

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
7441 SENATE HEALTH EDUCATION & SOCIAL SERVICES

Randall P. Burns, Director
Division of Occupational Licensing
661-88-0298

JUL 11 1988 July 7, 1988
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DIVISION OF
OCCUPATIONAL LICENSING

functions which dental hygienists are allowed to perform under AS 08.32.110.

In 1953, the legislature of the Territory of Alaska enacted its first Dental Practices Act, sec. 3, ch. 78, SLA 1953. Section one of chapter 78 required that dental hygienists have a diploma or a certificate of graduation from an accredited two-year American training school for dental hygienists. Section one further required that dental hygienists take an examination or have two years of practical experience. Additionally, the Act stated:

No person shall practice dental hygiene, either gratuitously or for pay, nor shall he offer or attempt so to practice nor shall he advertise or announce himself publicly or privately as prepared or qualified so to practice, without having such a license as in this section provided, nor shall any licensed dental hygienist practice except under the supervision of a licensed dentist as in this Act provided.

Sec. 3, ch. 78, SLA 1953.

Section 3, chapter 78, sets forth those dental services which a dental hygienist could perform: cleaning teeth, performing cleansing operations, using mouth wash. Section 3 further stated that dental hygienists could not perform any repair work or the preparation thereof, or any other operation on the teeth or tissues of the mouth. Section 4 stated that the Board of Dental Examiners could revoke the license of any dentist who permitted dental hygienists to perform any dental operation other than that permitted under the provisions of the act. Therefore, the original Dental Practices Act set forth those procedures which dental hygienists could perform in the year 1953. In 1978 AS 08.32.010 was amended. Those amendments included the statutory provisions currently contained in AS 08.32.010 and AS 08.32.100. (See II. A. above.)

III. CONCLUSION

Accordingly, the legislative history of AS 08.32, as well as the plain language of AS 08.32 *et seq.* and AS 08.36 *et seq.*, indicates that the purpose of AS 08.32.110 is not only to define the scope of the practice of a dental hygienist, but to limit to dentists and dental hygienists those activities which dental hygienists may perform under AS 08.32.110. Since the legislature has chosen not to define the scope of a dental assistant's activities and not to specifically delegate to a dental assistant any particular activities, it is my conclusion that dental assistants cannot perform those activities listed

STATE OF ALASKA
DEPARTMENT OF COMMERCE
& ECONOMIC DEVELOPMENT

Randall P. Burns, Director
Division of Occupational Licensing
661-88-0298

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DIVISION OF
OCCUPATIONAL LICENSING

under AS 08.32.110. The legislature's initial purpose in passing the original Dental Hygiene Act in 1953 (sec. 3, ch. 78, SLA 1953) was to specifically define the practice of dental hygiene and to limit the practice of dental hygiene as defined to those persons who are licensed as dental hygienists under the laws of the State of Alaska.

MBP:cmh

Wm. J. 1-29-91 Dan

IN THE SUPERIOR COURT OF THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

DR. STEVE ANDREWS, DR. JAMES R.)
ARNESON, DR. DAVID BACKUS, DR.)
STEPHEN BOESCH, DR. THOMAS)
BORNSTEIN, DR. RICHARD CRITTENDEN,)
DR. DONALD DENUCCI, DR. ROBERT)
FELKER, DR. ED GRAVES, DR. WILLIAM)
HALL, DR. RICHARD HOPKINS, DR.)
GREG KALAL, DR. TOM KOVALESKI, DR.)
MIKE KULIKOWSKI, DR. CHRIS MAEDER,)
DR. ROBERT S. MATTHEWS, DR.)
FREDERICK NOLAN, JR., DR. JASON)
RAMPTON, DR. OLIVIA S. ROMINGER,)
DR. CYNTHIA THIEL, DR. ED TRIPP,)
DR. ROMMIE G. WHEELER, and)
DR. BARRY WYMAN,)

Plaintiffs,

v.

BOARD OF DENTAL EXAMINERS,
STATE OF ALASKA,

Defendant.

FILED IN THE TRIAL COURT,
STATE OF ALASKA, FIRST DISTRICT
AT JUNEAU

JAN 30 1991

Clerk of Court

By alm Deputy

RECEIVED

Department of Law

FEB 13 1991

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A

Case No. 1JU-90-974 Civil

FINAL JUDGMENT

This case having come on before the court for hearing on
January 28, 1991, the court having considered both plaintiffs'
Motion for Summary Judgment and defendant's Cross-Motion for
Summary Judgment, the briefs and arguments of the parties, and
having concluded that there are no issues of material fact, now
ORDERS, ADJUDGES AND DECREES that:

- 1) 12 AAC 28.950 is invalid and contrary to law;

FINAL JUDGMENT
ORDER FOR COSTS

A PROFESSIONAL CORPORATION
424 NORTH FRANKLIN STREET
JUNEAU ALASKA 99801
(907) 866 2777

1 the terms of AS 08.36.234 and AS 08.36.240 require the
2 State Board of Dental Examiners to accept and consider
3 applications for licensing by credentials and to grant licenses
4 to practice dentistry in this State to all applicants who meet
5 the requirements of AS 08.36.234;

6 3) the Board is ordered to receive and consider all
7 applications submitted by plaintiffs for admission by
8 credentials on or before 60 days from January 28, 1991;

9 4) Plaintiffs' Motion for Summary Judgment is granted in
10 its entirety;

11 5) Defendant's Cross-Motion for Summary Judgment is
12 denied in its entirety;

13 6) Final judgment is entered in favor of plaintiffs.

14 DATED at Juneau, Alaska, this 30th day of January, 1991.

15 Long Woods
16 Superior Court Judge

17 Copy of proposed judgment received;
18 no objections as to form.

CERTIFICATION

The undersigned certifies that on the 31st day of
January, 1991, a true copy of this
document was served on the following attorneys

19 Sarah J. Felix
20 Sarah J. Felix
Assistant Attorney General

Arthur Gross
Sarah J. Felix
By Sharon Lenko

ORDER AWARDING COSTS

22 Defendant is ordered to pay costs to the Plaintiff in the
23 amount of \$152.00.

24 Sharon Lenko 2-12-91
25 Clerk of Courts
26 CERTIFICATION

The undersigned certifies that on the 13th day of
February, 1991, a true copy of this
document was served on the following attorneys:

Arthur M. Gross
Sarah J. Felix
By Sharon Lenko

FINAL JUDGMENT
ORDER FOR COSTS

CRONIN & BURKE
A PROFESSIONAL CORPORATION
428 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801
(907) 586 2777

*Adopted
Ordinance*

A M E N D M E N T

OFFERED IN THE SENATE

TO: SCS CSHB 247 (L&C)

Page 3, lines 5 - 7:

Delete all material and insert:

"(D) is not the subject of an adverse complaint, investigation, review procedure, or other disciplinary proceeding within the five years immediately preceding application, or of an unresolved complaint, investigation, review procedure, or other disciplinary proceeding, undertaken by a state, territorial, local, or federal dental licensing jurisdiction or law enforcement agency that relates to criminal or fraudulent activity, dental malpractice, or negligent dental care that adversely reflects on the applicant's ability or competence to practice dentistry;"

Page 4, lines 16 - 18:

Delete all material and insert:

"(E) is not the subject of an adverse complaint, investigation, review procedure, or other disciplinary proceeding within the five years immediately preceding application, or of an unresolved complaint, investigation, review procedure, or other disciplinary proceeding, undertaken by a state, territorial, local, or federal dental licensing jurisdiction or law enforcement agency that relates to criminal or fraudulent activity, dental malpractice, or negligent dental care that adversely reflects on the applicant's ability or competence to practice dentistry;"

SENATE CS FOR CS FOR HOUSE BILL NO. 247 (L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 3/13/92
Referred: Health, Education and Social Services

Sponsor(s): REPRESENTATIVE MACKIE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to licensure of dentists, including licensure by credentials; relating to the
2 Board of Dental Examiners; and providing for an effective date."

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

4 * Section 1. AS 08.36.070(a) is amended to read:

5 (a) The board shall

6 (1) provide for the examination of applicants and issue licenses to those applicants
7 it finds qualified;

8 (2) register licensed dentists and licensed dental hygienists who are in good
9 standing;

10 (3) report annually to the governor and the department on the board's proceedings
11 during the year, findings concerning the standards and availability of dental services in the state
12 including the number of licensees, examination, and licensing activities, other matters related to
13 dental practice, and board receipts and expenditures;

14 (4) affiliate with the American Association of Dental Examiners, and pay annual

1 dues to the association;

2 (5) hold hearings, and order the disciplinary sanction of a person who violates this
3 chapter, AS 08.32, or a regulation of the board;

4 (6) supply forms for applications, licenses, permits, certificates, and other papers
5 and records;

6 (7) enforce the provisions of this chapter and AS 08.32 and adopt or amend the
7 regulations necessary to make the provisions of this chapter and AS 08.32 effective;

8 (8) adopt regulations ensuring that renewal of registration is contingent upon proof
9 of continued professional competence by a licensed dentist or licensed dental hygienist;

10 (9) provide the department with the requirements for proof of continued
11 professional competence and request the department to make these requirements available to each
12 licensed dentist and licensed dental hygienist at least one year before the date on which the
13 dentist or dental hygienist must renew registration;

14 (10) at least annually cause to be published in a newspaper of general circulation
15 in each major city in the state [,] a summary of disciplinary actions the board has taken during
16 the preceding calendar year;

17 (11) issue permits or certificates to licensed dentists, licensed dental hygienists,
18 and dental assistants who meet standards determined by the board for specific procedures that
19 require specific education and training;

20 (12) regulate the reentry into practice of inactive dentists and dental hygienists;

21 (13) require, as a condition of a license or license renewal issued by the
22 board, that an applicant or licensee has at the time of licensing or renewal and maintains
23 throughout the period of a license current certification in cardiopulmonary resuscitation
24 techniques.

25 * Sec. 2. AS 08.36.110 is repealed and reenacted to read:

26 Sec. 08.36.110. QUALIFICATIONS FOR LICENSE. An applicant for a license to
27 practice dentistry shall

28 (1) provide certification to the board that the applicant

29 (A) is a graduate of a dental school that at the time of graduation is
30 accredited by the Commission on Accreditation of the American Dental Association;

31 (B) holds a certificate from the American Dental Association Joint

1 Commission on National Dental Examinations that the applicant has successfully passed
2 the written examinations given by the commission;

3 (C) has not had a license to practice dentistry revoked, suspended, or
4 voluntarily surrendered in this state or another state;

5 (D) is not the subject of an adverse or unresolved complaint, investigation,
6 review procedure, or other disciplinary proceeding undertaken by a dental licensing
7 jurisdiction or law enforcement agency;

8 (E) is not the subject of an adverse report from the National Practitioner
9 Data Bank or the American Association of Dental Examiners Clearinghouse for
10 Disciplinary Information that relates to criminal or fraudulent activity, or dental
11 malpractice;

12 (F) is not an impaired practitioner;

13 (2) pass, to the satisfaction of the board, written, clinical, and other examinations
14 administered or approved by the board; and

15 (3) meet the other qualifications for a license established by the board by
16 regulation.

17 * Sec. 3. AS 08.36.160 is amended by adding a new subsection to read:

18 (e) A passing score on a clinical examination given by the Western Regional Examining
19 Board within the five years preceding licensure application under this chapter constitutes a
20 passing score on a clinical examination required under this chapter, provided the examination was
21 taken on or after January 1, 1987.

22 * Sec. 4. AS 08.36.234 is repealed and reenacted to read:

23 Sec. 08.36.234. LICENSURE BY CREDENTIALS. (a) The board shall provide for the
24 licensing without examination, except as provided in (2) of this subsection, of a dentist who

25 (1) provides certification to the board that the dentist

26 (A) is a graduate of a dental school accredited by the Commission on
27 Accreditation of the American Dental Association, or its successor agency, and holds a
28 certificate from the American Dental Association Joint Commission on National Dental
29 Examinations that the dentist has passed the written examination given by the
30 commission;

31 (B) has passed clinical and written examinations required for licensure in

1 another state, territory, or region of the United States and has been licensed to practice
2 dentistry in that state, territory, or region of the United States; the state, territory, or
3 region must have licensing requirements at least generally equivalent to those of this state
4 at the time of application;

5 (C) is in good standing with the licensing entity in the jurisdiction where
6 the dentist is currently licensed and in all jurisdictions in which the dentist was previously
7 licensed while practicing in those jurisdictions; if the dentist is employed by the federal
8 government, the dentist must be in good standing with the employing federal agency;

9 (D) has been engaged in continuous active clinical practice averaging at
10 least 20 hours per week for each of the five years immediately preceding the application

11 (i) in a jurisdiction in which the dentist was licensed and in good
12 standing; or

13 (ii) working for the federal government while in good standing
14 with the employing federal agency and after having been licensed by a
15 jurisdiction;

16 (E) is not the subject of an adverse or unresolved complaint, investigation,
17 review procedure, or other disciplinary proceeding undertaken by a dental licensing
18 jurisdiction or law enforcement agency; *within the previous five years;*

19 (F) has not previously had a license to practice dentistry suspended for
20 grounds similar to those specified under AS 08.36.315, revoked, or voluntarily
21 surrendered;

22 (G) has completed at least 42 hours of continuing education related to
23 clinical dentistry in the three years preceding application for a license in this state; the
24 continuing education must have been approved by the American Dental Association, the
25 Academy of General Dentistry, or the appropriate specialty board;

26 (H) has not within the previous three years failed the clinical exam given
27 by the Western Regional Examining Board;

28 (I) is not the subject of an adverse report from the National Practitioner
29 Data Bank or the American Association of Dental Examiners Clearinghouse for
30 Disciplinary Information that relates to criminal or fraudulent activity, negligent dental
31 care, or malpractice;

1 (2) has passed, to the satisfaction of the board, a written examination that consists
2 of the portion of the written examination given under AS 08.36.160(b) that pertains to the state's
3 laws on the practice of dentistry; the board may not require a higher passing score for applicants
4 under this section than the board requires for applicants under AS 08.36.110;

5 (3) is personally interviewed by the board for purposes of verifying credentials;

6 (4) pays all required fees;

7 (5) provides the board with an affidavit that the dentist is not an impaired
8 practitioner;

9 (6) provides to the board an authorization for release of records in a form
10 prescribed by the board.

11 (b) A dentist applying for licensure without clinical examination is responsible for
12 providing to the board all materials required by this section or by the board to implement this
13 section to establish eligibility for a license without clinical examination. In addition to the
14 grounds for revocation of a license under AS 08.36.315, the board may revoke a license issued
15 without a clinical examination upon evidence of misinformation or substantial omission.

16 (c) The board shall adopt regulations necessary to implement this section including the
17 form and manner of certification of qualifications under this section.

18 * Sec. 5. AS 08.36.370 is amended by adding a new paragraph to read:

19 (3) "impaired practitioner" means a person who is unfit to practice dentistry due
20 to addiction or dependence on alcohol or other drugs that impair the practitioner's ability to
21 practice safely.

22 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).

VALLEY DENTAL CLINIC, Inc.

ROBERT WADE ROBINSON II, D.M.D.

Suite 201, Romar Center

~~XXXXXXXXXX~~ 935 Westpoint Drive

Wasilla, Alaska ~~XXXXXXXXXX~~ 99654

(907) 376-3884

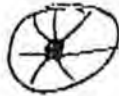
FAX (907) 373-7500

DATE:

3/17/92

1 of 2

Jan



I'm enclosing old wording

See

pg 3 line 12 (F)

New now needs to read:

pg 3 line 5 (O)

and pg 4 line 16 (E)

Both O
~~o~~ Places

is not the subject of an Adverse or unresolved complaint, investigation, Review procedure, or other disciplinary proceeding undertaken by a dental licensing jurisdiction, law enforcement agency of state, territory, or local dental society in any state or territory;

Commission on National Dental Examinations that the applicant has successfully passed the written examinations given by the commission;

(C) has not had a license to practice dentistry revoked, suspended, or voluntarily surrendered in this state or another state;

(D) is not the subject of an unresolved complaint, investigation, review procedure, or disciplinary proceeding undertaken by a dental licensing jurisdiction or law enforcement agency;

(E) is not the subject of an adverse report from the National Practitioner Data Bank or the American Association of Dental Examiners Clearinghouse for Disciplinary Information that relates to criminal or fraudulent activity, or dental malpractice;

~~(F) is not the subject of an adverse peer review report from a state, territory, or local dental society in any state or territory;~~

(G) is not an impaired practitioner;

(2) pass, to the satisfaction of the board, written, clinical, and other examinations administered or approved by the board; and

(3) meet the other qualifications for a license established by the board by regulation.

* Sec. 3. AS 08.36.160 is amended by adding a new subsection to read:

(e) A passing score on a clinical examination given by the Western Regional Examining Board within the five years preceding licensure application under this chapter constitutes a passing score on a clinical examination required under this chapter, provided the examination was taken on or after January 1, 1987.

* Sec. 4. AS 08.36.234 is repealed and reenacted to read:

Sec. 08.36.234. LICENSURE BY CREDENTIALS. (a) The board shall provide for the licensing without examination, except as provided in (2) of this subsection, of a dentist who

(1) provides certification to the board that the dentist

(A) is a graduate of a dental school accredited by the Commission on Accreditation of the American Dental Association, or its successor agency, and holds a certificate from the American Dental Association Joint Commission on National Dental Examinations that the dentist has passed the written examination given by the

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3300

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

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

Mary Van Nimwegen

House HESS	4-25-91
House HESS	4-26-91
House L+C	5-9-91
House L+C	5-10-91
House Rules	1-23-92

H B

2 6 3

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 263 (Fin)

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An act relating to human services community matching grants" BRU: Anch. & Fbx. Social Services Block Grants
 Sponsor: Boyer, Ellis, Gruenburg, Kaponen, Ulmer, Component: Anchorage Social Services Block Grant
 Requestor: House Barnes, Sharp COMPONENT SERIAL NO. 0286 and 0287

Expenditures/Revenues (Thousands of Dollars)

	FY93	FY94	FY95	FY96	FY97	FY98
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	0.0	<199.4>	<398.8>	<398.8>	0.0	0.0
MISCELLANEOUS						
TOTAL OPERATING	0.0	<199.4>	<398.8>	<398.8>	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

	FY93	FY94	FY95	FY96	FY97	FY98
GENERAL FUND	0.0	<199.4>	<398.8>	<398.8>	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	<199.4>	<398.8>	<398.8>	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary)

Per CSHB 263 (Fin), the Anchorage and Fairbanks Social Services Block Grants are to be converted to 50 percent matching grants. Implementation of the 50 percent match reductions will begin to occur in FY94, with a 10% reduction, and continue in FY95 and FY96 with a 20 percent reduction in each year, resulting in 30 percent and 50 percent in each year respectively. The expenditure figures shown above assumes a FY93 base of \$1,993.7. No program impact on state services is expected assuming the municipalities apply and qualify.

Prepared by: Deborah R. Wing, Director *BH*
 Division: Family and Youth Services

Phone: 465-3191
 Date: April 7, 1992

Approved by Commissioner: Theodore A. Mala
 Agency: Department of Health and Social Services

Date: 4-7-92

Distribution (by preparer):

Legislative Finance OMB
 Legislative Sponsor Impacted Agency(ies)
 Requestor

Alaska State Legislature

REPRESENTATIVE
MARK BOYER

VICE CHAIRMAN
HOUSE FINANCE COMMITTEE

FAIRBANKS


1098 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
(907) 456-6473

JUNEAU

P.O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3466

House of Representatives

To: Senator Arlis Sturgulewski, Chair
Senate Health, Education and Social Services Committee

From: Representative Mark Boyer 

Date: April 21, 1992

Subject: HB 263, "An Act relating to human services community matching grants"

I am requesting that HB 263, "An act relating to human services community matching grants" be scheduled for a hearing by the Senate Health, Education, and Social Services Committee pending referral by the Community and Regional Affairs Committee. The bill is scheduled for a Senate C&RA hearing Thursday, April 23.

The Anchorage and Fairbanks Health and Social Services Block Grants have been included in the Department of Health and Social Services budget for many years. However, primarily because these grants have no statutory base and require no local matching appropriation they remain easy targets for veto. This bill establishes a statutory basis for the grants and includes a community match requirement, beginning at 10 percent and increasing to 30 percent the second year and 50 percent the third and subsequent years. I believe the statutory recognition and the match requirement will allow the grants to receive the funding stability they need.

Anchorage and Fairbanks social services block grants have been included in the budget for many years. The Governor's proposed budget for FY 93 provides \$306,000 for Fairbanks and \$1,686,740 for Anchorage block grants.

The bill passed the House unanimously and has the support of the Anchorage and Fairbanks health and social services commissions.

Thank you for your consideration.

FAIRBANKS 20B

POSITION PAPER
COMMITTEE SUBSTITUTE FOR HOUSE BILL 263 (FIN)

"An Act relating to human services community matching grants; and providing for an effective date."

The Department of Health and Social Services generally supports House Bill 263.

House Bill 263 creates a new community matching grant program to provide local social services in the two largest communities in Alaska. This program replaces the Anchorage and Fairbanks Social Services Block Grants which have been part of the Department of Health and Social Services budget for several years.

Creation of a local matching grant program is in keeping with the Governor's goal of reducing dependence on the State budget for services. A statutory basis for these programs will provide some certainty of funding while showing a clear State commitment for needed social programs. Using the block grant concept, as well as requiring local match, should also strengthen local involvement and commitment to these services as State dollars continue to decline. Reducing the State general fund share down to 50/50 match is consistent with both the administration's goal for community match and declining State resources.

1. The expenditure figures used for the fiscal note assume a FY93 base of \$1,993.7 with a 10% decline in FY94 <199.4>, another 20% in FY95 <398.8> with a final 20% reduction <398.8> in FY96 when the 50% match rate is achieved.
2. Changes in the amount authorized in FY93 for the Anchorage and Fairbanks Social Services Block Grant could impact the fiscal note.

Prepared by Janet Clarke 4/23/92
Janet Clarke, Director
Division of Administrative Services

Approved by Theodore A. Mala 4/23/92
Theodore A. Mala, MD, MPH, Commissioner
Department of Health and Social Services

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

WALTER J. HICKEL, GOVERNOR

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3601
FAX: (907) 463-5295

April 1, 1991

The Honorable Walter J. Hickel
Governor
State of Alaska
P. O. Box AA
Juneau, Alaska 99811

RE: HCS CSSSSB 41(FIN) am H
Our file: 883-91-0002

Dear Governor Hickel:

At the request of your legislative liaison, Bruce Kendall, we have reviewed HCS CSSSSB 41(FIN) am H, titled "An Act making appropriations to the Department of Transportation and Public Facilities for maintenance of class 3 roads and other purposes; amending certain appropriations; making appropriations; and providing for an effective date."

Contrary to the title of this bill, its main purpose is to supplement fiscal year 1991 appropriations for agency operations. See, Sec. 38 of the bill (appropriations lapse June 30, 1991). The title minimally satisfies the descriptive title rule of the Alaska Constitution, which provides: "[t]he subject of each bill shall be expressed in the title." Alaska Const. Art. II, Sec. 13. The general reference to the fact that the bill is "making appropriations" provides scant notice to legislators and the public as to the contents of the bill. However, appropriation bills are not limited by the single subject rule, which requires all non-appropriations bills to be confined to a single subject. Alaska Const. Art. II, Sec. 13. It is for this reason that we conclude that the title satisfies the descriptive title rule.

Section 8(b) of the bill makes an appropriation from the permanent fund dividend fund to reimburse the general fund for amounts expended to maintain public assistance benefits to permanent fund dividend recipients. The section refers to the "unlapsed" general fund appropriation initially made for this purpose. It would be more correct to have referred to the amount

expended or obligated from the general fund appropriation. It is doubtful that "unlapsed" is a word having an established legal meaning.

Sections 9 and 10 of the bill make appropriations for the "Fairbanks block grant program" and the "Anchorage block grant program." These "programs" are not established in permanent law. However, for a number of years amounts have been appropriated for these purposes to the same recipients. Former Governor Cowper vetoed the fiscal year 1991 appropriations and then allocated reduced amounts for these purposes from the general relief assistance budget request unit of the state operating budget. The legal problem with these grants is the lack of accountability to the executive branch of government. The legislature effectively removes executive branch agencies from grant administration. The necessary elements for a rational grant program -- eligibility criteria, accounting or other fiscal safeguards, and appeal procedures -- are not established in state law. Perhaps the municipalities of Anchorage and Fairbanks provide these basic safeguards by ordinance. However, in the absence of these safeguards on the state level, we must question whether the grants are made for a public purpose.

The Alaska Constitution requires that state money be expended only for public purposes. Alaska Const. Art. IX, Sec. 6. To satisfy the public purpose doctrine, the benefit to the public must be the direct and primary purpose of an expenditure. It is permissible if the expenditure also has an indirect private benefit. However, the reverse (direct private benefit with a secondary, indirect public benefit) constitutes a violation of the public purpose doctrine. If these appropriations are left intact, the grantees benefitting from these programs should be carefully reviewed to determine if the expenditures satisfy the public purpose doctrine.

Section 13 of the bill makes an appropriation to the Department of Law from the oil and hazardous substance release response fund (the so-called "470 Fund"), established in AS 46.08.010, for litigation expenses related to the Exxon Valdez oil spill. My office recently sent a letter to Representative Larson (copy attached) that sets out our opinion that 470 Fund money may be used to finance state litigation to recover past and future cleanup costs related to the Exxon Valdez spill. This fund may not be used, however, to finance litigation defending against suits filed against the state by third parties.

We note that sec. 40 of the bill (the effective date clause) contains what appears to be a manifest clerical error. The reference to "sec. 40" in that section should read "sec. 39." The

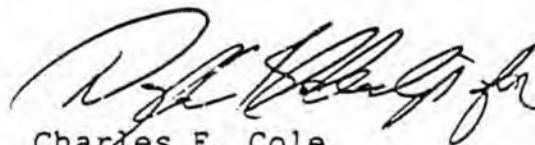
Hon. Walter L. Hickel, Governor
Our file: 883-91-0002

April 1, 1991
Page 3

revisor of statutes has the power under AS 01.05.031(b)(7) to correct such an error prior to printing the Acts of the legislature in permanent form.

There are no other legal issues raised by this bill that warrant your consideration prior to taking action.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Charles E. Cole".

Charles E. Cole
Attorney General

CEC:JLB:jr

ARCTIC ALLIANCE FOR PEOPLE

4/8/92

Representative Mark Boyer/Interior Delegation
State Capital Building
Juneau, AK 99801

Dear Mark,

The Arctic Alliance for People would like to express its strong support for House Bill 263, concerning block grants.

These block grant funds are vital to the operation of social service agencies in the Fairbanks area. The dollars designated are multiplied by thousands of hours of volunteer work generated by these agencies. In our view, the loss of these funds would result in substantial increases in spending for government programs.

We appreciate your strong advocacy for this bill, as well as your on-going support of social services in the Fairbanks area.

Sincerely,

G. Verle Peterson
Vice-president, AAP

Mary Kay Brown, ACSW
Co-secretary, AAP

**Municipality
of
Anchorage**



ANCHORAGE ASSEMBLY

REC'D MAR 02 1992

P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4311

Rep Bayer -
FYI

February 26, 1992

Representative Johnny Ellis
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Ellis:

The Anchorage Assembly has requested that I write you expressing our support of Committee substitute for House Bill 263, "An Act relating to human services community matching grants; and providing for an effective date".

As you are aware, the Municipality of Anchorage has been the major advocate and user of the Social Services block grant since its conception through SB 168. Although only Fairbanks and Anchorage have received these funds, they have been used to assist residents from throughout the State when they have been in Anchorage and utilized the services of the many non-profit agencies who are granted the funds.

Anchorage is a very generous and giving community. We have generally exceeded the community goals for the United Way drives and other community giving programs. As I read the qualifying criteria, match money need not be a new cash outlay, but we would be allowed to count the \$6.5 million plus raised in this year's United Way campaign or even other State grants received by the Municipality. In this light, we are very supportive of this bill and its passage.

Sincerely,

Craig Campbell
Craig Campbell, Chairman
Anchorage Municipal Assembly

cc Mayor Tom Fink
Anchorage Municipal Assembly

FAXED

UP
4/7/92

To: Representative Mark Boyer

From: Sally Crawford, Chair Fairbanks HSS Commission

The Fairbanks Health & Social Commission unanimously supports Bill 263 which provides for a health and social services block grant with municipal match.

The block grants are the best use of state monies at the local level since these monies pass directly to local non-profit agencies. These agencies in turn provide services at low cost and with extremely high volunteerism resulting in a very low cost per client served.

Equally important, the block grants prevent the state from incurring the extraordinary costs of adjudication, incarceration or institutionalization. In addition, it especially reduces the burden on state hss agencies, particularly Youth Services, Mental Health and Public Assistance.

In summary, Bill 263 is supported by a broad base of the residents of Fairbanks and the surrounding communities. The current proposed \$306,000 will provide over \$900,000 in services locally and save the state between \$1,500,000 and \$3,000,000 if the state was required to provide for clients served by the block grant currently.

Both the city and borough recognize the need for a local match as a requirement for participation in this program.



Tom Fink,
Mayor

Municipality of Anchorage

Department of Health and Human Services

825 "L" Street
P.O. Box 196650 Anchorage, Alaska 99519-6650



April 7, 1992

Representative Mark Boyer
State Capitol
Juneau, AK 99801-1182

Dear Representative Boyer,

The Municipality of Anchorage Health and Human Services Department fully supports the effort to pass CSHB 263, which would formally establish a human services match program.

The Municipality of Anchorage has been receiving Social Services Block Grant (SSBG) allocations from the state since the early 1980's. Although the state contributions have been useful we never knew from one year to the next how much money we would receive or even if we would receive any money at all. This uncertainty created problems among the non-profit agencies who ultimately depend on this money to run their programs.

By codifying this program in the Alaska State Statues, most of the uncertainty will be eliminated. In addition, the bill provides needed guidance and direction to the program. These regulations will help both the state and the Municipality run the program more smoothly.

One detail which concerns me involves the local match requirement. The people of Anchorage already contribute a substantial amount of money to social services through both governmental and private organizations. The Municipal Department of Health and Human Services has an operating budget (excluding state and federal grants) of over \$10 million, which is primarily derived from taxes. \$461,480 of this went to 32 social service agencies as a "match" to the SSBG.

Many individuals and corporations also contribute to social service agencies through organizations such as the United Way. Last year the Anchorage chapter collected over \$6.42 million, one of the highest rates of giving in the country, and the same 32 agencies received \$2.4 million of these funds. Thus, the people of Anchorage, through the United Way and the local government, provide approximately 63 percent of the agency's funding not including additional funds each agency gathers itself.

Representative Mark Boyer
Page 2
April 7, 1992

Although it appears that the committee substitute would permit this type of match we would like to be assured that this is indeed the case.

In conclusion, non-profit agencies play an important role in the delivery of health and social services in Anchorage. According to a survey conducted in 1987, non-profit agencies provided approximately 14 percent of all health and human services delivered in Anchorage. In some areas, such as emergency shelter and food, non-profits are the only providers of the service.

Utilization of non-profits is an efficient means of delivering needed social services. In most cases, non-profits can provide the service at a substantially lower cost than local or state governments. As an added benefit, non-profits raise millions of dollars in local contributions which would not otherwise be available.

CSHB 263 will help to strengthen the non-profit health and human services system so that it can fulfill its traditional role as a provider of services to the most needy citizens in Anchorage. Strengthening the Anchorage social service system will have positive benefits for the rest of the State as well since approximately 11 percent of the clients served by SSBG agencies are non-Anchorage residents.

Sincerely,



Helen D. Beirne, Ph.D., Director
Municipality of Anchorage
Department of Health and Human Services

H B

3 1 4

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CS HB 314 (FINANCE)

Revision Date: 3-10-92
Title: An Act establishing a cooperative arrangement grant program for school districts.
Sponsor: Representative Jacko
Requestor: (H) Rules

Department Affected: Education
BRU: Educational Finance and Support Services
Component: District Support

COMPONENT SERIAL NO.

	1	5	5
--	---	---	---

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						
---------	--	--	--	--	--	--

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

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.)

This zero fiscal note assumes the department would establish specific criteria to evaluate district grant proposals and would then request requisite funding from the Legislature for those approved cooperative agreements. It is unclear if the intent is to capitalize the grant program in advance.

Prepared by: Mike Maher Phone: 465-2800
Division: Commissioner's Office Date: 3-10-92

Approved by Commissioner: *Mike Maher* Jerry Covey
Agency: Education Date: 3-10-92

House of Representatives

While in Session:

Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182
(907)465-4942

P.O. Box 47001
Pedro Bay, Alaska 99647
(907)850-2208

Interim Office: 561-6154



Member
Finance Committee

Finance
Subcommittee Chair:
Courts
Department of Public Safety
Finance
Subcommittee Member:
Department of Fish and Game

Rep. George Jacko, Jr.

Sponsor Statement

Representative George Jacko, Jr.
March 10, 1992

House Bill 314, "An Act establishing a cooperative arrangement grant program for school districts; and providing for an effective date".

As we ask Alaska's school districts to tighten their belts from year to year, I believe the Alaska Legislature must find ways to assist them. This is particularly true because inflation has caused a significant increase in operating costs, yet budgets have been cut by the decreasing value of the dollar. HB 314 is an attempt to partially address this need.

Aleutian Region School District as one of Alaska's smallest school districts has had a difficult time absorbing increasing costs. This is partially because they are very small yet they must still provide administrative and related educational support services. These functions are necessary but do not provide teachers or materials for Alaska's students.

Within the last year, Aleutian Region has taken the initiative to contract with a neighboring school district for its administrative services in an attempt to reduce costs. I believe the Legislature should support such efforts and encourage all of Alaska's school districts to find ways to live within their means.

This is why I have introduced House Bill 314, which would provide an incentive grant to school districts willing to enter into cooperative arrangements to reduce costs. Under the program established in this bill, applications would be made to the Department of Education for a one-time only "cooperative arrangement" grant of up to \$100,000.

Thank you for your consideration of this legislation. House Bill 314 has a zero Fiscal Note from the Department of Education and the support of the Alaska Association of School Boards.

FAX COVER SHEET

Date: 27 March 92

To: Legal Services

From: Melissa Fouse

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

Please send HESS CS in final form
incorporating the following
amendment.

(907) 465-3818
Fax (907) 465-3810

Cover Sheet Plus 1 Pages

Amendment

TO: House Bill 314

BY: Representative George Jacko

Page 1

Line 8

DELETE: (.)

INSERT: ", for agreements effective for Fiscal Year 1992 or later."

NEW "Section 2. This act is retroactive to July 1, 1991 and applies to cooperative arrangements entered into on or after that date."

*Adopted
as amended*

ASSOCIATION OF ALASKA SCHOOL BOARDS

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DIRECTOR**
Carl F. N. Rose

POSITION PAPER IN SUPPORT OF HB 314

Establishing a Cooperative Arrangement Grant Program for School Districts

The Association of Alaska School Boards supports and encourages favorable consideration HB 314 awarding cooperative services incentive grants to school districts that enter an agreement for shared administrative services.

A one-time cooperative services grant will help offset initial costs of relocation, transfer of staff, and realignment of roles and responsibilities of staff. While long term cost savings may be substantial, these short term costs can prohibit districts from entering into agreements for shared services. These grant would help alleviate the adverse impact and encourage other school districts to look more favorably on cooperative arrangements.

The Association of Alaska School Boards supported passage of HB 282 (Cooperation Between School Districts) last year because it ensured local autonomy and decision making by local school districts considering shared services. Since that time a number of districts have explored shared services, but find that, in some instances, short term costs of implementing are prohibitive. We believe an incentive grant program is the missing piece of the puzzle, and will indicate to districts the seriousness of the Legislature's intent to encourage cooperative services.

5/7/91

Alaska Association of
School Boards/Support Letter

H B

3 2 6

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: 3/02/92 Department Affected: DOE
 Title: "An Act relating to requirements for limited teacher certificates; defining "teacher" and providing for an effective date." MacLean
 BRU: EF&SS
 Component: Teacher Certification
 Requestor: HFC COMPONENT SERIAL NO.

--	--	--	--

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						

REVENUE FUND SOURCE:	PR	PR	PR	PR	PR	PR

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Co-Chair Eileen MacLean *E MacLean* Phone: 465-4933
Co-Chair Mike Navarre *M Navarre* Phone: 465-3770
 Division: House Finance Committee Date: 3/06/92

Approved by Commissioner: _____ Date: _____
 Agency: _____



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Committee on Finance

Official Business

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

HOUSE FINANCE COMMITTEE
LETTER OF INTENT
FOR
CS HB 326 (FINANCE)

It is the intent of the legislature that the Board of Education shall make a report available to the legislature concerning the implementation of AS 14.20.025, enacted by sec. 2 of CS HB 326 (Finance). The department shall notify members of the legislature of the availability of the report on or before January 15, 1997. A copy will be sent to those members indicating interest in receipt of the report.

Mike Navarre

Co-Chair Mike Navarre

Date: March 6, 1992

Eileen MacLean

Co-Chair Eileen MacLean

ALASKA STATE LEGISLATURE

Representative Eileen Panigeo MacLean
Co-Chair House Finance Committee
P.O. Box 83C
Barrow, Alaska 99723



WHILE IN JUNEAU
Box V
Juneau, Alaska 99811
465-4525
465-4833

HOUSE OF REPRESENTATIVES

MEMORANDUM

District 22

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Northwest Arctic
Borough

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Buckland
Deering
Kiana
Kivalina
Kobuk
Kotzebue
Noatak
Noorvik
Selawik
Shungnak

TO: Sen. Arliss Sturgulewski
Chair, Senate HESS Committee

FROM: Rep. Eileen MacLean *Rep. MacLean*

DATE: March 30, 1992

RE: Scheduling of **HB 326**
An Act relating to requirements for limited teacher
certificates.

HB 326 was read across in the Senate today and referred to the HESS Committee. I am requesting that this bill be scheduled for hearing at your earliest possible convenience.

HB 326 provides for the certification of teachers in certain limited fields where baccalaureate degree training is not sufficiently available. The educational fields affected by this bill are Alaska Native language or culture, military science, and some vocational or technical subjects.

Limited certificates would be available only to teachers in these specified fields, and only because there is no baccalaureate degree training specific to these fields. These teachers would still be required to demonstrate both a mastery of the subject matter and teaching competency. Regulations adopted by the State Board of Education would assure the competency of teachers under this classification.

Limited certificates would be valid solely in the area of expertise for which they are issued, and they would be issued only upon the request of the local school board.

This legislation does not diminish the importance of the existing baccalaureate requirement. It merely recognizes that a specific group of teachers already participating in the education of our children possesses skills that cannot be acquired through the baccalaureate process.

HB 326 assures these teachers are given comparable recognition in the certification process. At the same time, the bill gives the state board authority to require academic training for those holding a limited certificate.

In addition, HB 326 clarifies the definition of "teacher" in statute. This definition is important because it defines the class of people subject to the certification requirement in AS 14.20.010. This bill defines the conditions under which a person must be considered a teacher, and therefore subject to the certification requirement.

Similar legislation was heard in this committee during the Sixteenth Legislature. The current version of this bill incorporates improvements made to that earlier bill.

HB 326 recently passed in the House by a unanimous vote. It has received broad support from educators, administrators, professional organizations and the public. Among the organizations supporting the bill are NEA-Alaska, the Association of Alaska School Boards, the Governor's Council on Vocational Education, the Alaska Council of School Administrators, and numerous school districts.

SPONSOR STATEMENT

CS HB 326 (FIN)
REP. EILEEN MACLEAN

HB 326 provides for the certification of teachers in certain limited fields where baccalaureate degree training is not sufficiently available. The educational fields affected by this bill are Alaska Native language or culture, military science, and some vocational or technical subjects.

Limited certificates would be available only to teachers in these specified fields, and only because there is no baccalaureate degree training specific to these fields. These teachers would still be required to demonstrate both a mastery of the subject matter and teaching competency. Regulations adopted by the State Board of Education would assure the competency of teachers under this classification.

Limited certificates would be valid solely in the area of expertise for which they are issued, and they would be issued only upon the request of the local school board.

HB 326 is designed to resolve a longstanding problem of employment equity for certain teachers who are already providing instruction in our schools. For example, many Native language teachers have duties and responsibilities that are similar to certified teachers. Yet they are not getting the same recognition and encouragement. Instead of receiving a certificate, they are issued a "letter of authorization." Instead of being classified as teachers, they are called "recognized experts."

This disparity in status aggravates a number of problems for these teachers, including pay equity, peer respect and self-esteem. This bill does not compromise the powers of local school districts to set salary levels. Nor does it affect the tenure rights of these teachers. But it does confirm the value of the skills and experience these teachers offer to our students.

This legislation does not diminish the importance of the existing baccalaureate requirement. It merely recognizes that a specific group of teachers already participating in the education of our children possesses skills that cannot be acquired through the baccalaureate process. HB 326 assures these teachers are given comparable recognition in the certification process. At the same time, the bill gives the state board authority to require academic training for those holding a limited certificate.

This bill would equalize the status of all teachers whose certification is based on criteria other than a baccalaureate degree. The Voc Ed teachers in this category now work under authorization of a Type D certificate. However, military science teachers and Native language teachers instead are issued a Letter of Authorization. By combining all of these groups under a single certificate, this bill would allow DOE to achieve a standardization that does not currently exist.

In addition, HB 326 clarifies the law related to the definition of "teacher." The existing definition is not very useful in that it defines a teacher as "a person serving in a teaching...capacity." The teacher definition is important because it defines the group of people subject to the certification requirement in AS 14.20.010. This bill more accurately defines that category of employee.

Sectional Analysis

CS HB 326 (FIN)

The following is a sectional analysis of CS HB 326 (FIN):

Section 1 - This is a statement of purpose of the bill.

Section 2 - Allows a person to receive a limited teacher certificate to teach Alaska Native language or culture, military science, or a vocational or technical course for which the State Board of Education determines that baccalaureate degree training is not sufficiently available.

Provides that a limited teacher certificate may be issued only if it is requested by the school board of the district in which the person will be teaching.

Allows the state board to adopt regulations outlining the teaching skills and subject matter expertise that are required of applicants for a limited certificate. This section also permits the board to require academic training by persons issued a limited certificate.

Section 3 - Amends the definition of "teacher."

This section clears up a longstanding ambiguity in the law related to the definition of "teacher." This definition is important because it defines the class of people subject to the certification requirement. The certification requirement is already established in AS 14.20.010.

AS 14.20.215(6) contains the following definition of "teacher:"
"teacher" means a person serving in a teaching, counseling, or administrative capacity and required to be certificated in order to hold the position."

In combination with AS 14.20.010, this wording creates a circular definition in statute. Under AS 14.20.010, a teacher is required to hold a certificate, and under AS 14.20.215(6), a person is a teacher if he or she is required to hold a certificate.

Section 3 of this bill offers an improvement by defining the conditions under which a person must be considered a teacher, and therefore subject to the certification requirement. It also eliminates specific reference to administrators and counselors, since these are not the only additional categories of employees required to be certificated. This definition leaves it to the department to enumerate in regulations all those additional categories subject to the certification requirement.

Section 4 - Requires the Board of Education to complete a report to the Legislature evaluating the implementation of the act by January 15, 1997.

Section 5 - Sets July 1, 1992 as the effective date of the act.

POSITION PAPER: DEPARTMENT OF EDUCATION

Division Educational Finance & Support Services Bill Number HB 326

Bill Title "An Act relating to requirements for limited teacher certificates; defining 'teacher'; and providing for an effective date."

Sponsor MacLean

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.

After reviewing House Bill 326, the Department has reached the following conclusions:

1. AS 14.20.020, 4AAC 12.070 and 4AAC 12.050 currently provide for the issuance of certificates in limited fields where baccalaureate degree training is not readily available and /or the individual concerned has verifiable expertise in a particular subject area.

2. AS 14.020.215(6) of the bill is very similar to the language contained in 4AAC 12.900(13). For this reason the Department does not believe that a need exists to put this definition in statute.

The costs associated with implementation of this bill are:

a) Travel: Funds will be used to meet with university and Department of Education personnel in the implementation of this statute.

b) Contractual: Funds will be used to advertise for the public notices concerning regulations, as well as for printing and distribution of same.

c) Supplies: Purchase of necessary supplies needed to implement the act. Implementation of a new certification form and reprogramming computers.

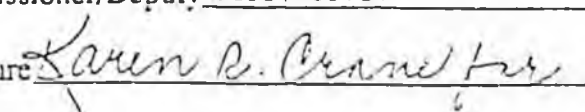
The Department of Education's position on this bill is neutral.

APPROVED:

Director Duane Guiley Division EF&SS

Signature  Date 2/4/92

Commissioner/Depury Jerry Covey

Signature  Date 2/4/92

Governor's Council on Vocational Education

C.J. Thomas
Chair

Sue E. Miller
Vice Chair



Jerry Lewis
Executive Director

Alice Bergdoll
Administrative Assistant

211 Fourth Street, Suite 101 • Juneau, Alaska 99801
Phone: (907) 586-1736 • FAX: (907) 586-1250

Representative Eileen MacLean
Box V
Juneau, AK 99811

Dear Representative MacLean,

The Governor's Council on Vocational Education discussed as an agenda item HB 326, an act relating to requirements for limited teacher certificates, at the council quarterly meeting in Juneau on February 8, 1992.

Although the discussion brought forth the consensus that persons in this category presently are covered by other provisions, the council felt that HB 326 would give the deserved recognition to those persons that are teaching Alaska Native language or culture, military science, and vocational or technical courses along side those teachers that have certificates now. I am pleased to advise you that the council voted to support this legislation.

Sincerely,

Jerry Lewis
Executive Director

/ab



Office of the Dean
College of Rural Alaska
(907) 474-7143

UNIVERSITY OF ALASKA FAIRBANKS

Fairbanks, Alaska 99775-0900

February 27, 1992

Eileen MacLean
Representative
Room 507, Capitol
P.O. Box V
Juneau, AK 99811

Dear Representative MacLean:

Thank you for your letter describing your continued efforts to improve teacher certification in the area of the Native languages and culture as well as vocational education and ROTC. I strongly support the bill you have proposed. Previously as Chair of the Former State Council on Certification I supported the concept and methods to ensure a certification route for these areas. I am particularly interested in guaranteeing a route for credentialed experts in the area of Native language and culture who may not have a bachelor's degree. As we know the bachelor's degree provides the subject matter knowledge necessary to teach a respective subject. In the case of most Native languages and culturally-based knowledge, it is not available at the university. Additionally, the expertise and knowledge is available primarily from Elders. Within Native communities the knowledge has been transmitted and resides in cultural experts.

I, therefore, strongly support your proposed bill HB 326. Thank you for the opportunity to provide input. If I can be of any further assistance please feel free to contact me.

Sincerely,

Gerald V. Mohatt, Dean
College of Rural Alaska

GVM:hms



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

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Claudia Douglas
Vice President
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Fairbanks, AK 99707

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JUNEAU OFFICE

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FAIRBANKS REGIONAL OFFICE

2115 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435
FAX: (907) 456-2159

February 12, 1992

To: Representatives Carney and Lincoln Co-Chairs of House HESS, members of the HESS Committee

From: Don Oberg, NEA-Alaska President

RE: HB326 "An Act relating to requirement for limited teacher certificate; defining 'teacher'; and providing for an effective date."

NEA-Alaska Supports passage of HB 326 providing for a limited certificate in certain areas of expertise where a teacher education program does not exist. Presently there are individuals providing these services to students of our state. We strongly encourage the attempt to standardized the job classifications of people performing the jobs of teachers but are classified differently around the state.

NEA-Alaska believes that Sections 1, 2, and 3 covers the statutory need to empower the Department of Education to grant a certificate to individuals identified as qualifying for limited certificates. It is our opinion that redefining "teacher" adds clarity but does not strengthen or broaden the meaning.

We would question the purpose of Section 4. What will be the status of teachers certified under this provision? How would these individuals' working relationships be altered by repeal of this provision? How does the repeal impact current teachers who hold other limited types of limited certificate under current DOE Regulations?

We are unclear of the reason for the repeal of Section 2 of this bill. It is our position that these "teaching" positions are critically needed in our schools. Until the University provides a mechanism for unlimited certification in these areas, we would urge an amendment to remove the limited enactment and recommend deletion of Section 4.

Thank you for your consideration of the issues identified in this position paper. NEA-Alaska supports the concept of limited certification of areas of expertise.

ASSOCIATION OF ALASKA SCHOOL BOARDS

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Jeff Nickerson

LAKE & PENINSULA

Bue Arce

SEANAN

Terrie Irvin

NORTH SLOPE

Roy Nageak

NORTHWEST ARCTIC

Reggie Jouble

YUKON-KOYUKUK

Luke Titus

UPRIT

Michael Williams

EX OFFICIO DIRECTOR

Dick Anderson

Debra-Greely

EXECUTIVE

DIRECTOR

William N. Rose

HB 326 Support for Limited teacher certificates

The Association of Alaska School Boards (AASB) supports HB 326, providing limited teacher certificates in certain limited fields where baccalaureate degree training is not available, so long as the person demonstrates both subject matter expertise and teaching competency.

The Association of Alaska School Boards is also on record as supporting a bonafide postsecondary education certification program in the area of Alaska Native Language & Culture, in particular, to provide opportunities for Alaskan students to pursue a career in teaching. (AASB Resolution 92-29)

AASB also supports language in HB 326 allowing the State Board of Education to require by regulation additional academic training (and satisfactory progress) if it is deemed necessary.

© 12/92



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

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
326 Fourth St., Suite 408, Juneau, AK 99801-1101 (907) 586-9702 FAX (907) 586-5879

POSITION STATEMENT

HOUSE BILL NO. 326

"An Act relating to requirements for limited teacher certificates; defining 'teacher'; and providing for an effective date."

The Alaska Council of School Administrators is in support of House Bill #326.

The Alaska Council of School Administrators has been critical of past attempts to design special certificates without some safeguards to insure there are standards and the interest of the students served are met first and foremost.

This legislation addresses our major concerns regarding the limited nature of the certificate, the responsibility of the school district to request such a certificate and the ability of the district to require a person issued a limited certificate to undertake academic training.

We appreciate the sponsor's willingness to make the necessary changes to this legislation. We feel in the long run, the children will be better served.



ANCHORAGE
SCHOOL DISTRICT

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

February 7, 1992

SCHOOL BOARD

Darryl Jordan
President

Carol Stolpe
Vice President

Walter Featherly
Clerk

Carol Christenson
Treasurer

Dorothy Cox

Theresa Nangle Obermeyer

Sharon Richards
Past President

SUPERINTENDENT

Thomas C. O'Rourke

Representative Eileen P. MacLean
Co-Chair, House Finance Committee
P.O. Box 830
Barrow, AK 99723

Dear Representative MacLean:

Thank you for taking the time to write to me about HB 326. As Superintendent for the Anchorage School District, I fully support alternative forms of certification.

Best of luck with the task you have undertaken.

Sincerely yours,

Thomas C. O'Rourke
Superintendent

cc: Bob Christal, Asst. Superintendent for Instruction

NOME PUBLIC SCHOOLS
Box 131, Nome, Alaska 99762 • Telephone (907) 443-2231



January 27, 1992

Representative Eileen P. MacLean
Co-Chair, House Finance Committee
P.O. Box V
Juneau, AK 99811

Dear Representative MacLean:

This letter will serve as indication of our support of your House Bill No. 326. Our school district has a need for this kind of certification in certain limited fields, ie. Alaska Native Language or Culture.

Thank you for your informative letter requesting support.

Respectfully yours,

A handwritten signature in cursive script that reads "Robert G. Kinna".

Robert G. Kinna
Superintendent

/mmr

Yupiiit School District

P.O. Box 100

Akiachak, Alaska 99551

(907) 825-4428 or 825-4127

February 17, 1992

Representative Eileen Panigeo MacLean
Capitol Room 507
Box V
Juneau, Alaska 99811

Dear Representative MacLean:

The Yupiiit School District Board of Education voted unanimously at their February 8, 1992 meeting to support your HB326.

It is the feeling of the Board that several of our classified instructors should be considered for certification under this bill.

If I can be of additional service to you on this issue, please contact me.

Professionally yours,



Leland L. Dishman
Superintendent

LLD:ar

H B

3 5 2

Revision Date: _____ Department Affected: EDUCATION
 Title: A CURRICULUM FOR NATIVE LANGUAGE EDUCATION BRU: K - 12 SUPPORT
 Component: DATA MANAGEMENT
 Sponsor: REPRESENTATIVE LINCOLN
 Requestor: HOUSE FINANCE COMMITTEE COMPONENT SERIAL NO.

--	--	--	--

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	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Co-Chair Eileen MacLean *Eileen MacLean* Phone: 465-4833
Co-Chair Mike Navarro *Mike Navarro* Phone: 465-3779
 Division: House Finance Committee Date: 4/22/92

Approved by Commissioner: _____
 Agency: _____ Date: _____

Need
back-up?
Pat. Jones
3738

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

No. 2
Bill Version: CSSSHB 352(FIN)
(H) Publish Date: 4-23-92

Revision Date: _____ Department Affected: EDUCATION
Title: A CURRICULUM FOR NATIVE LANGUAGE BRU: K - 12 SUPPORT
EDUCATION Component: DATA MANAGEMENT
Sponsor: REPRESENTATIVE LINCOLN
Requestor: HOUSE FINANCE COMMITTEE COMPONENT SERIAL NO.

--	--	--	--

EXPENDITURES/REVENUES: (Thousands of Dollars)

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PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Co-Chair Eileen MacLean *Eileen MacLean* Phone: 465-4833
Co-Chair Mike Navarro *Mike Navarro* Phone: 465-3779
Division: House Finance Committee Date: 4/22/92

Approved by Commissioner: _____
Agency: _____ Date: _____

ALASKA STATE LEGISLATURE

Representative Georgianna Lincoln

HESS Committee, Co-Chair
Resources Committee, Vice-Chair

Budget Subcommittees
Health and Social Services
Revenue

P.O. Box V
Juneau, Alaska 99811

Phone: (907) 465-3732
FAX: (907) 465-2652

MEMORANDUM

Alatna
Allakaket
Aniak
Anvik
Arctic Village
Beaver
Bettles
Birch Creek
Chalkyitsik
Chuathbaluk
Crooked Creek
Evansville
Fort Yukon
Galena
Grayling
Holy Cross
Hughes
Huslia
Kalskag
Kaltag
Koyukuk
Lake Minchumna
Lime Village
Lower Kalskag
Manley Hot Springs
Marshall
McGrath
Minto
Mountain Village
Nikolai
Nulato
Pilot Station
Pitkas Point
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Sleetmute
St. Mary's
Stevens Village
Stony River
Taketna
Tanana
Telida
Tuluksak
Tyonek
Venetie
Wiseman

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

FROM: Representative Georgianna Lincoln *Georg*

DATE: April 27, 1992

RE: CSSSHB 352 (FIN) AM
Native Language Education Act

CSSSHB 352 (FIN) AM provides that schools where a majority of the students are Alaska Natives may teach the language that is traditional within the community. A local Native curriculum advisory committee would be established to review and make recommendations about the teaching of the Native language. It further provides that the Native language may be incorporated into the school curriculum and taught by certified or trained instructors. The bill allows for the delivery of language instruction by existing satellite instruction or other distance delivery technology, including computer programs and audio distance delivery. The effective date of this legislation is July 1, 1993.

Many of Alaska's Native languages are on the brink of extinction. Linguists tell us that unless corrective action is taken soon, by the year 2055--not very long from now--at least 15, and possibly 18, Native languages will be lost. Eyak, the Athabascan language of a people who thrived for 3,500 years along the Gulf of Alaska, has one remaining Native speaker; she is 73 years old. Dr. Michael Krauss, professor of linguistics at the University of Alaska Fairbanks predicts that "short of a miracle or radical social change" we will lose 15, and possibly 18, of our 20 Native languages by the year 2055.

Sadly, the loss of Alaska Native languages is rooted in anti-Native language educational policies promoted by American missionaries and educators around the turn of the century. Schools played a critical role in efforts to assimilate Alaska Natives into the Western/Anglo religion, language and culture; in fact, children were punished for speaking their Native language.

April 27, 1992
Page 2

Schools cannot, nor should they, carry the burden of Native language preservation alone. Parents, extended family members, and communities have important roles as well. In many villages, however, many of those tools are lost. We must have our schools involved and committed to teaching and preserving our Native languages. Presently, our schools are teaching Spanish, Russian, and Japanese to our children. Many who have the capability to extend their programs to include Native languages have not.

As a complement to this bill, Senator Murkowski is working with Congress to secure federal funding to help preserve Alaska's Native languages. S. 1595, the "Alaska Native Languages Preservation and Enhancement Act of 1991" has passed the Senate and is awaiting House action. It will provide \$2.5 million per year for five years, to assist in Native language preservation and education efforts in Alaska.

HB 352 has received strong support from the Alaska Federation of Natives, the White House Conference on Indian Education, the Denakkanaaga Elders Conference, the Tanana Chiefs Conference, Bristol Bay Area Health Corporation, and the Association of Village Council Presidents, the Interior Education Council, the Village Participation Conference, the Rural Alaska Community Action Program, and by numerous village corporations and associations.

Sectional Analysis

CSSSHB 352 (FIN) AM

- Sec. 1. Short Title: Native Language Education Act
- Sec. 2. Findings.
- Sec. 3. Amends School District Report Card statute to include summary and evaluation of Native language education, if provided by the district.
- Sec. 4 (a). Adds a new section to Educational Programs statute related to Native Language Education.

A local Native language curriculum advisory board would be established for each school where a majority of the students are Alaska Native.

A school board in a municipality may also establish a local Native language curriculum advisory committee.

Upon recommendation of the local Native language curriculum advisory board, the district **may** teach Native language in the schools, grades K-12.

Directs school boards to utilize certified instructors or individuals with knowledge and training in teaching the language, and to the extent possible, instructors and materials available through the University and satellite technologies when Native language education program is implemented.

- Sec. 4(b). Defines "Native" Alaskan for the purposes of this bill, to be a person with one-fourth degree or more Alaska Indian, Eskimo or Aleut blood.
- Sec. 5. Effective date: July 1, 1993.

Yuna
open
7/15/92
02/15/92

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352 (FINANCE) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 4/24/92
Offered: 4/23/92

Sponsor(s): REPRESENTATIVES LINCOLN, Ellis, B.Davis, Mackie, Koponen, Kubina, Ivan, Gruenberg, Leman, Donley, Finkelstein, Ulmer, Bruckman

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a curriculum for Native language education; and providing for an
2 effective date."

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

4 * Section 1. SHORT TITLE. This Act may be known as the Native Language Education Act.

5 * Sec. 2. FINDINGS. The legislature finds that

6 (1) Alaska's indigenous Native cultures and languages are unique, essential elements of
7 Alaska's heritage;

8 (2) Alaska's indigenous Native languages are an integral part of Alaska Native people's
9 culture and well-being;

10 (3) knowledge of one's indigenous language is important for the development of social
11 skills and self-esteem; it further contributes to the development of the individual, and the ability to
12 communicate;

13 (4) translations from a Native language into English result in the loss of context and
14 deprivation of the full range of social and cultural understanding necessary to function in the individual's

1 environment;

2 (5) when Native children are proficient in their primary indigenous language, they are
3 more likely to do better in school; they also develop a higher degree of proficiency in English;

4 (6) historically, Alaska Native children first learned their Native language in their homes
5 and communities but with the passing of Native elders and with a current generation of parents who are
6 not fluent in their Native language, younger generations are less knowledgeable about their language and
7 culture;

8 (7) the loss of indigenous Native languages dates back to the late 1800's when
9 mainstream American missionaries enforced federal policies that forbade the use of Native languages,
10 punished children for speaking their own language, and urged parents to speak only English to their
11 children;

12 (8) the continuation of "no Native language" policies in federal, territorial, and state
13 school systems between 1910 and 1970 resulted in the loss of many Native languages;

14 (9) the fact that only two of the 20 Alaska Native languages are fluently spoken by
15 children today is an indicator of the impending extinction of Native languages;

16 (10) unless action is taken, by the year 2055 only five of the 20 Alaska Native languages
17 will be spoken by anyone, and soon thereafter the Native languages of Alaska may vanish.

18 * Sec. 3. AS 14.03.120(e) is amended to read:

19 (e) A district shall, by October 31 of each year, provide to the state board, and make
20 available to the public, a report on the performance of each public school and public school
21 students in the district. The report must be entitled "School District Report Card To The Public"
22 and must be prepared on a form prescribed by the department. The report must include

23 (1) the percent of district students in the top and bottom quarter of standardized
24 national achievement examinations; results under this paragraph shall be disclosed in a manner
25 that does not reveal the individual identities of students;

26 (2) the percent of students who are not promoted to the next grade;

27 (3) student, parent, and community member comments on the school's
28 performance;

29 (4) the annual percent change in enrollment and the percent of enrollment change
30 due to student transfers into and out of the district;

31 (5) attendance, retention, and graduation rates;

1 (6) the ways in which meaningful parent involvement in school performance was
2 achieved;

3 (7) if Native language education is provided, a summary and evaluation of
4 the curriculum described in AS 14.30.420;

5 (8) other indicators of school performance required by the state board; and

6 (9) [(8)] other indicators of school performance selected by the district.

7 * Sec. 4. AS 14.30 is amended by adding a new section to read:

8 Sec. 14.30.420. NATIVE LANGUAGE EDUCATION. (a) A school board in a district
9 in which a majority of the students are Alaska Natives shall establish a local Native language
10 curriculum advisory board for each school in the district in which a majority of the students are
11 Alaska Natives. A school board in a municipality may also establish a local Native language
12 curriculum advisory committee. If the local Native language curriculum advisory board
13 recommends the establishment of a Native language education curriculum for a school, the school
14 board may initiate and conduct a Native language education curriculum for grades K through 12
15 at that school. The program must include Native languages traditionally spoken in the
16 community in which the school is located. Each school board conducting a program of Native
17 language education may implement the program as a part of regular classroom studies and shall
18 utilize

19 (1) certified instructors or instructors who have knowledge and adequate training
20 in teaching the Native language of the community in which the school is located;

21 (2) to the extent possible

22 (A) instructors and instructional materials available through the University
23 of Alaska; and

24 (B) audio-visual, computer and satellite technology.

25 (b) In this section,

26 (1) "district" has the meaning given in AS 14.17.250;

27 (2) "Native" means a person of one-fourth degree or more Alaskan Indian,
28 Eskimo, or Aleut blood

29 * Sec. 5. This Act takes effect July 1, 1993.

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352 (FINANCE) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 4/24/92

Offered: 4/23/92

Sponsor(s): REPRESENTATIVES LINCOLN, Ellis, B.Davis, Mackie, Koponen, Kubina, Ivan, Gruenberg, Leman, Donley, Finkelstein, Ulmer, Bruckman

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11 skills and self-esteem; it further contributes to the development of the individual, and the ability to
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14 deprivation of the full range of social and cultural understanding necessary to function in the individual's

1 environment;

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5 and communities but with the passing of Native elders and with a current generation of parents who are
6 not fluent in their Native language, younger generations are less knowledgeable about their language and
7 culture;

8 (7) the loss of indigenous Native languages dates back to the late 1800's when
9 mainstream American missionaries enforced federal policies that forbade the use of Native languages,
10 punished children for speaking their own language, and urged parents to speak only English to their
11 children;

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2 achieved;

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29 * Sec. 5. This Act takes effect July 1, 1993.

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/23/92

Referred: Rules

Sponsor(s): REPRESENTATIVES LINCOLN, Ellis, B.Davis, Mackie, Koponen, Kubina, Ivan, Gruenberg, Leman, Donley, Finkelstein, Ulmer, Bruckman

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27 * Sec. 5. This Act takes effect July 1, 1994.

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/14/92

Referred: Finance

Sponsor(s): REPRESENTATIVES LINCOLN, Ellis, B.Davis, Mackie, Koponen, Kubina, Ivan, Gruenberg, Leman, Donley, Finkelstein, Ulmer, Bruckman

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4 (6) historically, Alaska Native children first learned their Native language in their homes
5 and communities but with the passing of Native elders and with a current generation of parents who are
6 not fluent in their Native language, younger generations are less knowledgeable about their language and
7 culture;

8 (7) the loss of indigenous Native languages dates back to the late 1800's when
9 mainstream American missionaries enforced federal policies that forbade the use of Native languages,
10 punished children for speaking their own language, and urged parents to speak only English to their
11 children;

12 (8) the continuation of "no Native language" policies in federal, territorial, and state
13 school systems between 1910 and 1970 resulted in the loss of many Native languages;

14 (9) the fact that only two of the 20 Alaska Native languages are fluently spoken by
15 children today is an indicator of the impending extinction of Native languages;

16 (10) unless action is taken, by the year 2055 only five of the 20 Alaska Native languages
17 will be spoken by anyone, and soon thereafter the Native languages of Alaska may vanish.

18 * Sec. 3. AS 14.03.120(e) is amended to read:

19 (e) A district shall, by October 31 of each year, provide to the state board, and make
20 available to the public, a report on the performance of each public school and public school
21 students in the district. The report must be entitled "School District Report Card To The Public"
22 and must be prepared on a form prescribed by the department. The report must include

23 (1) the percent of district students in the top and bottom quarter of standardized
24 national achievement examinations; results under this paragraph shall be disclosed in a manner
25 that does not reveal the individual identities of students;

26 (2) the percent of students who are not promoted to the next grade;

27 (3) student, parent, and community member comments on the school's
28 performance;

29 (4) the annual percent change in enrollment and the percent of enrollment change
30 due to student transfers into and out of the district;

31 (5) attendance, retention, and graduation rates;

1 (6) the ways in which meaningful parent involvement in school performance was
2 achieved;

3 (7) if Native language education is provided, a summary and evaluation of
4 the curriculum described in AS 14.30.420;

5 (8) other indicators of school performance required by the state board; and

6 (9) [(8)] other indicators of school performance selected by the district.

7 * Sec. 4. AS 14.30 is amended by adding a new section to read:

8 Sec. 14.30.420. NATIVE LANGUAGE EDUCATION. (a) A school board in a district
9 in which a majority of the students are Alaska Natives shall establish a local Native language
10 curriculum advisory board. If the local advisory board recommends the establishment of a Native
11 language education curriculum, the school board shall initiate and conduct a Native language
12 education curriculum for grades K through 12 at each school in which a majority of students in
13 the school are Alaska Natives. The program must include Native languages traditionally spoken
14 in the community in which the school is located. Each school board conducting a program of
15 Native language education shall implement the program as a part of regular classroom studies
16 and shall utilize

17 (1) certified instructors or instructors who have knowledge and adequate training
18 in teaching the Native language of the community in which the school is located;

19 (2) to the extent possible

20 (A) instructors and instructional materials available through the University
21 of Alaska; and

22 (B) distance learning materials, including audio-visual and computer
23 technology.

24 (b) In this section,

25 (1) "district" has the meaning given in AS 14.17.250;

26 (2) "Native" means a person of one-fourth degree or more Alaskan Indian,
27 Eskimo, or Aleut blood.

28 * Sec. 5. This Act takes effect July 1, 1993.

Alaska State Legislature

130 Seward Street, Suite 218
Juneau, Alaska 99801-2196

Legislative Research Agency



Phone: (907) 465-3991
Fax: (907) 463-3351

January 22, 1992

MEMORANDUM

TO: Representative Georgianna Lincoln

FROM: Carol R. Vandor *CRV*
Legislative Analyst

RE: Languages Taught in Alaska's Schools
Research Request 92.060

You asked about the purpose of the state bilingual education program. You also asked about the number of schools that provide Native language instruction and those that teach foreign languages. This information is presented below. It is followed by a discussion of the Indian Studies program and the Johnson O'Malley program which may also offer some Native language instruction.

STATE BILINGUAL EDUCATION

Alaska has a responsibility to ensure that the education programs offered in all school districts meet common standards. School districts retain the flexibility to design education programs that meet local needs but students' rights for equitable opportunities to learn are protected by the state. Within the Department of Education is the bilingual-bicultural education office. It is the responsibility of this office to promote effective education for bilingual and multicultural students.

Purpose of Bilingual Education

Under 4 AAC 34.010, the purpose of the bilingual-bicultural education program is to encourage and assist school districts, in cooperation with local communities, to meet the special needs of children of limited English-speaking ability. The Department of Education believes that providing equal educational opportunity to these children through the establishment of bilingual-bicultural programs of education will provide more effective use of both English and the student's language; foster more successful secondary and higher education careers; facilitate the obtaining of employment; tend to bring about an end to the depreciation of local culture elements and values by the schools; stimulate better communication between the community and the schools in solving educational problems; effect a positive student self-image; allow genuine options for all students in choosing a way of life; and facilitate more harmonious relationships between the student's culture and the mainstream of society.

Legislative Research

Native Languages

Mike Travis, program manager for bilingual-bicultural education/foreign languages in the Department of Education provided attachments A through C. Attachment A lists schools providing Native language instruction. According to this information, there are currently a minimum of 115 schools in 23 school districts providing Native language instruction. There are a minimum of 16 Native languages taught which range from Inupiaq and Yup'ik in the northern regions of Alaska to Tlingit in southeast Alaska.

Foreign Languages

Attachment B lists the foreign languages taught in each school district, by school and grade level. According to this information, during the 1989/1990 school year, 1,726 elementary students, 1,382 junior high students, and 7,980 high school students were studying a foreign language. The number of students who received instruction in a foreign language is as follows: 74 received instruction in Chinese; 2,944 in French; 1,165 in German; 994 in Japanese; 76 in Latin; 4,612 in Spanish; 420 in Russian; and 803 participated in a FLEX program where they received instruction in Japanese language and culture.

Attachment C lists the school districts which participate in the STEP (Satellite Telecommunications Educational Programming) and the Distance Learning Program. During the 1990-1991 school year there were 239 students in 14 school districts participating in the STEP Program. The number of students who received instruction in a foreign language is as follows: 107 in Japanese; 67 in Spanish; and 65 in Russian.

In the fall of 1991 there were 458 students in 20 school districts participating in the Distance Learning Program. The number of students who received instruction in a foreign language is as follows: 206 in Japanese; 73 in Spanish; and 179 in Russian.

OTHER PROGRAMS

In addition to the bilingual instruction programs discussed above, Alaska Native/American Indian students may participate in two other programs which provide services to meet their education needs: the Indian Studies program and the Johnson O'Malley program.

Indian Studies Program

Title V part A Indian Education funds are applied for yearly through the United State Department of Education by school districts to provide Indian Studies services. According to an administrator with the Juneau office of Indian

Studies, there is no office in Alaska which compiles information from all schools participating in this program.

The primary goals of the Indian Studies programs are to: increase pride in culture, heritage and self among Native students; provide middle school and high school students with academic success by providing tutoring and counseling; teach awareness of education and vocation opportunities; promote respect and understanding of Native culture by non-Native students; and teach knowledge and appreciation of their Alaska Native cultures for all district students both Native and non-Native. While the administrator in Juneau is not aware of any Indian Studies programs that formally teach a Native language, there may be some Indian Studies programs which assist students in their Native tongue on a needs basis.

Following is a brief discussion of the Indian studies program in Juneau which may help in understanding the goals of the program. Instructors at the elementary level provide all students with cultural-relevant curriculum which aids students to fully understand, respect and appreciate cultural differences and similarities. Middle school and high school students are assisted by instructors who provide academic tutoring and counseling. Students who are having a difficult time academically are assisted during regular class time. The instructors also provide culturally appropriate curriculum upon request. The high school instructor provides each student with an academic credit plan, homework assistance and assists students on post high school goals. The Indian Studies high school teacher teaches three classes of Alaska Studies and one course on Native American Literature.

Johnson O'Malley Program

Federal funds, under Title V, are also available for the Johnson O'Malley program. The objective of the Johnson O'Malley program is to provide supplemental programs for eligible Indian and Native students. Supplemental programs are those programs designed to meet the specialized and unique educational needs of eligible Indian students which may have resulted from socio-economic conditions of the parents or from cultural or language differences.

Following are some of the types of supplemental programs offered by the Johnson O'Malley program: native culture; pre-school classroom instruction and/or supplies, equipment, nutrition, facilities rental, tuition and transportation; athletics and recreation/survival skills which may be offered in the evenings or during the summer; educational field trips to explore career possibilities; tutoring offered during or after school or in the summer; education aides for the classroom, bilingual, library or evening study; counseling for career exploration, college orientation and for drug and alcohol abuse; leadership skills; collecting and taping legends, history and stories and compiling new letters, annuals and biographies and videotaping village events and conferences for use in schools; and assistance with music, reading and computers.

ATTACHMENT A

Schools Providing Native Language Instruction
1991 - 1992

CORRECTION

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

Representative Lincoln
January 22, 1992
Page 3

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Representative Lincoln
January 22, 1992
Page 4

An administrator with the Johnson O'Malley program in Anchorage identified five communities in which Native language instruction is offered. They are as follows:

Hydaburg: Haida language
Kotzebue: Inupiaq language
Klawock: Tlingit language
Kodiak Native Association: Alutiiq language
Ketchikan Indian Corporation: Tlingit language

I hope this information is useful to you. If we may be of further assistance, please contact this office.

Attachments

ATTACHMENT A

Schools Providing Native Language Instruction
1991 - 1992

State of Alaska
 Bilingual-Bicultural Education Programs
 Schools Providing Native Language Instruction
 1991-1992

DISTRICT	SCHOOL	LANGUAGE
Alaska Gateway S.D.	Northway	Upper Tanana
	Tetlin	Upper Tanana
Aleutian Region S.D.	Atka	Aleut
Anchorage S.D.	Not Available	Not Available
Annette Island S.D.	Metlakatla	Tsimshian
Bering Strait S.D.	Bervig Mission	Inupiaq
	Diomede	Inupiaq
	Elim	Yup'ik
	Gambell	St. Lawrence Is. Yupik
	Golovin	Inupiaq
	Koyuk	Inupiaq
	Savoonga	St. Lawrence Is. Yupik
	Shaktoolik	Inupiaq
	Shishmaref	Inupiaq
	St Michael	Yup'ik
	Stebbins	Yup'ik
	Teller	Inupiaq
	Unalakleet	Inupiaq
	Wales	Inupiaq
White Mountain	Inupiaq	
Chugach S.D.	Chenega Bay	Alutiiq
	Tatitlek	Alutiiq
Galena City Schools	Galena	Koyukon
Iditarod Area S.D.	Anvik	Deg Hit'an
	Grayling	Holikachuk
	Holy Cross	Yup'ik
	Lime Village	Dena'ina
	Nikoli	Upper Kuskokwim
	Shageluk	Deg Hit'an
	Telida	Upper Kuskokwim
Kashunmiut S.D.	Chevak	Cup'ik
Kenai Pen. Bor. S.D.	English Bay	Sugcestun (Alutiiq)
	Port Graham	Sugcestun (Alutiiq)
	Tyonek	Dena'ina

DISTRICT	SCHOOL	LANGUAGE
Kuspuk S.D.	Lower Kalskag	Yup'ik
	Upper Kalskag	Yup'ik
	Aniak	Yup'ik
	Sleetmute	Yup'ik
Lower Kuskokwim S.D.	Atmautluak	Yup'ik
	Bethel	Yup'ik
	Chefornak	Yup'ik
	Eek	Yup'ik
	Goodnews Bay	Yup'ik
	Kasigluk	Yup'ik
	Kipnuk	Yup'ik
	Kongiganak	Yup'ik
	Kwethluk	Yup'ik
	Kwigillingok	Yup'ik
	Mekoryuk	Yup'ik
	Napakiak	Yup'ik
	Napaskiak	Yup'ik
	Newtok	Yup'ik
	Nightmute	Yup'ik
	Nunapitchuk	Yup'ik
	Oscarville	Yup'ik
	Platinum	Yup'ik
	Quinhagak	Yup'ik
	Tuntutuliak	Yup'ik
Toksook Bay	Yup'ik	
Tununak	Yup'ik	
Lower Yukon S.D.	Alakanak	Yup'ik
	Emmonak	Yup'ik
	Hooper Bay	Yup'ik
	Kotlik	Yup'ik
	Marshall	Yup'ik
	Mt. Village	Yup'ik
	Pilot Station	Yup'ik
	Pitka's Point	Yup'ik
	Russian Mission	Yup'ik
	Scammon Bay	Yup'ik
Sheldon Point	Yup'ik	
Nome City Schools	Nome	ˆnupiaq
		St. Lawrence Is. Yupik

DISTRICT	SCHOOL	LANGUAGE
North Slope Bor. S.D.	Barrow	Inupiaq
	Anaktuvuk Pass	Inupiaq
	Atkasuk	Inupiaq
	Kaktovik	Inupiaq
	Nuiqsut	Inupaiq
	Point Hope	Inupiaq
	Point Lay	Inupiaq
	Wainwright	Inupaiq
Northwest Arctic Bor.	Ambler	Inupiaq
	Buckland	Inupiaq
	Deering	Inupiaq
	Kiana	Inupaiq
	Kivalina	Inupiaq
	Kotzebue	Inupiaq
	Kobuk	Inupiaq
	Noatak	Inupiaq
	Noorvik	Inupiaq
	Selawik	Inupiaq
	Shungnak	Inupiaq
Pribilof Islands	St. George	Aleut
	St. Paul	Aleut
Southwest Region S.D.	Aleknagik N. Shore	Yup'ik
	Aleknagik S. Shore	Yup'ik
	Clark's Point	Yup'ik
	Koliganek	Yup'ik
	Manokotak	Yup'ik
	New Stuyahok	Yup'ik
	Togiak	Yup'ik
Twin Hills	Yup'ik	
St. Mary's S.D.	St. Mary's	Yup'ik
Tanana City Schools	Tanana	Koyukon (Tanana?)
Yakutat City Schools	Yakutat	Tlingit

DISTRICT	SCHOOL	LANGUAGE
Yukon Flats S.D	Arctic Village	Gwich'in
	Beaver	Gwich'in
	Birch Creek	Gwich'in
	Chalkyitsik	Gwich'in
	Circle	Gwich'in
	Ft. Yukon	Gwich'in
	Stevens Village	Koyukon
	Venetie	Gwich'in
Yupiit S.D.	Akiachak	Yup'ik
	Akiak	Yup'ik
	Tuluksak	Yup'ik

Elementary School Foreign Language Enrollments 1989-90

DISTRICT/SCHOOL	FRENCH						JAPANESE						SPANISH						RUSSIAN						FLEX
	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	
CELESTIANS EAST BOROUGH Sand Point	18	12	15	16	8	7																			
ANCHORAGE Sand Lake							57																		
Steller													18	21	13	18	2								
FAIRBANKS Nordale Elementary																								60	
North Pole Elem.															10	3	3								
Pearl Creek Elem.													3	12	12	11	5								
Weller Elementary									107																
Woodriver Elementary													22	22	22	22	22								
IDITAROD AREA SCHOOL Blackwell School																								5	
JUNEAU Gastineau Elementary							71	71	60	61	42														
Harborview Elem.																								585*	
KENAI Mt. View Elementary			3	5	6															5	5	5	3		
Nikiski Elementary											17														
Nikolaevsk Elem.													19	12	14	12	11	11							
Razdolna Elementary													7		3	3	6	4							
KODIAK Chiniak Elementary																									
KUSPUK Aniak Elementary																									
LAKE & PENINSULA Newhalen School													2												

Elementary School Foreign Language Enrollments 1989-90

DISTRICT/SCHOOL	FRENCH						JAPANESE						SPANISH						RUSSIAN						FLEX
	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	
MAI-SU Finger Lake														25		30	5	51							
SITKA Verstovia Elementary				2																					
TANANA Tanana City													6	6	6	6									
TOTALS	18	12	18	23	14	7	128	71	60	168	42	17	77	98	80	105	54	66			5	5	5	3	650

*Students in this FLEX program study Japanese language & culture

Elementary School Enrollments:

French = 92
 Japanese = 486
 Spanish = 480
 Russian = 18
 FLEX = 650
 Total = 1,726

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CORRECTION

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Elementary School Foreign Language Enrollments 1989-90

STRICT/SCHOOL	FRENCH						JAPANESE						SPANISH						RUSSIAN						FLEX
	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	
CECILIANS EAST BOROUGH Sand Point	18	12	15	16	8	7																			
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Razdolna Elementary													7		3	3	6	4							
KODIAK Chiniak Elementary																									
KUSPUK Aniak Elementary																									
LAKE & PENINSULA Newhalen School													2												