

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672

7432 SENATE HEALTH EDUCATION & SOCIAL SERVICES

- * school trackers;
- * alternative and vocational education;
- * independent living preparation programs;
- * substance abuse treatment (including in-patient treatment);
- * peer helper programs (for parents and youth);
- * recreation opportunities;
- * mental health treatment; and,
- * public education and advocacy.

Those present singled out in-home services, school trackers and juvenile detox as high priority services for runaway and homeless youth in their communities.

Participants also emphasized that resources made available on a statewide basis must be flexible to meet the disparate regional needs. They also believed that schools were a key part of the service package for runaway and homeless youth in more rural areas. Schools should work to keep runaway and homeless youth in school by reducing the number of suspensions and working more closely with parents.

KENAI PENINSULA BOROUGH

Twenty-six representatives from Seward, Homer, Kenai and Soldotna attended a one day workshop in Soldotna on December 10, 1991 to address their region's runaway and homeless youth issues. These participants identified the following program/service areas:

- * immediate, short term, safe shelter for both runaway and homeless youth
- * adequate social workers to serve the area
- * additional foster homes for temporary placement of runaway and homeless youth
- * Expand human services in the area.
- * The community of Seward expressed a need for better networking between existing programs/services
- * Third funding source for runaways

Homer has started a "Safe Harbor" non-profit organization under the umbrella of the Catholic Social Services in Anchorage to aid the homeless. "Helping our Teens" (H.O.T.) is the organizations first program. Its program goals are:

- assist with food bank programs
- locate temporary living quarters in area homes

- locate permanent, reasonable rentals
- assist with employment
- improve communications between teens and parents
- provide a crisis line.

"Safe Harbor" is working directly with legislators to investigate the liability issues and a "Good Samaritan" law. This group has identified a need for a short term (1 to 3 days with a maximum stay of 2 weeks) safe home model for homeless youth. They will be meeting with representatives from the Kenai Peninsula Community Care Center and Youth Corrections staff to determine the feasibility of cooperative utilization of existing resources.

Two other groups, the Kenai Interagency Team and the Social Service Task Force, will continue their meetings regarding runaway and homeless youth in their area, and will carry forward strategies identified at the conference.

KODIAK

A one day conference on runaway and homeless youth was held in Kodiak on December 12, 1991. Conference participants concluded that the following are needed in the Kodiak area:

- * Community must "own" problem/ combination of city, borough and state responsibility
- * Safe housing with a home type environment probably a "safe home" model which is citizen based
- * Centralized resources
- * Heightening of public awareness
- * Funding
 - from whom
 - how much
 - consider pull tabs from local service organizations
 - consider a "Ronald McDonald House" model
- * Change legislation
- * Research liability issues and "Good Samaritan" law
- * Vocational skills for runaway and especially homeless youth

The conference in Kodiak resulted in an acute awareness of the extent of the runaway and homeless youth population in their community. Participants agreed to discuss the runaway and homeless youth issue at the Child Abuse Task Force meeting in January 1992 to determine if the two should be combined or whether to establish a separate Runaway and Homeless Youth Task Force.

CONSULTANT RECOMMENDATIONS

Follow-up Planning

Meetings or other information gathering efforts should be initiated in geographic areas outside the Mat-Su Valley to complete the recommended strategies section of this report. This will allow individuals who were not able to attend the conference to contribute their expertise and experience to each area's plan. The information contained in this report can be used as a starting point for these regional discussions.

Need for Services

It is clear that additional services for runaway and homeless youth are needed in the state. In most areas of the state inadequate services have allowed youth behaviors to escalate to the level of services they can access. Division of Family and Youth Services programs are the only services available in many communities. Consequently, youth must commit law violations or reach an observable level of abuse and neglect before the service system can respond. A more complete continuum of care is needed that provides for earlier intervention and more efficient safe shelter for runaway and homeless youth. In addition, programs specifically designed to meet the needs of runaway and homeless youth are likely to elicit the voluntary cooperation of juveniles who now refuse services.

The use of detention to provide safe shelter for runaways is directly related to the lack of appropriate shelter programs in the community. Debate over the criminalization of runaway behavior should follow, not precede, creation of a separate state funding stream for services to runaway and homeless youth. Once adequate services are in place in all parts of the state the need for new laws can be considered.

Several conference participants commented that existing state juvenile detention facilities were full and that funding for some of these facilities may be in jeopardy. It makes little sense to make running away from home a crime if the state (as a vehicle for allowing runaways to be placed in secure detention) has no way of providing a useful sanction for violation of the law. In addition, youth will quickly learn that the law has no teeth and runaway behavior will continue unabated.

Prevention

Throughout the Mat-su conference, several participants noted the need to develop specific strategies to prevent runaway incidents and youth homelessness. While this planning was beyond the scope of the conference, it remains an important unaddressed need. In addition, stabilization of the existing runaway population will allow programs to begin focusing on services that will prevent future family problems and subsequent runaway behavior.

Continued Advocacy and Statewide Communication

The professionals and citizens who attended these conferences are building the nucleus of a strong state network on runaway and homeless youth. They will share information and program technology, and advocate for the needs of this vulnerable population. A strategy should be considered to develop and support this network. In particular, a lead agency or agencies should be identified to coordinate the network.

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APPENDIX

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NORTHWEST NETWORK OF RUNAWAY AND YOUTH SERVICES

PROGRAM MODEL INFORMATION FOR RUNAWAY AND HOMELESS YOUTH

Addressing the service needs of runaway and homeless youth requires planning and implementation of appropriate program models. Categories for general service areas that other communities have found to be important are:

- ***Crisis Intervention (24-hour access to services)***
- ***Temporary Shelter***
- ***Health Care***
- ***Follow-up Support For Families***
- ***Transitional Housing For Homeless Youth***
- ***Independent Living Skills Programs***
- ***Case Management***

The following is a summary of examples of program models for these service components. Program models for runaway and homeless youth are more short-term and time-bound, whereas, homeless youth need more focused long-term services

CRISIS INTERVENTION:

The purpose of crisis intervention services is to assess immediate service needs, provide 24 hour access to services and resolve the immediate crisis.

24-Hour Access Systems: *This service is necessary for youth and families to have a point of access into the service system.*

- ***Coordinated On-Call System:*** One agency takes the lead to coordinate 24-hour access to the community's system of available services. All agencies are involved in system planning and share on-call activities. Some programs have staff carry electronic beepers on a rotating basis to provide a responsive cost effective 24-hour access "on-call" system and response to crisis needs. (Works well for rural communities)
- ***Designated Awake Staff:*** Programs where 24-hour awake staffing is available provide 24-hour access to services. (Works well in urban areas where residential facilities are available)
- ***Crisis Hot-line service:*** Some communities have existing crisis hotlines that provide services to the entire community. Calls by runaway youth and their families can be referred to an on-call network of professionals and volunteers.

Counseling:

- ***On-call response team*** or individual to provide initial assessment and crisis counseling.
- ***Outreach services*** in schools.
- ***Drop-in center*** or "store front" programs.

TEMPORARY SHELTER:

Some runaway and homeless youth will need at least short term shelter until their situation has been assessed to determine an individual service plan. The program design needs to be short-term (less than 2 weeks), non-secure, and provide 24-hour supervision.

****Host Homes:* Families that are paid for their services or volunteer to provide temporary shelter in their homes. Requires specialized, intensive training and agency staff support for families.

****Basic Residential Shelter:* 24-hour awake staff in a house or other group setting. This provides a higher level of supervision.

****Attendant Care:* Trained individuals (contracted or employee status) that provide 24-hour supervision in family homes or another safe shelter such as a motel or the individuals home.

****Respite care:* "Time-out" for youth and families prior to a runaway incident. Any of the above shelter models can provide this service.

HEALTH CARE:

Providing emergency or acute care for runaway and homeless youth.

****Formal agreements* with hospitals, clinics and/or private medical professionals to donate or provide at reduced cost, emergency/acute care. Important for youth that are not considered to be under the purview of protective services or with medical card status.

****Agreements with and referral mechanisms* to local government funded health department clinics and services.

****Planned Parenthood or other similar programs* for sexually transmitted diseases and specialized testing.

****School based clinics* funded through local school districts, government health departments, etc.

FOLLOW-UP SUPPORT FOR FAMILIES:

Providing family counseling, mediation, parent training and support, alternative education, drug and alcohol treatment, to assist in resolving conflict that led to the runaway incident. Services that are especially important are:

****On-going family or individual counseling* for 3-6 months.

****Mediation* - Focuses on immediate presenting problems and negotiating agreements for solutions to those problems.

****Big Brother/Big Sister Programs.*

****Peer Counseling* for youth regarding drug and alcohol issues as well as basic counseling (school based and through local private providers)

TRANSITIONAL HOUSING FOR HOMELESS YOUTH:

Providing housing for homeless youth for 6 - 18 mos. while they acquire skills necessary to become productive members of the community.

- ****Supervised apartments* - Youth live alone or with roommates in apartments with on-site staff that provide supervision and structure for clients. Subsidies are generally required for payment of rent.
- ****Unsupervised apartments/hotels* - programs provide "vouchers" or some type of subsidized housing for youth while they are involved in living skills programs. Supervision is provided through weekly visits from staff/case managers.
- ****Self-governing group homes* - Youth live in a group setting and are responsible for developing and maintaining the house rules with the assistance of on-site staff. Appropriate for older homeless/street youth that have been out of structured family environments for a long period of time.
- ****Host Homes* - Paid or volunteer families that provide long term housing for youth that cannot return home. This model works well for younger youth that have not been outside of a family environment for a long period of time.

INDEPENDENT LIVING SKILLS PROGRAMS:

Providing a program model that teaches independent living skills through methods that are non-traditional and at the individual's learning level and pace. Components of independent living skills programs that are important are:

- ****Jobs skills training* - resume writing, interviewing skills, basic work skills, knowledge of employee rights and labor laws. Homeless youth may require staff support to maintain initial job placements.
- ****Living skills* - food preparation, basic health and hygiene, money/budget management, grocery shopping, nutrition, decision making, refusal skills, group process, etc.
- ****GED/High School Equivalency programs* outside traditional public school settings.

CASE MANAGEMENT FOR HOMELESS YOUTH:

Provides homeless youth with minimal supervision in developing a service plan to assist in them in accessing needed services. Staff providing case management services will provide referral to community services, advocacy and personal support to clients.

- ****Youth Services Team (YST) Case Management* - Development of a YST (consisting of community agencies that come in contact with youth) that has the capacity to hire case management staff to provide services to youth that are referred by the participating agencies.
- ****Program Case Management* - case management services are provided by program staff to youth that are enrolled, living in or participating in an established service, i.e. alternative education program, host home or residential program, etc.

ALASKA STATUTES

TITLE 47

ALASKA RUNAWAY LAW

Sec. 47.10.141. Runaway and missing minors. (a) Upon receiving a written, telephonic, or other request to locate a minor evading the minor's legal custodian or to locate a minor otherwise missing, a law enforcement agency shall make reasonable efforts to locate the minor and shall immediately complete a missing person's report containing information necessary for the identification of the minor. As soon as practicable, but not later than 24 hours after completing the report, the agency shall transmit the report for entry into the Alaska Public Safety Information Network and the National Crime Information Center computer system. The report shall also be submitted to the missing persons information clearinghouse under AS 18.65.620. As soon as practicable, but not later than 24 hours after the agency learns that the minor has been located, it shall request that the Department of Public Safety and the Federal Bureau of Investigation remove the information from the computer systems.

(b) A peace officer shall take into protective custody a minor described in (a) of this section if the minor is not otherwise subject to arrest or detention. The peace officer shall honor the minor's preference to (1) return the minor to the legal custodian if the legal custodian consents to the return; (2) take the minor to a nearby location agreed to by the minor and the legal custodian; or (3) take the minor to an office specified by the Department of Health and Social Services, a program for runaway minors licensed by the department under AS 47.10.310, or a facility or contract agency of the department. If an office specified by the department, a licensed program for runaway minors, or a facility or contract agency of the department does not exist in the community, the officer shall take the minor to another suitable location and promptly notify the department. A minor under protective custody may not be housed in a jail or other detention facility. Immediately upon taking a minor into protective custody, the officer shall advise the minor orally and in writing of the right to social services under AS 47.10.142(b), and, if known, the officer shall advise the legal custodian that the minor has been taken into protective custody.

(c) A minor may be taken into emergency protective custody by a peace officer and placed into temporary detention in a juvenile detention home in the local community if there has been an order issued by a court under a finding of probable cause that (1) the minor is a runaway in wilful violation of a valid court order issued under AS 47.10.080 or 47.10.142(f), (2) the minor's current situation poses a severe and imminent risk to the minor's life or safety, and (3) no reasonable placement alternative exists within the community. For

the purposes of this subsection, a risk may not be considered severe and imminent solely because of the general conditions for runaway minors in the community, but shall be assessed in view of the specific behavior and situation of the minor. A minor detained under this subsection shall be brought before a court on the day the minor is detained, or if that is not possible, within 24 hours after the detention for a hearing to determine the most appropriate placement in the best interests of the minor. A minor taken into emergency protective custody under this subsection may not be detained for more than 24 hours, except as provided under AS 47.10.140. Emergency protective custody may not include placement of a minor in a jail or secure facility other than a juvenile detention home, nor may an order for protective custody be enforced against a minor who is residing in a licensed program for runaway minors, as defined in AS 47.10.390.

(d) If, after investigation of a report of a missing minor, a law enforcement agency has reason to believe that the minor is involuntarily absent from the custody of a custodial parent or guardian, the department shall notify the Bureau of Vital Statistics of the disappearance and shall provide the bureau with a description of the minor. The description of the minor must include, if known, the minor's full name, date and place of birth, parent's names, and mother's maiden name. If the Department of Public Safety has reason to believe that the minor, whether born in this state or not, has been enrolled in a specific school or school district in the state, the department shall also notify the last known school or school district attended in the state by the missing minor of the disappearance. When a person who was listed as a missing minor is found, the Department of Public Safety shall notify the Bureau of Vital Statistics and any school or school district previously informed of the person's disappearance.

(e) In this section, "law enforcement agency" has the meaning given in AS 12.36.090. (§ 2 ch 42 SLA 1985; am § 3 ch 72 SLA 1988; am §§ 1, 2 ch 144 SLA 1988; am § 4 ch 202 SLA 1990)

Effect of amendments. — The first 1988 amendment inserted the next-to-last sentence in subsection (a).

The second 1988 amendment inserted "written, telephonic, or other" in the first sentence in subsection (a); in subsection (b), inserted "a licensed program for runaway minors" in the third sentence and, in the second sentence, deleted "either" following "reference to" near the begin-

ning, added "if the legal custodian consents to the return" at the end of paragraph (1), inserted present paragraph (2), and redesignated former paragraph (2) as present paragraph (3) and inserted "a program for runaway minors licensed by the department under AS 47.10.310" therein; and added subsection (c).

The 1990 amendment added subsections (d) and (e).

ALASKA STATUTES

TITLE 47

ALASKA RUNAWAY PROGRAMS

Article 4. Programs for Runaway Minors.

Section	Section
300. Powers and duties of the department	330. Notice to minor's legal custodian
310. Licensing of programs for runaway minors	340. Confidentiality of records
320. Residence in runaway minor program facilities	350. Immunity from liability
	360. Municipal powers
	390. Definitions

Sec. 47.10.280. Purpose of chapter. [Repealed, § 1 ch 152 SLA 1976. For current similar provisions, see AS 47.05.060.]

Sec. 47.10.300. Powers and duties of the department. The department shall

(1) review, inspect, and approve or disapprove for licensing proposed or established programs for runaway minors to ensure the health and safety of minors in the program;

(2) maintain a register of licensed programs for runaway minors;

(3) award grants for the establishment or operation of licensed programs for runaway minors;

(4) submit to the legislature and governor each January a report on programs for runaway minors in the state;

(5) adopt regulations for the administration of AS 47.10.300 — 47.10.390, including regulations providing for the coordination of services to be provided by licensed programs for runaway minors and by the department. (§ 4 ch 144 SLA 1988)

Collateral references. — 42 Am. Jur.
2d, Infants, §§ 14-17.
43 C.J.S., Infants, §§ 9, 10.

Sec. 47.10.310. Licensing of programs for runaway minors.

(a) A person may not operate a program for runaway minors in the state without a license issued under this section. A person who violates this subsection is guilty of a violation.

(b) The department may license a program for runaway minors under AS 47.10.300 — 47.10.390 only if the program

(1) is operated by a corporation organized under AS 10.20 or a municipality; and

(2) meets the requirements of (c) of this section.

(c) A program for runaway minors shall

(1) explain to a minor who seeks assistance from the program the legal rights and responsibilities of runaway minors and the services and assistance provided for runaway minors by the program and by the state or local municipality;

(2) attempt to determine why a minor in the program is a runaway;

(3) provide or help arrange for the provision of services necessary to promote the health and welfare of a minor in the program and, if appropriate, members of the minor's family; services may include, but are not limited to, the provision of food, shelter, clothing, medical care, and individual or family counseling;

(4) promptly inform the department of a minor in the program who claims to be the victim of child abuse or neglect, as defined in AS 47.17.290, or whom an employee of the program has cause to believe has been a victim of child abuse or neglect;

(5) be operated with the goal of reuniting runaway minors with their families, except in cases in which reunification is clearly contrary to the best interest of the minor; and

(6) maintain adequate staffing and accommodations to ensure physical security and to provide crisis services to minors residing in a facility operated by the program; residents under 18 years of age shall be segregated from residents who are 18 years of age or older.

(d) A program for runaway minors may provide services for the protection of the health and welfare of a person under 21 years of age who is in need of the services and who is without a place of shelter in which supervision and care of the person are available. (§ 4 ch 144 SLA 1988)

Sec. 47.10.320. Residence in runaway minor program facilities. A runaway minor may maintain residency for a period not exceeding 45 days at a facility operated as part of a licensed program for runaway minors. The minor may maintain residency without the consent of the person or agency having custody of the minor, except that if the court has ordered the minor committed to the custody of the department, written consent of the department is required. The residency may be extended for an additional period of 45 days with the written consent of the person or agency having custody of the minor. A minor may not maintain residency beyond the 90th day following admission to a licensed program for runaway minors without the written consent of the person or agency having custody of the minor and the written consent of the department. (§ 4 ch 144 SLA 1988)

Sec. 47.10.330. Notice to minor's legal custodian. (a) The director of a program for runaway minors shall make a good faith effort to notify a minor's legal custodian as soon as possible, but in no event more than 48 hours after the minor is admitted to the program, unless there are compelling circumstances that justify withholding notice. The notice must describe the minor's physical and emotional condition and the circumstances surrounding the minor's admission to the program.

(b) The director of a program for runaway minors shall promptly notify a minor's legal custodian if the minor is released from the program into the custody of a person other than the legal custodian or a person representing the legal custodian. (§ 4 ch 144 SLA 1988)

Sec. 47.10.340. Confidentiality of records. Records of a licensed program for runaway minors that identify a minor who has been admitted to or has sought assistance from the program are confidential and are not subject to inspection or copying under AS 09.25.110 — 09.25.120, unless

(1) after being informed of the minor's right to privacy, the minor consents in writing to the disclosure of the records;

(2) the records are relevant to an investigation or proceeding involving child abuse or neglect or a child in need of aid petition; or

(3) disclosure of the records is necessary to protect the life or health of the minor. (§ 4 ch 144 SLA 1988)

Sec. 47.10.350. Immunity from liability. (a) The officers, directors, and employees of a licensed program for runaway minors are not liable for civil damages as a result of an act or omission in admitting a minor to the program.

(b) This section does not preclude liability for civil damages as a result of recklessness or intentional misconduct. (§ 4 ch 144 SLA 1988)

Sec. 47.10.360. Municipal powers. Authority to establish and operate a licensed program for runaway minors is granted to municipalities that do not otherwise have that authority. (§ 4 ch 144 SLA 1988)

Sec. 47.10.390. Definitions. In AS 47.10.300 — 47-10.390

(1) "licensed program for runaway minors" means a residential or nonresidential program licensed by the department under AS 47.10.310;

(2) "runaway minor" means a person under 18 years of age who

- (A) is habitually absent from home;
- (B) refuses to accept available care;
- (C) has no parent, guardian, custodian, or relative able or willing to provide care; or
- (D) has been physically abandoned by
 - (i) both parents;
 - (ii) the surviving parent; or
 - (iii) one parent if the other parent's rights and responsibilities have been terminated under AS 25.23.180(c) or AS 47.10.080 or voluntarily relinquished. (§ 4 ch 144 SLA 1988)

ALASKA STATUTES

TITLE 18

ALASKA MISSING PERSONS
CLEARINGHOUSE

Article 7. Missing Persons Information Clearinghouse.

Section	Section
600. Missing persons information clearinghouse	640. Reports upon finding a missing person
610. Duties of missing persons information clearinghouse	650. Civil penalty
620. Duty of law enforcement agencies	660. Definition
630. Medical and dental records of missing persons	

Sec. 18.65.600. Missing persons information clearinghouse. There is in the Department of Public Safety the missing persons information clearinghouse. (§ 1 ch 72 SLA 1988)

Sec. 18.65.610. Duties of missing persons information clearinghouse. (a) The missing persons information clearinghouse is established as a central repository of information regarding missing persons.

(b) The clearinghouse shall

(1) establish within the state a system and appropriate procedures for communication of information regarding missing persons;

(2) collect, maintain, and disseminate accurate and complete information on missing persons for the purpose of identifying, locating, and returning them;

(3) provide for exchange of information on missing persons within the state;

(4) cooperate with private citizens, local law enforcement agencies, and other state and federal agencies in investigations concerning missing persons;

(5) provide training and assistance to law enforcement agencies to promote effective use of the clearinghouse. (§ 1 ch 72 SLA 1988)

Sec. 18.65.620. Duty of law enforcement agencies. In addition to the requirements of AS 47.10.141 regarding reports of missing minors, a local or state law enforcement agency shall submit to the clearinghouse all missing person reports received by the law enforcement agency that relate to a person who is not located within 48 hours after the first report concerning that person was filed. (§ 1 ch 72 SLA 1988)

Sec. 18.65.630. Medical and dental records of missing persons. (a) When a person files a report of a missing person with a law enforcement agency or with the clearinghouse, a form authorizing the release of medical and dental records to the law enforcement agency and to the clearinghouse shall be supplied to the family, next of kin, or legal guardian of the missing person. The family, next of kin, or legal guardian of the missing person may complete the release form and deliver the release form to the physician or dentist of the missing person. The physician or dentist who receives a release form signed by the family, next of kin, or legal guardian of the missing person shall release to the law enforcement agency and the clearinghouse only that information that is necessary to identify the missing person.

(b) When the family, next of kin, or legal guardian of a missing person cannot be located or does not exist, a law enforcement agency may execute a written declaration stating that an active investigation is being conducted and that medical and dental records are required for the exclusive purpose of furthering the investigation. Notwithstanding AS 09.25.120 and AS 17.30.155, the declaration signed by a peace officer under this subsection is sufficient authority for the physician or dentist to release information necessary to aid in the identification of the missing person. The physician or dentist may only release that information that is necessary to identify the missing person.

(c) Medical and dental records obtained under this section shall be provided to the clearinghouse.

(d) When a missing person is found, the law enforcement agency and the clearinghouse shall destroy all records in their files obtained under this section. (§ 1 ch 72 SLA 1988)

Sec. 18.65.640. Reports upon finding a missing person. A person who has filed a missing person report with the clearinghouse or a law enforcement agency shall immediately notify the clearinghouse or the law enforcement agency when the location of the missing person is determined. (§ 1 ch 72 SLA 1988)

Sec. 18.65.650. Civil penalty. The commissioner of public safety, or a person designated by the commissioner of public safety, may file a civil complaint in the district court to enforce AS 18.65.640. A person who fails to comply with AS 18.65.640 is subject to a civil fine of not more than \$1,000. (§ 1 ch 72 SLA 1988)

Sec. 18.65.660. Definition. In AS 18.65.600 — 18.65.660 "clearinghouse" means the missing persons information clearinghouse established in AS 18.65.600. (§ 1 ch 72 SLA 1988)



Alaska Department of Health and Social Services
Division of Family and Youth Services
P.O. Box 110630
Juneau, Alaska 99811-0630
(907) 465-3170

This publication was released by the Alaska Department of Health and Social Services, Division of Family and Youth Services produced at a total cost of \$1383, or \$2.77 per copy. It is published under mandate of AS 47.10.500 as an annual report to the legislature and Executive Branch on the status of Homeless and Runaway Youth in Alaska.



S B

4 2 5

FISCAL NOTE

BILL NO. SB 425

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____
Title: An act requiring that the state pay 1/2 of the TRS annual employer contributions.

Department Affected: Administration
BRU: Retirement and Benefits

Sponsor: Durcan
Requestor: Senate HESS Committee

Component: Retirement and Benefits

COMPONENT SERIAL NO. 64

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	35,693.9	36,764.7	37,867.7	39,003.7	40,173.8	41,379.0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	35,693.9	36,764.7	37,867.7	39,003.7	40,173.8	41,379.0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of dollars)

GENERAL FUND	35,693.9	36,764.7	37,867.7	39,003.7	40,173.8	41,379.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	35,693.9	36,764.7	37,867.7	39,003.7	40,173.8	41,379.0

POSITIONS

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

Estimate of current year impact: Zero

ANALYSIS: (attach a separate page if necessary.)

See Attached

Prepared By: Gary Bader *Gary M. Bader*
Division: Retirement and Benefits

Phone: 465-4470
Date: February 21, 1992

Approved by Commissioner: Nancy Bear Usara *Nancy Bear Usara*
Agency: Department of Administration

Date: 3/3/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB & Impacted Agency(ies).

Senate Bill 425
Analysis of Fiscal Implications to the Retirement Fund
Prepared by Division of Retirement & Benefits
Department of Administration
February 21, 1992

Analysis: This bill would reestablish the requirement for the state to fund 1/2 of the annual employer contributions to the Teachers' Retirement System. This would place an additional formula funded program in the Department of Administration. The requirement for a "state match" of employer contributions existed in the TRS prior to 1987.

The TRS employer contribution rate for FY 93 is 15.69%. We estimate the TRS salaries to be \$454,988,695 in FY 93 and to increase by 3% each year thereafter.

The general fund cost to the state for FY 93 is estimated to be \$35,693.9 calculated as follows:

FY 93 estimated TRS salaries....	\$454,988,695
TIMES... 1/2 of the FY 93 TRS employer rate (15.69%)	<u>7.845%</u>
FY 93 TRS State Match...	<u>\$35,693,863</u>

As long as the appropriations are made to fully fund this obligation, this bill is not expected to impact the unfunded liabilities or the funding ratio of the TRS.

FISCAL NOTE

BILL NO. SB 425
HB 425

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____
Title: An Act requiring the state to pay one-half of the employer contribution under the TRS.
Sponsor: Senator Duncan
Requestor: (S) HESS

Department Affected: Education
BRU: K-12 Support
Component: Foundation Program

COMPONENT SERIAL NO.

	1	4	1
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

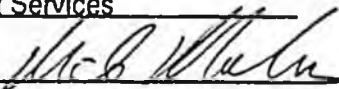
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

The Department of Administration, Division of Retirement and Benefits has established the FY93 costs of this Legislation to be \$35,693.9.

Prepared by: Duane Guiley Phone: 465-2865
Division: Education Finance and Support Services Date: 3-7-92

Approved by Commissioner:  Jerry Covey
Agency: Education Date: 3-9-92

POSITION PAPER: DEPARTMENT OF EDUCATION

Division Educational Finance and Support Services Bill Number HB 425

Bill Title An Act requiring the state to pay one-half of the employer contribution under the TRS.

Sponsor Senator Duncan

Position Statement: Explain briefly what the bill does, its impacts and Department's position, i.e., a) support, b) do not support, c) neutral or d) oppose.

The requirement for a state match of employer contributions existed in the Teachers' Retirement System (TRS) prior to 1987.

This legislation would revert back to the old system where additional burden is placed on the state to fund one-half of the annual employer contribution to the TRS and to provide the administrative oversight at the state level.

While this would provide relief to school districts in excess of the increased cost, reestablishing such a divisive mechanism for funding this retirement system is not supported by the Department of Education. Funds expended in support of local education should continue to be recorded at the local level in order to maintain a defensible equalized funding plan. Each district through the negotiation process indirectly controls the benefit cost.

APPROVED:

Director Duane Guiley Division Educational Finance and Support Services

Signature  Date 3-10-92

Commissioner/Deputy Jerry Covey/Karen R. Crane

Signature  Date 3-10-92

Wed
11/11/12

SB 425

① Greiner
TRs dip vs. TRs FFIB 44%

② Cost:
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③ Percent TRs

④ LIST TRs FFIB

⑤ Retirement & Pensions
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several TRs employees
not knowing cost of
retirement system's
decisions
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done by state

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Alaska State Legislature

SENATOR JIM DUNCAN

P.O. Box V JUNEAU, ALASKA 99811-3100
(907) 465-4766

COMMITTEES:

VICE CHAIR -
FINANCE
VICE CHAIR -
STATE AFFAIRS
RULES
BUDGET & APPROPRIATIONS
ETHICS REFORM

MEMORANDUM

TO: Senator Arliss Sturgulewski, Chair
Senate Health, Education, and Social Services Committee

FROM: Senator Jim Duncan

DATE: February 26, 1992

SUBJECT: Hearing, Senate Bills 425 and 426.

I request that you schedule a hearing for Senate Bills 425 and 426, "relating to the state paying one-half of the employer contribution and making an appropriation to the teachers' retirement system, and providing for an effective date," for a hearing in the Senate HESS committee at your earliest convenience.

Senate Bills 425 and 426 will reduce the cost of operations for Alaska school districts. These bills call for a return to the old method of paying teachers' retirement system obligations. The employers' obligation is to be paid one-half by the school district and one-half by the state.

The foundation program and the school districts share of the contribution to the retirement system were changed five years ago. Since those changes to the foundation program and the retirement system five years of inflation have eaten away at the \$60,000 base instructional unit value. In addition, the teachers' retirement system contribution rate increased from 7% of the base salary to 8.65% in January of 1990, and the employer (school district) rate has increased from 15.16% to 19.65% causing further problems for school district finances.

I thank you in advance for your favorable consideration of this request.

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 West 11th Street, Juneau, Alaska 99801-1510 • Tel. (907) 686-1083 • Fax (907) 586-2995

Advocates for Alaska's Youth



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Reggie Joule

YUKON-KOYUKUK

Luke Tiltz

YUPIIT

Michael Williams

EX-OFFICIO DIRECTOR

Dick Anderson
Delta-Greely

EXECUTIVE

DIRECTOR

Carl F.N. Rose

SB 425

Split TRS contribution with State

AASB Position

The Association of Alaska School Boards (AASB) supports SB 425, "An Act requiring the state to pay one-half of the employer contribution under the teachers' retirement system (TRS)."

History

Prior to 1987 school districts (employer) and the State contributed equal portions to the State TRS. In 1987 the Legislature decided to require the State's contribution be assumed by school districts. At that time school districts were receiving a \$60,000 instructional unit. The combined employer/state contribution had decreased from FY88 to FY91, and school districts had the budgetary latitude to absorb the additional expense without adversely impacting the instructional program.

In 1992 school districts continue to receive the same \$60,000 instructional unit, yet the employer contribution rate has increased to 15.69% (\$71.4 million overall for the retirement system) for FY93. The projected TRS employer contribution rate is expected to increase to over 19%. The fiscal impact of the TRS assessment directly effects classroom instruction.

State retirement program

Alaska's TRS is a state program that requires some state responsibility. The current instructional unit (\$60,000) cannot absorb the loss of buying power over the past five years, and the increased costs of operating the instructional program, and the ever increasing assessment for the TRS. (The increase alone for TRS contributions from FY92 to FY93 is estimated at \$15 million!)

AASB believes the employer responsibility for TRS should be shared equally by the school district and the state. To continue the current method of contribution will divert millions of dollars targeted for classroom instruction and operations to pay for the State-mandated retirement program.

AASB requests your careful and favorable consideration of SB 425 and its companion appropriation bill SB 426.



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

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1411 W 3RD AVENUE
ANCHORAGE, ALASKA 99503
(907) 274-0536
FAX (907) 274-0551

JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302
JUNEAU, ALASKA 99801
(907) 586-3090
FAX (907) 586-2744

FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435
FAX (907) 456-2159

MARCH 11, 1992

NEA ALASKA POSITION PAPER

SB 425 AND SB 426

NEA Alaska enthusiastically supports the passage of SB 425 to require the state to pay one-half of the employer contribution to the teachers' retirement system. This change in the law will make TRS cost sharing the same as it was prior to 1987.

The public schools of Alaska are experiencing difficulty adjusting budgets to meet the instructional needs of students, to implement more regulations and mandates requiring greater service to students and to fund the increased cost of operating the schools. It is estimated that SB 425 will have the effect of providing \$35.7 million more from the foundation program in FY 93 for program support. SB 425 will require that half of the annual employer contribution to TRS will be shared by state government at a time when Alaska's schools are in need of additional funding in order to provide an adequate education program for children.

SB 425 and the accompanying appropriation, SB 426 will provide school districts some relief at this critical time. We respectfully urge passage of SB 425 and SB 426.

Sincerely,

Vernon Marshall
Executive Director

Don Oberg
President

S B

4 2 6



Alaska State Legislature

SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811-3100

(907) 465-4766

COMMITTEES:

VICE CHAIR –
FINANCE

VICE CHAIR –
STATE AFFAIRS

RULES

BUDGET & AUDIT

ETHICS REFORM

MEMORANDUM

TO: Senator Arliss Sturgulewski, Chair
Senate Health, Education, and Social Services Committee

FROM: Senator Jim Duncan

DATE: February 26, 1992

SUBJECT: Hearing, Senate Bills 425 and 426.

I request that you schedule a hearing for Senate Bills 425 and 426, "relating to the state paying one-half of the employer contribution and making an appropriation to the teachers' retirement system, and providing for an effective date," for a hearing in the Senate HESS committee at your earliest convenience.

Senate Bills 425 and 426 will reduce the cost of operations for Alaska school districts. These bills call for a return to the old method of paying teachers' retirement system obligations. The employers' obligation is to be paid one-half by the school district and one-half by the state.

The foundation program and the school districts share of the contribution to the retirement system were changed five years ago. Since those changes to the foundation program and the retirement system five years of inflation have eaten away at the \$60,000 base instructional unit value. In addition, the teachers' retirement system contribution rate increased from 7% of the base salary to 8.65% in January of 1990, and the employer (school district) rate has increased from 15.16% to 19.65% causing further problems for school district finances.

I thank you in advance for your favorable consideration of this request.

S B

4 30

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 430

Revision Date: _____

Department Affected: Education

Title: An Act Relating to Qualifications for Teachers

BRU: EFSS

Sponsor: Senator Shultz

Component: Teacher Certification

Requestor: (S) HESS

COMPONENT SERIAL NO.

1	2	4	0
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL	3.0	2.0	2.0	.0		
CONTRACTUAL	15.0	3.0	2.0	2.0		
SUPPLIES	1.0	1.0	1.0	.0		
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	19.0	6.0	5.0	2.0	0	0

CAPITAL						
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REVENUE FUND SOURCE:	PR	PR	PR	PR		
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FUNDING: (Thousands of Dollars)

GENERAL FUND	19.0	6.0	5.0	2.0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE: PR						
TOTAL	19.0	6.0	5.0	2.0	0	0

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Attached

Prepared by: Eddy Jeans / Bill Wright

Phone: 465-2865

Division: EFSS

Date: 3-5-92

Approved by Commissioner: 

Jerry Covey

Agency: Education

Date: 3-5-92

SB 430
Fiscal Note
3-5-92

The costs associated with the implementation of this bill are:

1. Travel: Funds will be used to meet with university and Department of Education personnel in the implementation of this statute.
2. Contractual: Funds will be used to advertise for the public notices concerning regulations, as well as for printing and distribution of same.
3. Supplies: Purchase of necessary supplies needed to implement the act. Implementation of a new certification form and reprogramming computers.

POSITION PAPER: DEPARTMENT OF EDUCATION

Division Educational Finance & Support Services Bill Number S B 430

Bill Title An Act Relating to Qualifications for Teachers

Sponsor Senator Shultz

Position Statement: Explain briefly what the bill does, its impacts and Department's position, i.e., a) support, b) do not support, c) neutral or d) oppose.

This bill provides for a "temporary" teaching certificate, valid for no longer than 2 school years, to be issued to a person lacking 3 semester hours in Alaska studies and 3 semester hours in multicultural education or cross-cultural communications.

The department would request the following changes:

1. Change "temporary" to "provisional" so as not to conflict with existing regulations pertaining to Temporary teacher certificates.
2. Change "two school years" to "two years" because currently the department's computer system is able to automatically track expiration dates of certificates based on the date of issuance.

This bill will impact school districts by reducing local control in district hires. Districts would not be aware of cleared certificates at time of hire unless the Certification Office has issued the certificates.

The department does not support this legislation.

APPROVED:

Director Duane Guiley Division EFSS

Signature *M. L. Melin* Date 3-5-92

Commissioner/Deputy Jerry Covey

Signature *Karen R. Curran* Date 3/5/92

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. CSSB 430(HES)

Revision Date: _____ Department Affected: Education
 Title: "An Act relating to BRU: Postsecondary Education Commission
qualifications for teachers." Component: Program Administration
 Sponsor: Senator Schultz
 Requestor: (H) HES COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.00					
TRAVEL	0.00					
CONTRACTUAL	0.00					
SUPPLIES	0.00					
EQUIPMENT	0.00					
LAND & STRUCTURES	0.00					
GRANTS, CLAIMS	0.00					
MISCELLANEOUS	0.00					
TOTAL OPERATING	0.00	0.00	0.00	0.00	0.00	0.00

CAPITAL	0.00	0.00	0.00	0.00	0.00	0.00
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REVENUE FUND SOURCE:	N/A					
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.00	0.00	0.00	0.00	0.00	0.00
FEDERAL FUNDS	0.00					
OTHER FUND SOURCE:	0.00					
TOTAL	0.00	0.00	0.00	0.00	0.00	0.00

POSITIONS:

FULL-TIME	0.0					
PART-TIME	0.0					
TEMPORARY	0.0					

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

See Attached

Prepared By: Allan Barnes Phone: 465-2962
 Division: Commission on Postsecondary Education Date: March 17, 1992

Approved by Commissioner: _____ Date: _____
 Agency: _____

FISCAL NOTE ANALYSIS
CSSB430 (HES)

Staff review of original program intent shows that the Teacher Scholarship Loan Program has been operating at an unanticipatedly low level since 1985. While the expansion of the "rural" definition to include those communities, of a certain maximum size, on road or rail to Anchorage or Fairbanks, may result in a larger number of program participants than the status quo, it is unlikely that the impact would exceed the originally expected level.

For the first few years of the program, it was administered with a 90 nominee per year cap. However, because of the attrition rate experienced by the program, the cap was removed. The most students to participate in any one year was 175 in the 1991-92 academic year. With the addition of seven districts newly eligible to nominate program participants, the level of program activity would be monitored and if necessary in the future, the cap would be reinstated.

It is estimated the the current level of staffing will be adequate to meet any increased program demand.

Alaska State Legislature

SENATOR DICK SHULTZ

P.O. Box V
Juneau, Alaska 99811
(907) 465-4940
Home: P.O. Box 487
Tok, Alaska 99780


Member
Finance Committee
Transportation Committee
Special Committee on Oil & Gas

Senate
District J

District 17

ALCAN BORDER
ANDERSON
BIG DELTA
BOUNDARY
CANTWELL
CHICKEN
CHISTOCHINA
CLEAR
COPPER CENTER
DELTA JUNCTION
DENALI PARK
DIT LAKE
DRY CREEK
EAGLE
EAGLE VILLAGE
GAKONA
GLENNALLEN
GULKANA
HEALY
HEALY LAKE
KENNY LAKE
MENDELTA
MENTASTA LAKE
NABESNA
NELCHINA
NENANA
NORTHWAY
PAXSON
SLANA
TANACROSS
TAZLINA
TETLIN
TOK
TOLSONA
TONSINA

MEMORANDUM OF REQUEST

TO: SENATOR STURGELEWSKI / CHAIR SENATE HESS
FROM: SENATOR SHULTZ 
DATE: FEB. 26, 1992
RE: SENATE BILL 430

I have introduced Senate Bill 430 to assist Alaskans in two ways. The first is to give a preference to Alaskan teaching applicants. The second is to put more emphasis on the importance of multi-cultural / cross cultural training for all teachers applying for work in Alaska.

District 18

BADGER ROAD
EIELSON/
MOOSE CREEK
NEWBY
NORTH POLE
PLACK
RICHARDSON
SALCHIA

Your scheduling of SB 430 in the near future would be sincerely appreciated. I know you have been very supportive of these type of issues in the past and I look forward to working with you on this legislation.

*CS 430
Shultz*

CS FOR SENATE BILL NO. 430 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): SENATOR SHULTZ

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to qualifications for teachers; and the teacher scholarship loan program."

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

3 * Section 1. AS 14.20.020 is amended by adding a new subsection to read:

4 (h) A person is not eligible for a teacher certificate unless the person has completed three
5 semester hours in Alaska studies and three semester hours in multicultural education or cross-
6 cultural communications. However, the commissioner may issue a ^{provisional} temporary certificate, valid
7 for no longer than two ~~school~~ years, to an applicant who has not completed the semester hours
8 required under this subsection at the time of application if there are insufficient applicants for that
9 type of certificate who have completed the semester hours required under this subsection.

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

11 Sec. 14.20.035. EVALUATION OF TRAINING AND EXPERIENCE. In evaluating an
12 applicant for a position in a district or regional educational attendance area in which significant
13 numbers of the students are from diverse cultural backgrounds, the district or attendance area
14 shall give preference to those applicants who demonstrate training or experience that establishes

1 that the applicant is likely to be sensitive to the traditions and culture of the cultural backgrounds
2 represented in the student population.

3 * Sec. 3. AS 14.43.700 is amended to read:

4 Sec. 14.43.700. DEFINITION. In AS 14.43.600 - 14.43.700, "rural" means

5 [(1)] a community [IN THE SECOND, THIRD, OR FOURTH JUDICIAL
6 DISTRICT OF THE STATE] with a population of 5,500 [4,500] or less that is not connected by
7 road or rail to Anchorage or Fairbanks or with a population of 1,500 or less that is connected
8 by road or rail to Anchorage or Fairbanks [; OR

9 (2) A COMMUNITY IN THE FIRST JUDICIAL DISTRICT OF THE STATE
10 WITH A POPULATION OF 4,500 OR LESS].

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

March 9, 1992

SUBJECT: Qualifications for teachers (CSSB 430 (), dated 3/3/92, Work Order No. 7-LS1581(D))

TO: Senator Dick Shultz

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have asked whether CSSB 430 () would be likely to withstand constitutional challenge.

In my opinion, it probably would.

The first two sections of the bill address eligibility for teacher certificates and for evaluating applicants for teaching positions. The third section addresses eligibility for the teacher scholarship loan program.

Section 1 requires that applicants for teaching certificates have training in Alaska studies and multicultural education or cross cultural communications. Teachers may not receive teaching certificates until they complete that course work.

Under state equal protection analysis, the court

same?

uses a "uniform-balancing" test which place[s] a greater or lesser burden on the state to justify a classification depending on the importance of the individual right involved." The minimum burden the state must meet is the rational basis test . . . This rational basis test questions whether the classification is "reasonable, not arbitrary" and rests "upon some ground of difference having a fair and substantial relation to the object of the legislation." . . . The burden on the state increases in proportion to the primacy of the interest involved. Eventually this burden reaches the function equivalent of the federal compelling state interest test in those cases where fundamental rights and suspect categories are at issue.

Senator Dick Shultz
March 9, 1992
Page 2

Herrick's Aero-Auto-Aqua Repair Service v. State, 754 P.2d 1111, 1114 (Alaska 1988) (citations omitted). The opportunity to work has been held to be an important right, requiring the court to closely scrutinize the law. State v. Enserch, 787 P.2d 624 (Alaska 1989). Close scrutiny requires that the state's interest underlying the enactment be an important interest and that the nexus between the enactment and the important interest it serves be close. The court's decision depends on the particular facts and justification presented in the case. It seems likely that the state could justify the requirement for the course work required by sec. 1 of the bill. The classification does not involve a suspect category (race or residence, for example) and the goal of the legislation (better informed teachers) is directly related to the requirement that sets up the two categories of teachers.

Section 2 requires that, in districts in which a significant number of the students are from diverse cultural backgrounds, school districts give preference to applicants demonstrating by training or experience that they are likely to be sensitive to the traditions and culture of the backgrounds represented in the student population. The equal protection analysis discussed above would apply to examination of this bill section, too. If school districts are able to demonstrate an important governmental interest in fostering sensitivity to the diverse cultural background of students at the time of hire, rather than in later on-the-job training, the hiring preference should be able to withstand an equal protection challenge.

Section 3 of the bill changes the definition of rural as it applies to the teacher scholarship loan program. The change made by the bill, increasing the maximum population of a community and including smaller communities that are connected by road or rail to Anchorage or Fairbanks, should be supportable against an equal protection challenge to the amendment. I have not considered the question of whether the rural preference created by the existing statute would be subject to challenge.

If I may be of further assistance, please advise.

TC:pl
92-167.plm

MEMORANDUM

State of Alaska
Department of Education

TO: Jerry Covey
Commissioner

DATE: March 12, 1992

FILE NO: EPSADMIN1789

TELEPHONE NO: 465-2026

THRU: Duane Guiley *DG*
Director, EF&SS

SUBJECT: SB430

FROM: Charlie Mae Moore, Administrator *CM*
Teacher Education and Certification

The attached report addresses concerns raised during Senate Public Hearing on SB 430.

If I may be of further assistance, please do not hesitate to contact me.

Teacher Training Programs

	Four Year Program		Certification	
	Alaska Studies	Multi-Cultural Cross-Cultural	Alaska Studies	Multi-Cultural Cross-Cultural
University of Alaska Anchorage*		X		
University of Alaska Southeast	X	X	X	X
University of Alaska Fairbanks**		X		
Alaska Pacific University	X	X	X	X
Sheldon Jackson College	X	recommended		

*Except for History and Social Science, majors are required to take Alaska Studies and Multicultural as part of their program.

**Only those students of education are required to take both courses.

Bristol Bay Campus, Dillingham
Chukchi Campus, Kotzebue
Interior Campus, Fairbanks

Kuskokwim Campus, Bethel
Northwest Campus, Nome

ALASKAN STUDIES

- ANS 250 Current Alaska Native
Leadership Perspectives
- ANS 310 Alaska Native Corporations
- ANS 320 Language and Culture:
Applications to Alaska
- ANS 325 Native Self Government
- ANS 401 Knowledge of Native Elders
- ANS 415 Comparative Economic
Development Processes: Applica-
tions for Native Alaska
- ANS 425 Federal Indian Law and
Alaska Natives
- ANS 430 Alaska Native Education
- ANS 475 Alaska Native Social
Change
- Anth 123 Origins of Alaska's
Native Peoples
- Anth 242 Native Cultures in Alaska
- Anth 245 Native Cultures in Alaska
- Anth 293 Contemporary Inupiat
Culture and Culture Changes
- Hist 115 Alaska, Land and It's
People
- Hist 484 Seminar in Northern
Studies
- P.S. 263 Alaska Native Politics
- R.D. 265 Perspectives on
Subsistence

CD 493. Native Studies
MULTICULTURAL EDUCATION

- Psy 655 Healing: Implications for
Clinical/Community Practice
- Psy 661 Cross-Cultural Counseling
- ANTH 104 Social/Cultural
Anthropology

Psy 240 - OK Mult-Cul

MULTICULTURAL EDUCATION

- Ed 350 Communication in Cross-
Cultural Classrooms
- Ed 380 Cultural Influences in Education
- Ed 424 Small High School Programs
- Ed 430 Multicultural Teaching Techniques
- Ed 450 Education and Cultural Transmission
- Ed 456 Orientation to Teaching in Rural Alaska
- Ed 490 Curriculum Development in Cultural
Perspective
- Ed 582 Teaching as Reflective Inquiry
- Ed 583 Teaching as Decision-Making and
Invention
- Ed 584 Practicum: Teaching in Small and
Large Schools
- Ed 610 Education and Cultural Processes
- Ed 611 Learning, Thinking and Perception
in Cultural Perspectives
- Ed 612 Cultural and Philosophical
Foundations of Education
- Ed 615 Social Organization of Classrooms
and Learning
- Ed 619 Reflective Inquiry into Multicultural
- Ed 620 Language, Literacy and Learning
- Ed 621 Cultural Aspects of Language Acquisition
- Ed 631 Small Schools Curriculum Design
- Ed 645 Small Schools Institute
- Ed 660 Educational Administration in Cultural
Perspective
- Ed 682 Designing Learning Environments
- Ed 690 Seminar in Cross-Cultural Studies
- Ed 375. Exceptional Learner
COURSES NOT ACCEPTABLE
- ANS 375 Native American Religion and
Philosophy

UNIVERSITY OF ALASKA - ANCHORAGE

Kenai Peninsula College, Soldotna
Kodiak College, Kodiak
Matanuska Susitna College, Palmer
Prince William Sound, Valdez

11/27/90

ALASKAN STUDIES

Anth 200 Natives in Alaska
Anth 250 Rural Education
Anth 325 Anthropology Cook Inlet
Anth 371 Dena'ina Language and
Mythology
Anth 440 Structures of an Alaskan
Native Language
Hist 341 History of Alaska
Hist 342 History of Russian
America
Hist 343 History of American Alaska
Ed 351 Workshop on Alaska
Ed 485 Rural Special Education
Ed 650 Alaska Economic Issues
PAdm Administrative Problems in
Alaska
PS 231 Alaska State Government
PS 340 Topics in Contemporary
Politics: Alaska Native
Politics
Alaska State Government
(Distant Delivery)

MULTICULTURAL EDUCATION

Anth 210 Introduction to Anthropological
Linguistics
Anth 202 Cultural Anthropology
Anth 335 Native North Americans
Anth 340 Urban Anthropology
Anth 403 Anthropological Perspectives on
Education
Anth 456 Anthropology and the Law
Soc 222 Small and Rural Communities
Soc 309 Urban Sociology
Soc 408 American Minority Groups
Just 455 Rural Justice
Just 456 Anthropology and the Law
Just 462 Indian Law and the Settlement Act
Ed 240 Developmental Psychology in a Cross-
Cultural Perspective
Ed 350 Cross-cultural Communications
Ed 419 Exceptionalities: Culture and Learning
Ed 477 ESL/Second Language Methods
Ed 478 Methods and Materials for Bilingual
Education
Ed 479 Assessment of Bilingual/ESL Education
Ed 480 Education of Culturally Different Youth
Ed 621 Culture, Language and Literacy
NS 315 or NS 423 Transcultural Nursing

Geo 300
Ed 651 - Economics for Educators
"Selected Topics in Economics for Educators;
Alaska's Economic Future"

Ed 617 Partners across the Pacific

Islands Campus, Sitka
Ketchikan Campus, Ketchikan

ALASKAN STUDIES

Anth 200 Introduction to Native
Cultures of Alaska

Anth 225 The Art and Legends of
Alaska Natives

Anth 342 Anthropology of the
Natives of Alaska and the
Arctic

Hist 341 History of Alaska

Hist 497 Local History and
Education (Independent Study)

Geog 302 Geography of Alaska:
People, Places and Potential

CROSSCULTURAL COMMUNICATIONS

Spch 330 Intercultural Communications

MULTICULTURAL EDUCATION

Ed 478 Methods and Materials for Bilingual
Education

Ed 480 The Multicultural Classroom / 250 - class

Ed 693 Multicultural Education Seminar

COURSES NOT ACCEPTABLE

Hist 493 Museum Course (Per J. Pugh 3/6/89)

Ed 593-6 multecultural Interdisiplinary
Ed 680 Mult.cultural Ed Seminar

UNIVERSITY OF ALASKA SOUTHEAST
8/23/91

Alaskan Studies

Anth 200 Introduction to Native Cultures of Alaska
Anth 225 The Art and Legends of Alaska Natives
Anth 342 Anthropology of the Natives of Alaska and the Arctic
Hist 341 History of Alaska
Geog 302 Geography of Alaska: People, Places, and Potential

Multicultural Education

Ed 480 The Multicultural Classroom
Ed 680 Multicultural Education Seminar
Spch 330 Intercultural Communications

ALASKAN STUDIES

SS 375/SO 675 History of the Native Peoples of Alaska

SBS 292 ST: Alaska Native Issues - ANCSA and 1991

SBS 292 ST: Alaska Native History Pre-ANCSA

SS 192 ST: Alaska Native Claims Settlement Act

SO Athabascan Culture

AN 427 History and Culture of Alaska Natives

SD 627

MULTICULTURAL EDUCATION

Edu 3/6 Multicultural Education

Edu 453 Multicultural Education

Edu 455 Introduction to Teaching English as a Second Language

Edu 456 Field Work and Study in Bilingualism and TESL

Edu 457 Workshop in Bilingual Education and Teaching English as a Second Language

Edu 652 History and Philosophy of Bilingual/Multicultural Education

Edu 675 Culture and Communication

Edu 688 Seminar: Bilingual Multicultural Education

Edu 692 ST: Cross-Cultural Learning Theories

Edu 650 Bilingual Reading Process

ALASKAN STUDIES

- Hist 201 Alaska History
- Hist 331 Alaska History: National and Global Significance
- Anth 230 Natives of Alaska

MULTICULTURAL EDUCATION

- Anth 225 Intercultural Experience
- Anth 325 Intercultural Experience (Advanced)
- Anth 360 Culture and Personality
- Anth 365 Cultures of the World
- Ed 479 The Culturally Different Child

James L. Lindsey
P.O. Box 809
Waldez, Alaska 99686

March 5, 1992

Senator Arliss Sturgulewski
Room 427, State Capitol Building
Juneau, Alaska 99801

Dear Senator Sturgulewski:

Regarding S.B. 430, Qualifications of Teachers, please consider:

Section 1. While Alaska studies and multicultural education undoubtedly have value in some, even many educational situations, I oppose a) the legislation at the state level on principle; b) mandating it for all types of teachers as unrealistic; c) placing a two year limit on the acquisition as impractical, less flexible, expensive, and an imposition on a new teacher who may well need to devote time to increasing expertise in a technical field related to his/her teaching assignment.

Section 2. This is bound to be damaging to education by mandating preference be given applicants who can claim some cross-cultural advantage either through course-work or, I assume, experience with a background other than his own.

It will be tragic if any class of chemistry students is denied the best possible teacher available because a less capable one can claim a course in "ethnic awareness".

Decisions as to the best match of available teacher to a group of students must be left to the decision makers closest to the situation.

VTY,



Jim Lindsey

S B

4 3 5

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CS SB 435

Revision Date: 3-3-92
Title: Ar. Act establishing an elementary school class size reduction pilot program.
Sponsor: Sen. Cotten, Sen. Uehling and Sen. Collins
Requestor: (S) HESS

Department Affected: Education
BRU: Educational Program Support
Component: Data Management

COMPONENT SERIAL NO.

1	2	4	1
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL		20.0	10.0			
CONTRACTUAL	20.0	160.0	145.0	150.0		
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	20.0	180.0	155.0	150.0		

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	20.0	180.0	155.0	150.0		
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	20.0	180.0	155.0	150.0		

POSITIONS:

FULL-TIME	0	0	0	0		
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: Bob Silverman
Division: Educational Program Support

Phone: 465-2806
Date: 3-3-92

Approved by Commissioner: 
Agency: Education

Jerry Covey
Date: 3-3-92

Fiscal Impact Analysis
SB 435

Department of Education Costs

FY93 costs: \$20,000

- 1) Contractual costs to conduct on-site evaluation design and application packet: \$20,000.

FY94 costs: \$180,000

- 1) Contractual costs to draft regulations, advertise public notices concerning regulations, printing and distribution, conduct on-site evaluation at each selected site and prepare first year report: \$160,000.
- 2) Travel costs to each site two times: \$20,000.

FY95 costs: \$155,000

- 1) Contractual costs to conduct on-site evaluations at each selected site and prepare second year report: \$145,000.
- 2) Travel cost to each site one time: \$10,000.

FY96 costs: \$150,000

- 1) Contractual cost to conduct on-site evaluations at each selected site and prepare final report with conclusions and recommendations: \$150,000.

IMPACT TO FOUNDATION FORMULA: \$972,000

Assumes:

- 1) Elementary school chosen is not already a funding community
- 2) Population is in excess of 200
- 3) Area differential is 1

School Construction costs:

- 1) The average cost per classroom in a new facility is approximately \$350,000. constructed as an addition, approximately \$175,000.
- 2) If portable classrooms can be used, the costs are approximately \$70,000 per unit.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 435

Revision Date: _____
 Title: An Act establishing an elementary school class size reduction pilot program.
 Sponsor: Sen. Cotten, Sen. Uehling and Sen. Collins
 Requestor: (S) HESS

Department Affected: Education
 BRU: Educational Program Support
 Component: Data Management

COMPONENT SERIAL NO.

1	2	4	1
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL	20.0	10.0				
CONTRACTUAL	180.0	145.0	155.0	150.0		
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	.	.	.			
MISCELLANEOUS						
TOTAL OPERATING	200.0	155.0	155.0	150.0		

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
-----------------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	200.0	155.0	155.0	150.0		
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	200.0	155.0	155.0	150.0		

POSITIONS:

FULL-TIME	0	0	0	0		
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: Bob Silverman Phone: 465-2800
 Division: Educational Program Support Date: 2-24-92

Approved by Commissioner: *Mal Malin Jr* Jerry Covey
 Agency: Education Date: 2-24-92

Fiscal Impact Analysis
SB 435

Department of Education Costs

FY93 costs: \$200,000

- 1) Contractual costs of regulation process, advertising for public notices concerning regulations, printing and distribution, public hearing: \$15,000.
- 2) Contractual costs to conduct on-site evaluation design and application packet: \$20,000.
- 3) Contractual costs to conduct on-site evaluations at each selected site and prepare an interim report: \$145,000.
- 4) Travel costs to each site two times: \$20,000.

FY94 costs: \$155,000

- 1) Contractual costs to conduct on-site evaluations at each selected site and prepare second year report: \$145,000.
- 2) Travel cost to each site one time: \$10,000.

FY95 costs: \$155,000

- 1) Contractual costs to conduct on-site evaluations at each selected site and prepare second year report: \$145,000.
- 2) Travel cost to each site one time: \$10,000.

FY96 costs: \$150,000

- 1) Contractual cost to conduct on-site evaluations at each selected site and prepare final report with conclusions and recommendations: \$150,000.

IMPACT TO FOUNDATION FORMULA: \$972,000

Assumes:

- 1) Elementary school chosen is not already a funding community
- 2) Population is in excess of 200

3) Area differential is 1

School Construction costs:

1) The average cost per classroom in a new facility is approximately \$350,000. Constructed as an addition, approximately \$175,000.

2) If portable classrooms can be used, the costs are approximately \$70,000 per unit.

ALASKA STATE LEGISLATURE

P. O. Box 770296
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(907) 561-8459



State Capitol
Juneau, Alaska 99801-1182
(907) 465-3711

SENATOR SAM COTTEN

March 9, 1992

TO: Senator Arliss Sturgulewski
Chairman, Senate HESS

FROM: Senator Sam Cotten

RE: CS SB 435 - Proposed Changes

Listed below are the major changes to SB 435, An Act establishing an elementary school class size reduction pilot program.

Page 1, Line 9 - Changes pilot program from three years to four years.

Page 2, Line 5 - Add "(3) the objectives of the elementary school class size reduction program."

Page 2, Line 9 - delete "an annual audit" and insert "a certification by the chief school administrator that program funds will be separately accounted for."

Page 2, Line 11 - Insert "(1) the objectives of the program and the district's plan for meeting those objectives."

Page 2, Line 19 - Insert "if available".

Page 2, Line 21 - Insert "(5) a program to train teachers who participate in the class size reduction program."

Page 2, Line 23 - Insert "average" before class ratio of students to a teacher in the elementary school is greater than 25 to 1.

Page 2, Line 30 - Insert "(2) maintain a ratio of pupils to a teacher that does not exceed 15 to 1 in a class in grades K-4; the pupil teacher ratio required under this paragraph does not apply during the final eight weeks of each school year; and (3) endeavor to maintain a ratio of pupils to a teacher that does not exceed 20 to 1 in a class in grades 5 and 6.

Page 3 Line 16 - Insert "Sec. 3. It is the intent of the legislature that funding for the program established under sec. 2 of this Act not be reduced if AS 14.7 is amended to change the formula providing state aid for education."

ALASKA STATE LEGISLATURE

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(907) 561-8459

SENATOR SAM COTTEN

MEMORANDUM

TO: Senator Arliss Sturgulewski, Chair
Senate Health, Education & Social
Services Committee

FROM: Senator Sam Cotten 

DATE: March 2, 1992

RE: Senate Bill 435
Elementary School Class Size
Reduction Pilot Program

As we discussed, I have had drafted a proposed committee substitute for the captioned bill (see attached).

This proposed CS was prepared after meetings with the Department of Education and other interested parties. If you have any questions, please do not hesitate to contact me. I would appreciate early consideration of this proposal.

cc: Senate HESS Members (w/attachment)

ALASKA STATE LEGISLATURE

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(907) 694-6683

3111 C Street, Suite 540
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(907) 561-8459




State Capitol
Juneau, Alaska 99801-1182
(907) 465-3711

SENATOR SAM COTTEN

February 24, 1992

TO: Senator Arliss Sturgulewski, Chair
Senate Health, Education & Social Services Committee

FROM: Senator Sam Cotten 

RE: SB 435
"An Act establishing an elementary school class size reduction pilot program; and providing for an effective date."

Thank you for scheduling SB 435 for a hearing tomorrow. SB 435 would establish a statewide pilot program to gather data on the benefits of lowering class size for elementary students. Important points of the bill are as follows:

- **Lower Class Size**

The theory among educators and parents is lower class sizes, especially in the elementary grades, leads to a better education for children. With fewer pupils, a teacher is able to give more one-on-one attention to each student. This leads to better self-esteem, higher test scores, and fewer discipline problems. Teachers also are able to involve more parents in the child's education.

- **Need for Data Gathering**

While other states have conducted long-term studies to analyze the affects of small classes (Tennessee K-3 Class Size Study), Alaska needs to establish a pilot program to provide concrete data about the benefits of lower class size.

- **Four Year Pilot Program**

SB 435 establishes a pilot program to monitor the affects of reducing class size. Five schools will be selected statewide by DOE based on submission of an application. Eligible schools must have an existing ratio of 25-1 (excluding art, typing, music, vocational-technical or physical education). Applications must include existing ratio, the most recent standardized test scores, and the plan the school has for achieving the class reductions.

- **Program Cost**

Each school selected to participate in the program shall constitute a separate funding community in the school foundation formula. The rough estimate provided by DOE is \$972,000 and would be included in the annual operating budget prepared by the department.

- **Reporting**

The schools are required to report annually to the Department. That information will be included in the Department's annual report.

- **Amendments**

#1 Adds the class size criteria of 15-1 in grades K-3 and 20-1 in grades 4-6.

#2 Changes from a three-year to a four-year pilot program as suggested by the Department. It eliminates the annual audit requirement for each school and requires that funding provided for this program will be accounted for separately in DOE annual audit. Also included are minor language changes.

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR COTTEN

TO: SB 435

Page 2, line 26, after "shall":

Insert "(1)"

After "1995":

Insert "; and

(2) maintain a ratio of pupils to a teacher that does not exceed 15 to 1 in a class in grades K - 3 and 20 to 1 in a class in grades 4 - 6; the pupil teacher ratio required under this paragraph does not apply during the final eight weeks of each school year"

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR COTTEN

TO: SB 435

Page 1, line 9:

Delete "three-year"

Insert "four-year"

Page 1, line 12:

Delete "three-year"

Insert "four-year"

Page 2, following line 5:

Insert a new paragraph to read:

"(3) the objectives of the elementary school class size reduction program;"

Renumber the following paragraphs accordingly.

Page 2, line 9:

Delete "an annual audit"

Insert "a certification by the chief school administrator that program funds will be separately accounted for"

Page 2, following line 11:

Insert a new paragraph to read:

"(1) the objectives of the program and the district's plan for meeting those objectives;"

Renumber the following paragraphs accordingly.

Page 2, line 12:

Delete "additional"

Insert "increased"

Page 2, line 17:

Delete ";

Insert "."

Page 2, lines 18 -19:

Delete all material.

Page 2, line 26:

Delete "1995"

Insert "1996"

Page 2, line 27:

Delete "Those elementary schools"

Insert "Each elementary school"

Page 3, line 6:

Delete "1995"

Insert "1996"

CS FOR SENATE BILL NO. 435 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS COTTEN, Collins, Uehling

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing an elementary school class size reduction pilot program; and providing
2 for an effective date."

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

4 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

5 (1) there is a need for information regarding the effect of reducing the ratio of pupils to
6 a teacher in public elementary school classes;

7 (2) preliminary research has shown that smaller classes have a positive effect on test
8 scores, school discipline, and parent involvement in schools; and

9 (3) a four-year pilot program would allow the state to collect necessary information on
10 the effects of reducing class size in public elementary schools.

11 (b) The purpose of this Act is to establish a program under which certain public elementary
12 schools would reduce the size of their classes and over a four-year period the state would monitor the
13 effect of the smaller class size on test scores, school discipline, and parent involvement in education.

14 * Sec. 2. ELEMENTARY SCHOOL CLASS SIZE REDUCTION PROGRAM. (a) The elementary

1 school class size reduction program is established in the Department of Education. The program shall
2 include

3 (1) additional state aid provided under (e) of this section for a school in a district that
4 is selected under (c) of this section;

5 (2) a program application and selection process determined by the department;

6 (3) the objectives of the elementary school size reduction program;

7 (4) a method to monitor and review the effects of a smaller class size on students in a
8 school selected to participate in the program; a district selected to participate in the program shall report
9 to the department annually by June 30 while participating in the program; and

10 (5) a certification by the chief school administrator that program funds will be separately
11 accounted for.

12 (b) A district eligible under (c) of this section may apply to participate in the program by
13 submitting an application on a form provided by the department. The application must include

14 (1) the objectives of the program and the district's plan for meeting those objectives;

15 (2) the district's plan for using increased state funds for the purpose of reducing the ratio
16 of students to a teacher in certain schools;

17 (3) the existing ratio of students to a teacher in each elementary school in the district that
18 the district is proposing for participation in the program;

19 (4) if available, the most recent standardized test scores for each grade in each school
20 that is proposed for participation by the district; and

21 (5) a program to train teachers who participate in the class size reduction program.

22 (c) A district is eligible to propose an elementary school in the district for participation in the
23 program described in this section if, prior to participation in the program, the average class ratio of
24 students to a teacher in the elementary school is greater than 25 to 1. In this subsection, "average class
25 ratio" means the average of those ratios taken from each class in the elementary school other than an
26 art, typing, library, music, vocational-technical or physical education class.

27 (d) The department may not select more than five elementary schools for participation in the
28 program required under this section. A school selected to participate in the program required under this
29 section shall

30 (1) participate until June 30, 1996;

31 (2) maintain a ratio of pupils to a teacher that does not exceed 15 to 1 in a class in

1 grades K - 4; the pupil teacher ratio required under this paragraph does not apply during the final eight
2 weeks of each school year; and

3 (3) endeavor to maintain a ratio of pupils to a teacher that does not exceed 20 to 1 in a
4 class in grades 5 and 6.

5 (e) Each elementary school selected to participate in the program required under this section
6 shall constitute a separate funding community for purposes of AS 14.17.031. Money required to be
7 expended under this subsection shall be included in the annual operating budget prepared by the
8 department.

9 (f) The department shall include a report on the program established under this Act, as a part
10 of the department's annual report.

11 (g) In this section,

12 (1) "department" means the Department of Education;

13 (2) "district" has the meaning given in AS 14.17.250;

14 (3) "teacher" means a person who is certified under AS 14.20.020 and who is an actual
15 classroom instructor in a regular instructional program.

16 * Sec. 3. It is the intent of the legislature that funding for the program established under sec. 2 of
17 this Act not be reduced if AS 14.17 is amended to change the formula providing state aid for education.

18 * Sec. 4. Sections 1 and 2 of this Act are repealed June 30, 1996.

19 * Sec. 5. This Act takes effect July 1, 1992.

POSITION PAPER

SB 435

The Department of Education has been conceptually supportive of student-teacher ratio legislation, yet neutral in it's belief that specific ratios alone will achieve the results envisioned.

Reducing student-teacher ratios will have a significant impact on the foundation program as well as the resulting capital construction of additional classrooms. The Department has been neutral at best on legislation which either places additional financial burden on school districts or the foundation program and is resolutely endeavoring to maintain the Instructional Unit Value at \$60,000.

However, the Alaska 2000 Committee, which is currently working on ideas which will result in innovative approaches to educational reforms will most likely be supportive of a pilot project of this nature.

This bill should be amended to add a section which provides the Department authority to promulgate regulations.

S B

4 4 4 1

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. 92-008

Revision Date:
Title: Exempt U of A from Admin. Procedures Act

Department Affected: University of Alaska
BRU:
Component:

Sponsor: Governor
Requestor: University of Alaska

Component Serial No.

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
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FUNDING: (Thousands of Dollars)	FY93	FY94	FY95	FY96	FY97	FY98
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:	FY93	FY94	FY95	FY96	FY97	FY98
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

There is no cost associated with passage of this legislation. However, if this legislation fails to pass, the cost to the University to administer faculty/staff and student grievances, could add tens of thousands of dollars in litigation costs each year.

Prepared by: Wendy Redman
Division: Statewide Administration

Phone: 474-7582
Date: 12/23/91

Approved by: Brian Rogers, Vice President for Finance
Agency: University of Alaska

Date: 12/23/91

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

441

February 19, 1992

*The Honorable Richard I. Eliason
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear President Eliason:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would exempt University of Alaska student and employee grievances from the Administrative Procedure Act (APA).

The Alaska Supreme Court recently ruled that, under AS 44.62.330(a)(45), the administrative adjudication procedures of the APA (AS 44.62.330 - 44.62.630) apply to the university. Internal disputes such as employee and student grievances traditionally have been resolved through the university's grievance procedure. That procedure is built around a process of peer review, with a multi-step appeal process. Compared to the university's grievance procedure, in which grievances are often resolved with little or no expense in the earlier stages, the APA procedure is cumbersome and expensive, and not as readily accessible to the individual grievant. Therefore, the bill simply deletes the university from the list of state agencies that must use those procedures.

This legislation would permit the university to continue to use its longstanding dispute resolution and grievance process, which is consistent with practices found in the public sector and with the collegial atmosphere that characterizes a university setting.

I urge your prompt and favorable attention to this bill.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel
Governor