

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

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TABLE OF CONTENTS

ACKNOWLEDGEMENTS	2
INTRODUCTION	3
Chapter 1 — ORIGIN AND PURPOSES OF THE COMMITTEE.....	7
• Reasons for establishing the committee	7
• Role of the legislature in school performance issues	9
• Recent legislative interest in improved school performance	12
Chapter 2 — SCHOOL PERFORMANCE SUBJECTS IDENTIFIED AND ANALYZED, WITH RECOMMENDATIONS	17
• Alaska state goals of education and school district accountability.....	20
• Legislatively mandated measures of achievement.....	26
• School performance improvement incentives	30
• Health and family service programs related to school performance	33
• Long-term and immediate needs for state coordinated early childhood and parenting education	36
CONCLUSION TO THE FIRST REPORT	39
EXECUTIVE SUMMARY	43

APPENDIX (A collection of supporting documents and transcripts of hearings—
bound as a separate volume.)

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INTRODUCTION

The Joint Committee on School Performance was established on the grounds that there is widespread public concern for the condition of school performance in Alaska. As one means for the legislature to fulfill its responsibility to maintain a system of public schools, the Committee was instructed to identify those subjects for priority legislative attention that might enable school performance to be improved. To accomplish this task it first was necessary to find out what really is in need of betterment. The Committee has been going about this job by holding public hearings, attending professional education association meetings, conferring with school and university personnel, meeting with the state board of education, reviewing the literature and holding internal work sessions. Much of what we have learned about schooling is commendable, but we have also determined that all districts need to rethink some of their approaches to school improvement.

The Committee has attempted to avoid the shortcomings of previous school reform movements, especially those where immediate results were expected. Too often hastily and inadequately planned improvement efforts have been worse than none at all. The president of the National School Boards Association has cautioned that it will take years to enable schools to attain a level of performance equal to the task of preparing youth for the 21st Century, if this goal is to be accomplished at all. The process of providing the best possible school system for Alaska will require time, sound methodology and patience.

With these needs in mind, three basic beliefs have guided the Committee during its deliberations and the preparation of this report:

- 1) The amount and kinds of mandated policy that school districts receive from the legislature should be kept to a minimum, reserving to the State Board of Education and local boards the greater part of regulatory authority.
- 2) Regardless of the extent to which responsibilities are delegated, the legislature is constitutionally obligated to define by law fundamental, statewide purposes of education and prescribe the means by which school districts are to be held accountable for meeting those purposes.
- 3) The legislature is bound to provide the means, financial or otherwise, to nurture the freedom to learn among all the children of the state and to seek improved ways to organize, govern, fund, and oversee schooling in Alaska.

The Committee specified two criteria for selecting subjects for priority legislative attention:

- 1) Subjects selected should relate to policy considerations.
- 2) Subjects should be of such a level of importance that they deal with root causes of schooling problems.

Subjects identified that meet these criteria include:

1. Mandated state goals for education and school district accountability, including mandated measures of achievement.
2. Improved and coordinated health and family service programs as they relate to school programs.
3. State-supported and coordinated early childhood education and parenting education.
4. Improved professional competency for teachers and school administrators by addressing such topics as training, certification, professional incentives and tenure reform.
5. A review of Alaska's systems of school governance and administration as they relate to school performance.

6. Expanded and enhanced programs of Alaska studies, including Alaska history, government, geography, cultures, and economics.
7. Improved distance education and educational television, especially by satellite.
8. Improved and expanded education research, evaluation, and dissemination of findings.

It may be argued which of these subjects merit the highest priority, but we believe they all must be addressed as soon as time and funds permit.

As recommendations for legislative attention derived from this report are considered, we believe it is important to keep in mind that although Alaska has had good reason over the years to take pride in its schools, there are now students who critically need fresh approaches to schooling and new and unprecedented demands on schools are being made at an ever increasing rate. Schools in the past, no matter how good, would not have been sufficient to meet today's need for a well-educated public nor would they have been able to cope with the extent of social dysfunction now found in many locales throughout the state. The legislature is obliged to lead the way to even better schools and thereby to a better educated populace.

CHAPTER 1

ORIGIN AND PURPOSES OF THE JOINT COMMITTEE

Reasons for Establishing the Joint Committee

Education is, in the minds of many, the single most important function of government. At all levels of government, from President Bush's Summit Meeting of forty-nine state governors, held in October, 1989, to advisory school boards in the smallest and most remote of Alaska's rural villages, education is seen as the one irreplaceable prerequisite to a satisfying individual life and the most essential ingredient of a healthy society. Alaskans have long recognized this necessity; to assure educational opportunity for all, Alaska lags behind only five of the nation's ten richest states in expenditure per pupil from state and local revenues. This status, although it represents a decline from previous years, places Alaska's per pupil expenditure rate almost 20 percent more than the national average.¹

Reflecting this level of support are many schools in Alaska that employ exemplary programs and show an excellent level of school performance among their students. Descriptions of programs that work and students that score high on achievement tests can be identified in several locations. These could serve as models for other districts and students, especially if the reasons for their success were better known. Nevertheless, as the Senate Special Report on School Performance of the Fifteenth Legislature has so thoroughly documented, some of the most fundamental aspects of Alaska's systems and programs of education are not meeting the

educational needs of a large number of children.

Thus, all parties concerned with the current school performance improvement movement need to be aware of the wide variety of schooling conditions and results of schooling efforts in Alaska, favorable and unfavorable, and the need to take these variables into consideration as recommendations and legislation are developed.

In recognition of the unmet critical needs of some aspects of education in Alaska, and acting on a recommendation in the Senate Report on School Performance, the Sixteenth Alaska Legislature established the Joint Senate-House Committee on School Performance in May, 1989. Included in the enabling legislation that established the Committee was a directive to identify school performance subjects for priority legislative attention. It was in response to that directive that the Joint Committee turned its attention in August, 1989.

The formal goal of the Joint Committee is logical and simple: improved levels of public education among all pupils of the state, while recognizing that there are groups of students whom schools persistently have not served well. However, the means to reach this goal are far from simple. Indeed, the Joint Committee believes that adequate solutions to the myriad problems of education can be found only by addressing the complexities of the most basic relationships that exist among the numerous and varied factors that bear on public education. This, the Joint Committee contends, can be achieved only by addressing the root causes of education problems. The report that follows is a step in this direction.

A Place Called School: Prospects for the Future, A Nation at Risk, A Nation Prepared: Teachers for the 21st Century, and Crossroads in American Education are only a few of several works at the national level that speak to the decline in effectiveness of public education in America as a whole as well as in Alaska and convey a sense of urgency. For example, as the National Commission on Excellence in Education indicated,

The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people. What was unimaginable a generation ago has begun to occur—others are matching and surpassing our educational attainments... We have in effect, been committing an act of unthinking unilateral disarmament.²

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At the state level, the recent report of the Senate Special Committee on School Performance, *Helping Schools Succeed at Helping All Children Learn*, The Department of Education's report, *Basic Skills Performance of Alaska's Students*, the report of the Governor's Interim Commission on Children and Youth, and the Alaska Federation of Natives' *Report on the Status of Alaska Natives: A Call for Action*, all forcefully attest to the deplorable inadequacy of schooling among many segments of Alaska's population, as does testimony given at several hearings recently held throughout the state. Although these papers and hearings shed much light on the nature of the problems, the Committee will remain sensitive to additional information it may encounter in the future. The primary work of the committee, however, has been and will continue to be to move the discussion from that of deficiencies and fault finding to one of problem solving and subsequent action.

Role of the Legislature in School Performance Issues

Compounding the difficulty of finding the means to resolve schooling problems in Alaska is the large number of groups with statutory responsibilities or vested interests in the enterprise. The State Board of Education, the State Department of Education, the State Department of Rural and Community Affairs, and municipal and REAA school boards all have delegated authority over certain aspects of schooling. The Association of Alaska School Boards (recognized in statute), the Alaska Council of School Administrators, and NEA-Alaska have vested interests in education. Many other groups, such as the Parent Teachers Association, speak as protagonists for certain aspects of schooling and seek to influence policy at the state and local level. (There are approximately 95 professional education associations or special interest groups currently recognized in Alaska, all of which are involved in schooling.) Among some school districts there appears to be confusion as to the amount and type of authority that may be assumed and in some cases the nature of the relationship between school districts and the legislature may have been misunderstood, if not actually abused. A need exists, therefore, to clarify the role of the legislature and its relationship to other groups with responsibilities for schooling before describing the subjects identified by the Joint Committee for priority legislation.

There is no question where the ultimate responsibility for public education resides. The legislature, deriving its authority from the people through the Constitution, has a clear mandate:

"The Legislature shall by general law establish and maintain a system of public schools open to all children of the state...."(Constitution of Alaska, Article VII, Sec. 1)

The court has affirmed that this section guarantees all children of Alaska a right to public education and that education is a matter of statewide concern.

The constitutional mandate of this section for pervasive state authority in the field of education could not be more clear. First the language is mandatory, not permissive. Second, this section not only requires that the legislature "establish" a school system but also gives to that body the continuing obligation to "maintain" the system. Finally, the provision is unqualified; no other unit of government shares responsibility or authority (*Macauley v. Hildebrand*, Sup. Ct.Op. No. 741, 1971).

The constitutional provision for education found in Alaska differs in one major respect from many other states in that it does not require uniformity within the school system.

Other states typically have constitutions that contain phrases such as "shall provide for the establishment and maintenance of a thorough and uniform system of free public schools"; or "provide for a uniform system of common schools"; or "establish and maintain a general, uniform and thorough system of public, free common schools." In Alaska the court has concluded that the term uniform, or its equivalent, was not made a part of the Alaska Constitution because of the adverse effects such a system could have on Alaska's multicultural population. (However, Alaska would still be under the federal mandate for equal protection if resources for education were to be unfairly distributed.)

The court has also found that the broad mandate to the legislature found in the Constitution is not diminished by delegating certain educational functions to local boards:

That the legislature has seen fit to delegate certain educational functions to local boards in order that Alaska schools might be adapted to meet the varying conditions of different localities does not diminish constitutionally mandated state control over education.... (*Macauley v. Hildebrand*, supra)

Thus, it is a well-established principle that education is a state legislative function and that the legislature has the unrestricted right to prescribe how the education system shall be constituted. By enacting legislation creating school districts and regional education attendance areas, it follows that local school districts are state agencies that operate at the local level. Their function is the execution of state policy. Accordingly, school districts can exercise only those powers implied or expressly granted by statute, and their nature and composition may be changed by the legislature as it sees fit.

However, as a means of fulfilling their basic state responsibility for education, the legislature relies on the long-standing tradition of "local control" in American education. By creating local districts and REAAs, legislators have recognized the impracticalities of the legislature actually administering the laws that regulate schools. The daily processes of public education, comprised of so many elements, and the need to accommodate so many variables among dissimilar regions of Alaska requires a state system that enables schools to be administered at the local level. This concept notwithstanding, historically it can be shown that this approach to governance has required adjustments from time to time.

This view is reinforced by a persuasive statement by Terrel Bell, former Secretary of the U.S. Department of Education, in which he said:

Legislative leaders should assign to governing boards the responsibility for attaining the levels of educational performance commensurate with the ideals and aspirations of the State. Legislative assignment of responsibility should, however, be accompanied by mandates that results be measured and reported back to those who must stand before the electorate.³

On the one hand, Bell asserts that "if we are to move....to newer and higher levels of excellence in education, it must be through effective leadership action by our State legislatures...." But he also recognizes the role of local boards and has urged "legislative leaders to draft legislation that encourages school boards to govern the schools more aggressively...Many changes must come by board and administrative action in close cooperation with teachers and parents. We do not need, for example, curriculum development on the floor of the House and the Senate."⁴

Thus, defining the optimal balance in governance between the local community on the one hand and the state level on the other is a critical role of the legislature in general and the Joint Committee in particular. This view should not exclude the role of the State Board of Education as a partner with the legislature at the state level. Historically that role has varied and may need to be better defined. Therefore, a section of the Joint Committee's second report will address the problem of differentiating the type and level of responsibility of all official groups charged with providing for the education of the children of the state.

Recent Legislative Interest in Improved School Performance

The Senate of the Fifteenth Alaska Legislature initiated the current thrust of the legislature into the school improvement movement with publication of its extensive report on schooling in Alaska, *Helping Schools Succeed at Helping All Children Learn*. Developed by the Senate Special Committee on School Performance, chaired by Senator William L. Hensley, the report describes school reform efforts in America and Alaska during the past decade. Notable among the findings of this committee is the wide variety of issues that need to be addressed by the legislature. A summary of the Senate Committee's report and its recommendations appears as part of the appendix to this report; where appropriate, reference to that report is made throughout this paper.

In states other than Alaska during the past decade there has been a dramatic increase in the level of legislative activity promulgating new laws affecting schooling. In the view of some, increased control of education by legislatures, especially at the programmatic level, has been excessive. Others view the trend as overdue and necessary if true reform is to take place. Generally, new legislation is found in one or more of four categories: (1) training, certification, and professional incentives for teachers; (2) academic experiences of students, including curriculum and graduation requirements and special minority programs; (3) financing; and (4) organization and structure.⁵

By the mid 1980s most states had joined the process of enacting sweeping reform laws. Colorado had enacted 114 new education laws, many of them requiring new sets of regulations, and Arkansas recently enacted 122 education related statutes. In New Mexico,

as examples of the areas of schooling that have come under recent legislative efforts, new laws affect the minimum length of school days, school staffing patterns, class loads, and the minimum amount of instructional time to be provided in various subject content areas. Moreover, there have been increases in the graduation requirements for all high school students, with basic subjects prescribed and course hours in them increased.

In Texas, new laws prohibit social promotions from one grade to the next, establish the number of minutes that must be spent on each content area during each school day, and require that placement, promotion, and retention of students be based on mastery of essential elements of the curriculum. Examples from New Mexico and Texas are not atypical of many other states where "reforms" have been mandated through statute rather than through state boards of education or local policy-making bodies.⁶ Table No.1 summarizes the types of reform legislation and the number of states that have recently enacted laws in each category. It should be noted, however, that this material has been included in this report as information and is not necessarily an endorsement by the Committee for any one approach or for any kind or amount of legislative action taken elsewhere to address shortcomings in education. Issues affecting school performance in Alaska are treated in the next part of this report on a topic by topic basis in the context of the Alaskan environment and society.

Alaska may have been slow to join the nationwide movement (or "craze" as some might contend) for school improvement. But from testimony given during the numerous hearings held by the Senate Committee on School Performance, from material gathered by the Joint Committee at its hearings and meetings, and from the general tone of statements given at several other recent meetings addressing problems of school performance, such as the Forum on Youth at Risk sponsored by AFN and DOE, the Alaska public now appears to agree with those who advocate the need for school reforms. And the public appears ready to spend more for schools, if that is what it will take to improve education in Alaska. At the same time the public is apprehensive about investing more in Alaska's educational system as it is now constituted. The need to gain public confidence that school performance can be improved is at hand.

TABLE 1

**Recent Initiatives Reported by States
and the District of Columbia**

	Under Consideration or Proposed	Enacted or Approved	Total
Increased high school graduation requirements	6	41 ^a	47 ^a
Higher college admissions standards	11	22	33
New or revised student evaluation/testing	7	37 ^a	44 ^a
Changes in adoption procedures	9	13	22
Special academic recognition programs	5	25	30
Increased instructional time ^b	14	20 ^a	34 ^a
Longer school day ^b	11	11 ^a	22 ^a
Longer school year ^b	12	8 ^a	20 ^a
State-supported specialized schools	6	14 ^a	20 ^a
State-supported academic enrichment programs	8	34 ^a	42 ^a
Improved school discipline policies	8	19	27
State-mandated placement/promotion policies	4	15 ^a	19 ^a
State academic requirements for extra-curricular/athletic participation	8	13	21
Raised teacher preparation/certification standards	14	35	49
Performance-based teacher incentives	15	22 ^a	37 ^a
Efforts to address teacher shortages	11 ^a	26	37 ^a
State-sponsored professional development programs for teachers	14	30 ^a	44 ^a
State-sponsored professional development programs for administrators	12	30 ^a	42 ^a

a—Includes the District of Columbia

b—Twenty-seven states have enacted or approved one or more of these three ways to increase instructional time.

c—Of the twenty-two, fourteen (including the District of Columbia) have enacted/approved performance-based incentive plans for implementation or pilot testing. Eight states have a legislative or state board mandate to develop an incentive program.

Source: U.S. Department of Education

Implementation of new ideas for improved school performance may be more difficult than paying for them. In Alaska, where a multitude of conditions exist among a highly diverse, multicultural society, the constitutional mandate to provide for "all the children of the state" may be the legislature's most formidable challenge. But if the will is there, the likelihood that this mandate can be realized is favorable. Today, at all levels, the state has more skilled and competent personnel than ever. In the sections that follow subjects deemed by the committee to be essential to improved school performance are analyzed and priority legislation recommended.

CHAPTER 2

SCHOOL PERFORMANCE SUBJECTS IDENTIFIED AND ANALYZED, WITH RECOMMENDATIONS

Introduction

The unacceptable level of school performance found in far too many Alaskan schools is the Joint Committee's greatest concern. But as mentioned earlier in this report, the Committee has not undertaken to criticize education or to find fault with any one particular aspect of current schooling practices. There is already a large volume of material attesting to the nature and scope of the problems to which the legislature needs to turn its attention, much of which may be found in the Senate report of last year and in the material collected for the appendix to this report. What the Joint Committee has done is to look for ways that schooling may be improved, especially among that portion of the Alaska population that shows the greatest likelihood of being unable to succeed after it leaves school. However, a brief description of the problem, the status of educational achievement as it is today, is one way to establish why prompt implementation of the Joint Committee's recommendations is important.

Measuring school achievement with standardized test in recent years at the elementary and junior high school level showed Alaskan students as a group performing slightly above the national average. If it may be assumed that the national average is an adequate standard upon which to base the educational level of Alaskans, an assumption some would question, there may be some

satisfaction in these findings. However, on the high school level in non-urban areas not even the national average was reached state-wide in the content areas of problem solving and reading. For example, in 1987 fifty-five percent of non-urban high school students scored below the national level in reading.

These levels of achievement, although less than satisfactory, would not be too disturbing in the view of some were it not for three critical factors.

1. **Over the past several years there has been a steady state-wide decline in all school achievement, with 1989's decline the highest yet, although this may be partially explained because of the use of a new test.**
2. **The range of achievement levels on standardized tests between districts is extreme—in 1989 it extended from a low at the 3rd percentile in some content areas in one district to a high of the 75th percentile in another. Data arrived at from the state's 1989 testing program reveals that twenty of Alaska's 54 school districts had at least one average score in the areas of reading, mathematics, or language arts below the 22nd percentile in grades 4, 6, or 8. The school population in those districts is 12,745 students or slightly more than 12 percent of Alaska's entire student population. Test results in many other school districts, most of which are found in rural areas where poverty is common and English language development is inadequate, are not much higher. (Data supplied by the State Department of Education from a forthcoming report on the 1989 statewide testing program.)**
3. **School dropout rates in recent years in both urban and rural districts continues to increase; the percentage of youth who do not complete a normal twelve year school program grows greater each year and is now as high as 60 percent to 70 percent in some districts.**

ACT (American College Testing Service) scores are another measure of school performance. The University of Alaska reports that over the past twenty years there has been a steady decline in these scores nationally and in Alaska. Moreover, in Alaska, the **RATE OF DECLINE** has been at an even higher rate than the nation as a whole, and the rate of decline is still higher when

compared with the western states as a unit. But like achievement tests in K-12 schools, averages do not reveal the extent of the problem. Patrick O'Rourke, Chancellor of UAF, recently reported the following:

Unfortunately, when you look at the [ACT] data by racial and ethnic group, major disparities again present themselves. Caucasian Alaskans had an average composite score of 20.7, almost two points above the national average of 18.8, American Indian groups had an average score of 14.9 while Alaskan Natives had an average score of 12.2. One sees an even greater disparity within the state of Alaska, as it pertains to the largest minority population, than seen across the rest of the United States.⁸

And as a further indicator of the declining state of school performance (an indicator not derived from standardized tests), "27 percent of enrolling college freshman [at the University of Alaska] require some form of developmental English and 42 percent of these same enrolling college freshmen require some form of developmental mathematics in order to have the opportunity for success in a university program".⁹

Arguably, nationally normed achievement tests or the ACT may be inadequate or unfair measures of school performance among Alaska's multicultural population. (The issue of testing is discussed in detail below.) But even if standardized tests are disregarded, other indicators of inadequate or inappropriate schooling practices (such as social dysfunction among large numbers of Alaska youth, high levels of substance abuse, and unemployability of many school dropouts and graduates alike) speak to the need for immediate and substantial schooling reform initiatives by the legislature.

Subjects selected for priority legislative attention in the introduction of this report have been repeatedly identified throughout the state as having the potential to improve the way schools help children learn. Promptly acted on, the statewide decline in school performance and low showing now obvious in so many locations can be reversed. But before there can be recommendations for reform advanced (and ultimately improved schooling), the points at issue in each subject need to be delineated and the various arguments for and against positions taken on them understood. The order in which these subjects are presented represent their priority ranking as perceived by the Committee. But each topic is part of a

larger whole and eventually all, including those to be covered in the second report of the Committee, must be acted upon if school performance is to be improved.

Alaska State Goals of Education and School District Accountability

Assuring the public of adequate school district accountability is a responsibility of the legislature. Before schools can be held accountable for the responsibility delegated to them, however, the legislature must define what it is that districts are accountable for. At a time when it is generally agreed that reforms and restructuring in education are imperative, it becomes essential that the legislature, by statute, declare what is expected of the school districts which they have created and fund. Only then can measures of accountability be specified.

Within this concept, five questions have been identified:

1. What should state-mandated goals require of school districts and students?
2. What should be the role of the State Board of Education in specifying and monitoring state goals?
3. What measures of accountability can be used to assess reliably school district compliance with state-mandated goals?
4. What elements of the curriculum, if any, should be mandated as a means to assure district compliance with state goals?
5. What incentives in addition to routine foundation support can or should the legislature provide for school districts in order to reach statewide goals, particularly in districts where special needs are found to exist?

Answers to these questions, in part, become the essence of this section of this report.

Alaska state goals set the tone for the type, scope, and quality of schooling the people of the state require of their schools. These goals should reflect the purposes of state-supported public education; they are a statement of the state's philosophy of education.

Examples of goals of all kinds can be found among the various states of the country, from the noble to the ridiculous. Examples of the very specific include laws such as found in Maine where "The public schools must teach virtue and morality for not less than one-half hour per week..."¹⁰ (Found in Maine goals of education). In an example from California, one goal requires that "Each teacher shall endeavor to impress upon the minds of the pupils the principles of morality, truth, justice, patriotism, and a true comprehension of the rights, duties, and dignity of the American citizenship, including kindness toward domestic pets...."

Ernest Boyer, President of the Carnegie Foundation for the Advancement of Teaching, has asked, "...is it possible to serve all students and also find a coherent purpose for our schools?" Likewise, it may be asked, should Alaska's goals favor statewide needs at the expense of local district needs? Or, conversely, should they favor local needs at the expense of state needs? By examining the strength of the value of local self-determination along with the strength of the need for success of education on a statewide basis the dilemma of two conflicting influences on policy are exposed. Thus, the challenge is, on one hand, to provide statewide goals that demand enough and that are specific enough to raise standards across Alaska but which are, on the other hand, flexible enough and broad enough to permit local school districts to develop programs that meet their local needs. This is the first of several issues the legislature must address if ultimately school performance is to be improved and successfully monitored.

There are presently bills before the legislature that if enacted would establish state goals (purposes) of education. These bills were introduced as an outgrowth of the Special Senate Committee's report on school performance. In that report, the Special Senate Committee recommended that the legislature declare what the purposes of schooling are and require that school districts be held accountable for them. The key term used in the Senate report is "purpose of education," thus avoiding the problem created by legislatures in other states in recent years where overly specific and restrictive "goals" of schooling have been cast in law. In part, CS for House Bill No. 231 reads:

"Sec. 14.03.015. STATE EDUCATION POLICY. It is the policy of this state that the purpose of education is to help ensure that all students will succeed in their education and work, shape worthwhile and satisfying lives for themselves, exemplify the best values of society, and be effective in improving the character and quality of the world about them."

This portion of the bill is in keeping with testimony given throughout the state. The idea of the need for state goals of education in statute have received widespread support; however, the goal is so broad that it includes little that can be used to develop criteria for measuring school district accountability. By this the Committee does not mean that the legislature should reject this statement of purpose. On the contrary, the proposed purposes are appropriate to a hierarchy of state goals. Being general, they serve as guiding principles for the specific goals currently being developed by the State Board of Education.

In its paper, "Outcomes for Public Education," the State Board currently is developing a series of comprehensive goals of schooling aimed at improving education throughout Alaska. Although some changes may be made in the final draft, the Board expects to complete work on this project soon. By endorsing, or by reference adopting, State Board goals, goals that are much more specific than is practical for the legislature to monitor, the legislature would recognize an important role of the State Board while establishing the criteria by which school districts are to be held accountable.

Goals, or "outcomes for public education" currently being developed by the State Board (as presented in their draft dated November 20, 1989) are as follows:

"The Alaska State Board of Education believes that the purpose of public education in this State is to ensure that each student possesses the knowledge, skills, and attitudes required for responsible citizenship, economic productivity, and personal fulfillment."

"Indicators of student success include but are not limited to stated public education outcomes.

"The State Board of education expects that each student in Alaska will:

1. Communicate effectively

- Develop oral language skills through listening and speaking in order to effectively express his or her feelings, ideas and concepts.
- Develop reading comprehension skills to respond to the written information he or she faces in daily activities. The student will also develop positive attitudes toward reading as a lifelong activity.
- Develop awareness and appreciation of languages other than English to promote understanding and communication among people of different cultures.
- Learn to write effectively for a variety of purposes and audiences.
- Be able to understand numbers, equations, and graphs well enough to make decisions based on that information, and to communicate mathematical ideas in oral and written form, using standard vocabulary and notation.

2. Think logically and critically

- Develop thoughtful responses to new information and ideas.
- Solve problems using different modes of inquiry and analysis.
- Be curious about the world and himself or herself, and be open to new ideas.
- Develop decision-making skills.
- Evaluate situations with a mathematical content to determine the relevant problem-solving strategies to use, and use the chosen strategies competently and appropriately.
- Develop and practice vigorous study skills and habits.

3. Discover and nurture his or her own creative talents

- Develop an aesthetic appreciation for the world around us.
- Participate in multi-media, interdisciplinary thematic projects and activities.
- Use divergent thinking and a variety of media to understand and express the rich complexity of our world yesterday, today and tomorrow.
- Discover and nurture creative talents of individuals and groups.

4. Master essential technological skills

- Communicate effectively in a global society, including use of computers, video, and audio technologies.
- Learn information retrieval skills to gather, analyze, and evaluate new information and opinions.
- Critically evaluate information presented by the mass media.

5. Demonstrate responsible citizenship

- Develop the values needed to be a responsible citizen and to actively participate in a democratic society.
- Acquire basic knowledge skills and the self concept needed to be a global citizen who accepts diversity and respects people of other cultures.
- Participate in extracurricular activities and/or community service projects, developing social skills in leadership, cooperation and communication.
- Develop an understanding of his or her relationship to the environment and a commitment to the wise use of resources.
- Recognize and learn parenting skills in order to nurture healthy growth and development in others.

6. Develop a commitment to health and fitness

- Demonstrate a commitment to his or her physical and mental well-being.
- Incorporate healthful practices as a lifelong response to social, environmental and physical changes.

7. Develop personal responsibility to sustain oneself economically

- Become familiar with the expectations and be prepared for the traditional and nontraditional opportunities of the local, national, and international work place.
- Develop the desire to continue to learn.
- Acquire a healthy, realistic work ethic.
- Develop economic and consumer skills necessary for making informed choices that enhance the quality of life.

8. Acquire a positive self-image

- Learn about himself or herself and develop a positive and realistic self-image.
- Experience success in activities that develop his or her talents and skills and build his or her self-esteem.
- Learn to form satisfying relationships with others based on respect, trust, cooperation, and caring.¹¹

The Joint Committee commends the State Board for developing these "statements of outcome," or goals of Alaskan education, through its task force on educational outcomes and urges their early completion in final form and adoption in regulation.

However, a statement of purposes of education promulgated by the legislature and a list of goals of education prescribed by the State Board provide for only the state's side of the balance between state and local interests. School district and local community needs also must be reflected in policy. To balance the equation, then, local goals, developed at the local level through local boards with community involvement, must also be developed. A full range of statements that spell out what is expected of public education would

then be complete. These statements, or collective goals of education, would also make it possible to define how educational achievement is to be measured and reported. Therefore:

IT IS RECOMMENDED that a bill on the goals of education be enacted by the Sixteenth Alaska Legislature. Such a bill must declare the purposes of education as prescribed by the legislature. It must require that the State Board of Education adopt the goals it has developed in its statement of educational outcomes and it must require all local districts and REAAs to establish local goals of education that reflect needs consistent with local conditions and expectations.

Passage of this legislation will establish uniform expectations of schooling necessary to meet statewide societal needs. At the same time this legislation will provide for differences among regions of the state, enabling local districts to provide for local needs that may be unique to individual communities. From the standpoint of the overall responsibility of the legislature, a benchmark from which the legislature can develop and require school district accountability will be created.

Legislatively Mandated Measures of Achievement

"Oversight is one of the more difficult and least rewarding forms of legislative activity, but only through such efforts can thoughtful policy adjustments be made."

Denis Doyle and Terry Hartle, 1985.

Of all the subjects associated with school performance improvement, none is more controversial than mandatory measurement of achievement, the means by which school districts account for state education functions delegated to them by the legislature. Controversial or not, if we are to improve the education of Alaska's populace, assessment of school performance must be an ongoing and thorough process. Thus, the legislature needs to consider all types of school performance measurement and can not leave this responsibility solely to school districts.

The most commonly used measures of accountability are numerical indicators of performance. These have been described by

Kirst as "...statewide numerical measures of trends in educational variables."¹² In California, for example, a system of statewide targets and individual school profiles with numerous uniform indicators, including test scores, changes in course enrollment patterns, number of drop outs, and performance of college freshmen are used to monitor school performance.¹³ In Illinois, a state-mandated school district reporting system measures such things as relationships of average class size to test scores, high school size to ACT scores, expenditure per pupil to test scores, and even the relationship of teacher salaries to student test scores.

Among the several numerical indicators of school performance, student scores on standardized, nationally normed tests are the most frequently used. Across the country the number of standardized tests that students of all ages now take has increased substantially in recent years. There is a growing belief, however, that there has been an over dependence on their use. In Alaska their use has grown increasingly controversial. Reasons for and against the use of standardized tests, briefly stated, include the following perceptions of the problem:

Arguments frequently given against the use of standardized tests stress that equal educational opportunity will not necessarily yield similar scores on similar tests for all subgroups. "The greatest concern about tests is that they are biased against—and therefore unfair to—minorities."¹⁴ The cultural backgrounds of the test developers, the way the tests have been standardized, and the cultural differences among racial and ethnic subgroups all tend to skew the results and cast doubt on their validity, especially as predictors of potential success of test takers. Simply put, reliance on standardized tests as the means to measure intellectual potential among cultural minorities, the argument goes, fails to take into account that different cultural backgrounds give rise to different talents and interests.¹⁵

Addressing the contrary view, Gregory Anrig, President of the Educational Testing Service, has advanced some of the most frequently accepted arguments in favor of standardized testing:

"1) Test results provide a way for the public to monitor educational standards over time. Test results also help teachers and school officials to identify weaknesses in instruction and curriculum. 2) Test results provide the data that enable parents and others to keep the pressure on communities, schools, and educators to 'close the gap' between the performance of [minority] students and that of [others]—a pressure that is finally bringing results. 3) Test results dramatically document two facts: that federal programs such as Head Start and Title 1 of the Elementary and Secondary Education Act have very positive long-term educational effects and that poor children can and will learn, when given the help and the kind of instruction they need."¹⁶

Because of these reasons, proponents of their use argue that standardized tests have had a more positive than negative effect on school performance. Their continued use, it is contended, enables the growth of student performance to be measured, provides reasons for adjustments to the curriculum where necessary, and justifies expenditures for extraordinary program and teacher support when deficiencies are discovered.

The Joint Committee accepts both arguments. This position suggests that Alaska should not rely solely on standardized tests as a means of determining the level of success of school performance, nor should non-standardized measurement be relied on exclusively. This position also means that standardized tests should be used over time in a way that will show growth, or the lack of it, in the acquisition of a given body of knowledge generally accepted as necessary to be a productive member of a statewide or national society in adult life. It also means that the state should provide for local needs and accept, indeed, require measures of school performance other than standardized tests. If local school districts are required to declare local goals, they should be required to declare how they intend to measure the extent to which these goals have been reached.

Because of the many differences among regions of Alaska, there may be several appropriate kinds and levels of accountability that can be used. Alaska, among all the states, can make a case for the need to utilize a full range of performance indicators, some of which should be developed locally that take into account Alaskan

conditions while simultaneously providing for a standardized comparison with the rest of the country. With information gathered this way and analyzed objectively, programs of instruction can be selected and developed by teachers and principals that fit their local needs as well as those of the state as a whole. Used properly, non-standardized performance indicators can provide a way to substantiate or refute the worth of standardized tests, especially where minority youth are involved.

As identified in the Special Senate Committee's report on school performance there are many ways to assess the adequacy of schooling. Examples of both standardized and non-standardized indicators of school performance used in other states include:

1. **Indicators of mastery of basic skills and knowledge**, such as standardized achievement tests (ACT and SAT) and specialized tests such as computer literacy and college success rates. This indicator could also include performances such as writing assessment and portfolio development.
2. **Indicators of competence in life skills**, such as proportions of graduates in jobs training, proportion of graduates registered to vote, and opinion of employers regarding performance of graduates.
3. **Indicators of motivation to learn**, such as attendance and graduation rates, numbers of suspensions and expulsions, enrollment in advanced placement, and enrollment in postsecondary education.
4. **Indicators of client/staff perceptions**, such as community perception of school outcomes, student/parent/staff assessment of school climate and employer ranking of satisfaction with school programs.

These and other indicators, set against state and local goals, lend themselves to the adoption and use of "school district report cards" that will meet the need of school districts to account to their communities, to the State Board of Education, to the Governor and to the Legislature. Therefore:

CORRECTION

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

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These and other indicators, set against state and local goals, lend themselves to the adoption and use of "school district report cards" that will meet the need of school districts to account to their communities, to the State Board of Education, to the Governor and to the Legislature. Therefore:

IT IS RECOMMENDED that the legislature require by statute that each school district and REAA in Alaska shall submit to parents and other interested members of the local community, the State Board of Education, the Governor, and the Legislature a "school report card" assessing the performance of its schools and students. The report card shall be an index of school performance measured against statewide and local standards and will provide information to make prior year comparisons and set future year targets. The report card shall be developed by the State Board of Education in consultation with appropriate representatives from the education profession, local school boards, and local citizens at large and be available for use in time for reporting on school performance at the close of the 1991 school year.

School Performance Improvement Incentives

As described in the first chapter of this report, the formal goal of the Joint Committee is improved levels of public education among all pupils of the state, while recognizing that there are groups of students whom schools persistently have not served well. These are the students often referred to in recent years as being "at risk." Many definitions of the term have been advanced, and at the moment the State Board of Education is in the process of developing a definition that will be appropriate to the educational needs of the state and individual students. The Joint Committee awaits this definition, but agrees that generally these are the students who have not performed at their innate level of ability for a variety of reasons and that their potential for success is unfulfilled. Although they are found throughout the state, certain regions, especially rural villages and neighborhoods with low family income in urban centers, account for a disproportionate number of these students. Depending on the definition eventually adopted, it is frequently estimated that those students critically in need represent approximately 25 to 30 percent of school age children in the state as a whole; in some regions these figures are much higher, often in excess of 50 percent. Regardless of the definition and the number of students who fall into any specific category, it can be argued that all children are at risk in one way or another and all should be eligible for special services when identified.

Programs, at both the federal and state levels, developed on behalf of these students over the years, have met with mixed success. If a generalization can be made about the extent to which they have worked, it is agreed that the closer to home that the projects have been conceived and carried out, the better have been their chances to be successful.

With this idea in mind, the Special Senate Committee on School Performance recommended "that the legislature establish a competitive grant program to encourage schools, in partnership with the communities they serve, to plan and carry out changes that will help them become more effective places of learning for all" (pp.47-49). The Joint Committee endorses this recommendation as one means to find solutions to root causes of low school performance.

Taking the recommendation of the Special Senate Committee one step further and aware that programs developed and executed cooperatively between the community and the school, especially in the villages, have had the most beneficial results, the Joint Committee takes the position that a special category of competitive grants be established for school advisory committees in rural villages or neighborhood schools in addition to those advocated in the Senate's report. Under such an arrangement advisory boards would have authority to apply directly to a school incentive grants fund in the Department of Education, independent from (but not without articulation with) superintendent or central district board review or veto.

Another category of incentive grant funds should be reserved in a like manner for teachers and building principals working to apply directly to the grants fund with the provision that grant applications may be made directly to the Department of Education and with awards going directly to the school.

*"Education is more vital and healthy when it is kept close to the needs of the people and when they feel they have a genuine stake in educational institutions of their own making and for which they have a large measure of responsibility."*⁷

R. Freeman Butts, 1955

To effectuate the programs suggested above, a school incentives grants fund should be appropriated to the Department of Education as a special fund and be operated under rules established by the State Board of Education. To encourage inventiveness and uniqueness appropriate to conditions and problems identified at the local level, few limitations should be placed on categories of programs that may be proposed. Lisbeth Shore, in her recent book on programs of education that depend on cooperative arrangements, observed, "It is not enough simply to encourage or require educators and parents to make decisions together.... States can help by providing assistance to school[s]...that are willing to experiment and that will share their experiences with others. [For example, a] competitive... grant program could be offered to districts that are willing to experiment with schoolsite management programs." ¹⁷

Therefore:

IT IS RECOMMENDED that legislation be enacted that will empower the Commissioner of Education to initiate an incentive grants program with a fund separate from the foundation program. The State Board of Education shall establish the particulars of the program in regulation that will enable advisory boards, teachers, and principals to apply for funds under the program so as to acquire the financial resources necessary to carry out school improvement initiatives. Such initiatives shall be designed to remediate or prevent shortcomings in schooling among that portion of the school population that fits the State Board's definition of "at risk" students.

The Commissioner shall not award more than two grants in each five year period to the same applicant. Furthermore, the Commissioner shall provide for the evaluation and dissemination of findings of each project funded in such a way that all districts will have the opportunity to profit from the program. The Joint Committee recommends that no less than \$3,000,000 be appropriated annually to this fund over the next five years. (Prorated, this amount is equivalent to approximately \$100.00 per year.)

Health and Family Service Programs Related to School Performance

It may be that there are no root causes of inadequate school performance greater than environmental and social handicaps, especially those that are the result of chronic poverty. It is argued by some, and there has been much testimony in support of this concept, that the legislature must provide the means for all children to be able to start school prepared to learn. The public is becoming aware of the high stakes that all of us have in children who contend with one or more of the following environmental and social handicaps: chronic poverty; single parent households; especially households where parents are unable to provide parental guidance; substance abuse, especially alcohol and illegal drugs; unplanned or unwanted teenage pregnancy; and trauma from exposure to violent behavior, especially child abuse. A high incidence of school problems associated with these handicaps has been well documented, and they are the subjects of concern most consistently expressed by those testifying at legislative hearings, especially in rural areas. In the same vein, the State Board of Education Task Force has made the point that

It is commonly accepted that many social issues place children at risk of [being deprived from] having healthy, productive lives.... Social services issues must be dealt with if we believe that dealing with the whole child in his/her milieu—the family, neighborhood, community—is the most effective way of addressing the conditions of 'at-riskness' of Alaskan children and youth.¹⁸

If the legislature is to address root causes of poor school performance, it must first concentrate, "on families whose children are vulnerable because they are growing up in poverty or with environmental handicaps.... The prestigious Carnegie Forum on Education and the Economy declared that the cost of our present failure to educate all American children will be 'a steady erosion in the American standard of living'...it would be fatal to assume that America can succeed if only a portion of school children succeed."¹⁹ The same can be said with conviction for Alaska.

Even with so many indicators of handicaps to school readiness, there are encouraging signs that something can be done about social dysfunction. But without a unified, long term, sustained effort on the part of the various people and agencies charged with the responsibility to provide health, social, legal and educational

services, there is little likelihood that shortcomings endemic in so many communities of the state will be overcome.

Elsewhere in the country, where economic, social, and health care problems are acute and have been found to be barriers to learning, certain characteristics of the problem have been shown to be universal. Lisbeth B. Schorr has identified three themes that describe conditions in the rest of the country that apply equally well in Alaska:

- 1) Risk factors leading to later damage occur more frequently among children in families that are poor and still more frequently among families that are persistently poor and live in areas of concentrated poverty.
- 2) The plight of the children bearing these risks is not just individual and personal; it requires a societal response.
- 3) The knowledge to help is available; there is a reasonably good match between known risk factors and the interventions to reduce them.²⁰

If it can be accepted that the knowledge to help is available, the problem becomes one of finding ways to coordinate and apply that knowledge and dedicate the resources necessary to be effective over time. No single governmental agency possesses the resources and professional knowledge to manage this task alone. Nor is there any single best way to overcome these problems, especially when Alaska's many subregions are compared and its multicultural population considered. Nevertheless, as indicated at a recent conference on education in Anchorage:

Prevention and early intervention programs do work. There is an abundance of evidence which documents desirable program and behavioral outcomes as well as cost effectiveness. The question should not revolve around "Does prevention work?", but rather "Which prevention strategy is appropriate?" "Who should have the lead responsibility?" and "How do we shift the balance to prevention from the current predominant reliance on remediation?"²¹

These are the urgent questions that Alaskans must find answers to without delay.

Evidence that has accumulated in recent years indicates that early intervention among children with environmental handicaps makes a difference when developed and carried out as cooperative efforts among the various agencies and disciplines concerned with child care and schooling. An improved level of professional expertise among the staffs working in the so-called "helping professions" and willingness among the people in them to work cooperatively with school authorities and the community at large have now developed.²² The potential for this approach to work in Alaska is promising, and already there have been efforts initiated among some state personnel to examine problems from an inter-agency perspective. However, sustained, coordinated agency, school, and community efforts required to make a lasting difference among those children now unprepared or unable to learn because of environmental shortcomings will require prompting and funding by the legislature.

It has been found that among states making efforts along these lines it is essential that they be initiated at the highest levels of government and that some sort of formal structure that compels joint approaches to problem solving and service delivery be established in statute. A positive correlation has been found between success and the extent to which local populations and school personnel are involved in planning and executing of programs.²³

Therefore:

IT IS RECOMMENDED that the legislature establish a permanent inter-agency coordinating committee headed by a commissioner and consisting of representatives of the Departments of Education, Health and Social Services, Law, Community and Regional Affairs, and others who may have appropriate roles in addressing the problems of overcoming environmental handicaps responsible for inadequate school performance. This group shall be required to identify the most critical social and health barriers to learning, establish plans to overcome them, be responsible for their implementation, and issue annual reports on activities and programs.

Long Term and Immediate Needs for State Supported and Coordinated Early Childhood and Parenting Education

Other root causes that deny children the means or motivation necessary to succeed at schooling and which will require multi-agency cooperation, are inadequate or insufficient early childhood and parenting education programs. While early childhood education and parenting education can be looked upon as two separate endeavors, they overlap enough that they are included here under a single heading. Likewise, child care, preschool and early childhood development, while they may be discrete topics, need to be examined concomitantly. Although the Senate Special Committee Report on School Performance did not directly address early childhood education, the Joint Committee has found this subject to be of such overriding concern, especially in rural villages, it now ranks high on the list of subjects for priority legislative action. Many witnesses were of the belief that academic performance can be substantially improved through more and better preschool, child care, and parenting education programs. And the work of the State Board of Education Task Force on At-Risk Early Childhood, Parenting, and Primary Language has shown that "high quality early childhood and family support programs are likely to benefit at-risk children and the larger society by (a) reducing the number of children in later costly special education programs in schools; (b) helping children avoid school failure; and (c) preventing the need for costly social and judicial services later in life."²⁴

Not many years ago preschool-age children were not a major political issue. The programs that were developed came mostly from the federal government, either as Head Start or Title I (now Chapter I) funds. Now, just as a large number of unmarried young mothers and a breakdown in traditional family composition and structure have given rise to an ever-increasing group of poorly cared for children throughout Alaska, federal support for early childhood education has declined in real dollars. The number of preschool-age children is growing in Alaska's villages at a rate far in excess of the country as a whole. Programs that address the problems growing out of this situation are far from adequate.

In Alaska approximately two out of every three children who qualify for Head Start programs are unable to participate because of insufficient appropriations by Congress. At present it costs on

average \$5000 per Head Start child per year. Currently there are 1,800 children participating in the state, but there are known to be more than 2000 children in the rural areas who meet all criteria to be involved in Head Start but are unable to attend because of insufficient funds and facilities. Likewise, there are many children in urban areas who qualify, including at least 900 in Anchorage alone, who are denied the opportunity to get a "head start" for want of funding.

Since the federal government has failed to provide adequate funding to serve all the children who qualify for programs on the basis of financial and social need, some states have turned inward for the funds necessary to meet the needs of early childhood education. By 1989, 31 states including Alaska had appropriated funds for state-initiated prekindergarten programs and/or direct contributions to Head Start programs. Alaskans have shown an interest in doing more; a few local districts have assumed some responsibility, but the state has been unable to proceed far enough without clear direction and better cost estimates. The current situation nationally and in Alaska has been summed up well by the National Association of State Boards of Education Task Force on Early Childhood:

We have a diverse, underfunded, and uncoordinated system for delivering programs to young children. Public education leaders can be a powerful and constructive force for strengthening this system. If they act in partnership with other early childhood programs, our chances for increasing and maximizing resources and quality in all settings that serve young children will be greatly improved.²⁵

The Center for Policy Research in Education has pointed out that "policy making in the field of early childhood education is still in its infancy, and most states have little experience in providing early childhood programs." There are three issues that must be reconciled in order to develop effective policy:

1. The historical rift between the 'educational' and 'custodial' models of early childhood education.
2. The historical conflicts between the elementary school and early childhood education communities over purposes, methods, and control.

3. The tradeoffs necessary between the costs of programs and their quality.²⁶

All three of these problems are to be found in Alaska. There are differences in the extent to which there should be parental participation in learning activities, differences in teaching philosophies, and differences in staff qualifications and staffing patterns, all of which have a direct bearing on differences in quality and costs.

As stressed in the report from the Center for Policy Research in Education, "reconciling the conflicts between these philosophical, operational, and resource components of early childhood programs is crucial to formulating careful policy decisions." The center identified seven questions defining issues that must first be answered to the satisfaction of legislature before a statewide policy can be formulated and programs initiated.

1. What children should be served?
2. How long should programs operate?
3. What level of funding should be provided, and how should state and local revenues and parent fees be used?
4. What types of funding mechanisms should be used?
5. Which state agency(ies) should be responsible for administering the early childhood education programs?
6. What types of quality controls should be instituted?
7. What types of teacher preparation and certification should be required?²⁷

These questions apply equally well to issues in parenting education, in particular where teenage mothers are concerned. Few young mothers, especially those living in poverty, are given the opportunity to learn what is now known about parenting psychology and techniques. Both early childhood education and parenting education are seen as crucial to early intervention where environmental barriers to learning are found.

The issues and questions that have been identified under this topic are complex; properly resolved, they hold answers that will go far towards helping children succeed, and ultimately society.

Three quarters of Americans say they are prepared to pay higher taxes to provide more and better day care and early childhood education; 88 percent want government to provide more health coverage and day care services for children of the poor. As indicated in the report of a recent Lewis Harris poll, "The times are changing, perhaps more rapidly than might be imagined...; people not only want to help children generally, they want particularly to help the children who are living in poverty.... [The need to help] is a plaintive and poignant demand that simply will not go away."²⁸

Therefore two recommendations follow, one that addresses a short term solution to immediate problems; a second that addresses long range solutions to problems that will continue to require the attention of the legislature for some time to come:

IT IS RECOMMENDED that the legislature augment existing funds for Head Start by making up the difference between the amount now provided by the federal government and the amount necessary to fully fund the program consistent with existing standards and qualifying conditions as now administered by the Department of Community and Regional affairs. Estimates place this cost at \$10,000,000 for the first year as a means to catch up with training, additional sites, and facilities.

IT IS RECOMMENDED that the legislature, by resolution, establish a Commission to address the issues and questions on early childhood and parenting education that pertain to the education of Alaska's young children, with particular attention given to those children with environmental handicaps. Included among the Commission's responsibility shall be the development of a plan for a statewide program of early childhood education and parenting education and preparation of a report on its findings with recommendations to the legislature no later than May, 1991.

Conclusions

This report, being the first of two that the Joint Committee on School Performance has been charged with producing, covers the subjects that the Committee has examined since it organized in August, 1989. In addition to the subjects covered in this report, the Committee has identified several other subjects for priority legisla-

tive attention. While there may be no way to agree on the rank order by which subjects are presented, it has been agreed that each is of critical importance and deserves the attention of the legislature. The second report is to be presented on the first day of the first session of the Seventeenth Legislature and will conclude the work of the Joint Committee. It will include, among other things, a continuation of the description and analysis of the subjects already identified but not covered in the first report. Subjects to be addressed in the second report include:

1. Teacher and school administrator professional development and competency.
2. Qualified training for all school personnel assigned to special, extra-ordinary and multicultural schools.
3. Teacher and administrator certificate reform.
4. Incentive programs to encourage professional development.
5. Teacher tenure of as a measure of competency.
6. Alaska's systems of school governance and administrative organization as they relate to school performance.
7. Expanded and enhanced program of Alaska studies, including Alaska History, government, geography, cultures, and economics.
8. Distance education and a review of the amount, type, and scheduling of educational programing available via satellite.
9. Improved education research, program evaluation, and dissemination of findings.

One topic not yet listed that repeatedly surfaced during Committee meetings is school finance and the foundation program. The Committee recognizes the need for this subject to come before the legislature in a new form, but because of the complexity of this subject the Committee is still considering various ways it might be examined before making specific recommendations. Moreover, the Department of Education is currently considering an in-house

study of the foundation program. The Committee endorses this study and believes it should be supported with additional funds to the Department if necessary to carry out the study.

Completing work on the list of additional subjects still to be covered is an ambitious undertaking. But since the Committee has had the opportunity to examine the many issues that confront the school improvement movement, it has become obvious that each of the remaining topics must be addressed if school performance is to improve. The second report will be prepared along the lines of this paper and will be submitted on the first day of the Seventeenth Alaska State Legislature as required by the resolution that established the Joint Committee.

In the recent book *Excellence in Education: The States Take Charge* in which schooling in America was described, the conclusion was reached that "just as the opportunities for genuine and lasting reform have never been greater, so too have the dangers of failure never been more stark...."²⁹ Certainly this statement holds true for Alaskans today.

"In Today's world, a youngster who leaves school unable to read, write, and do simple arithmetic faces a bleak future. When a substantial proportion of boys and girls leave school uneducated, the rest of us face a bleak future."

Lisbeth Shore, 1989

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Introduction

Increasingly, Alaskans are becoming aware that there are unacceptable levels of educational achievement among a significant portion of Alaska youth. Not only are individual youth at risk, so too is society as a whole. Left uncorrected, the cost to the state will be immeasurable in unfulfilled human potential and millions of dollars spent on remedial programs that will never restore what has been lost. Corrected now, the cost still will be high, as much as \$65,000,000 over the next five years. Ignored, it will be many times that figure.

Just as Alaska is made up of many diverse subregions and population groups, so too are its schools diverse in such areas as their student bodies, programs of instruction, methods of organization and levels of success. There is ample evidence to show that many schools in Alaska are doing well; many students, based on national test norms, are achieving at the fiftieth percentile or better. The legislature needs to acknowledge the success of these programs and assure that these schools have the means to continue to provide adequate or better programs of education.

However, a large body of evidence shows that many students are not doing well; unquestionably, many are at or nearing crisis levels. These are the students whose educational needs perennially

have not been served well. At best, many will be unable to function as productive members of contemporary society or in the future. At worst they will become wards of the state in one way or another, victims of low self-esteem, of substance abuse, of violent crime, of suicide.

These students are found in all school districts of Alaska, although in much greater proportions in some than others, especially where high levels of poverty are endemic or inadequate second language development is a factor. Two years ago, in twenty-eight of Alaska's fifty-five school districts, the average percentile of students' achievement scores was acutely and chronically below the level of the national average, as was the percentage of students that scored below the national 50th percentile. In the Department of Education's forthcoming report of the 1989 statewide standardized testing program it is shown that average scores of Alaska students has continued to decline and that the range in student performance between districts remains great; from a low average of twentieth percentile in some districts to an average of seventy-fifth percentile in the highest achieving districts.

One of the reasons for the current interest in the need for improved schooling came about because of the legislature's requirement that the Department of Education compile and report statewide standardized test results. However, reliance on standardized tests as a means to assess the worth of Alaska's school programs has been widely criticized. The Joint Committee agrees that these tests may not necessarily be the most satisfactory or accurate measure of school performance required of Alaskan youth. But regardless of how standardized tests are perceived, by several other measures of educational achievement it can be said that school performance is not at a satisfactory level. Simply put, many pupils are not acquiring the intellectual skills necessary to succeed in any sense of the word. For instance, in some communities as many as 60 to 70 percent of Alaska Native students drop out of the system prior to high school completion.

Although in recent years Alaska has relied entirely on the traditional system of local control of education as a means to organize, deliver, and evaluate public education, it has become increasingly apparent that the legislature, as the body constitutionally responsible for public education, must review the condition of schooling

and where necessary take appropriate remedial measures. Alaska's young people deserve the profound attention of the legislature and the full resources of the state if they eventually are to lead satisfying personal lives and if the state is to thrive in the future. It may cost more to remedy the situation than some are now prepared to spend. But one way or the other, now or later, more will have to be spent on today's youth at risk. Either we must improve schooling now, or provide more social welfare, public health, and law enforcement programs in the future. It has been estimated that intervention now may be five to ten times less costly than repairing or coping with damage through remedial welfare and judiciary programs in the future, not to mention individual personal losses to many.

It was on the premise that the legislature has an obligation to invoke its oversight responsibilities by "helping schools succeed at helping all children learn" that the Joint Committee on School Performance was established by passage of Committee Substitute for House Concurrent Resolution 18. In that resolution the Joint Committee was charged with reviewing the work of the Senate Special Committee on School Performance and identifying subjects for priority legislative attention that might improve schooling in Alaska.

In so doing, the Joint Committee was instructed to submit two reports on its findings, the first due on January 23, 1990 (the report in hand), and a final report on the first day of the First Regular Session of the Seventeenth Legislature. Although the Joint Committee has had only a few months to develop the positions taken in this report and has made plans to continue with the remaining issues in its final report, there are some subjects that cannot wait until 1991 to be addressed. Thus, the recommendations made at this time are considered to be of the highest priority and address the root causes of the most vexing problems yet identified by the Joint Committee.

Recommendations

Generally school reform movements can be divided into four basic categories: (1) control, organization and structure; (2) professional development of school staffs; (3) the academic experience of students, and (4) financing. Since these are not mutually exclusive categories, that is, each depends on the other to make up a school system, the Joint Committee identified subjects in need of immediate attention that are interrelated and cut across all four of these categories.

IN PRIORITY ORDER, THE MOST URGENT TOPICS FOR LEGISLATIVE CONSIDERATION ARE:

1. MANDATED ALASKA STATE GOALS OF EDUCATION

[Referenced to pages 20 through 26 in the main report.]

It is recommended that a bill on the goals of education be enacted by the Sixteenth Alaska Legislature. Such a bill must declare the purposes of education as prescribed by the legislature. It shall require that the State Board of Education adopt the goals it has developed in its statement of educational outcomes and it shall require all local districts and REAAs to establish local goals of education that reflect needs consistent with local conditions and expectations.

2. LEGISLATIVELY MANDATED MEASURES OF ACHIEVEMENT

[Referenced to pages 26 through 30 in the main report.]

It is recommended that the legislature require by statute that each school district and REAA in Alaska shall submit to parents and other interested members of the local community, the State Board of Education, the Governor, and the Legislature a "school report card" assessing the performance of its schools and students. The report card shall be an index of school performance measured against statewide and local standards and will provide information to make prior year comparisons and set future year targets. The report card shall be developed by the State Board of Education in consultation with appropriate representatives from the education profession, local school boards, and local citizens at large and be

available for use in time for reporting on school performance at the close of the 1991 school year.

3. SCHOOL PERFORMANCE IMPROVEMENT INCENTIVES

[Referenced to pages 30 through 32 in the main report.]

It is recommended that legislation be enacted that will empower the Commissioner of Education to initiate an incentive grants program with a fund separate from the foundation program. The State Board of Education shall establish the particulars of the program in regulation that will enable advisory boards, teachers, and principals to apply for funds under the program so as to acquire the financial resources necessary to carry out school improvement initiatives. Such initiatives shall be designed to remediate or prevent shortcomings in schooling among that portion of the school population that fits the State Board's definition of "at risk" students.

The Commissioner shall not award more than two grants in each five year period to the same applicant. Furthermore, the Commissioner shall provide for the evaluation and dissemination of findings of each project funded in such a way that all districts will have the opportunity to profit from the program. The Joint Committee recommends that no less than \$3,000,000 be appropriated annually to this fund over the next five years. (Prorated, this amount is equivalent to approximately \$100.00 per year.)

4. HEALTH AND FAMILY SERVICE PROGRAMS RELATED TO SCHOOL PERFORMANCE

[Reference to pages 33 through 35 in the main report.]

It is recommended that the legislature establish a special inter-agency coordinating committee headed by a commissioner and consisting of representatives of the Departments of Education, Health and Social Services, Law, Community and Regional Affairs, and others who may have appropriate roles in addressing the problems of overcoming physical and social environmental responsible for inadequate school performance. This group shall be required to identify the most critical social and health barriers to learning, establish plans to overcome them, be responsible for their implementation, and issue annual reports on activities and programs.

5. LONG TERM AND IMMEDIATE NEEDS FOR STATE SUPPORTED AND COORDINATED EARLY CHILDHOOD AND PARENTING EDUCATION

[Referenced to pages 36 through 39 in the main report.]

Two recommendations, one short term and one long term, are necessary under this heading:

1. It is recommended that the legislature augment existing funds for Head Start by making up the difference between the amount now provided by the federal government and the amount necessary to fully fund programs consistent with existing standards and qualifying conditions as now administered by the Department of Community and Regional Affairs. Estimates place this cost at \$10,000,000.
2. It is recommended that the legislature, by resolution, establish a Commission to address the issues and questions on early childhood and parenting education that pertain to the education of Alaska's young children, with particular attention given to those children with environmental handicaps. Included among the Commission's responsibilities shall be the development of plans for statewide programs of early childhood education and parenting education and preparation of a report on its findings with recommendations to the legislature no later than May, 1991.

Summary

The recommendations itemized above are only some of the topics for priority legislative consideration identified by the Joint Committee. They are, however, the subjects believed to be the ones most urgently in need of attention if the decline in student academic performance is to be reversed and social dysfunction due to insufficient schooling is to be decreased. It may be argued that other subjects identified for legislative action are of equal or near equal importance. All together, including the topics discussed above, the Joint Committee has identified eight broad categories for priority legislative attention. They are:

1. Mandated school district accountability set against state goals of education.
2. State-supported and coordinated early childhood and parenting education.
3. Coordinated education, health, and family service programs.
4. Improved school personnel professional development and competency.
5. Improved school governance and administrative organization.
6. Mandated programs of instruction, especially expanded and enhanced programs of Alaska studies that include Alaska history, government, geography, cultures, and economics.
7. Improved distance education including educational television by satellite.
8. Improved and expanded educational research, evaluation, and dissemination.

The first three of these categories have been covered in the first report and have given rise to six recommendations covering five subjects. Only the constraints of time have prevented the remaining topics from being advanced to the recommendation stage in this report. All subjects must eventually be addressed in full.

NOTES AND REFERENCES CITED

- ¹ Office of the Governor, *Public Education Costs in Alaska*, Juneau, 1989. pp 1 - 2
- ² National Commission of Excellence in Education, *A Nation at Risk: The Imperative for Educational Reform* (Washington, D.C.: U.S. Government Printing Office, April 1983).
- ³ Terrel Bell, "Leadership for Reform and Renewal of American Education, paper presented at the National Forum on Excellence, Indianapolis", December 6, 1983. Cited in Jack Frymier, "Legislating Centralization", *Phi Delta Kappan*, May, 1986
- ⁴ Ibid.
- ⁵ Denis P. Doyle and Terry W. Hartle, *Excellence in Education: The States Take Charge* (Washington, D. C. American Enterprise Institute for Public Policy Research) 1985.
- ⁶ Jack Frymier, "Legislating Centralization", *Phi Delta Kappan*, May, 1986.
- ⁷ R. Freeman Butts, *Assumption Underlying Australian Education*, Teachers College, Columbia University, New York, 1955
- ⁸ Patrick O'Rourke, Unpublished Convocation Address, University of Alaska Fairbanks, 1989
- ⁹ Ibid.
- ¹⁰ Ernest L. Boyer, *High School*, The Carnegie Foundation for the Advancement of Teaching, Harper and Row, New York, 1983.
- ¹¹ Alaska State Board of Education, Task Force on Educational Outcomes, Forthcoming
- ¹² Michael W. Kirst, Sustaining the Momentum of State Education Reform: The link Between Assessment and Financial Support", in *Phi Delta Kappan*, January 1986. p. 342.
- ¹³ Ibid.
- ¹⁴ Gregory R. Anrig, "Educational Standards, Testing, and Equity," *Phi Delta Kappan*, May, 1985.
- ¹⁵ Charles V. Willie, "The Problems of Standardized Testing in a Free and Pluralistic Society," *Phi Delta Kappan*, May, 1985.

- ¹⁶ Gregory R. Anrig, op cit.
- ¹⁷ Lisbeth B. Schorr, *Within Our Reach*, Anchor Press, Doubleday, New York, 1988.
- ¹⁸ Alaska State Board of Education, Task Force on Education and Social Service, Forthcoming.
- ¹⁹ Lisbeth B. Schorr, op cit.
- ²⁰ Ibid.
- ²¹ Michael Petit, "Issues Surrounding State-Level Collaboration on Services to At-Risk, Preschool Age Children", Presented to the Summer Institute of the Council of Chief State School Officers, August, 1988, quoted in Mr. Petit's Keynote Speech at the Annual Conference of the Alaska Association of School Boards, Anchorage, November, 1989.
- ²² Ibid.
- ²³ Ibid.
- ²⁴ Alaska State Board of Education, Task Force on Early Childhood and Parenting Education, Forthcoming.
- ²⁵ *Right from the Start*, (National Association of State Boards of Education, 1988, cited by Anne Mitchell in "Old Baggage, New Visions: Shaping Policy for Early Childhood Programs", *Phi delta Kappan*, May, 1989.
- ²⁶ W. Norton Grubb, *Young Children Face The States: Issues and Options for Early Childhood Programs*, Center for Policy Research in Education, Center for Policy Research in Education, Rutgers University, The Rand Corporation and University of Wisconsin - Madison, 1987.
- ²⁷ Ibid.
- ²⁸ Louis Harris and Associates, *American Attitudes Toward Children*, "Children's Needs and Public Responsibilities: A Survey of American Attitudes About the Problems and Prospects of American Children," survey conducted for Group W — Westinghouse Broadcasting Company, 1986; and Louis Harris, remarks: Made at the Citizens Committee for Children Annual Meeting, New York, 26 May, 1987. Cited in Lisbeth Schorr, Op. Cit.
- ²⁹ Denis Doyle and Terry Hartle, Op. Cit.

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February 27, 1990

To: Mike Szymanski, Chair, and members of Senate Community & Regional Affairs Committee; Steve Frank, Drue Pearce, Pat Pourchot and Al Adams.

From: Bill Potter, NEA-Alaska

RE: HB 203 "An Act relating to teachers."

I want to thank you for asking me to provide additional written comment on Rep. MacLean's proposed amendment to CSHB 203, which was offered during the hearing on February 22, 1990.

I now have a copy of the proposed amendment before me. NEA-Alaska has no problems with the date changes on Page 2, lines 11, 13 and 16 of the bill.

The proposed amendment on Page 1 creating a sub section (b) contains two parts. First, the proposal would deny tenure rights to holders of this new class of certificated teachers. As the rest of the education statutes stand, this language is unnecessary because the current tenure statute (14.20.150) denies tenure to those without a "Standard Certificate", and a "Standard Certificate" is further defined in 4AAC 12.900 as one that is "based on a baccalaureate or higher degree."

doesn't fit under title

The second part of the suggested amendment to create a new subsection (b) provides that holders of this new class of teaching certificates would only bargain as members of a non-certificated bargaining unit. NEA-Alaska strongly opposes this portion of the amendment.

seems that the definition of teacher would preclude this.

With this amendment, the holders of this new class of certificates will in fact be certificated teachers, and as such should be treated for negotiations purposes just as are all other certificated employees, as currently required in 14.20.560. Creating a class of certificated teachers who must bargain with non-certificated personnel rather than with other certificated personnel seems to create two classes of teachers; one of which is unequal (more equal) to the other. We believe such a distinction is divisive among teachers, and creates confusion in the public's perception of what it means to have two classes of teachers. NEA-Alaska strongly opposes this proposed amendment.

Thank you again for offering us this opportunity to respond in more detail to these proposed amendments, and if we can be of further assistance, please do not hesitate to ask.

LE03/Hb203/d1

Tenure doesn't fit under title

6-0903G
Cramer
3/8/90

Original sponsor(s): REP. MACLEAN, Jacko, Furnace, Zawacki

1 IN THE HOUSE

BY THE C&RA COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 203 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to requirements for limited teacher
7 certificates; defining 'teacher'; and providing for
8 an effective date."

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

10 * Section 1. PURPOSE. The purpose of this Act is to provide for the
11 certification of teachers in certain limited fields where baccalaureate
12 degree training is not sufficiently available, so long as the person demon-
13 strates both subject matter expertise and teaching competency.

14 * Sec. 2. AS 14.20 is amended by adding a new section to read:

15 Sec. 14.20.025. OTHER TEACHER CERTIFICATES. Notwithstanding
16 AS 14.20.020(b), a person may be issued a limited certificate, valid
17 only in the area of expertise for which it is issued, to teach Alaska
18 Native language or culture, military science, or a vocational or
19 technical course for which the board determines by regulation that
20 baccalaureate degree training is not sufficiently available. A person
21 who applies for a limited certificate must demonstrate, as required by
22 regulations adopted by the board, instructional skills and subject
23 matter expertise sufficient to ensure the public that the person is
24 competent as a teacher. The board may require a person issued a
25 limited certificate to undertake academic training as may be required
26 by the board by regulation and make satisfactory progress in the
27 academic training.

28 * Sec. 3. AS 14.20.215(6) is repealed and reenacted to read:

29 (6) "teacher" means an individual who, for compensation,

1 has primary responsibility to plan, instruct, and evaluate learning of
2 elementary or secondary school students in the classroom or an equiva-
3 lent setting and also includes

4 (A) an individual serving in an administrative capac-
5 ity who supervises teachers;

6 (B) a provider of special education and related ser-
7 vices;

8 (C) a school counselor;

9 (D) a school nurse; and

10 (E) a school psychologist.

11 * Sec. 4. AS 14.20.025 is repealed June 30, 1996.

12 * Sec. 5. The Board of Education shall report to the legislature on or
13 before January 15, 1995, concerning the implementation of AS 14.20.025,
14 enacted by sec. 2 of this Act. The report must include the number of
15 certificates issued under that section and other relevant information.

16 * Sec. 6. This Act takes effect July 1, 1990.

6-0903G ✓
Cramer
3/8/90

Original sponsor(s): REP. MACLEAN, Jacko, Furnace, Zawacki

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BY THE C&RA COMMITTEE

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14 enacted by sec. 2 of this Act. The report must include the number of
15 certificates issued under that section and other relevant information.

16 * Sec. 6. This Act takes effect July 1, 1990.

HB

223

COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
TUESDAY
APRIL 25, 1989

JUDICIARY CS FOR HB 223: AN ACT AUTHORIZING MUNICIPAL CLERKS TO
TAKE OATHS, AFFIRMATIONS AND ACKNOWLEDGEMENT IN THE STATE.

SPONSOR: CATO

FISCAL: NONE

AN ACT AUTHORIZING MUNICIPAL CLERKS TO TAKE OATHS,
AFFIRMATIONS AND ACKNOWLEDGEMENTS IN THE STATE. THIS BILL
ADDS MUNICIPAL CLERKS TO THOSE AUTHORIZED TO TAKE OATHS IN
ALASKA. THERE IS NO FISCAL IMPACT TO THIS BILL

STEVE SOENKSEN FROM REPRESENTATIVE CATO'S OFFICE IS HERE TO
TESTIFY FURTHER ON THE BILL.

SENATE COMMITTEE REPORT

FURTHER

4/13/89

DATE TURNED INTO OFFICE 4.25.89

Mr. President:

C&RA Committee considered CSHB 223 (JUD)

authorizing municipal clerks to tak oaths, affirmations, and
acknowledgements
and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

FISCAL NCTE(S) zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signature]

[Handwritten signature]

[Handwritten signature] - DO PASS

 Chairman signature and recommendation

Committee Backup attached

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February 22, 1989

THE HONORABLE BETTE CATO
ALASKA STATE HOUSE OF REPRESENTATIVES
PO Box V
Juneau, AK 99811

Dear Bette:

I am hoping that you can solve a minor problem for municipal clerks throughout the state.

Most clerks have Code or Charter provisions requiring that they attest to the Manager's or Mayor's signature on all contracts, deeds, plats and other official city documents. Many of these same documents then have to be recorded with the District Recorder's Office.

The Recorder's Office requires that all documents recorded be signed and the signature notarized or witnessed. AS 09.63.010 lists the officials who may witness documents for recordation. Since "municipal clerk" is not one of the designated witnesses, the Recorder's Office will not accept the Clerk's attestation as a valid witness. In fact, since the Clerk's signature appears on the document, both the Manager or Mayor and the Clerk must have their signatures notarized before a document can be recorded.

This extra step often involves adding another sheet of paper to the document which must be recorded, thus adding extra recording costs as well as extra time and aggravation to what should be a very simple task.

I have talked to representatives from the four districts and have been assured that if "municipal clerk" is added to the designated witnesses in AS 09.63.010, the clerk's signature will be recognized as a valid witness.

I would very much appreciate your help in getting a bill through this session with such a provision. Thanks for your help.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Community & Regional Affairs
 Title: "An Act authorizing municipal clerks to take oaths, affirmations.." BRU: _____
 Sponsor: Rep Cato Components: _____
 Requestor: _____

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	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jim Plasman, Deputy Director Phone: 465-4750
 Division: Municipal & Regional Assistance Date: 3-27-89
 Approved by Commissioner: [Signature] Date: 3-27-89
 Agency: Community & Regional Affairs

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

Collateral references. — 56 ALR 2d, Municipal Corporations, Counties, and Other Political Subdivisions, § 282; 62 C.J.S., Municipal Corporations, § 695.

for municipality. 66 ALR 119; 30 ALR2d 944.

Attorney's compensation for services in matters involving municipalities. 145 ALR 529; 56 ALR2d 13.

Attorney's authority to compromise suit

Sec. 29.20.380. Municipal clerk. (a) The municipal clerk shall

- (1) give notice of the time and place of meetings of the governing body to the governing body and to the public;
- (2) attend meetings of the governing body and keep the journal;
- (3) arrange publication of notices, ordinances, and resolutions;
- (4) maintain and make available for public inspection an indexed file containing municipal ordinances, resolutions, rules, regulations, and codes;
- (5) attest deeds and other documents;
- (6) perform other duties specified in this title or prescribed by the chief administrator or by the governing body.

(b) The governing body may combine the office of clerk with that of treasurer. If the offices are combined, the clerk-treasurer shall, as required of the treasurer, give bond to the municipality for the faithful performance of the duties as clerk-treasurer. (§ 7 ch 74 SLA 1985)

NOTES TO DECISIONS

No liability for unintentional error in performing discretionary duty. — When a public officer was charged with duties which called for an exercise of his judgment and discretion, he was not liable

for an erroneous performance under a former, similar provision, unless he had been guilty of willful wrong, malice, or corruption. Churchhill v. McKay, 17 Alaska 633, 163 F. Supp. 339 (D. Alaska 1958).

Collateral references. — 62 C.J.S., Municipal Corporations, § 699

Sec. 29.20.390. Municipal treasurer. (a) Except as provided in AS 14.14.060, the treasurer is the custodian of all municipal funds. The treasurer shall keep an itemized account of money received and disbursed. The treasurer shall pay money on vouchers drawn against appropriations.

(b) The treasurer shall give bond to the municipality in a sum that the governing body directs. (§ 7 ch 74 SLA 1985)

Collateral references. — 62 C.J.S., Municipal Corporations, §§ 697, 1880.

Sec. 09.60.060. Security for costs where plaintiff a nonresident or foreign corporation. When the plaintiff in an action resides out of the state or is a foreign corporation, security for the costs and attorney fees, which may be awarded against the plaintiff, may be required by the defendant, if timely demand is made within 30 days after the defendant discovers that the plaintiff is a nonresident. When required, all proceedings in the action shall be stayed until an undertaking executed by one or more sufficient sureties is filed with the court to the effect that they will pay the costs and attorney fees which are awarded against the plaintiff, for not less than \$200. A new or an additional undertaking may be ordered by the court upon proof that the original undertaking is insufficient in amount or security (§ 5.12 ch 101 SLA 1962); am § 1 ch 3 SLA 1971)

NOTES TO DECISIONS

This section is substantive. *Ware v. City of Anchorage*, Sup. Ct. Op. No. 477 (File No. 882), 439 P.2d 793 (1968).

It creates new right and new liability. — This section creates a new right in the resident defendant and a new liability

in the nonresident plaintiff which are separate and apart from, and go beyond, the procedure of computing and assessing costs and attorney's fees. *Ware v. City of Anchorage*, Sup. Ct. Op. No. 477 (File No. 882), 439 P.2d 793 (1968).

Collateral references. — Waiver of statute or court rule declaring nonresident plaintiff to give security for cost, 8 ALR 1510.

Statute regarding security for cost as

mandatory or permitting exercise of discretion, 84 ALR 252.

Nonresident's duty to furnish security for costs as affected by joinder or addition of resident, 158 ALR 737.

Chapter 63. Oath, Acknowledgment and Other Proof.

Section	Section
10. Oath, affirmation, and acknowledgment in the state	80. Recognition of certificate of acknowledgment
20. Certification of documents	90. Certificate of acknowledgment
30. Notarization	100. Forms of acknowledgment
40. Verification	110. Uniformity of interpretation
50. Recognition of notarial acts performed outside the state	120. Definition
60. Authentication of authority of officer	130. Title
70. Certificate of person taking acknowledgment	

Sec. 09.63.010. Oath, affirmation, and acknowledgment in the state. The following persons may take an oath, affirmation, or acknowledgment in the state:

(1) a justice, judge, or magistrate of a court of the State of Alaska or of the United States;

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- (2) a clerk or deputy clerk of a court of the State of Alaska or of the United States;
- (3) a notary public;
- (4) a United States postmaster; or
- (5) a commissioned officer under AS 09.63.050(4). (§ 1 ch 37 SLA 1981)

Collateral references. — 58 Am. Jur. 2d, Oath and Affirmation, §§ 6 — 10. 67 C.J.S., Oaths and Affirmations, §§ 5 — 7. Disqualification of attorney, otherwise qualified, to take oath or acknowledgment from client, 21 ALR3d 483.

Sec. 09.63.020. Certification of documents. (a) A matter required or authorized to be supported, evidenced, established, or proven by the sworn statement, declaration, verification, certificate, oath, or affidavit, in writing of the person making it (other than a deposition, an acknowledgment, an oath of office, or an oath required to be taken before a specified official other than a notary public) may be supported, evidenced, established or proven by the person certifying in writing "under penalty of perjury" that the matter is true. The certification shall state the date and place of execution, the fact that a notary public or other official empowered to administer oaths is unavailable, and the following:

"I certify under penalty of perjury that the foregoing is true."

(b) A person who makes a false sworn certification which the person does not believe to be true under penalty of perjury is guilty of perjury. (§ 1 ch 37 SLA 1981)

Collateral references. — 1 Am. Jur. 2d, Acknowledgments, §§ 32 — 79. 1 C.J.S., Acknowledgments, §§ 83 — 145.

Sec. 09.63.030. Notarization. (a) When a document is required by law to be notarized, the person who executes the document shall sign and swear to or affirm it before an officer authorized by law to take the person's oath or affirmation and the officer shall certify on the document that it was signed and sworn to or affirmed before the officer.

(b) The certificate required by this section may be in substantially the following form:

Subscribed and sworn to or affirmed before me at _____
on _____.

(date)

Signature of Officer

Title of Officer

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act..municipal clerks to take
 oaths, affirmations, & acknowledgements."
 Sponsor: House Judiciary Committee
 Requestor: _____

Agency Affected: Community & Regional Affairs
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jim Plasman, Deputy Director Phone: 465-4750
 Division: Municipal & Regional Assistance Date: 4/25/89
 Approved by Commissioner: David C. Miller Date: 4-25-89
 Agency: Community & Regional Affairs

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

HB

284



Official Business

Alaska State Legislature

P.O. BOX V
State Capitol
Juneau, Alaska 99811

January 9, 1990

MEMORANDUM

TO: Senator Tim Kelly, Senate President

FROM: Senator Mike Szymanski *[Signature]*

RE: Request for Additional Referral to Senate C&RA

HB 284 is a House companion bill to SB 289. Both bills concern prompt payment for materials and services provided to public construction projects. SB 289 is currently in Senate C&RA while HB 284 is in Senate Labor and Commerce. I wish to request that HB 284 have an additional referral made to Senate C&RA so that both bills may be scheduled for hearing at the same time.

A M E N D M E N T

SEN SZYMANSKI

OFFERED IN THE SENATE

BY THE C&RA COMMITTEE

TO: CSHB 284(L&C) am

Page 1, line 18, following "receives a":

Insert "valid"

Page 1, line 19, following "contract":

Insert "or within 30 calendar days after the warranty period expires,
whichever is later"

Page 1, line 22, following "receives a":

Insert "valid"

Page 1, line 23:

Delete "or"

Insert ", "

Page 1, line 24, following "money,":

Insert "or within 21 calendar days after the warranty period expires,"

Page 1, line 24:

Delete "later"

Insert "latest"

Page 1, line 27, following "receives a"

Insert "valid"

Page 1, line 28:

Delete "or"

Insert ", "

Page 1, line 29, following "money,":

Insert "or within 21 calendar days after the warranty period expires,"

Page 1, line 29:

Delete "later"

Insert "latest"

Page 2, line 8, following "section":

Insert "is not valid or"

Page 2, line 9:

Delete "calendar"

Insert "working"

Page 2, line 17:

Delete "calendar"

Insert "working"

Page 2, line 23, following "notice":

Insert "or within 21 calendar days after the warranty period expires,
whichever is later"

Page 2, line 27:

Delete "or"

Insert ", "

Page 2, line 28, following "money,":

Insert "or within 21 calendar days after the warranty period expires,"

Page 2, line 29:

Delete "later"

Insert "latest"

Page 3, line 3:

Delete "or"

Page 3, line 4, following "money,":

Insert "or within 21 calendar days after the warranty period expires,"

Page 3, line 4:

Delete "later"

Insert "latest"

Page 3, following line 8:

Insert a new subsection to read:

"(f) This section does not apply to public construction or public works contracts made by a political subdivision that has a population under 800."

Page 3, line 15:

Delete "calendar"

Insert "working"

Page 3, line 18:

Delete "calendar"

Insert "working"

Page 4, line 7:

Delete "calendar"

Insert "working"

Page 4, line 10:

Delete "calendar"

Insert "working"

Page 6, line 3:

Delete "calendar"

Insert "working"

Page 6, line 8:

Delete "calendar"

Insert "working"

Page 6, lines 18 - 19:

Delete "an interest rate that is equal to the amount set out in AS 45.45.010(a)"

Insert "the prevailing interest rate"

Page 6, line 20, following "request":

Insert "or from the end of the warranty period, whichever is later,"

Page 6, lines 22 - 24:

Delete all material.

Reletter the following subsection accordingly.

Page 6, line 27, following "PROVISIONS.":

Insert "(a)"

Page 7, lines 8 - 10:

Delete all material and insert:

*(b) A political subdivision that receives a state grant for a public construction or public works project may use money from the state grant to pay the interest under AS 36.90.200 - 36.90.290.

Sec. 36.90.265. MUNICIPALITIES. AS 36.90.200 - 36.90.290 do not apply to a public construction or public works contract of a municipality unless the municipality has entered into a written contract

with the state for the state to provide funds for the public construction or public work."

Page 7, line 22, following "project":

Insert ";

(3) "working day" does not include Saturday, Sunday, or a state holiday"

Page 8, line 10:

Delete "1989"

Insert "1990"

A M E N D M E N T

OFFERED IN THE SENATE

BY THE C&RA COMMITTEE

TO: SCS CSHB 284 (C&RA) (6-1026D, 3-29-90)

Page 2, line 5:

Delete "that is equal to the amount set out in AS 45.45.010(a)"

NO
Insert "of 1.5 percent a month, unless an agreement exists between the prime contractor and the state or political subdivision that establishes a lower rate of interest or precludes the charging of interest"

Page 3, lines 7 - 8:

Delete "that is equal to the amount set out in AS 45.45.010(a)"

Insert "of 1.5 percent a month, unless an agreement exists between the prime contractor and the state or political subdivision that establishes a lower rate of interest or precludes the charging of interest"

Page 4, lines 1 - 2:

Delete "that is equal to the amount set out in AS 45.45.010(a)"

Insert "of 1.5 percent a month, unless an agreement exists between the prime contractor and the subcontractor that establishes a lower rate of interest or precludes the charging of interest"

Page 4, lines 22 - 23:

Delete "that is equal to the amount set out in AS 45.45.010(a)"

Insert "of 1.5 percent a month, unless an agreement exists between the subcontractor and the person that establishes a lower rate of interest or

precludes the charging of interest"

Page 6, lines 4 - 5:

Delete "that is equal to the amount set out in AS 45.45.010(a)"

Insert "of 1.5 percent a month, unless an agreement exists between the prime contractor and the subcontractor that establishes a lower rate of interest or precludes the charging of interest"

A M E N D M E N T

OFFERED IN THE SENATE

BY THE C&RA COMMITTEE

TO: SCS CSHB 284(C&RA)

Page 7, following line 3:

Insert a new section to read:

"Sec. 36.90.265. APPLICABILITY TO ^{*political subdiv.*} ~~MUNICIPALITIES~~. AS 36.90.200 -
36.90.290 do ~~not~~ apply to a public construction or public works con-
tract of a ^{*political subdiv. where*} ~~municipality~~ ~~unless~~ the municipality has entered into a
written contract with the state for the state to provide funds for the
public construction or public work."



Official Business

Alaska State Legislature

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

To: Senator M. Szymanski
Chairman Community and Regional Affairs Committee

From: Representative Boyer *MR*

Date: February 12, 1990

Subject: Request for Committee hearing on HB 284

I am writing to formally request a hearing in the Senate Community and Regional Affairs Committee on HB 284 "Public construction contract payments". The board of directors of the Associated General Contractors of Alaska will be in town on February 27th and they would like the opportunity to testify at that time. If the scheduling of this bill doesn't conflict with your plans, I would appreciate your consideration.

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: SCS CSHB284 (C&RA)
PUBLISH DATE: 4/3/90

REQUEST: FISCAL NOTE

Revision Date:
Title: "An Act relating to Public Construction
Contract Payments"
Sponsor: Boyer
Requestor: House Labor and Commerce

Agency Affected: DOT&PF
BRU: Finance

Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	110.0	110.0	110.0	110.0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	110.0	110.0	110.0	110.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	110.0	110.0	110.0	110.0

POSITIONS:

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

ANALYSIS: The annual increased costs can only be estimated. Based on prior experience, 8% of all contractor payments could not be paid within the proposed 21 day time frame and would require payment of interest costs. The estimated increased costs are between \$80,000 and \$110,000. These costs would be funded out of General Fund capital appropriations allocated for "state match" or projects ineligible for federal participation. The costs reflected are calculated based on late payments incurring 15 days of interest charges. Significant budget reductions being considered for all administrative units would cause a delay in the processing of payments and could increase the annual costs to approximately \$200,000. Each administrative unit lost at least one position effective 10-01-89. The effect on contractor payments of this reduction will not be known until 1990 construction season.

Prepared by: Robert N. Bartholomew, Director
Division: Administrative Services

Phone: 465-3911
Date: April 2, 1990

Approved by Commissioner: Mark S. Hickey
Agency: Department of Transportation and Public Facilities

Date: 4/2/90

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