated is supportive of HB 136 with some minor technical amendments. We agree that the Governor should appoint the members of the Rural Alaska Television Network Council. We would like to see language included in the bill which directs that the membership of the Council includes at least one member from each of the twelve regions established pursuant to ANCSA. This will ensure the Council maintains a statewide as opposed to a special interest perspective. We urge continued funding of the RATNET system.

In reference to HB 251. We support requiring additional educational programming on RATNET as long as the programming is selected by the RATNET Council. Key to this whole issue is what constitutes educational programming. In example, we consider statewide news and weather to be educational programming. If the effect of the amendment is to mandate that 50% of air time be turned over to the Department of Education to use as they see fit, we oppose this bill. We understand that the RATNET council does not receive many requests for additional educational programming. Currently the hours of 2 - 6 am are reserved for educational materials on the RATNET system. If individuals are interested in a particular subject or class, the session can be videotaped by the students or teachers for later viewing. This committee may wish to consider increasing the number of strictly instructional hours as opposing to increasing the number of educational hours.

We would also like to state that we are wholly supportive of HCR 18, HB 203 and HB 231. These three bills will help ensure the residents and children of Alaska receive a quality education.

Thank you for this opportunity to provide input.

Signed: *L. Bullard* Loretta Bullard
Testifier

Kawerak Incorporated, PO Box 948, Nome, AK 99762
Representing (Optional)

Address
443-5231

Phone No.

cc: Richard Foster, Eileen MacLean

STATE OF ALASKA
ROUTE SLIP

not yet completed so all reports received by DOE may not be included. It gives you a sense of the reporting requirements however.



TO: Mail Station	Department Rep Maclean	Division
Attention Ellen		
<input type="checkbox"/> Approval <input type="checkbox"/> Signature <input type="checkbox"/> Comment <input type="checkbox"/> Contact Me <input type="checkbox"/> Prepare Reply <input type="checkbox"/> For Your File		<input type="checkbox"/> Note & Return <input type="checkbox"/> Initial & Return <input type="checkbox"/> Return as Requested <input type="checkbox"/> Return for Approval <input type="checkbox"/> Necessary Action <input checked="" type="checkbox"/> For Your Information
Remarks This is a draft report of the types of report required for various program in the department. This data base is		
FROM: Mail Station OSD	Department DOE	Division
By Mary Kokala		Date 4/5/89

02-002 (REV 3-81)

Copy, These programs funded by state and federal dollars are required to send reports to the dept.

What HB231 is asking of school districts is not being required, not all districts are reporting on school performance and what schools are doing.

(phone call w/ Mary H. 4/16/88.)

DRAFT

Type of Form	Division Code	Type of Program for this Form	DOE Form Number	Title of Form
COUNTS	AVE	VOCED	05-89-AVE-001	VOCATIONAL EDUCATION ENROLLMENT REPORT
EVALUA	EFSS	FACILITIES	05-89-EFS-001	GRANT AWARD FOR CONSTRUCTION ANNUAL REPORT
COMPLY	EFSS	FACILITIES	05-89-EFS-002	DEBT RETIREMENT PROJECTS ANNUAL REPORT
APPLIC	EFSS	FACILITIES	05-89-EFS-003	CIP REQUESTS
APPLIC	EFSS	FACILITIES	05-89-EFS-004	CIP 6-YEAR PLANS
APPLIC	EFSS	TRANSPORT	05-89-EFS-005	SCHOOL TRANSPORTATION REPORT
COUNTS	EFSS	FOUNDATION	05-89-EFS-006	FY FISCAL REPORT
INVOIC	EFSS	TRANSPORT	05-89-EFS-007	STMT OF OPER FOR COMMERCIAL SCHOOL BUS DRIVERS
INVENT	EFSS	TRANSPORT	05-89-EFS-008	STMT OF OPER FOR DISTRICT-OPERATED TRANSPORTATION
INVENT	EFSS	TRANSPORT	05-89-EFS-009	DEPRECIATION SCHEDULE
COMPLY	EFSS	CIGARETTE	05-89-EFS-010	CIGARETTE TAX FUND
APPLIC	EFSS	TUITION	05-89-EFS-011	TUITION RATE REPORT
APPLIC	EFSS	FACILITIES	05-89-EFS-012	REIMBURSABLE EXPENDITURES FOR SCHOOL CONSTRUCTION
COUNTS	EFSS	FOUNDATION	05-89-EFS-013	FOUNDATION PROGRAM-- NEXT YEAR PROJECTED
APPLIC	EFSS	FOUNDATION	05-89-EFS-014	FOUNDATION PROGRAM--CURRENT YEAR
COMPLY	EFSS	CIGARETTE	05-89-EFS-015	CIGARETTE TAX RESOLUTION
APPLIC	EFSS	BOARD HOME	05-89-EFS-016	WARDS,BOARDING,NON-RESIDENT TUITION ATTENDANCE
APPLIC	EFSS	TUITION	05-89-EFS-017	WARDS,BOARDING,NON-RESIDENT TUITION ATTENDANCE
APPLIC	EFSS	IMPACTAID	05-89-EFS-018	PL-874 APPLICATIONS
COUNTS	EFSS	STAFF	05-89-EFS-019	STAFF AND FACILITIES INFORMATION
COUNTS	EFSS	STAFF	05-89-EFS-020	FTE CLASSIFIED PERSONNEL
COUNTS	EFSS	ENROLLMNT	05-89-EFS-021	STUDENT ENTROLLMENT AND ETHNICITY REPORT
COUNTS	EFSS	ENROLLMNT	05-89-EFS-022	FINAL ATTENDANCE REPORT
COUNTS	EFSS	CALENDAR	05-89-EFS-023	FINAL SCHOOL CALENDAR
COUNTS	LIB	LIBRARY	05-89-LIB-001	CIRCULATION DATA
APPLIC	LIB	LIBRARY	05-89-LIB-002	PUBLIC LIBRARY ASSISTANCE GRANT APPLICATION FY1989
EVALUA	LIB	LIBRARY	05-89-LIB-003	ALASKA PUBLIC LIBRARY ANNUAL RPT/FY ENDING 6/30/88
APPLIC	LIB	LIBRARY	05-89-LIB-004	PUBLIC LIBRARY MURL GRANT APPLICATION, FY 1989
EVALUA	LIB	LIBRARY	05-89-LIB-005	PUBLIC LIBRARY MURL GRANT FINAL RPT, FY 1988
APPLIC	LIB	LIBRARY	05-89-LIB-006	REGIONAL SERVICES GRANT APPLICATION, FY 89
EVALUA	LIB	LIBRARY	05-89-LIB-007	REGIONAL SERVICES GRANT FINAL RPT, FY 1988
APPLIC	LIB	LIBRARY	05-89-LIB-008	AREA CENTER GRANT APPLICATION, FY 1989
EVALUA	LIB	LIBRARY	05-89-LIB-009	AREA CENTER GRANT FINAL REPORT, FY 1988
APPLIC	LIB	LIBRARY	05-89-LIB-010	INSTITUTIONAL GRANT APPLICATION, FY 1989
EVALUA	LIB	LIBRARY	05-89-LIB-011	INSTITUTIONAL GRANT FINAL RPT, FY 1988
APPLIC	LIB	LIBRARY	05-89-LIB-012	INTERLIBRARY COOPERATION GRANT APPLICATION, FY 89
EVALUA	LIB	LIBRARY	05-89-LIB-013	INTERLIBRARY COOPERATION GRANT FINAL RPT, FY 1988
EVALUA	LIB	LIBRARY	05-89-LIB-014	PUBLIC LIBRARY ASSISTANCE GRANT FINAL RPT, FY 1988
EVALUA	EPS	WRITING	05-89-EPS002	ANNUAL REPORT
APPLIC	EPS	SISTERSCH	05-89-EPS-004	REQUEST FOR A SISTER SCHOOL

Type of Form	Division Code	Type of Program for this Form	DOE Form Number	Title of Form
VALUA	EPS	SISTERSCH	05-89-EPS-005	1987-88 COMMENTS ABOUT SISTER SCHOOLS
REGIST	EPS	MIGRANT	05-89-EPS-007	CERTIFICATE OF ELIGIBILITY
VALUA	EPS	MIGRANT	05-89-EPS-008	MIGRANT STUDENT EDUCATIONAL RECORD
APPLIC	EPS	MIGRANT	05-89-EPS-009	DOE FEDERAL GRANT APPLICATION MIGRANT ED(CHAPI-M)
COMPLY	EPS	MIGRANT	05-89-EPS-010	MIGRANT EDUCATION PROGRAM ON-SITE MONITORING FORM
COUNTS	EPS	PRESCHOOL	05-89-EPS-011	PRESCHOOL SURVEY UPDATE
COUNTS	EPS	CCS	05-89-EPS-012	ELEMENTARY STUDENT LIST
VALUA	EPS	CCS	05-89-EPS-013	INTERMEDIATE REPORT FORM
COUNTS	EPS	CCS	05-89-EPS-014	SECONDARY STUDENT LIST
VALUA	EPS	CCS	05-89-EPS-015	CONSENT FOR COURSE MODIFICATION
VALUA	EPS	CCS	05-89-EPS-016	TEACHER RECOMMENDATION
COUNTS	EPS	CCS	05-89-EPS-017	NON-WORKING STUDENT LIST
VALUA	EPS	CCS	05-89-EPS-018	GRADUATION REQUIREMENTS EVALUATION SHEET
VALUA	EPS	CCS	05-89-EPS-019	REPORTING FORM GRADES 1-3
VALUA	EPS	CCS	05-89-EPS-020	CORRESPONDENCE STUDY;REPORTING FORM, KINDERGARTEN
REGIST	EPS	CCS	05-89-EPS-021	HIGH SCHOOL ENROLLMENT INTENT
REGIST	EPS	CCS	05-89-EPS-022	DATA ENTRY FORM
VALUA	EPS	CCS	05-89-EPS-023	NOTICE OF COMPLETION OF HIGH SCHOOL COURSE
COUNTS	EPS	CCS	05-89-EPS-024	COURSE DROP NOTICE
COUNTS	EPS	CCS	05-89-EPS-025	CORRESPONDENCE STUDY/LESSON LOAD REPORT FORM
VALUA	EPS	CCS	05-89-EPS-026	CORRESPONDENCE STUDY/STUDENT VISITATION
APPLIC	EPS	CCS	05-89-EPS-027	CORRESPONDENCE STUDY/ADVISORY TEACHER APPLICATION
VALUA	EPS	CCS	05-89-EPS-028	HOME TEACHER COMMENT FORM
VALUA	EPS	CCS	05-89-EPS-029	AK DOE CORRESPONDENCE STUDY/SUMMARY REPORT
REGIST	EPS	CCS	05-89-EPS-030	CORRESPONDENCE STUDY/SECONDARY COURSE ALERT
REGIST	EPS	CCS	05-89-EPS-032	STOCKROOM WORK REQUEST
CONTRC	EPS	CCS	05-89-EPS-034	CORRESPONDENCE STUDY/EQUIPMENT SHIPPING NOTICE
NVOIC	EPS	CCS	05-89-EPS-035	CORRESPONDENCE STUDY/COURSE SHIPPING NOTICE
REGIST	EPS	CCS	05-89-EPS-036	PURCHASE REQUEST
APPLIC	EPS	RECOGNIZE	05-89-EPS-037	AK DEPT OF ED "MERITS" PROGRAM APPLICATION
VALUA	EPS	RECOGNIZE	05-89-EPS-038	NDN PROGRAM EVALUATION
APPLIC	EPS	RECOGNIZE	05-89-EPS-039	AK PROM. PRACT. SCH. DIST.OFF. ENDORSEMENT FORM
APPLIC	EPS	RECOGNIZE	05-89-EPS-040	ADMINISTRATOR GUIDE TO NOMINATING A PROM. PRACTICE
APPLIC	EPS	CHAPTERI	05-89-EPS-041	DOE FED GRANT APPLICATION ECIA CHAP I FY 19--
APPLIC	EPS	SPECIALD	05-89-EPS-044	TITLE VI-B & PL89-313 SPECIAL ED CHILD COUNTS
COUNTS	EFSS	PRIVATE SCH	05-89-EFS-024	STATE OF AK,DOE,PRIVATE AND DENOM. SCH. ENROL. RPT
COMPLY	EFSS	FOOD	05-89-EFS-025	POLICY STATEMENT FOR SPECIAL MILK PROGRAM FY 89
APPLIC	EFSS	FOOD	05-89-EFS-026	POLICY STATEMENT FOR FREE MILK
APPLIC	EFSS	FOOD	05-89-EFS-027	POLICY STATEMENT FOR FREE AND REDUCED PRICE MEALS
COMPLY	EFSS	FOOD	05-89-EFS-028	POLICY STATEMENT FOR FREE REDUCED PRICE MEALS

Type of Form	Division Code	Type of Program for this Form	DC Form Number	Title of Form
APPLIC	EFSS	FOOD	05-89-EFS-029	SHT.FORM/POLICY STMT.FOR FREE AND REDUCED PR.MEALS
APPLIC	EFSS	FOOD	05-89-EFS-030	POLICY STMT.FOR FREE/REDUCED PRICE MEALS/LONG FORM
CONTRC	EFSS	FOOD	05-89-EFS-031	AGREEMENT BETWEEN SCHOOL FOOD AUTHORITY & DOE
APPLIC	EFSS	FOOD	05-89-EFS-032	POLICY STMT. FOR FREE & REDUCED PRICE MEALS-RCCI
APPLIC	EFSS	FOOD	05-89-EFS-033	APP. FOR PARTICIPATION/NAT'L SCHOOL LUNCH, ...ETC
NVOIC	EFSS	FOOD	05-89-EFS-034	CLAIM FOR REIMBURSEMENT/NAT'L SCHOOL LUNCH PROGRAM
COMPLY	EFSS	FOOD	05-89-EFS-035	CHECKLIST FOR POLICY STATEMENT
COUNTS	EFSS	FOOD	05-89-EFS-036	CONTACT PERSON FOR FOOD & NUTRITION SVCS MAILINGS
VALUA	EFSS	FOOD	05-89-EFS-037	MEMORANDUM-DOE
EQUIS	EFSS	FOOD	05-89-EFS-038	FOOD REQUISITION
NVOIC	EFSS	FACILITIES	05-89-EFS-040	REIMBURSABLE EXPENDITURES FOR SCHOOL CONSTRUCTION
COMPLY	EFSS	FOOD	05-89-EFS-042	CIVIL RIGHTS COMPLIANCE REPORT
COMPLY	EFSS	FOOD	05-89-EFS-043	AK DOE FDNSVCS PRE-AWARD CIVIL RIGHTS REVIEW
NVOIC	EFSS	FOOD	05-89-EFS-044	CLAIM FOR REIMBURSEMENT CHILD CARE PROGRAM
COMPLY	EFSS	TRANSPORT	05-89-EFS-045	AK SCH. BUS DRIVER TR INFO SYS/TR. DEL. RPT. FORM
COMPLY	EFSS	TRANSPORT	05-89-EFS-046	AK BUS DRIVER T.I.S. APPROVED SIG/INST CHANGE FORM
APPLIC	EFSS	FOUNDATION	05-89-EFS-047	AK PUB SCHOOL FOUNDATION PROG FUNDING COMM RPT
COUNTS	EPS	BILINGUAL	05-89-EFS-045	Student Lang.Assess.Bilingual/Bicultural Education

Status: complete

Count: 98



Alaska State Legislature

Please enter into the record my testimony to the APP. FEDERAL MAILMAN
committee name

committee on HR 12, IN DC, & HD 11 dated Testified March 11, 1992
bill/subject Submitted April 7, 1992

THESE BILL WOULD CONTINUE THE NEEDS WORK THAT THE SENATE SPECIAL COMMITTEE
ON "RURAL PERFORMANCE" THAT WAS CHAIRED BY SENATOR WILLIAM ANDREY

HR 12 is deeply needed by rural Alaska, so that academic performance could be
enhanced in the FEAA facilities as legislative productive graduates for
Alaska's society. The special committee was just a "start" for making
improvements for Alaska education, and there is a strong need and desire
for more "follow-up" in justifying public expenditure for education,
so that Alaska could see the cost for what we spend on education.

There are many issues that we need to follow up on listed in this bill.
This bill would grant some local control over program management and
accountability in "education", as to what quality and efficiency says
they want their educational programs to be operated. Also the powers
that would be granted under this bill be a long-time-related-for
action that would enable the DCE to follow up on the grants and
planning that is requisite of the school districts. To have a effective
academic school systems for Alaska, Alaska DOE, local advisory school
boards, state board of education, school district and others would need
a strong education policy to enhance their respective duties and trust
for a public education. "ACCOUNTABILITY" is needed, and this bill would
help.

HR 1233: Rural Alaska and educators are for this bill for it would help the
general public and various institutions know what Alaska means by
defining what "teacher" is. This would help with the districts to
be accountable for the type of staff they hire and keep. The recognition
of instructors of language and culture, vocational education and EDC
is really needed, for their programs they implement are academic in
nature due to their planning, special knowledge they had to have, and
teaching efforts are the same as regular teachers. They to enhance
and encourage "academic performance", and hold self esteem in the
students they serve.

Sign for the above three bills for they would help Alaska gain improvement in
Alaska's school performance. I had to record my testimony by security... 20 1992

Signed: Teacher Tom Mendenhall
Nome Public Community, Kenai, Creep/USA, Hothorn's
Representing (Optional) Nome, Alaska
Address 907-443-2455 H 2492 W
Phone No.

COLLEGE OF HUMAN AND RURAL DEVELOPMENT



UNIVERSITY OF ALASKA - FAIRBANKS

FAIRBANKS, ALASKA 99775-0001

April 7, 1969

Honorable Member
 Alaska State Representative
 Alaska State Legislature
 Box V
 Juneau, Alaska 99801

Dear Representative MacLean:

I would like to submit an endorsement, and comment briefly in support of both House Bill 203 and House Bill 231.

HB 203: I support this with some suggested areas of revision. In concept, I believe this is an excellent bill in terms of two major issues we have faced in the educational community of Alaska. First, we have had a circular definition of teacher in statute that needs to be changed. Mr. Wegner has described this problem in detail and I support the new definition of teacher as clear and unambiguous. It is unclear to me why the other categories are put under this definition since in most cases they must have a teaching certificate, while in others they do not (e.g., school psychologists), in order to teach. Those who do not could be dealt with under other types of certificates. However, I believe the important issue is the definition of teacher and I support this statement. I realize that one would say that a definition of a teacher must indicate that the person has a minimum of a bachelor's degree. I do not believe that statute is the place to put this. The bill brings us forward in placing the responsibility for establishing such requirements within the educational community rather than the political arena. I believe the legislature will contribute greatly to the future of education by supporting a definition and a bill that places responsibility for creating a stable system of licensure under the control of the State Board of Education. In the long range future, this will allow the State to meet the diverse needs of schools in terms of a coherent process of licensure of educational professionals that can develop as the needs of the State change and the profession develops.

HB 231: I am in support of the principles of HB 231. It seems responsive to the needs elucidated in the School Performance Report. Certainly, data from around the country supports the effective involvement of local boards in improving schools. Site based management must involve both professionals and the community. I see the bill as strengthening the capacity for site based decision-making. In terms of the accountability issue, I have forwarded, under separate cover, an example of an evaluation of a complex school system from a group of native professionals and myself as the one non-native participant.

UNIVERSITY OF ALASKA - FAIRBANKS

Representative MacLean
Page 2
April 7, 1989

This accreditation model could have application in the state in the matter of communities to provide input to schools on how they can improve their performance. Accountability is important. However, the performance of schools is very complex and the whole picture needs analysis. The accreditation model may provide you with some ideas on an alternative which could provide schools and districts with a more thorough model for evaluation from an indigenous perspective.

Thank you for accepting these comments on the two bills.

Sincerely,



Gerald V. Mohatt, Dean
College of Rural Alaska
University of Alaska Fairbanks
7th Floor Gruening Building
Fairbanks, Alaska 99775-0900
(907) 474-7106

ASSOCIATION OF ALASKA SCHOOL BOARDS

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

4/10/89

POSITION PAPER

The Association of Alaska School Boards supports HB 231 Relating to School Performance Recommendations.

HB 231 would do 3 things:

1) Establish a statewide policy statement on the purpose of education. AASB supports this statewide policy and commends the previous Special Senate Subcommittee for having the foresight to address this.

2) Add to the powers and duties of DOE, State Board of Education and School Districts with respect to education planning grants. AASB supports the notion of educational planning. Educational planning is an ongoing process, and school boards are accountable for their districts' planning. Districts are glad to encourage public participation in plans for their respective districts.

AASB also supports the Education Planning Grant Fund to encourage school districts to seek an organized and consistent method of educational planning. AASB is concerned, however, that funding for this grant system will not come out of the current foundation fund, but will be injected into the educational budget.

3) Establish REAA's advisory boards. AASB supports public input into community education via the requirement of REAA's to establish and consult with advisory boards. Once again, AASB hopes the legislature would not pass an unfunded state mandate.

HB

233

HOUSE COMMITTEE REPORT

4/3

(7)

Date Referred: March 21, 1989

FURTHER REFERRALS FINANCE

Date of Committee Action: 4/3/89

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HB 233

HOUSE BILL NO. 233 [LOCAL CONTRIBUTION: ST. AID FOR EDUCATION]
"An Act relating to local contributions for education; and providing for an effective date."

RECOMMENDATIONS:

- [X] be replaced with CS HB 233 (HESS) [] the same title [X] a new title
[] have attached amendment(s)
[] do pass
[] do not pass
[] no recommendation
[X] individual recommendations
[] additional referral to the Committee

ADOPTS: letter of intent

ATTACHES NEW FISCAL NOTE(S): APPROVES PREVIOUS: (Date/Dept)

- [] fiscal impact [] fiscal note(s)
[X] zero fiscal note Education [] zero fiscal note(s)
[] zero with analysis [] zero fn/analysis

SIGNING DO PASS:

Chris Davis
Mark Kuntz
J. Ellis

SIGNING: (Check approp. column)

Table with 4 columns: Name, Do Not Pass, No Rec, Amend. Rows include Mark Boyer, Joseph JACKO, Peter Lee, W. Umare.

J. Ellis
Chairman's Signature

HOUSE AMENDMENT

TO: CSHB 233 (HESS) draft #6-1024E

BY: BOYER

Page 1 Line 6 & 7

Delete lines 6 & 7 of Page 1 and replace with the following:

"An Act relating to local contributions for education as a percentage of the district's basic need and providing for an effective date."

Submit original amendment to the Chief Clerk.
It will then be numbered and duplicated.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Education
 Title: Local contributions for education BRU: K-12 Support
 Sponsor: Ulmer Components: Foundation
 Requestor: House HFSS

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: 3/28/89
 Approved by Commissioner: William G. Demmert Date: 3/28/89
 Agency: Education

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

Alaska State Legislature

Representative Fran Ulmer



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

HOUSE OF REPRESENTATIVES

MEMORANDUM

March 28, 1989

TO: Rep. Johnny Ellis, Chair
House Health, Education and Social Services Committee

FROM: Rep. Fran *Ulmer*

RE: HB 233, relating to local contributions for education

By law, a limit is set on the amount of money which may be appropriated to a school district to operate. This limit or cap is designed to ensure relative parity among school districts and their educational programs across the state. Under this law, there shall be no difference in funding greater than 25% between districts.

Current law establishes a maximum local contribution of 21% of the instructional unit value in AS 14.17.056. HB 233 raises that cap on local contributions to 23% of the instructional unit value; there is no change to the minimum requirement. There are several districts close to the existing limits, including Fairbanks, Juneau, Kenai, Ketchikan, and Sitka. This increase in local contributions will maintain the policy of parity among districts while allowing districts to better maintain the level of service currently in place.

The decline in state revenues, and the potential reduction in funding of the foundation formula program, makes this increase crucial to the stable operation of Alaska's school districts. As an example, Juneau's allowable local contribution under current law is \$499,033. If the legislature enacts a 5% reduction to the foundation formula, the total allowable local contribution would be \$254,529, a reduction of \$244,502. Since the Juneau School District has already submitted a "maintenance" budget to the borough which requires a local contribution in excess of the current, allowable, local contribution, a reduction in state funding and the resultant lowering of the local contribution will be a heavy blow to the operation of the district.

Attached you will find information prepared by the Department of Education which displays a comparison of funding levels for a number of Alaska school districts, both under current law and under HB 233.

District 4B — Juneau

MEMORANDUM

State of Alaska
Department of Education

TO: Steve Hole
Deputy Commissioner

DATE: March 28, 1989

FILE NO: FAC 1831

TELEPHONE NO: 465-2865

FROM: Tom Ryan 
Acting Director

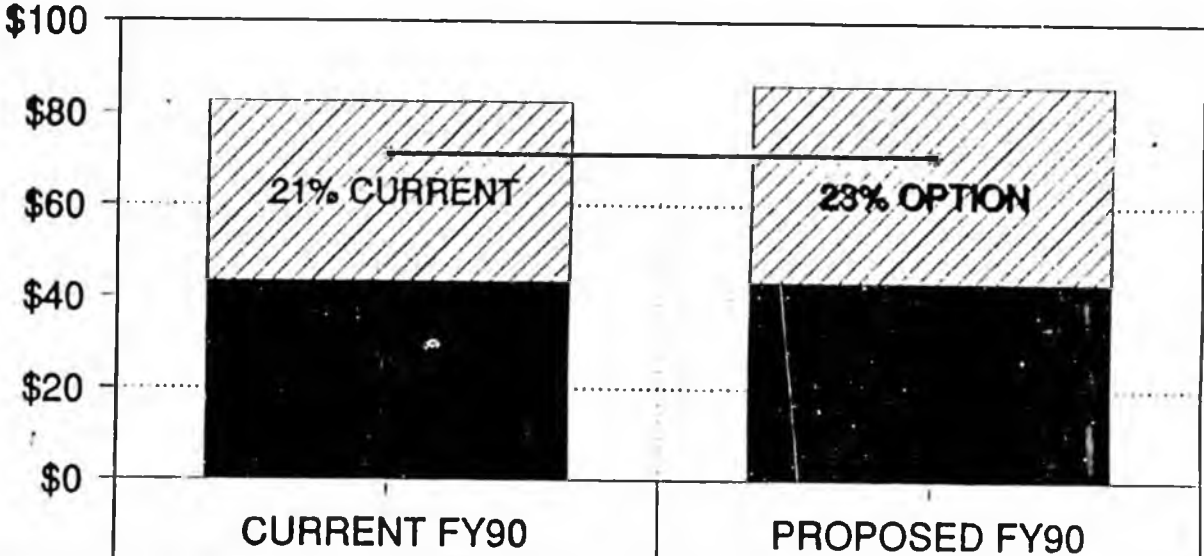
SUBJECT: HB 233 Impact

As requested I have reviewed House Bill 233. The bill would not require additional payments by any district, but would permit additional payments by any districts approaching the existing limits. Those especially close to the limit include Fairbanks, Juneau, Kenai, Ketchikan, and Sitka.

HB 233 would raise the maximum percentage of a school district's basic need that may be contributed by a city or borough over and above the minimum requirement. The minimum local contribution is unchanged. The federal disparity test, under 34 C.F.R.222.63, limits the disparity between revenues to districts to under 25%. Though it reduces our "cushion" from four percent to two percent, this change still provides the state adequate protection.

Attached are graphs showing FY 89 budgeted local contributions compared to proposed FY 90 minimum local contributions and optional contribution for the districts nearing the cap. Also attached is a graph showing all municipal school districts and the relationship of budgeted local revenues to the cap.

ANCHORAGE SCHOOL DISTRICT OPTIONAL LOCAL EFFORT



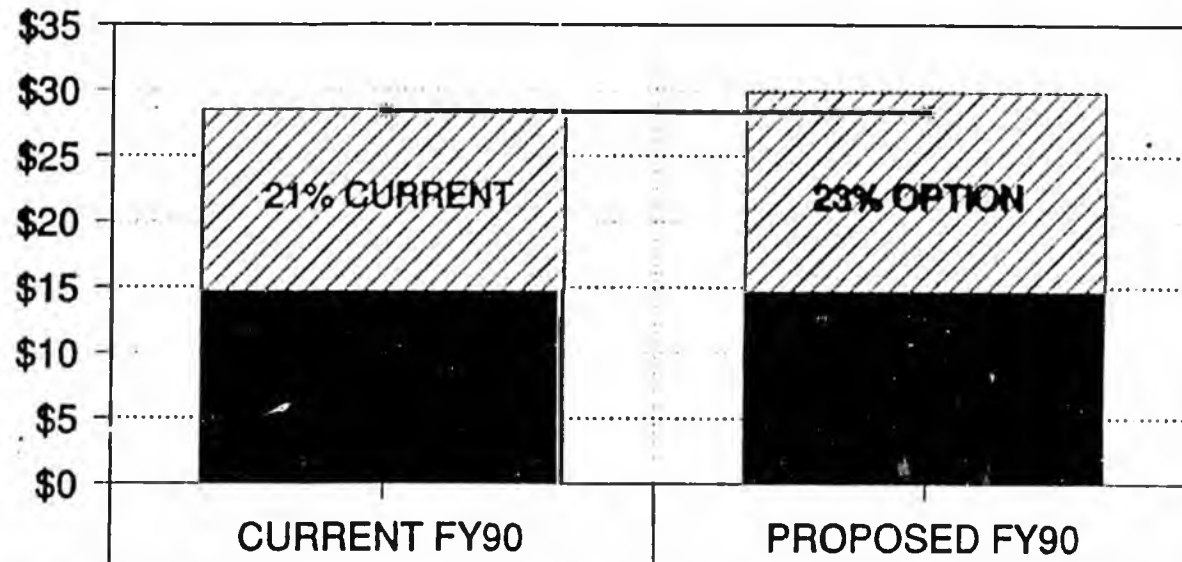
	CURRENT FY90	PROPOSED FY90
FY89 BUDGETED	\$71.032	\$71.032
OPTIONAL LOCAL	\$39.103	\$42.826
REQUIRED LOCAL	\$43.334	\$43.334

MILLIONS OF DOLLARS

- REQUIRED LOCAL
- OPTIONAL LOCAL
- FY89 BUDGETED

PROPOSED CHANGE TO AS 14.17.025(b)

FAIRBANKS BOROUGH SCHOOL DISTRICT OPTIONAL LOCAL EFFORT



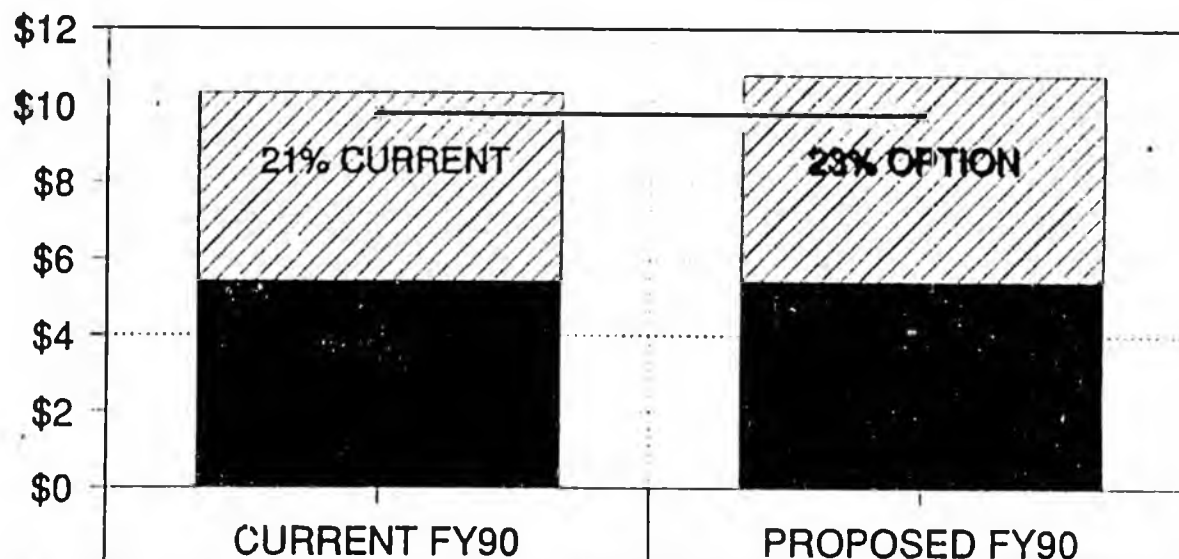
	CURRENT FY90	PROPOSED FY90
FY89 BUDGETED	\$28.373	\$28.373
OPTIONAL LOCAL	\$13.827	\$15.144
REQUIRED LOCAL	\$14.684	\$14.684

MILLIONS OF DOLLARS

REQUIRED LOCAL
 OPTIONAL LOCAL
 FY89 BUDGETED

PROPOSED CHANGE TO AS 14.17.025(b)

JUNEAU BOROUGH SCHOOL DISTRICT OPTIONAL LOCAL EFFORT



	CURRENT FY90	PROPOSED FY90
FY89 BUDGETED	\$9.772	\$9.772
OPTIONAL LOCAL	\$4.913	\$5.381
REQUIRED LOCAL	\$5.413	\$5.413

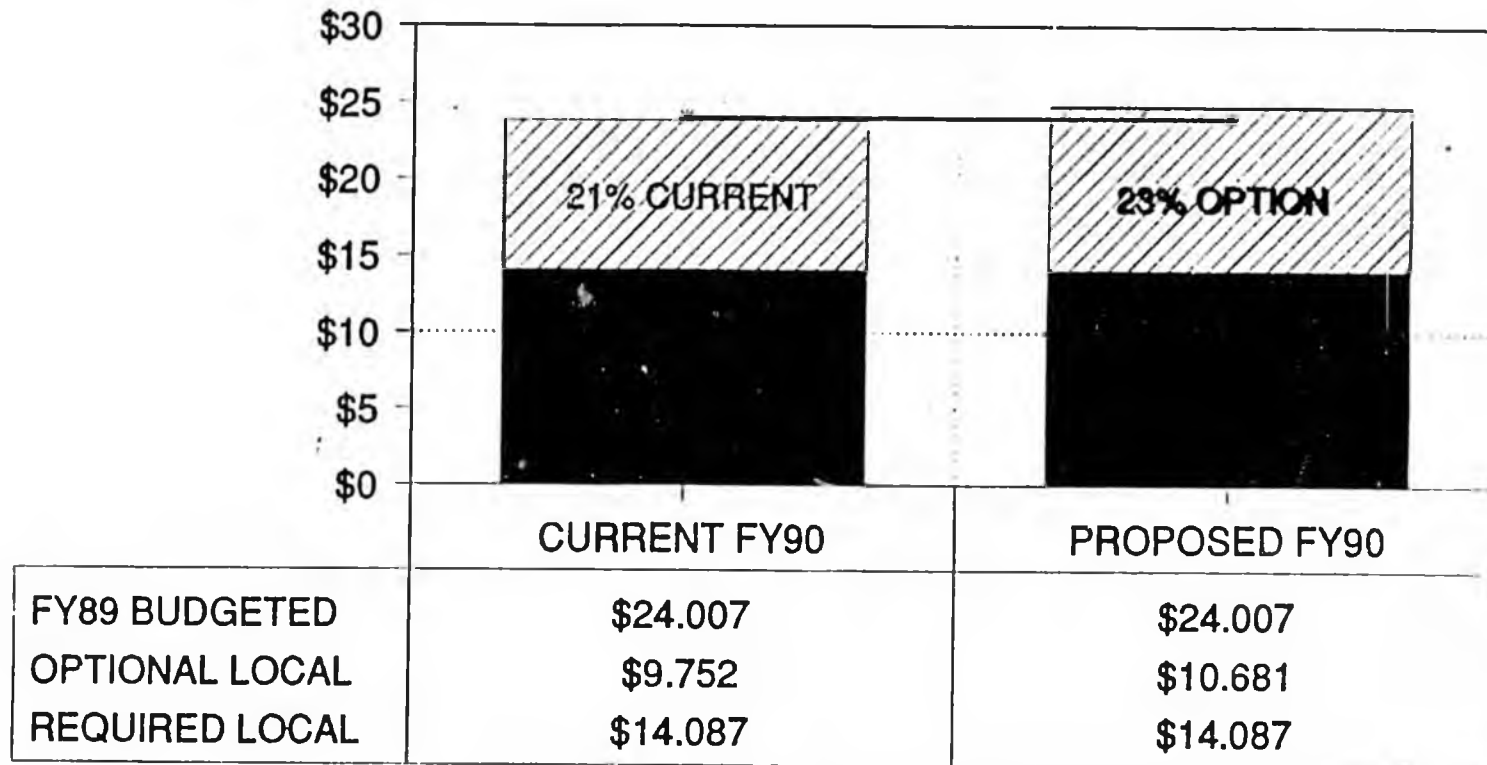
MILLIONS OF DOLLARS

REQUIRED LOCAL
 OPTIONAL LOCAL
 FY89 BUDGETED

PROPOSED CHANGE TO AS 14.17.025(b)

KENAI SCHOOL DISTRICT

OPTIONAL LOCAL EFFORT

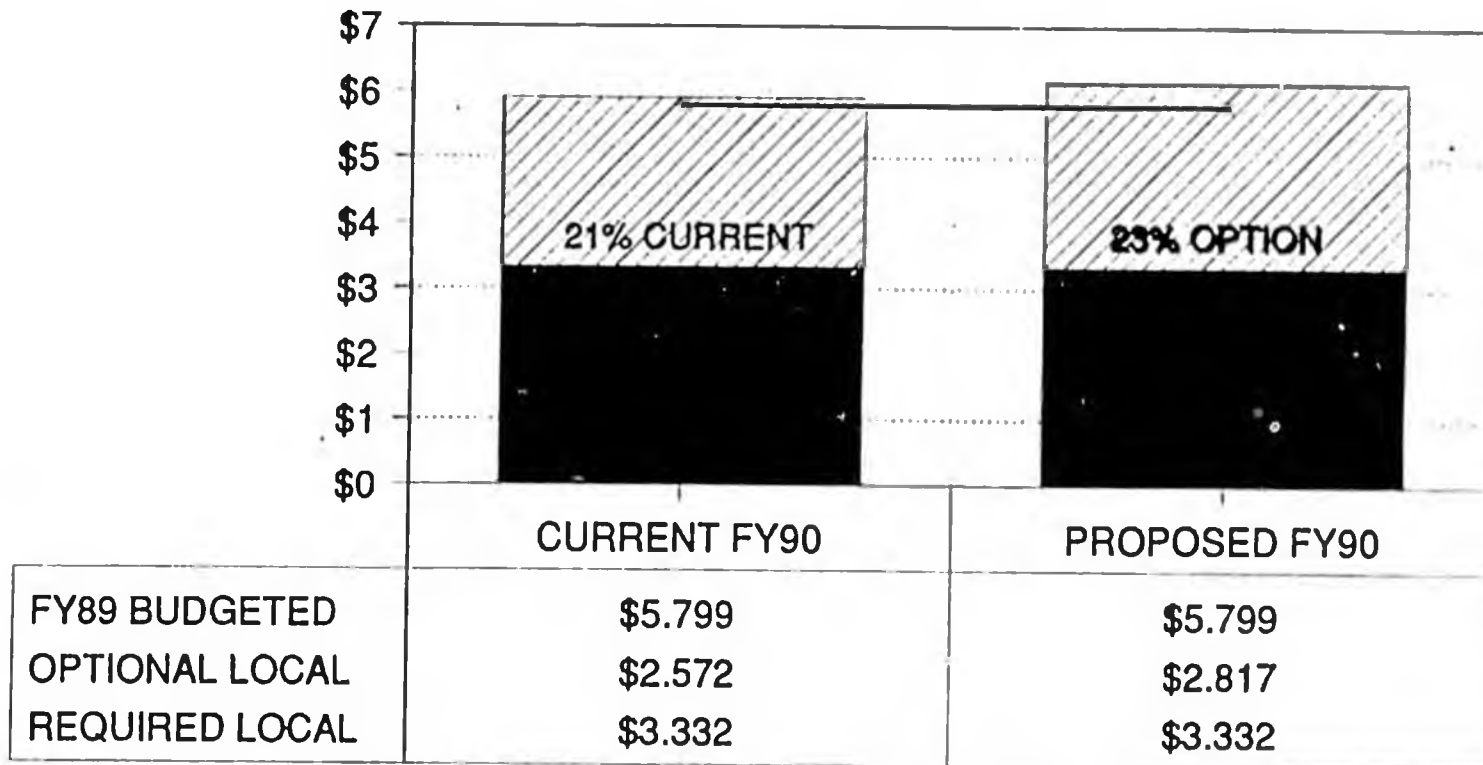


MILLIONS OF DOLLARS

REQUIRED LOCAL
 OPTIONAL LOCAL
 FY89 BUDGETED

PROPOSED CHANGE TO AS 14.17.025(b)

KETCHIKAN GATEWAY SCHOOL DISTRICT OPTIONAL LOCAL EFFORT

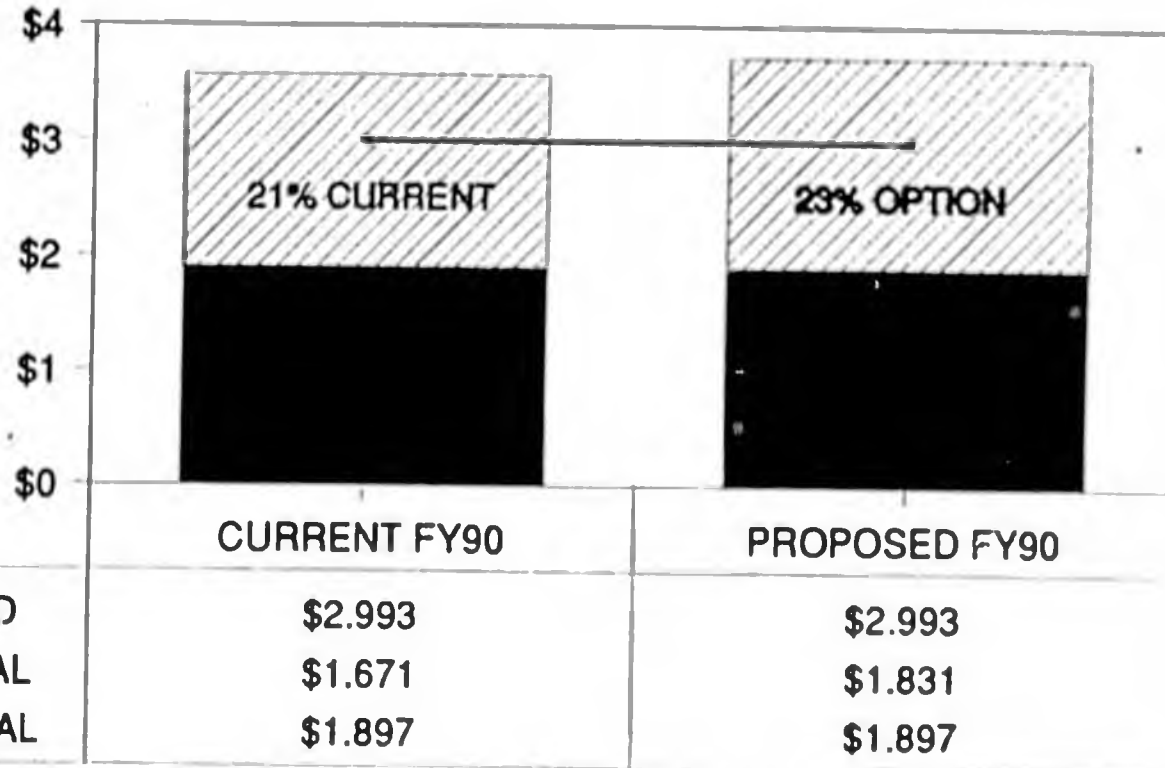


MILLIONS OF DOLLARS

REQUIRED LOCAL
 OPTIONAL LOCAL
 FY89 BUDGETED

PROPOSED CHANGE TO AS 14.17.025(b)

SITKA BOROUGH SCHOOL DISTRICT OPTIONAL LOCAL EFFORT

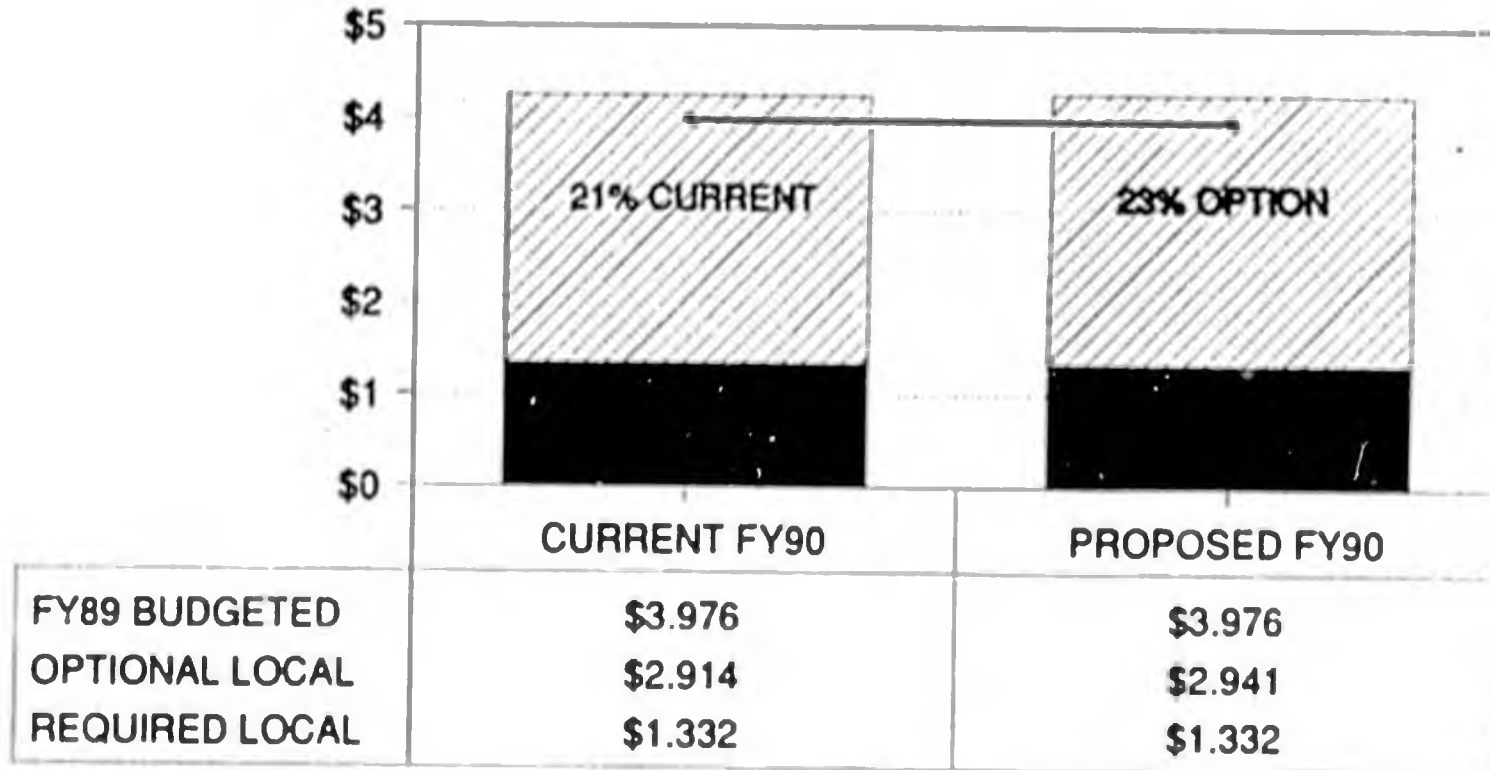


MILLIONS OF DOLLARS

REQUIRED LOCAL
 OPTIONAL LOCAL
 FY89 BUDGETED

PROPOSED CHANGE TO AS 14.17.025(b)

VALDEZ CITY SCHOOL DISTRICT OPTIONAL LOCAL EFFORT



MILLIONS OF DOLLARS

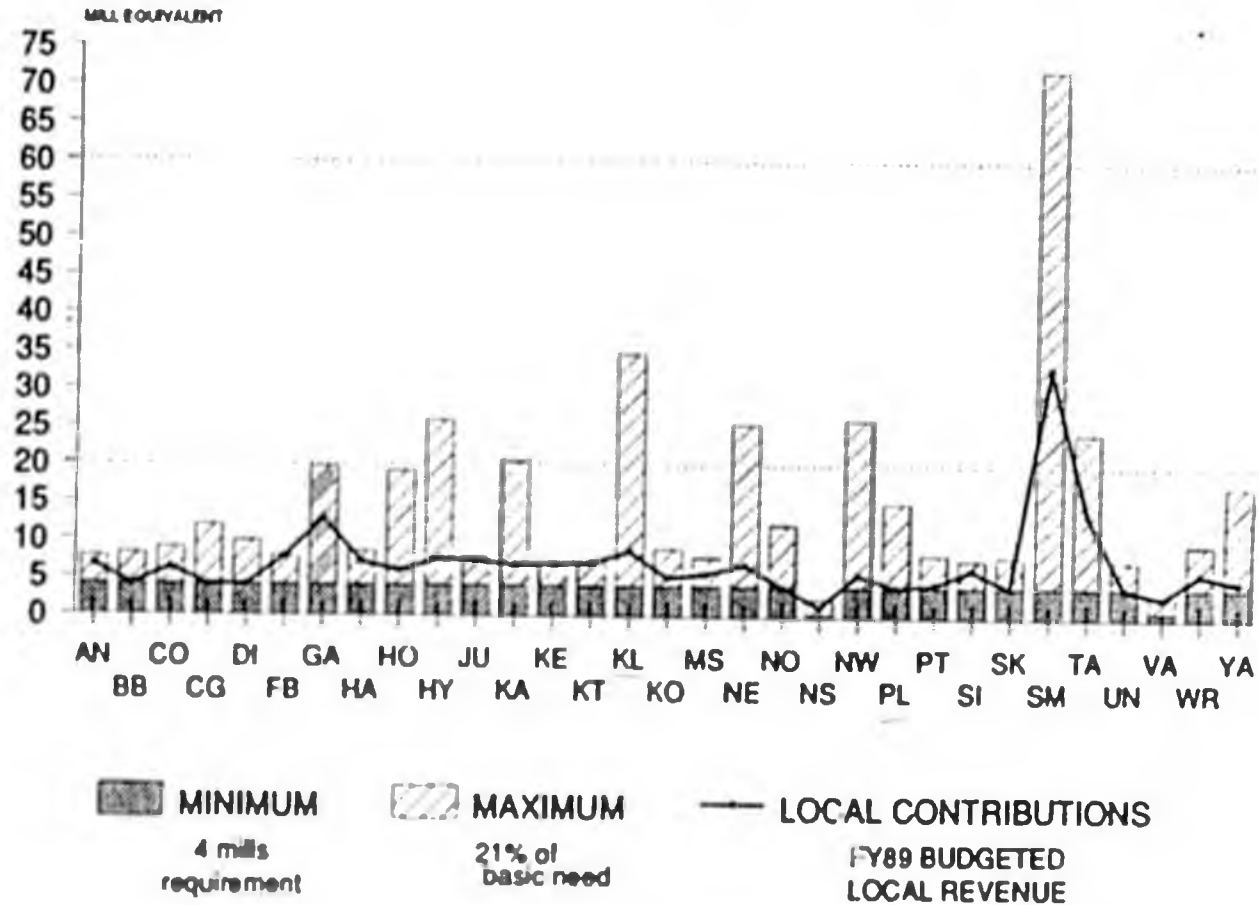
REQUIRED LOCAL
 OPTIONAL LOCAL
 FY89 BUDGETED

PROPOSED CHANGE TO AS 14.17.025(b)

School District
abbreviations

- Anchorage - AN
- Etivak Bay - EB
- Cordova - CO
- Craig - CG
- Dillingham - DI
- Fairbanks - FB
- Galeana - GA
- Haines - HA
- Hoonah - HO
- Hydatsug - HY
- Juneau - JU
- Kake - KA
- Ketchikan - KE
- Ketchikan - KT
- Kasaan - KL
- Kodiak - KO
- Mat Su - MS
- Nenana - NE
- Nome - NO
- North Slope - NS
- Northwest Arctic - NW
- Palcaan - PL
- Petersburg - PT
- Sitka - SI
- Stagway - SK
- St. Mary's - SM
- Tanana - TA
- Unalakleet - UN
- Valdez - VA
- Wentz - WR
- Yakutat - YA

CITY/BOROUGH SCHOOL DISTRICTS FY90 LOCAL CONTRIBUTIONS



ALASKA PUBLIC SCHOOL FOUNDATION FUNDING PROGRAM
 FY90 MAXIMUM LOCAL EFFORT AT 2 1/8 AND 2 3/8 OF BASIC NEED
 COMPARED TO BUDGETED FY89 LOCAL REVENUES
 PREPARED 2/27/89

SCHOOL DISTRICT	AS 14.17.025(a) LOCAL CONTRIBUTION SHALL INCLUDE LESSER OF 4 MILLS OR 3 1/8 BASIC NEED			AS 14.17.025(b) IN ADDITION, LOCAL CONTRIBUTION NO MORE THAN 2 MILLS OR 2 1/8 BASIC NEED			"MAXIMUM LOCAL" REQUIRED LOCAL PLUS THE GREATER OF 2 1/8 OR 2 MILLS			"MAXIMUM LOCAL" REQUIRED LOCAL PLUS THE GREATER OF 2 3/8 OR 2 MILLS		
	1988 ASSESSED FULL VALUE AT 4 MILLS FY90 FOUNDATION	3 1/8 OF FY89 BASIC NEED FY90 FOUNDATION	ESTIMATED FY90 REQUIRED LOCAL CONTRIBUTION	1988 ASSESSED FULL VALUE AT 2 MILLS FY90 FOUNDATION	2 1/8 OF FY90 BASIC NEED	ESTIMATED FY90 ADDITIONAL LOCAL CONTRIBUTION	FY89 BUDGETED LOCAL REVENUES	FY89 BUDGETED COMPARED TO MAXIMUM LOCAL	%	FY90 BASIC NEED	GREATER OF 2 3/8 OR 2 MILLS	FY89 BUDGETED COMPARED TO INCREASED LOCAL
ANCHORAGE	143,334,202	865,170,770	843,334,202	121,667,101	839,102,462	839,102,462	882,436,664	871,031,578	86.17%	842,826,506	886,160,708	82.44%
BRISTOL BAY	1472,721	806,820	842,721	1236,360	884,092	884,092	8956,813	8419,182	46.95%	8530,196	81,002,917	44.79%
COPPOVA	1464,414	1945,420	1464,414	1232,207	1567,252	1567,252	81,031,666	8716,342	69.44%	8621,276	81,005,690	65.98%
CRAIG	8155,135	1507,150	8155,135	877,568	8304,290	8304,290	8459,425	8118,270	25.74%	8333,270	8488,405	24.27%
DILLINGHAM	8486,275	81,159,410	8486,205	8243,102	8695,646	8695,646	81,181,851	8395,181	33.44%	8761,898	81,248,103	31.66%
FAIRBANKS	814,683,509	823,045,610	814,683,509	87,341,755	813,827,356	813,827,366	828,510,875	828,372,555	99.51%	815,144,258	829,827,767	95.17%
GALENA	878,340	8510,300	878,340	839,170	8306,180	8306,180	8384,520	8248,629	64.66%	8335,340	8413,680	60.10%
HAINES	8450,452	8834,750	8450,452	8225,276	8500,850	8500,850	8951,302	8797,039	83.73%	8548,550	8999,022	79.78%
HYOMAH	890,888	8571,410	890,888	845,444	8342,846	8342,846	8433,734	8134,212	30.94%	8375,498	8466,386	28.78%
HYDABURG	837,996	8346,400	837,996	818,998	8206,640	8206,640	8244,636	870,334	28.75%	8226,320	8264,316	26.61%
JUNEAU	85,413,218	88,189,160	85,413,218	82,706,624	84,913,496	84,913,496	810,326,744	89,772,431	94.63%	85,381,448	810,794,496	90.53%
KAKE	870,921	8483,420	870,921	835,461	8290,052	8290,052	8360,973	8118,2	32.87%	8317,676	8588,597	30.53%
KENAI	814,086,937	816,254,210	814,086,937	87,043,469	89,752,526	89,752,526	823,839,463	824,006,628	100.70%	810,681,358	824,768,275	96.92%
KETCHIKAN	83,331,958	84,786,100	83,331,958	81,665,979	82,571,660	82,571,660	85,903,618	85,798,750	98.22%	82,816,580	86,148,538	94.31%
KING COVE	8106,145	8476,490	8106,145	853,072	8285,894	8285,894	8392,039	8105,955	27.03%	8113,122	8419,267	25.27%
KIASHOK	838,712	8493,500	838,712	819,356	8296,100	8296,100	8334,812	887,816	24.74%	8324,300	8363,012	22.81%
KODIAK	82,378,504	84,861,290	82,378,504	81,189,252	82,916,774	82,916,774	85,295,278	83,050,367	57.61%	83,194,562	85,573,066	54.73%
KAT-SU	89,159,961	814,355,600	89,159,961	84,579,980	88,613,360	88,613,360	817,773,321	812,809,850	72.07%	89,433,680	818,593,641	68.89%
KENAMA	866,062	8588,000	866,062	833,011	8352,800	8352,800	8418,862	8113,123	27.01%	8386,400	8452,462	25.00%
KOME	8560,332	81,893,780	8560,332	8280,166	81,136,268	81,136,268	81,696,600	8498,761	29.40%	81,244,484	81,804,816	27.64%
NORTH SLOPE	84,150,440	84,174,300	84,150,440	824,583,939	82,504,628	824,583,939	828,734,379	816,422,448	57.15%	82,743,164	828,734,379	57.15%
NORTHWEST ARCTIC	8632,184	85,783,400	8632,184	8316,092	83,470,040	83,470,040	84,102,274	8445,117	21.58%	83,800,520	84,432,704	19.97%
PELICAN	842,321	8195,720	842,621	821,311	8117,432	8117,432	8160,053	832,470	20.29%	8128,616	8171,237	18.96%
PETERSBURG	8692,336	81,215,480	8692,336	8346,168	8729,288	8729,288	81,421,624	8744,312	52.36%	8798,744	81,491,080	49.92%
SAND POINT	8141,962	8488,880	8141,962	870,981	8293,328	8293,328	8435,290	8143,279	32.92%	8321,264	8463,226	30.93%
SITKA	81,896,637	82,785,650	81,896,637	8948,318	81,671,390	81,671,390	83,568,027	82,993,379	83.89%	81,830,570	83,727,207	80.31%
SKAGWAY	8221,834	8379,890	8221,834	8110,917	8227,934	8227,934	8449,768	8159,179	35.39%	8249,642	8471,476	33.76%
ST. MARY'S	816,739	8475,020	816,739	88,369	8285,012	8285,012	8301,751	8137,805	45.67%	8312,156	8328,895	41.90%
TANANA	846,048	8391,230	846,048	823,024	8234,738	8234,738	8280,786	8158,064	56.29%	8257,094	8303,142	52.14%
UNALASKA	8386,275	8572,670	8386,275	8193,137	8343,602	8343,602	8727,877	8302,884	41.50%	8376,326	8762,601	39.72%
VALDEZ	81,331,610	81,360,800	81,331,610	82,914,263	8816,480	82,914,263	84,245,873	83,976,298	93.65%	84,245,873	84,245,873	93.65%
WRANGELL	8417,379	8993,510	8417,379	8208,690	8596,106	8596,106	81,013,485	8616,571	60.84%	8652,878	81,070,257	57.61%
YAKUTAT	876,168	8427,770	876,168	838,084	8256,662	8256,662	8332,830	891,087	27.37%	8281,106	8357,274	25.69%
TOTALS	8105,518,875	8165,021,990	8105,518,875	877,516,614	899,013,194	8123,190,288	8228,709,163	8185,353,538		8106,443,022	8237,822,695	

Discussion of Local Contribution Limitations

	100% State <u>Funding</u>	95% State <u>Funding</u>
Formula Generated State Revenue*	\$17,908,367	\$16,740,801
Other Revenue--Federal & Indirect	153,000	153,000
Sub-total	18,061,367	16,893,801
Local Maximum Revenue	10,180,033	9,935,529
Total Allowable Revenue	28,241,400	26,829,330
Allowable <u>Additional</u> Local Contribution	499,033	254,529
Projected Shortfall for Program Rollover	70,000	1,481,932

Explanation

By law, a limit is set on the amount of money a District may have to operate. This limit or CAP is established to assure equal opportunity for all students across our state. Essentially, state law prohibits more than a 25% difference in funding among Districts.

This limit or CAP is established on operating funds only. The City and Borough of Juneau could provide additional funds for three (3) special revenue funds including pupil transportation (150,000), community schools (86,000) and pupil activities (107,000).

February 15, 1989

*Adjusted to reflect projected student enrollment of 4702.

MEMORANDUM

State of Alaska
Department of Education

TO: Steve Hale
Deputy Commissioner

DATE: March 28, 1989

FILE NO: FAC 1833

TELEPHONE NO: 465-2865

FROM: Tom Ryan 
Acting Director

SUBJECT: HB 233 Amendments
Foundation Program

We propose the enclosed amendments to House Bill 233. Each amendment is discussed below:

DOE #1 Deletes redundant language which defines the cap on local contribution as a percent of three factors. AS 14.17.021 already defines basic need as the product of those factors, so it is redundant to repeat the factors when the cap can be simply expressed as "23% of basic need."

DOE #2 Changes the consequences should a city or borough not pay the required minimum local contribution under AS 14.17.025 (a). Rather than stop foundation payments to the district and effectively close schools, the proposal would require that the shortfall be paid to the school district from municipal entitlements under title 29.60. The Department of Community and Regional Affairs would pay the amount to the school district rather than to the municipal government, until the shortfall is made up.

DOE #3 Amends the phase-in provisions of AS 14.17.025(f) so that the obligation of a local municipal government to contribute to the support of its associated school district is phased in over a period of time. The current language provides for a two year phase in. A separate phase-in provision for REAA schools that become city or borough schools is in AS 14.17.210. The two provisions are difficult to reconcile. As amended, AS 14.17.025(f) will provide for a single three year phase in.

In the first fiscal year in which a newly formed municipal school district operates, the municipality need not make any local contributions to the school district. In the second year it must pay enough so that the total local contribution, not counting a percentage of the district's impact aid, comes to the equivalent of at least a 2 mill property tax. In the third year the millage equivalent is at least 3 mills. These changes comport with a state policy of encouraging borough formation.

DOE #4 Provides an area cost differential for the new Aleutian East Borough and deletes differentials for King Cove and Sand Point which become part of that Borough.

AS 14.17.025 LOCAL CONTRIBUTIONS: paragraph (b) (2) is amended to read:

23 percent of the district's basic need for the fiscal year
under AS 14.17.021(b) or AS 14.17.225(b) [THE PRODUCT OBTAINED BY
MULTIPLYING

- (A) 21 PERCENT OF THE INSTRUCTIONAL UNIT VALUE IN
AS 14.17.056;
- (B) THE NUMBER OF INSTRUCTIONAL UNITS APPROVED FOR
THE DISTRICT FOR THE FISCAL YEAR: AND
- (C) THE AREA COST DIFFERENTIAL OF THE DISTRICT UNDER
AS 14.17.051]

AS 14.17.025 LOCAL CONTRIBUTIONS is amended to add a new section:

"(e) If the commissioner determines that the local contributions to a city or borough school district in any fiscal year were insufficient to meet the requirements of this section, the Department of Community and Regional Affairs shall pay the amount of the shortfall to the school district from the municipality's entitlement to municipal assistant under AS 29.60.350 - 29.60.375, and, if that source is not sufficient to meet the shortfall, then from the municipality's entitlement to tax resource equalization which is available for areawide purposes under AS 29.60.010 - 29.60.080. [A STATE FOUNDATION AID PAYMENT MAY NOT BE MADE TO A CITY OR BOROUGH SCHOOL DISTRICT IN WHICH THE REQUIREMENTS OF (a) OF THIS SECTION HAVE NOT BEEN MET.]

AS 14.17.025 LOCAL CONTRIBUTIONS is amended to add a new section:

(f) For the first three [TWO] fiscal years 'n which a newly formed city or borough school district operates schools [IS SUBJECT TO THIS SECTION], local contributions may be less than the amount that would otherwise be required under (a) of this section. However,

(1) In the second fiscal year of operation, local contributions must be at least the greater of

(A) [1] the local contributions, excluding any federal impact aid, for the previous fiscal year; or

(B) [2] the sum of 10 percent of the district's eligible federal impact aid for that year and [AND FOR THE SECOND YEAR, THE EQUIVALENT OF A THREE MILL TAX LEVY] on the full and true value of the taxable real and personal property in what is now the district as of January 1 of the second preceding fiscal year, as determined by the Department of Community and Regional Affairs under AS 14.17.140 and AS 29.45.110; and

(2) In the third fiscal year of operation, local contributions must be at least the greater of

(A) the local contributions, excluding any federal impact aid, for the previous fiscal year; or

(B) the sum of 10 percent of the district's eligible federal impact aid for that year and the equivalent of a three mill tax levy on the full and true value of the taxable real and personal property in the district as of January 1 of the second preceding fiscal year, as determined by the Department of Community and Regional Affairs under AS 14.17.140 and AS 29.45.110.

(g) A school district is eligible for additional state aid in the amount by which the local contributions that would otherwise have been required under (a) of this section exceed the district's actual local contributions under (f) of this section.

AS 14.17.210 is repealed.

*Sec. 2. AS 14.17.051 is amended to read:

Sec. 14.17.051. AREA COST DIFFERENTIAL. The area cost differential for a school district is as follows:

School District	Area Cost Differential
Adak	1.27
Alaska Gateway	1.19
Aleutian Region	1.31
<u>Aleutians East</u>	<u>1.31</u>
Anchorage	1.00
Annette Island	1.03
Bering Strait	1.39
Bristol Bay	1.27
Chatham	1.03
Chugach	1.14
Copper River	1.14
Cordova	1.11

Craig	1.03
Delta/Greely	1.16
Dillingham	1.27
Fairbanks	1.04
Galena	1.30
Haines	1.05
Hoonah	1.08
Hydaburg	1.03
Iditarod	1.33
Juneau	1.00
Kake	1.03
Kashunamiut	1.33
Kenai	1.00
Ketchikan	1.00
[KING COVE	1.27]
Klawock	1.03
Kodiak	1.09
Kuspuk	1.33
Lake & Peninsula	1.31
Lower Kuskokwim	1.42
Lower Yukon	1.35

Matanuska-Susitna	1.00
Nenana	1.20
Nome	1.34
North Slope	1.45
Northwest Arctic	1.45
Pelican	1.08
Petersburg	1.00
Pribilof	1.30
Railbelt	1.23
[SAND POINT	1.27]
Sitka	1.00
Skagway	1.05
Southeast Island	1.04
Southwest Region	1.31
St. Mary's	1.30
Tanana	1.30
Unalaska	1.27
Valdez	1.11
Wrangell	1.00
Yakutat	1.08
Yukon Flats	1.46
Yukon-Koyukuk	1.34
Yupik	1.41

MEMORANDUM

State of Alaska

Department of Law

TO: Hon. David Hoffman, Commissioner DATE: March 6, 1989
Department of Community FILE NO: 663-88-0341
and Regional Affairs TEL. NO: 465-3603

Hon. William Demmert, Commissioner SUBJECT: Transition in school
Department of Education funding for newly formed
borough

FROM: *Thomas E. Wagner*
Thomas E. Wagner
Assistant Attorney General
Human Services-Juneau

A. Introduction

This memorandum is to elaborate on my January 11, 1988, memorandum to the commissioner of education, discussing the transition in funding for schools located in the newly formed Aleutians East Borough (our file 663-88-0270). To the extent this memorandum is inconsistent with that memorandum, that memorandum is superseded.

As noted in our previous memorandum, the basic structure of the transition is as follows. AS 29.05.130(a) and 29.-05.140(a) provide that a newly incorporated borough must assume the operation of schools formerly in educational service areas (REAA's) and in city school districts within it's boundaries, within two years of the date of its incorporation. Until the new borough takes over the education function, existing REAA and city districts will continue to provide education services, and will be funded under the foundation program. When the new borough takes over the education function, it assumes the rights, powers, duties, assets, and liabilities of the school districts formerly providing the education function, whether REAA or first class city districts. At that point, any former school district will cease operating, or will be reduced in size if only part of the district has been incorporated in the new borough. More specific aspects of transition are discussed below.

B. Implementation of AS 14.17.025 and AS 14.17.210

An REAA school that becomes a city or borough school is considered an REAA school for funding purposes "until the expiration of a complete fiscal year after the date on which the school becomes a city or borough district school." AS 14.17.210. We interpret that language to mean until the expiration of a complete fiscal year after the fiscal year in which the new borough assumes the education function, even if the date of that assumption is on July 1, the first day of a fiscal year. Thus if a new borough assumes the education function on the first day of fiscal year 1990 (July 1, 1989), former REAA schools taken over by the

borough are to be treated for funding purposes as REAA schools in fiscal years 1990 and 1991.

Under AS 14.17.021(a), state aid to a school district is calculated by subtracting from the district's "basic need," (1) the required local contributions under AS 14.17.025(a); and (2) 90 percent of the district's eligible federal impact aid for that year. Subsection (g) of AS 14.17.025 provides for an additional state subsidy for districts that have a lower local contribution under subsection (f) than would ordinarily be required under subsection (a).

1. Required Local Contributions

Under AS 14.17.025(d), local contributions are not required in an REAA district. AS 14.17.210 can therefore be implemented by excluding for the required period, from "the full and true value of the taxable real and personal property in the district," as that term is used to calculate the required local contribution under either subsection (a) or subsection (f) of AS 14.17.025, any property in the newly organized borough that was in an REAA school district prior to borough formation. Thus, if a new borough incorporated in fiscal year 1989, and assumed the education function in fiscal year 1991, property formerly in REAA's would be excluded from the property value on which the required local contribution is calculated for the new district in fiscal years 1991 and 1992. Under the formula in AS 14.17.021(a), any resultant lower local contribution would be replaced by increased state aid.

For the first two years a school district is subject to AS 14.17.025, its required level of local contributions is phased in under subsection (f) of that section. In our opinion, the phase-in provisions apply not only to existing city or borough districts that became subject to that section when it became effective following enactment of § 4, ch. 91, SLA 1987, but also to new city or borough districts formed thereafter. AS 14.17.025(f) provides:

(f) For the first two fiscal years in which a district is subject to this section, local contributions may be less than the amount that would otherwise be required under (a) of this section. However, local contributions must be at least the greater of

(1) the local contributions, excluding any federal impact aid, for the previous fiscal year; or

(2) the sum of 10 percent of the district's eligible federal impact aid for that year and, for the first year, the equivalent of a two mill tax levy and for the second year, the equivalent of a three mill tax levy, on the full and true value of the taxable real and personal property in the district as of January 1 of the second preceding fiscal year, as determined by the Department of Community and Regional Affairs under AS 14.17.140 and AS 29.45.110.

Tom Ryan, the Department of Education's acting director of the Division of Educational Finance and Support Services, has indicated the department's intention to interpret the term "local contributions . . . for the previous fiscal year," as used in AS 14.17.025(f)(1), to include only contributions to the new borough school district, and not contributions made by the former city districts to their associated school districts. Since the new borough district did not exist in the previous fiscal year, except possibly to gear up, it is likely that local contributions to that district were zero or very small. In that case, the amount calculated under subsection (f)(1) would be less than that calculated under (f)(2). The required local contributions would be the greater of the two amounts, the amount calculated under subsection (f)(2). Although it is not necessarily the only possible interpretation of that language, that interpretation is reasonable. It comports with the literal words of the statute and encourages borough formation. The Department of Education should adopt regulations setting forth its interpretation.

During the second year of the new school district's operation, the millage equivalent under subsection (f)(2) moves to three mills. As discussed above, the value of property formerly in REAA's should be excluded under AS 14.17.210 for the requisite period. In that year, the amount calculated under subsection (f)(1) would be the actual contributions to the new district during the previous fiscal year.

2. Eligible federal impact aid

Under AS 29.05.130, upon integration of an educational service area in a newly formed municipality into the municipality, the municipality succeeds to the rights, powers, duties, assets and liabilities of the service area. Accordingly, federal impact aid money received by an REAA on behalf of students whose education is transferred to the new municipality must be transferred to the new municipal school district. For that reason, the term "eligible federal impact aid," both as used in AS 14.17.021(a) and as used in AS 14.17.025(f)(2), should be

interpreted to mean federal impact aid received either by the former REAA or first class city school districts, or by the newly formed borough school district, on behalf of the children living in what has now become the new borough.

In the February 11, 1968 memorandum noted above, the final sentence of Assumption #5 indicates that \$577,241 is "the figure we estimate will be available as the 10 percent PL-874 payment to the prospective borough." (Emphasis added.) And in the final sentence, it states: "it is projected that the borough would receive a total of \$2,885,235 under the PL-874 program from fiscal year 1992 through fiscal year 1996, and would only be obligated to contribute a minimum of \$1,108,706 of this amount during this same period." (Emphasis added.) In weighing the potential benefits and burdens of borough formation, you should understand that that impact aid payments are made directly from the federal government to the school district involved. Although a portion of those payments may qualify to be counted as local contributions under AS 14.17.025(a) and (f), the impact aid payments are not made to the borough itself, but to its associated school district.

C. Area Cost Differentials

When a new district is formed, it will not have an area cost differential under AS 14.17.051. The period between the date of incorporation of a new borough and the time the borough takes over the education function provides an opportunity for the legislature to amend that statute to provide an area cost differential for the new borough school district. If for some reason the legislature fails to act in that time, a sensible solution would be for the Department of Education to adopt regulations for determining that figure administratively, perhaps by calculating a student-weighted average of the districts combining to form the new district.

D. Calculations when a new borough assumes the education function in mid-fiscal year

When a borough takes over the education function on a date other than the first day of a fiscal year, calculations will need to be apportioned. State aid to the old REAA and city school districts and to the new borough district should each be calculated for the complete fiscal year. Aid should then be apportioned according to the number of days each district was responsible for educating the children in the district.

Similarly, the local contributions from first class city governments to their associated school districts, and from

Hon. David Hoffman
Hon. William Demmert
663-38-0341

March 6, 1989
Page 5

the new borough government to its associated school district, should be apportioned according to the number of days each district is responsible for educating the children in the district. Remember, of course, that all assets of the city or REAA districts must be transferred to the new borough district when it assumes the education function.

E. Calculations when only a portion of an REAA district is assumed by a borough district

When a new borough incorporates only a portion of an REAA district, as when the Aleutians East Borough incorporated only a portion of the Aleutians REAA school district, state aid calculations should be based on the funding communities assigned to each district. Similarly, the "hold harmless" provisions in AS 14.17.031(b) and § 24, ch. 91, SLA 1987, should be applied to the smaller district that remains after the rest is incorporated into a new district, by measuring the differences in instructional units, basic need, or state aid, as the case may be, in that portion of the district that remains in the old district.

F. Conclusion

We apologize for the delay in responding to your inquiries. We have found the matter of transition funding to be somewhat complex. We also note that the Department of Education is considering seeking legislative action simplifying or clarifying some of the transition issues. We hope this memorandum clarifies some of the key points. Please contact me if we may be of further assistance.

/TE::ade

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

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

Mary Van Nimwegen

A. HESS

3-27-87

H. HESS

3-30-87

2 CS FOR HOUSE BILL NO. 233 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to local contributions for educa-
7 tion; and providing for an effective date."

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

9 * Section 1. AS 14.17.025(b) is amended to read:

10 (b) In addition to the local contributions required under (a) of
11 this section, local contributions to a city or borough school district
12 in a fiscal year may include no more than the greater of

13 (1) the equivalent of a two mill tax levy on the full and
14 true value of the taxable real and personal property in the district
15 as of January 1 of the second preceding fiscal year, as determined by
16 the Department of Community and Regional Affairs under AS 14.17.140
17 and AS 29.45.110; or

18 (2) 23 percent of the district's basic need for the fiscal
19 year under AS 14.17.021(b), as adjusted under AS 14.17.225(b) [THE
20 PRODUCT OBTAINED BY MULTIPLYING

21 (A) 21 PERCENT OF THE INSTRUCTIONAL UNIT VALUE IN
22 AS 14.17.056;

23 (B) THE NUMBER OF INSTRUCTIONAL UNITS APPROVED FOR THE
24 DISTRICT FOR THE FISCAL YEAR; AND

25 (C) THE AREA COST DIFFERENTIAL OF THE DISTRICT UNDER
26 AS 14.17.051].

27 * Sec. 2. This Act takes effect July 1, 1989.

HB

236

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

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

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

Mary Van Nimwegen

H. HESS.	4-17-89
H. HESS	4-19-89
H. HESS	1-26-90
H. HESS	2-6-91
H. HESS	2-28-90
H. HESS	3-5-90

HOUSE COMMITTEE REPORT

3/12

(7)

Date Referred: March 22, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 3-8-90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HB 236

HOUSE BILL NO. 236 [LEVEL OF BLOOD ALCOHOL FOR DWI OFFENDERS]
"An Act relating to the offense of driving while intoxicated and establishing presumptions of intoxication arising against persons 21 years of age or older and persons under 21 years of age in civil and criminal actions; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with CS HB 236 (HESS) the same title
- a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Date/Dept)

- fiscal impact _____
- fiscal note(s) _____
- 2 zero fiscal note AP.5/Court
- zero fiscal note(s) _____
- 1 zero with analysis Law
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend
<u>John Ellis</u>			
<u>Chen Davis</u>		X	
<u>Mark Boyer</u>		X	
<u>Boyer Kelly</u>		X	
<u>J. Ellis</u>		X	

John Ellis
Chairman's Signature

Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM

January 19, 1990

TO: Rep. Johnny Ellis, Chair
House Health Education and Social Services Committee

FROM: Rep. Fran Ulmer

RE: HB 236, relating to driving while intoxicated

During the interim, as a result of public outreach I conducted on HB 53 relating to drunk driving penalties, I was asked to consider either amending my bill or introducing a new bill which would lower the legal blood alcohol level from the current .10% to .08%. The primary reason for lowering the acceptable BAC level is that all breathalyzer machines have a 15% error rate. Thus, the courts are reluctant to prosecute anyone whose test results show less than .12%.

This issue was introduced at the statewide meeting of law enforcement officers which took place in Juneau last fall. Several cities have responded positively and I have included those letters for you.

As a result of the responses which I received, I asked Legal Affairs to conduct research on the subject for me. I have included a copy of the executive summary of that report as well. There is scientific data indicating impairment at .05% or lower which has prompted a number of states to lower their legal BAC 's to .08%

I thought you might be interested in amending HB 236 to lower the current BAC level for drivers over the age of 21 to .08%. Such an amendment would help the state to act more vigorously to ensure drunk drivers are not on Alaska's roads.

FU/dl

District 4B — Juneau

PO. Box V • Juneau, Alaska 99801-3100 • (907) 465-4947

City of Fairbanks
Police Department
656 7th Avenue Fairbanks, Alaska 99701
(907) 459-6500

November 17, 1989

Representative Fran Ulmer
Alaska State Legislature
1700 Angus Way
Juneau, Ak 99801

Re: Lowering of acceptable blood alcohol level

Dear Representative Ulmer:

Police agencies in Alaska are currently utilizing the Intoximeter 3000 instrument to obtain blood alcohol levels. I have been informed that the error rate for this instrument is +10% and for that reason the District Attorney has declined to prosecute cases when the intoximeter results are between .110 and .120.

The average blood alcohol level for the last sixty DWI arrests by officers of this Department is .195, almost twice the current legal limit. As I recall, our total DWI arrests for calendar year 1988 averaged .210.

I doubt that lowering the acceptable blood alcohol level from .10 to .08 will, by itself, have the desired effect of reducing the average blood level of those convicted of DWI. DWI arrests by this Department, for persons having a blood alcohol level ranging from .100 to .120, equal only about 2% of all DWI arrests. Today, Officers are so busy responding to calls of violence; i.e., domestic violence, burglaries, robberies, fights, and drug abuse they have very little work time directed toward DWI enforcement. As a result, Officers are limited to enforcing flagrant violations of our DWI statute.

I would suggest that legislation should be directed at reducing the "demand" for alcoholic beverages to reduce violent crimes resulting from alcohol abuse, including Driving While Intoxicated offenses. The State should encourage moderation in the consumption of alcoholic beverages by reducing the availability of alcohol through restricted hours of sale, licensed premises, etc. The beverage industry should be held accountable for funding of prevention and treatment programs, designed to assist individuals in making responsible decisions about the use of alcohol. These difficult issues need to be addressed in order to reduce Alaska's high level per capita alcohol consumption and contributing crime rate.

Page -2-
Representative Ulmer
November 17, 1989

Thank you for your continued support on public safety issues and your concerns regarding Alaska's Drunk Driving problem. I appreciate you taking time out from your demanding schedule to meet with us at the Chief's meeting earlier this week. Please feel free to contact me on this or other law enforcement matters.

Yours Truly,

A handwritten signature in black ink, appearing to read "Richard L. Cummings". The signature is fluid and cursive, with a large initial "R" and "C".

Richard L. Cummings
Chief of Police



VALDEZ POLICE DEPARTMENT
December 12, 1989

Representative Fran Ulmer
P.O. Box V
Juneau, AK 99811

Dear Representative Ulmer:

I have finally had time to review your proposed legislation regarding lowering the acceptable blood alcohol level from .10 to .08. This letter is to express support in your effort to accomplish this feat. Maybe with the lowering of the acceptable level to .08 the District Attorney's office would then prosecute D.W.I. cases of .10.

We, as residents of Alaska, have stated in years past that we have had enough of intoxicated drivers and that we want them off our streets. We, as police officers, have increased our enforcement of the drunk driver laws. Maybe what we really need is the acceptable blood alcohol limit lowered further to .05. A blood alcohol standard of .08 or above is beyond that limit. I have reviewed test studies on the effects of drinking and driving and all blood alcohol levels above a .05 impairs one's driving ability.

If I can be of further assistance, please feel free to contact me.

Sincerely,

BERT COTTLE
CHIEF OF POLICE


BLC/lab

TO: REPRESENTATIVE FRAN ULMER

FROM: NELSON W. BALLARD

I HAVE BEEN REVIEWING YOUR PROPOSAL TO REDUCE THE LEVEL OF INTOXICATION TO .08 WHICH IS DOWN FROM THE CURRENT LEVEL OF .10 REQUIRED TO CONVICT PEOPLE OF DWI. BASED ON MY NEARLY TEN YEARS OF LAW ENFORCEMENT EXPERIENCE IN ALASKA YOU SEEM TO BE DEFINATELY HEADED IN THE RIGHT DIRECTION. YOUR ARE CERTAINLY CORRECT IN YOUR FACTS THAT THE AVERAGE PERSON ARRESTED FOR DWI IS WAY OVER THE LIMITS ESTABLISHED BY THE LAW AND THAT A LARGE AMOUNT OF PEOPLE ARE CERTAINLY DRIVING UNDER THE INFLUENCE OF ALCOHOL AND ENDANGERING LIVES AS THEY HEAD HOME FROM DRINKING. ANOTHER SUGGESTION THAT I HAVE IS TO ARREST PEOPLE FOR DWI AND PEOPLE THAT BLOW BETWEEN .05 AND YOUR LEVEL OF .08 BE ISSUED A CITATION FOR DRIVING WHILE IMPAIRED WHICH COULD BE ASSESSED A SIX POINT DEMERIT ON THEIR DRIVERS RECORD. IN LIGHT OF THE FACT THAT ANY NEW LEGISLATION IN THIS AREA WILL BE DIFFICULT TO PASS IN JUNEAU YOUR EFFORTS ARE APPLAUDED AND IF YOU THINK MY IDEA HAS MERIT, THANK YOU FOR YOUR TIME AND GOOD LUCK WITH YOUR NEW BILL. I FULLY SUPPORT ANY LEGISLATION OF THIS TYPE.

SINCERELY,


NELSON W. BALLARD

Alaska State Legislature

Legislative Research Agency



P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 165-3891
Fax: (907) 163-3351

January 3, 1990

MEMORANDUM

TO: Representative Fran Ulmer

ATTN: Diane Lindbach

FROM: Leola Weimer *LWW*
Legislative Analyst

RE: Blood Alcohol Levels - States with a standard of 0.08 percent
Research Request 90.133

You asked which states have lowered their blood alcohol concentration (BAC) levels to 0.08 percent or lower, and what their motivation was in doing so. You also asked what the average blood alcohol level was for people convicted of driving while intoxicated in Alaska.

Background

Blood alcohol concentration levels are regulated by two different standards: presumptive and per se BAC. Presumptive BAC levels assume that the accused is under the influence of alcohol but an individual has the opportunity to demonstrate that he or she is acting responsibly. Sobriety road tests and other evidence may be used to prove that although an individual is under the influence of alcohol, he or she is not in fact intoxicated. The burden of proof rests with the arresting officer. Per se BAC levels, on the other hand, establish a definitive limit above which an individual is considered intoxicated and therefore driving illegally.

A list of the illegal per se and presumptive BAC levels for each of the fifty states, District of Columbia and Puerto Rico is enclosed (see Attachment A).

Presumptive BACs

Six states and the District of Columbia have presumptive BAC levels below 0.10 percent: Colorado (>0.05 - 0.10), District of Columbia (>0.05), Idaho (>0.08),

Representative Ulmer
January 3, 1990
Page 2

Maryland (0.07 - 0.10), Michigan (0.07 - 0.10), New York (0.07 - 0.10) and Oregon (0.08).

Twenty-three states and Puerto Rico have presumptive BAC levels set at 0.10 percent. Twenty-one states (including Alaska) have no presumptive BAC levels.

Per se BACs

The vast majority, 39 states and the District of Columbia, have an illegal per se BAC level of 0.10 percent. Georgia is the only state to have a higher BAC level of 0.12 percent. Six states and Puerto Rico have no illegal per se BAC level. Four states (California, Maine, Oregon and Utah) have lowered their illegal per se BAC to 0.08 percent. Vermont has kept its illegal per se BAC level at 0.10 percent but added a separate civil traffic violation for people registering 0.08 percent or more BAC. No states have a noncommercial driver standard below 0.08 percent per se BAC. The legal limit for all of Canada is 0.08 percent per se BAC. In addition, all European nations have an illegal per se BAC level of 0.08 percent or lower. Four drinks in an hour's time for the average-size adult results in a BAC level of 0.08 percent.¹

Rationale for Lowering Illegal Per Se BAC to 0.08 Percent

California

California was the most recent state to reduce its illegal per se blood alcohol level to 0.08 percent. On April 13, 1989 with a vote of 24 to 3, the California State Assembly passed Senate Bill 408 by Senator Leonard. Attached is a copy of supporting data from Senator Leonard's office, California Mothers Against Drunk Driving (MADD) and the Department of California Highway Patrol (see Attachment B).

Support for this legislation came from the California Medical Association, Peace Officers Research Association of California, Mothers Against Drunk Drivers, American Medical Association, California Organization of Police and Sheriffs, Committee on Moral Concerns, California Council on Alcohol Problems, California Association of Drinking Driver Treatment Programs, Starting Point, and many others.

Opposition came from the California Attorneys for Criminal Justice and the American Civil Liberties Union.

¹California Council On Alcohol Problems, February 10, 1989.

Representative Ulmer
January 3, 1990
Page 3

The stated purpose of this legislation was "to respond to the situation in which hundreds of people are killed every year by drunk drivers at blood-alcohol levels below 0.10 percent." Of the 23,630 people who died in the United States in 1987 from alcohol-related traffic accidents, approximately 11 percent (2,599 people) involved a blood-alcohol concentration lower than 0.10 percent.²

Data supporting impairment at lower levels was provided by the U.S. Department of Transportation and the American Medical Association. The U.S. Department of Transportation reviewed 177 studies on the effects of low doses of alcohol on driving-related skills. The department concluded that, "BACs of 0.03 percent or less are sufficient to affect skills relevant to driving, and...there is ample scientific evidence to justify the reduction of legal BAC limits to 0.05 percent or lower."³ The American Medical Association (AMA) has likewise encouraged the adoption of a nationwide BAC level of 0.05 percent.⁴

In opposing this reduction of California's illegal per se BAC level from 0.10 percent to 0.08 percent, the California Attorneys for Criminal Justice argued that lowering the presumptive level of intoxication would increase the risk of convicting innocent persons. The California Probation, Parole and Correctional Association also raised concerns over their ability to handle additional drunk drivers in an already overburdened and overcrowded corrections system.

Maine

In August of 1988, Maine reduced its illegal per se BAC level from 0.10 percent to 0.08 percent. According to Sergeant Schaad of the Maine Department of Public Safety, 29 MRSA § 1312-B(1)(b) was amended because scientific research demonstrated impairment at or below 0.05 percent BAC. The legislature chose 0.08 percent as a compromise level between the existing 0.10 percent and the ideal 0.05 percent. The fact that Maine borders Canada, which has a national per se BAC level of 0.08 percent, also helped support this reduction. Attached are copies of testimony and letters of endorsement which helped secure passage of this measure (see Attachment C).

²Senate Committee on Judiciary 1989-90, hearing March 14, 1989, SB 408, p. 2.

³Ibid., p. 3.

⁴Assembly Committee on Public Safety, hearing June 6, 1989, SB 408, p. 2.

Representative Ulmer
January 3, 1990
Page 4

Oregon

Since July of 1984, Oregon has had an illegal per se BAC level of 0.08 percent. According to Captain Stevenson of the Oregon Department of Public Safety, SB 710 was enacted by the Oregon Legislature in an effort to revise Oregon's drinking driver laws. A major feature of this measure was to lower the illegal per se level from 0.10 percent to 0.08 percent. A study on the impact of this law was published in March 1989. This report by the Oregon Motor Vehicles Division concluded that the proportion of both day and night-time fatalities that were alcohol-related declined after the implementation of SB 710 (see Attachment D).⁵

Utah

Utah was the first state to implement an illegal per se BAC level of 0.08 percent. According to Chris Coring of the Utah Department of Public Safety, Utah first lowered its presumptive BAC level to 0.08 percent in 1967. In 1983, Utah lowered the illegal per se BAC level to 0.08 percent and eliminated its presumptive level entirely. Mr. Coring explained that the reduction in illegal per se BAC to 0.08 percent was not difficult to enforce because 0.08 percent had been the presumptive level for so long. Mr. Coring attributed recent reductions in Utah's alcohol related driving accidents to expanded education and drunken driving prevention programs. He also noted that there was a drop in the total number of arrests after the lowering of the illegal per se BAC level to 0.08 percent because of improved testing and arrest procedures (see Attachment E).

Vermont

Vermont has taken a different approach. While keeping their illegal per se BAC level at 0.10 percent, they have added a civil traffic violation with a maximum penalty of \$175.00 for persons whose BAC level registers 0.08 or above. According to Captain Vallie of the Vermont Department of Public Safety, scientific evidence convinced the Vermont legislature that Vermont's driving while intoxicated statutes needed to be strengthened. A measure to reduce the illegal per se BAC level from 0.10 percent to 0.08 percent was defeated. In its place, a compromise measure was passed thereby establishing 0.08 percent BAC as a traffic violation. This new measure went into effect December 1, 1989 (see Attachment F).

⁵Senate Bill 710 and Traffic Safety, The Effectiveness of Oregon's New Drinking Driver Law, Final Report, March 1989, p. 1.

National Standard

The Uniform Vehicle Code (UVC) as revised by the National Committee on Uniform Traffic Laws and Ordinances recommends a nationwide BAC presumptive and per se level of 0.08 percent (see Attachment G).⁶

The National Transportation Safety Board also supports lowering illegal per se BAC levels to 0.08 percent (see Attachment H).

In addition, the Association for the Advancement of Automotive Medicine (AAAM) has supported a reduction in illegal per se BAC levels. According to a recent background paper, the AAAM reports that "epidemiologic data show[s] an increase in crash risk at BACs above 0.05 g/dl.⁷ At 0.08 g/dl there is about a 3-fold increase in crash risk over that with no alcohol, which rises about 6-fold at 0.10 g/dl and 25-fold or more at 0.15 g/dl" (see figure 1).

Alaska's Average BAC Level for Drunken Drivers

Alaska currently has an illegal per se BAC level of 0.10 percent (see attachment I). According to Mike Lewis, program director of the highway safety planning agency for the Alaska Department of Public Safety, the number of DWI arrests has steadily declined in Alaska, but the average blood alcohol level has remained high.

<u>Year</u>	<u>Number of DWI Arrests</u>	<u>Average BAC Level (%)</u>
1984	7,234	0.186
1985	6,084	0.189
1986	5,018	0.190
1987	4,388	0.192
1988	3,588	0.189

⁶It is also important to note that the Commercial Motor Vehicle Safety Act of 1986 as incorporated into the omnibus Drug Enforcement, Education, and Control Act of 1986, Public Law 99-57, requires that all states establish 0.04% BAC as the standard for commercial operators. States have until October 1, 1993, to comply with this standard. Failure to comply will result in a five percent decrease in federal highway aid during the first year and a ten percent decrease during subsequent non-compliance years (see Research Request 89.386 for more information).

⁷g/dl = gram of alcohol/deciliter of blood.

Representative Ulmer
January 3, 1990
Page 6

Summary

Four states (California, Maine, Oregon and Utah) have lowered their illegal per se BAC levels to 0.08 percent. Vermont has made 0.08 percent BAC a civil traffic violation.

Support for lower BAC levels has come from the U.S. Department of Transportation, the American Medical Association, the Uniform Vehicle Code, Mothers Against Drunk Driving and several other organizations.

Opposition to lower BAC levels has come from the American Civil Liberties Union and local organizations.

The purpose of lowering the illegal per se BAC levels from 0.10 percent to 0.08 percent is to reduce the number of alcohol-related traffic accidents. Studies show that 11 percent of the 23,630 traffic fatalities nationwide involved blood alcohol levels of less than 0.10 percent BAC. Oregon Motor Vehicles Division reports a decrease in the number of alcohol-related traffic fatalities since lowering their BAC level to 0.08 percent.

Alaska currently has no presumptive BAC level and an illegal per se BAC level of 0.10 percent. Of the 3,588 people who were arrested for DWI in 1988, the average BAC level was 0.189 percent.

Please contact this office if you have questions or need further information.

Attachments

FISCAL NOTE

REQUEST:

Revision Date: January 25, 1990
Title: "An Act relating to the offense
of driving while intoxicated..."
Sponsor: Repr. Donley
Requestor: Repr. Donley

Agency Affected: Department of Law
BRU: Prosecution
Components: A11

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director
Division: Administrative Services

Phone: 465-3672
Date: January 25, 1990

Approved by Commissioner: Richard I. Pegues / FOR I
Douglas R. Bally, Attorney General
Agency: Department of Law

Date: January 25, 1990

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 236

This bill amends AS 28.35.030(a) and AS 28.35.033(a) to lower the percentage of alcohol in a person's breath or blood from 0.10 percent to 0.05 percent, for commission of the offense of driving while intoxicated, if the person is under 21 years of age. Data collected by the Municipality of Anchorage reveals that about four percent of the persons stopped under the suspicion of driving while intoxicated, including adults, had a blood alcohol recording of from .00 to .09. Consequently, the number of drivers under the age of 21 years who would be presumed to be intoxicated under the bill, those with a blood alcohol recording of between 0.05 and 0.09 percent, is expected to be relatively small. Because of the small number of anticipated cases, probably fewer than 100 cases statewide, the bill is not expected to have a fiscal impact of the Department of Law.