

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7824 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

February 20, 1994

University of Alaska
Coalition of Student Leaders

OFFICIAL POSITION

Regarding

Student Loan Reform

The Coalition of Student Leaders of the University of Alaska accepts the recommendations of the Alaska Commission on Postsecondary Education as its official position, except for the following modifications:

1. That in the first recommendation, we believe that the interest rates for student loans should never exceed eight percent; and
2. That in recommendations four and five, provisions should be included so that debtors in default can make appeals for exceptions to these proposed measures.

For further information, contact:

Scott Otterbacher, Student Regent & Coalition Spokesperson, 373-4628, Fax 373-7363;
Brian Brubaker, Coordinator, 474-5214;
or Pat Ivey, System Governance, 474-7323, Fax 474-5131

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

BOX 110505
JUNEAU, ALASKA 99811-0505
PHONE: (907) 465-2562MEMORANDUM

TO: MEMBERS OF THE COMMISSION

FROM: JOE L. MCCORMICK
EXECUTIVE DIRECTOR *Joe L. McCormick*

SUBJECT: AN ACT RELATING TO TERMS AND CONDITIONS OF THE ALASKA STUDENT LOAN PROGRAM

DATE: FEBRUARY 8, 1994

The following is a synopsis of the legislative recommendations, resulting from this morning's work session teleconference. These recommendations will be formally forwarded to our legislative members, Senator Phillips and Representative Bunde, effective Thursday, February 10th, for submission to the legislative drafters.

- 1) Variable Interest Rate. Recommend that AS 14.43.120 (?) be amended so that the annual rate of interest on Alaska Student Loans will be set each year by adding to the true interest rate for that year's tax exempt bonds an additional percentage designed to cover the administrative costs of the program. Included in the amendment should be language mandating that the Commission insure that the effective borrower interest rate be as low as possible without threatening their ability to properly service loans.
- 2) Restricted Loan Eligibility After a Write-off. Recommend that AS 14.43 be amended so that a loan applicant would be considered ineligible to receive a new Alaska Student Loan for no less than five (5) years subsequent to having any portion of a prior Alaska Student Loan discharged or written-off for any reason.
- 3) Wage Garnishment. Recommend that AS 14.43 be amended to include a section authorizing income withholding for borrowers in default on their Alaska Student Loan. The effect of this amendment would be that any judgment or court order regarding a defaulted borrower must contain an income withholding order.
- 4) Denial of State License Renewals. Recommend that AS 14.43 and AS 08.01 be amended so that borrowers in default on their Alaska Student Loans would be ineligible to renew an existing license to do business or practice an occupation in Alaska until the Department of Commerce is notified by the Commission that the applicant's loan account has been brought current.
- 5) Denial of State Warrants. Recommend that no State warrant shall be issued to a borrower who is in default on an Alaska Student Loan. Any and all warrants resulting from business done with the State would be withheld until the affected department is notified by the Commission that the applicant's loan account has been brought current.
- 6) Refinancing Alaska Student Loans. Recommend that AS 14.43 be amended so that the Commission could offer borrowers the option to collapse variable term loans into a single loan. The interest rate on the refinanced loan would be the weighted average of all loans included. A married couple may consolidate their individual loans if they agree to be held jointly and separately liable for repayment of

Page 2

the refinanced loan regardless of the amount of their previously individual debts, and in spite of any future change in their marital status. The loan is not dischargeable in the event that one spouse dies.

7) Expand Family Education Loan Eligibility. Recommend that AS 14.43.750 and AS 14.43.740 be amended to remove the dependency requirement which would allow one family member to borrow on behalf of another member of their immediate family, and to clarify that it is the borrower only who must meet the Alaska residency requirement.

This will be the Commission's final review of these recommendations prior to transmittal to our legislative members. If you have any comments or concerns that must be dealt with prior to transmittal, contact me before noon tomorrow, Wednesday, February 9th, 1994.

Again, your attention and speedy responses during this process have been truly appreciated and I look forward to a successful legislative session. We should be proud of the steps we're taking to strengthen and secure this valuable state program.

cc: Alaska Student Loan Corporation

Alaska University and College Student Leaders 1993-1994

University of Alaska
System Governance

Updated January 10, 1994

Coalition of Student Leaders (The Net)

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Alaska University and College Student Leaders 1993-1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 507

Revision Date: 2/25/94
 Title: An Act relating to licensure by the
State Medical Board....
 Sponsor: House HES
 Requestor: House HES

Department: Commerce and Economic Dev.
 BRU: Occupational Licensing
 Component: Operations
 COMPONENT SERIAL NO. 1844

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.5					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.5	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	2.5					
1006 GF/MHTIA						
Other						
TOTAL	2.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 94) cost: \$ None

POSITIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

The bill provides for a designee of the State Medical Board to interview an applicant for licensure and expands the purpose of a medical temporary permit. -The bill also creates a locum tenens permit for nonresident optometrists. The bill calls for the State Medical Board and the Board of Examiners in Optometry to adopt regulations to define new phrases. The expenditures shown above are the estimated costs of the regulations projects and additional printing costs when the regulations become effective.

Prepared by: JoAnne Cummings, Regulations Specialist
 Division: Occupational Licensing
 Approved by Commissioner: Paul Fuhs
 Agency: Commerce and Economic Development

Phone: 465-2537
 Date: 2/25/94
 Date: 2-28-94

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Alaska State Legislature
House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

DATE: 3/1/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:
 * HB 507: LICENSING OF OPTOMETRISTS & PHYSICIANS
 * HB 472: REFERRALS INVOLVING DENTAL SERVICES
 * HB 324: EXTEND BOARD OF DENTAL EXAMINERS
 * INDICATES FIRST PUBLIC HEARING

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Jon Lehmann, MD	A.S.M.A.	700 KATLIAN "E" - SITE A	99535		747-5861	(Y) N	# 507
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

LTN1100-R01
03/05/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01
18:19:38

TCN: 40407 DATE & TIME: 03/01/94 15:00 TO 17:00 STATUS:7 STATS. IN

**** ORDER SUMMARY ****

SPONSOR: HHS HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: T. OREY
PURPOSE: PUB PUBLIC HEARING LEGISLATIVE BUNDE
CONTACT: LYNNE SMITH TEL#: (907)465-6825
CHAIRING SITE: JUNEAU CAPITOL CAP106

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 8 MINUTE LIMIT
TCN REQUESTED ON 03/01/94 AND HAS 3 UPDATES

**** AGENDA ****

- 1 HB 507 LICENSING OF OPTOMETRISTS AND PHYSICIANS
- 2 HB 472 REFERRALS INVOLVING DENTAL SERVICES
- 3 HB 361 APPROP: EDUCATION FUNDING FOR FY 95

**** PARTICIPATING LIOS ****

* JNU JUNEAU CAPITOL CAP106 LOCATION STAFF

**** VOLUNTEER & OFFNET SITES ****

PSC WRG WRANGELL LTC	LONGSHOREMEN'S	MABEL FENNIMORE	(907)874-3013
ZZZ OF1 OFFNET 1	ANCHORAGE	DR. MCGUIRE	(907)562-4142
777 OF2 OFFNET 2	SOLDOTNA	DAN PITTS	(907)262-4989
ZZZ OF3 OFFNET 3	TANANA	RON DELAY	(907)366-7208

PARTICIPANTS IN: JUNEAU

JNU

1	TO	OBSERVE	OSV.	ALL	ITEMS
2	TO	OBSERVE	OSV.	ALL	ITEMS
3	TO	OBSERVE	OSV.	ALL	ITEMS
4	TO	OBSERVE	OSV.	ALL	ITEMS
5	TO	OBSERVE	OSV.	ALL	ITEMS
6	TO	OBSERVE	OSV.	ALL	ITEMS
7	TO	OBSERVE	OSV.	ALL	ITEMS
8	TO	OBSERVE	OSV.	ALL	ITEMS
9	TO	OBSERVE	OSV.	ALL	ITEMS
10	TO	OBSERVE	OSV.	ALL	ITEMS
11	TO	OBSERVE	OSV.	ALL	ITEMS
12	TO	OBSERVE	OSV.	ALL	ITEMS
13	TO	OBSERVE	OSV.	ALL	ITEMS
14	TO	OBSERVE	OSV.	ALL	ITEMS
15	TO	OBSERVE	OSV.	ALL	ITEMS
16	TO	OBSERVE	OSV.	ALL	ITEMS
17	TO	OBSERVE	OSV.	ALL	ITEMS
18	TO	OBSERVE	OSV.	ALL	ITEMS
19	TO	OBSERVE	OSV.	ALL	ITEMS
20	TO	TESTIFY	TSFY.	ALL	ITEMS
21	TO	TESTIFY	TSFY.	ALL	ITEMS
22	TO	TESTIFY	TSFY.	ALL	ITEMS
23	TO	TESTIFY	TSFY.	ALL	ITEMS
24	TO	TESTIFY	TSFY.	ALL	ITEMS
25	TO	TESTIFY	TSFY.	ALL	ITEMS
26	TO	TESTIFY	TSFY.	ALL	ITEMS
27	TO	TESTIFY	TSFY.	ALL	ITEMS
28	TO	TESTIFY	TSFY.	ALL	ITEMS
29	TO	TESTIFY	TSFY.	ALL	ITEMS

LTN1100-R01
03/05/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 02
18:19:38

TCN: 40407 DATE & TIME: 03/01/94 15:00 TO 17:00 STATUS:7 STATS. IN

PARTICIPANTS IN: JUNEAU

JNU

30	TO	TESTIFY	TSFY.	ALL	ITEMS
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PARTICIPANTS IN: PETERSBURG

PSG

1	DR.	ROY, A.	BOX, OD	EYEWARECENTRAL	TSFY. HB 507
		16185 LENA LOANK RD	JUNEAU	AK 99801	(907)789-3175

PARTICIPANTS IN: WRANGELL LTD

PSG WRG

1	TO	TESTIFY	TSFY.	ALL	ITEMS
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PARTICIPANTS IN: OFFNET 1

ZZZ OF1

1	DR.	9	MCGUIRE	AK	TSFY. HB 507 (907)000-0000
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PARTICIPANTS IN: OFFNET 3

ZZZ OF3

1	RICH	DELAY	AK	OSV. HB 507 (907)000-0000
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PARTICIPANTS IN: OFFNET 4

ZZZ OF4

1	TO	TESTIFY	AK	TSFY. ALL ITEMS (907)000-0000
2	TO	OBSERVE		OSV. ALL ITEMS

H/HESS ROLL CALL FORM

BILL HB 507

DATE 3/1/94

TAPE 94-32

NUMBER 987

SUBJECT OF VOTE to AMEND HB 507, SECTION 1, LINES
to CHANGE THE WORD) SHALL TO MAY.

MEMBER	YEA	NAY	ABS
Rep. Cynthia Toohy	✓	—	—
Rep. Con Bunde	—	✓	—
Rep. Gary Davis	—	—	— NOT PRESENT
Rep. Al Vezey	✓	—	—
Rep. Pete Kott	—	✓	—
Rep. Harley Olberg	✓	—	—
Rep. Bettye Davis	—	—	— EXCLUDED
Rep. Irene Nicholia	✓	—	—
Rep. Tom Brice	✓	—	—
TOTAL	<u>5</u>	<u>2</u>	—

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BILL HB 507

DATE 3/1/94

TAPE 94-32

NUMBER 125

SUBJECT OF VOTE ~~MINIMUM~~ to AMEND HB 507, SECTION 1
line 1, by DELETING THE WORDS IN PERSON.

MEMBER	YEA	NAY	ABS
Rep. Con Bunde	—	✓	—
Rep. Gary Davis	—	—	—
Rep. Al Vezey	✓	—	—
Rep. Pete Kott	—	✓	—
Rep. Harley Olberg	✓	—	—
Rep. Bettye Davis	—	—	—
Rep. Irene Nicholia	—	✓	—
Rep. Tom Brice	—	✓	—
Rep. Cynthia Toohy	✓	—	—
TOTAL	<u>3</u>	<u>4</u>	—

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

STATE CAPITOL, JUNEAU 99801
(907) 465-3759



HB 507

An Act relating to licensure by the State Medical Board and temporary permits for certain optometrists.

This bill was introduced by the House HESS Committee by the request of the State Medical Board and the Alaska Optometric Association.

Section 1 addresses the concerns of the State Medical Board for interviewing applicants for licensure in person. They would like it to be expanded to "the board or its designated representative". This would lessen the cost in time, money, and inconvenience for applicants who wish to practice medicine in the state.

Section 2 deals with granting a temporary permit for locum tenens for the purpose of providing temporary medical coverage for an underserved area as approved by the board.

Under current statute, locum tenens permits may only be issued to physicians who are substituting for an absent physician. With this change, a temporary permit may be issued to a physician who will be practicing in an area that does not have a regular, resident physician.

In Section 3 of this bill, a locum tenens permit may be issued to a nonresident optometrist for the purpose of assisting or substituting for an optometrist licensed under AS 08.72.

Alaska has a lot of solo practitioners in remote and semi-remote areas of the State. If the practitioner becomes injured, seriously ill or must leave temporarily, he presently must close down his clinic. This can bring a hardship to his patients, especially if the time away extends to several months.

Also, outside specialists in subnormal vision, visual therapy, etc, can be scheduled to assist local doctors where specialty care does not now exist.

I urge your favorable consideration of this legislation.

SPONSOR STATEMENT

Proposed revision to statute from a previous Board meeting:

PROPOSED REVISIONS TO STATUTES

New Agenda Item: Reword AS 08.64.255 Interview Required

Current Wording:

All applicants for licensure must be interviewed in person by at least one member of the board before a license will be issued.

Proposed Wording:

All applicants for licensure must be interviewed in person by at least one member of the board or its designated representative before a license will be issued.

Rationale:

Given the large geographical area of the state and the considerable expense involved in travelling this great expanse, this statute as currently worded often places an onerous burden on the applicant for licensure.

By inserting the words "... or its designated representative" interviews may be conducted by actively licensed physicians who have been previously approved by the Board. This will lessen the cost in time, money, and inconvenience for applicants who wish to practice medicine in the state.

1479M

**** D R A F T ****

Agenda Item 14: Reword Sec. 08.64.275(a)
"Temporary permit for locum tenens practice.

Current Wording:

A member of the board or its executive secretary may grant a temporary permit to a physician or osteopath for the purpose of substituting for another physician or osteopath licensed in this state.

Proposed Wording:

A member of the board or its executive secretary may grant a temporary permit to a physician or osteopath for the purpose of substituting for another physician or osteopath licensed in this state or for the purpose of providing temporary medical coverage for an underserved area as approved by the board.

Rationale:

Many remote Alaskan communities do not have medical services available to them within the community. In many cases, there has never been a physician located in these areas. To provide periodic medical services, the Board wishes to amend this section of the statute to allow locum tenens physicians to practice for limited periods of time (locum tenens licenses are 60-day permits) in remote, underserved areas with the knowledge, scrutiny, and approval of the Board.

Under the current wording, locum tenens permits may only be issued to physicians who are substituting for an absent physician. With the revised wording, a temporary permit may be issued to a physician who will be practicing in an area that does not have a regular, resident physician.

The licensing approval process is not quite as rigorous for a locum tenens as it is for a full licensure; however, the essential elements of the individual's record are required the same as for full licensure and are carefully scrutinized. These elements include proof of education, residency or internship, FSMB approval, and at least one verification from another state where the physician is licensed.

1466M

PROPOSED:

Sec. 08.xxxxx Temporary permit for locum tenens practice.

(a) A member of the board of examiners in Optometry may grant a temporary permit to an optometrist for the purpose of assisting or substituting for another optometrist licensed in this state. The office employing a Locum Optometrist must be an established practice, and the Locum employed by a resident Alaska licensed optometrist who owns and practices full time in that practice. The permit is valid for sixty (60) consecutive days. If circumstances warrant, an extension of the permit may be granted by the board.

(b) A Locum Optometrist applying under (a) of this section shall pay the required fee and shall meet the requirements of AS 08.72-140. In addition, the optometrist shall submit evidence of holding a license to practice optometry in a state or territory of the United States or in a province or territory of Canada.

(c) Within ten (10) days after the permit has been granted, the board member shall forward to the department a report of the issuance of the permit.

(d) Permits and extensions of permits issued under this section to an individual are not valid for more than 240 (two hundred forty) consecutive days during any consecutive 12 (twelve) months.

RATIONALE:

Alaska has a lot of solo practitioners in remote and semi-remote areas of the State. If the practitioner becomes injured, seriously ill or must leave temporarily, he presently must close down his clinic. This can bring a hardship to his patients.

Also, outside specialists in subnormal vision, visual therapy etc. can be scheduled to assist local doctors where specialty care does not now exist.

The Locum Tenens statute would allow a temporary permit be issued to a nonresident optometrist for the purpose of assisting or substituting for an optometrist licensed under this chapter.

Sec. 08.72.115. Malpractice insurance. [Repealed, § 40 ch 117 SLA 1978.]

Sec. 08.72.120. Registration. [Repealed § 9 ch 50 SLA 1988.]

Sec. 08.72.125. Licensing of branch offices. (a) The board shall license each branch office of an Alaskan licensee.

(b) A person may not practice, or attempt or offer to practice, optometry without obtaining a license for each branch office from the board.

(c) The board shall prescribe in the regulations the factors to be considered in issuing a branch office license. (§ 2 ch 76 SLA 1969; am § 9 ch 75 SLA 1980; am § 12 ch 37 SLA 1986; am § 4 ch 50 SLA 1988)

Effect of amendments. — The 1988 amendment, effective May 26, 1988, substituted "Licensing" for "Registration" in the catchline, rewrote subsection (a), which read "The board shall issue a branch office certificate of registration to an Alaskan licensee," and substituted

"without obtaining a license for each branch office" for "in communities on a part-time basis without obtaining a branch office certificate of registration" in subsection (b) and "license" for "certificate of registration" in subsection (c).

Sec. 08.72.130. Optometry register. [Repealed, § 13 ch 37 SLA 1986.]

Sec. 08.72.140. Qualifications for examination. The board shall admit to the examination a person who furnishes proof that the person

(1) has a visual acuity of a standard of at least 20/40 in at least one eye as corrected;

(2) is not afflicted with a contagious or infectious disease;

(3) has had education equivalent to four years attendance at a state high school;

(4) is a graduate of a recognized school or college of optometry. (§ 35-3-141 ACLA 1949; am § 1 ch 95 SLA 1966; am §§ 3 — 5 ch 76 SLA 1969; am §§ 10, 23 ch 75 SLA 1980)

Sec. 08.72.150. Application for examination and issuance of license. An applicant shall apply for the examination by filing an application with the department together with the examination fee at least 15 days before the examination. Upon successful completion of the examination by the applicant and payment of the license fee, the board shall issue a license to the successful applicant. The applicant may practice optometry in the state upon receipt of the license. (§ 35-3-141 ACLA 1949; am § 6 ch 76 SLA 1969; am § 5 ch 50 SLA 1988)

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HOUSE COMMITTEE REPORT

(9)

Date Referred: March 9, 1994

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 4/6/94

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HR 521

HOUSE BILL NO. 521

JUDICIAL REVIEW:TEACHER TENURE DECISIONS

"An Act relating to judicial review of decisions of school boards relating to nonretention or dismissal of teachers."

RECOMMENDATIONS:

be replaced with _____ the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note Education

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
		<i>[Signature]</i>		<input checked="" type="checkbox"/>	

[Signature]
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 521

Revision Date: _____

Department Affected: Department of Education

Title: Judicial Review: Teacher Tenure Decisions

BRU: Executive Administration

Component: Commissioner's Office

Sponsor: House State Affairs Committee

Requestor: House State Affairs Committee

COMPONENT SERIAL NO. _____
185

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

This legislation will have no fiscal impact on the Department of Education. However, passage of HB 521 may result in considerable savings to the local school districts.

Prepared by: Sheila Peterson
Division: Commissioner's Office

Phone: 465-2803
Date: March 15, 1994

Approved by Commissioner: _____
Agency: Education

Jerry Covey
Date: March 15, 1994

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Alaska State Legislature
 House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

DATE: 4/16/94

PLACE: Capitol Room 106

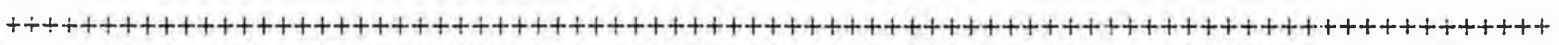
SUBJECT OF MEETING:
 SB 160: MEMORIAL SCHOLARSHIP LOANS
 SB 266: DIRECT-ENTRY MIDWIVES / BOARD / PRACTICES
BILLS HELD OVER
 HB 521: JUDICIAL REVIEW: TEACHER TENURE DECISIONS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Auge Kanne	Certified Direct-Entry	740 5th St Apt 3 Juneau, AK	99801	463-3797		(Y) N	SB 266
Terry Ahness Taylor	Sen Taylor	State Capitol		6550 →		(Y) N	SB 160
Diane Barrans	Podiatric	3030 Vintage		6743		Y N	SB 160 Available for Query
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

H/HESS ROLL CALL FORM

BILL HB 521 DATE 4/10/94
 TAPE 94-124 NUMBER 082
 SUBJECT OF VOTE TO PASS HB 521 OUT OF COMMITTEE
WITH INDIVIDUAL RECOMMENDATION

MEMBER	YEA	NAY	ABS
Rep. Cynthia Toohey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Con Bunde	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Al Vezey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Pete Kott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Harley Olberg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bettye Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Irene Nicholia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Brice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL	<u>6</u>	<u>1</u>	<u> </u>



BILL _____ DATE _____
 TAPE 94- NUMBER _____
 SUBJECT OF VOTE _____

MEMBER	YEA	NAY	ABS
Rep. Con Bunde	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Al Vezey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Pete Kott	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Harley Olberg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bettye Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Irene Nicholia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Brice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Cynthia Toohey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL	<u> </u>	<u> </u>	<u> </u>

**FAX****TO:** Representative Cynthia Jookey
HB 521**DATE:** 3-30-94**FAX #:** 907-349-6722**FROM:** Alicia Newman**PAGES:** 1

1710 Commodore Drive

Anchorage, AK. 99507

I am writing to ask you to oppose HB 521. If all school administrators followed existing state regulations in observations, evaluations would be adequately documented and hearings on terminations would be fair and impartial. Ex novo trials are only used by people who were not given a full or impartial hearing.

Sincerely

Alicia Newman



Alaska State Legislature

House of Representatives

COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

DATE: 3/22/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:
 *HB 533: ALLOWABLE EXPENDITURE FOR SCHOOL FUNDING
 *HB 521: JUDICIAL REVIEW: TEACHER TENURE DECISIONS
 *HR 54: SUPPORT MEDICAL SAVINGS ACCOUNT LEGISLATION
 - BILLS HELD OVER -
 HB 412: COMMUNITY CARE FACILITIES
 # INDICATES FIRST PUBLIC HEARING

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
PAT O'BRIEN	NSS				465-2145	(Y) N	HB 412 Answer Questions
DUANE GUILLEY	DOE	801 WEST 10TH ST STE 201	99801		465-2897	Y N	HB 533 AVAILABLE TO ANSWER QUESTIONS
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	



Alaska State Legislature

House of Representatives

COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

SUBJECT OF MEETING:

DATE:

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
CLAUDIA DOUGLAS	NEA-ALASKA	114 Second JUNEAU	99801		586-3090	<input checked="" type="radio"/>	N	HB 521
CARL ROSE	AASB	316 W 11th JUNEAU	99801		61083	<input checked="" type="radio"/>	N	HB 521
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

4 REP	T	BRICE	AK	(907)000-0000
				TSFY, ALL ITEMS
5 REP	G	DAVIS	AK	(907)000-0000
				TSFY, ALL ITEMS
6 REP	A	VEEVE	AK	(907)000-0000
				TSFY, ALL ITEMS
7 REP	L	NICHOLIA	AK	(907)000-0000
				TSFY, ALL ITEMS
8	TO	OBSERVE	AK	(907)000-0000
				OBSV, ALL ITEMS
9	TO	OBSERVE		OBSV, ALL ITEMS
10	TO	OBSERVE		OBSV, ALL ITEMS
11	TO	OBSERVE		OBSV, ALL ITEMS
12	TO	OBSERVE		OBSV, ALL ITEMS
13	TO	OBSERVE		OBSV, ALL ITEMS
14	TO	OBSERVE		OBSV, ALL ITEMS
15	TO	OBSERVE		OBSV, ALL ITEMS
16	TO	TESTIFY		TSFY, ALL ITEMS
17	TO	TESTIFY		TSFY, ALL ITEMS

PARTICIPANTS IN: SITKA
 1 OR. JUNO HOLST SIT SITKA SCH. DIST TSFY, HB 521

LTN: 100-905 LEGISLATIVE TELECONFERENCE NETWORK PAGE 02
 04/10/94 17:07:26
 TON: 49564 DATE & TIME: 03/22/94 15:45 TO 17:00 STATUS: 7 STATE: IN

PARTICIPANTS IN: SITKA SIT
 BOX 179 SITKA AK 99835 (907)747-3602

PARTICIPANTS IN: KEN/SOL SOL
 1 OR. RICHARD DWARNEE KPSD TSFY, HB 521
 144 R. BIRLEY COLETONA AK 99669 (907)262-5843
 2 OR. JAMES SIBERTON KENAI TSFY, HB 521
 811 ALKE ST. #5 AK 99611 (907)233-4360

PARTICIPANTS IN: OFFNET 1 ZZZ O/S
 1 OR. LEHMAN AK TSFY, ALL ITEMS
 (907)000-0000

1171100-001
03/10/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 06
17:07:26

TEL: 90564 DATE & TIME: 03/21/94 15:45 TO 17:00 STATUS:7 STAGE: IN

*** ORDER SUMMARY ***

SPONSOR: HHS HOUSE HEALTH, EDUCATION AND SOCIAL SERVL CHAIRS: TOOHEY
PURPOSE: PUB PUBLIC HEARING LEGISLATIVE BURDE
CONTACT: LYNDI TEL#: (907)465-6825
TRAINING SITE: JUNEAU CAPITOL CAP106

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 3 MINUTE LIMIT
TESTIMONY WILL BE TAKEN WITH A 3 MINUTE LIMIT.
OCN REQUESTED ON 03/22/94 AND HAS 3 UPDATES

*** AGENDA ***

1 HR 521 JUDICIAL REVIEW:TEACHER TENURE DECISIONS

*** PARTICIPATING LIOS ***

BAR BARRON	COURTHOUSE #305	LOCATION STAFF
* JRU JUNEAU	CAPITOL CAP106	LOCATION STAFF
SIF SITKA	210 LAKE STREET	LOCATION STAFF
SOL KEN/SOL	34824 KALIFONSKY	LOCATION STAFF

*** VOLUNTEER & OFFERET LIES ***

ZZZ OF1 DEHBT 1 ANCHORAGE LARRY WIGGITS (907)269-2255

PARTICIPANTS IN: BARRON

1 NR. TOM	EVERITT	BAR	NORTH SLOPE B.S.D TSEY, HR 521
BOX 169		BARRON	AK 99723 (907)952-5311

PARTICIPANTS IN: JUNEAU

1 REP C	BURDE	JRU	TSEY, ALL ITEMS
			AK (907)000-0000
2 REP C	TOOHEY		TSEY, ALL ITEMS
			AK (907)000-0000
3 REP H	OLBERG		TSEY, ALL ITEMS

KENAI PENINSULA BOROUGH SCHOOL DISTRICT



148 North Binkley Street • Soldotna, AK 99669-7595 • Phone 907/262-5846 • Fax 907/262-9645

March 22, 1994

Rep. Con Bunde
Room 112C, Capitol
P. O. Box V
Juneau, AK 99811

Dear Rep. Bunde:

The Kenai Peninsula Borough School District would like to go on record in support of HB521.

We just recently went through the a de novo trial for the non-retention of a tenure teacher and the district's legal costs were \$74,000. This is an exorbitant, but normal, price to pay for an employee who's performance is not satisfactory. If HB521 had been in place, our legal fees for the judicial review would have been \$20,000 to \$25,000 instead of \$74,000.

Money is tight in this district and I can assure you an extra \$50,000 has significant meaning. I view HB521 as a cost containment measure while at the same time preserving the employee's right to due process.

While we like to avoid legal fees as much as possible, and have a good track record over the years, when it does become necessary, we believe it should be done in the most cost effective way.

Not only do we have the cost of legal fees, but we also have the cost of administrative time in preparing for and participating in a de novo trial. Attached is a letter from our personnel director, Sharon Radtke, to Carl Rose that explains in more detail the problems involved.

Again, we strongly urge you to pass HB521.

Sincerely,

Richard Swarner
Executive Director
Business Management



NEA-ALASKA

Affiliated with the National Education Association

NEA-Alaska Position Paper

NEA-Alaska opposes HB 521, "An Act relating to Judicial review of decisions..."

If enacted, HB 521 would end the right of a dismissed, tenured, teacher to obtain a *trial de novo*, or new trial, before a Superior Court judge. Instead, the teacher's right of appeal would be limited to asking the judge to consider whether the school board abused its discretion when it took the dismissal action. Furthermore, new evidence, not considered by the school board, could be presented to the court. The teacher's right to ask for a jury, already questioned, would clearly be lost if HB 521 becomes law.

Alaska law giving tenured teachers the right to *trial de novo* in the Superior Court has a long history. In 1975, the Supreme Court found that the right to *trial de novo* was supported by strong policy reasons. For example, the Court stated: "It is well known that the composition of many school boards is not such as to endow them with fact-finding expertise in matters of teacher nonretention." In 1977, in another case, the Court observed: "There is no question that a judicial body, often further removed from the political pressures involved in a teacher nonretention dispute, will provide more objective perspective of the proceedings." Last fall, the Supreme Court called the right to a *de novo* trial "an additional protection" for tenured teachers.

HB 521 would upset this history. it would require judges to treat school board decisions to dismiss tenured teachers in the same manner as judges treat decisions of such neutral, expert, agencies as the Workers Compensation Board, the Professional Teaching Practices Commission, the Board of Fisheries and the Board of Game.

Those agencies are specialized bodies which have the "fact-finding expertise" which the Supreme Court says school boards lack in matters of teacher non-retention. And those agencies are neutral adjudicators--not employers of the very people whose rights they affect! Finally, getting a fair hearing from school boards is nearly impossible because school boards often "rubber stamp" the recommendation of administrators and so make the school board's hearing perfunctory at best.

HB 521 is another example of regressive legislation designed to weaken the rights of working people in Alaska.

State of Alaska

Rep. Al Vezey
Chairman
Rep. Pete Kott
Vice Chairman
Rep. Bettye Davis
Rep. Gary Davis
Rep. Harley Olberg
Rep. Jerry Sanders
Rep. Fran Ulmer



House State Affairs Committee

Session
Rm. 102
State Capitol
Juneau, AK 99801
(907) 465-3719

Interim
119 N. Cushman St.
Suite 211
Fairbanks, AK 99701
(907) 456-5081

March 14, 1994

SPONSOR STATEMENT: HB 521

"An Act relating to judicial review of decisions of school boards relating to nonretention or dismissal of teachers."

This bill eliminates the requirement for a De Novo trial for appeals of school board decisions. The record that is built during the administrative hearing can be used as part of the record for the appeal to the superior court.

This bill clarifies that appeals from board decisions will be treated as an appeal from a decision of an administrative agency under the Administrative Procedure Act.

This bill also establishes that a non-tenured teacher is not entitled to appeal a board decision to the courts.



Fairbanks North Star Borough School District

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

P.O. Box 71250 Fairbanks, Alaska 99707-1250 (907) 452-2000

Board of Education

March 1, 1994

Jerry McBeath
President
Seat C
479-2870

The Honorable Al Vezey
Alaska House of Representatives
State Capitol, MS 3100
Juneau, Alaska 99801-1182

Sue Wilken
Vice President
Seat A
474-0341

Dear Representative Vezey:

I was sorry that I missed meeting with you on a recent trip to Juneau.

Jane Hough
Treasurer
Seat D
457-7834

The Board's major concerns this legislative session are:

Joy Cook
Clerk
Seat B
488-0488

Changes to Tenure - HB84 - The grants for school improvement and extending tenure from two to four years is acceptable. However, the rest of the bill regarding tenure review boards, the make-up and duties of such boards, etc., is not acceptable. Our statutes protecting teachers as public employees have diluted our negotiating power at the local level. Please, let us set up the parameters. Many districts have very good evaluation processes, the biggest deterrent is time. Keep it simple, just extend the time.

Andy Warwick
Member
Seat F
474-9148

Open Meetings Act - Please define a meeting, allow at least two people to talk. Every time two Board members attend a school open house, we are in violation or at least the public sees it that way. It impedes the process of good local government.

Bob Boko
Member
Seat G
474-9081

De Novo Trial - \$ - Funding

Bill Burrows
Member
Seat E
451-0985

Full-Funding For Education

Steven Boyce, Lt. Col.
Eielson Air Force Base
Representative
372-3921

Thank you for allowing me to share the Board's concerns with you.

Dave Melcher, Lt. Col.
Fort Wainwright Army Post
Representative
356-2150

Sincerely yours,

Sue Wilken, President
Board of Education

Arrie Symmes
Student Representative
456-8551

SW/plh
cc: Board of Education
Superintendent

NORTH SLOPE BOROUGH SCHOOL DISTRICT

Box 169 • Barrow, Alaska 99723 • (907) 852-5311 • FAX (907) 852-5984

Patsy Aamodi, Superintendent

Nunamiut Wolves
Nunamiut School
P.O. Box 21029
Anaktuvuk Pass,
Alaska 99721
(907) 661-3226
FAX (907) 661-3402

Atkasuk Eagles
Moada River School
Atkasuk, Alaska 99791
(907) 633-6315
FAX (907) 633-6215

Barrow Whalers
Barrow High School
P.O. Box 8950
Barrow, Alaska 99723
(907) 852-8950
FAX (907) 852-8969

HMS WOLVES
Eben Hodson Sr.
Memorial Middle School
P.O. Box 3880
Barrow, Alaska 99723
(907) 852-3880
FAX (907) 852-7794

Arctic Fox
Frod Ipalook
Elementary School
P.O. Box 450
Barrow, Alaska 99723
(907) 852-4711
FAX (907) 852-4713

Kavealook Rams
Harold Kavealook School
P.O. Box 10
Kaktovik, Alaska 99747
(907) 640-6628
FAX (907) 640-6718

Nulqsut Trappers
Trapper School
Nulqsut, Alaska 99789
(907) 480-6712
FAX (907) 480-6621

Tikigaq Harpooners
Tikigaq School
P.O. Box 148
Point Hope, Alaska 99766
(907) 368-2662 or 368-2663
FAX (907) 368-2770

Cully Qavvika
Cully School
Point Lay, Alaska 99759
(907) 833-2311
FAX (907) 833-2315

Alak Huskies
Alak School
P.O. Box 10
Wainwright, Alaska 99792
(907) 763-2541
FAX (907) 763-2550



March 17, 1994

Carl Rose
Alaska Association of School Boards
316 W. 11th St.
Juneau, AK 99801-1510

Dear Carl,

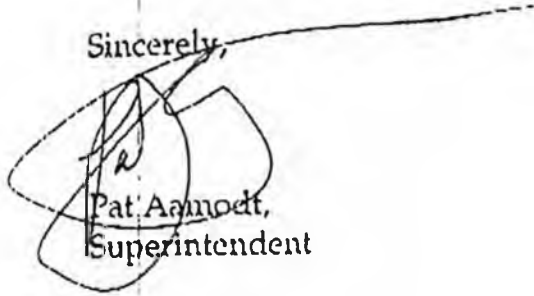
The North Slope Borough School District is opposed to the "de novo" trial because of the seemingly unnecessary expenditure of funds for legal fees that instead could be used to educate our children. We have two clear examples that illustrate the high cost of going to trial after the Board has heard the termination hearing on a tenured teacher. Consider these recent examples:

Example #1: A tenured teacher was terminated for striking a child. The teacher requested a hearing. The Board hired our attorneys and a hearing officer for the hearing. This was expensive, but little compared to the \$126,000 in additional legal fees the District spent for the "de novo" trial. This money could have purchased staff and supplies that would have helped educate our children instead of enriching our attorneys.

Example #2: A tenured teacher was terminated for incompetence. As in the previous example the teacher requested and received a hearing. The legal fees for our attorneys and the hearing officer were substantial. The preparation for the trial and settlement negotiations involved another \$29,000 in legal fees. In addition our insurance company paid the ex-teacher \$59,500 as a settlement to avoid the legal expenses of a trial. Total legal fees and settlement cost subsequent to the board hearing for this example, which did not even go to trial, were over \$88,500. This is almost prohibitively expensive.

We oppose the "de novo" trial because of the tremendous legal expenses involved, as shown in the above two examples.

Sincerely,

A handwritten signature in black ink, appearing to be "Pat Aamodt", is written over a circular stamp. The signature is somewhat stylized and overlaps the text below it.

Pat Aamodt,
Superintendent

PA/gcc

Enc: Board Resolution
cc: Board of Education



Fairbanks North Star Borough School District

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

P.O. Box 71250 Fairbanks, Alaska 99707-1250 (907) 452-2000

February 17, 1994

Association of Alaska School Boards
Carl Rose, Executive Director
316 W 11th Street
Juneau, Alaska 99801-1510

Dear Mr. Rose:

This is in response to your request for information regarding hearing and litigation costs in personnel matters. The Fairbanks North Star Borough School District currently has two cases in progress.

The first is currently being appealed by the terminated employee to the Alaska supreme court. Hearing costs for this case were \$44,512 and trial costs to date are \$38,095, for a total of \$82,607.

The second is scheduled for trial in superior court in January 1995. Hearing costs in this case were \$82,920 and trial costs to date are \$30,010, for a total of \$112,930.

Please let me know if you need additional information.

Sincerely,

Barbara M. Martin
Assistant Superintendent
Business and Finance

SITKA SCHOOL DISTRICT

ACCREDITED BY THE NORTHWEST ASSOCIATION OF SECONDARY SCHOOLS & COLLEGES



JOHN HOLST
SUPERINTENDENT

P.O. BOX 179, SITKA, ALASKA 99836
PH 907-747-8822
FAX 907-747-6330

March 18, 1994

Carl Rose, Executive Director
Association of Alaska School Boards
316 W. 11th Street
Juneau, AK 99801-1510

Dear Mr. Rose:

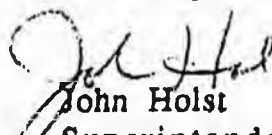
As per your request concerning the costs of a recent termination case involving the Sitka School District, we are providing the following information.

The legal fees paid directly by the Sitka School District was \$39,963. This included the original hearing before the School Board. At that point, an attorney and legal firm was appointed by our insurance carrier. They handled the case from that point onward. Their costs of the de novo trial were apparently \$50,386 and the costs associated with the appeal to the Supreme Court another \$24,067. Since the case has now been remanded to the Superior Court, we do not know at this time what the costs will be to process this next step.

This makes no accomodation for the administrative costs associated with a termination which often require 60%-70% of the supervisor's time for one to two years of close supervision and documentation prior to the actual termination recommendation to the Board. This item alone would amount to another \$100,000 in actual costs.

If you need any clarification of this information, feel free to contact me.

Sincerely,


John Holst
Superintendent

KENAI

Date JAN 21 1994

Peninsula Clarion

Teacher hired back, but district to appeal ruling

By JANIE LAWLEY
Peninsula Clarion

George Clouston has been rehired as a teacher in the Kenai Peninsula Borough School District, but the school board isn't happy with his reinstatement and plans to appeal it to the Supreme Court.

The board decided Monday to appeal a judge's order to rehire Clouston, who was fired in 1991 for allegedly sleeping in class.

The board voted 6 to 1 in favor of appealing the superior court judge's order that the district rehire him. Board member Nels Anderson voted against the idea.

See TEACHER, page 9

...Teacher

Continued from page 1

The board didn't spend any time discussing the issue, which was included in a consent agenda package.

Sharon Radtke, personnel director, said that Clouston has been given a full-time teaching position at Skyview High School. He is teaching woodshop, math and study skills.

School Board President Betty Obendorf said she believes the district needs to pursue an appeal because it disagrees with the findings of Superior Court Judge M. Francis Neville. She ordered the district to rehire Clouston and to pay him damages for lost earnings of about \$90,500.

"I think that because of our disagreement and disappointment about

the judicial findings that we should go ahead and appeal," Obendorf said.

John Patterson, the attorney for Clouston, said that he wasn't surprised by the district's decision to appeal. However, he said he doesn't know what the district is basing its appeal on.

"I haven't the foggiest notion of what they will appeal. Usually, you have to have some reason for an appeal," Patterson said.

Clouston, a former shop teacher who worked 11 years with the district, was fired by the district in 1991 for what it believed to be incompetency and substantial non-compliance.

The charges stemmed from an incident that occurred in February of 1991 while Clouston was teaching at Soldotna High School. The district based its decision to fire him on the

belief that an employee from Kenai Supply found Clouston sleeping in his office.

In addition, the district believed that Clouston misrepresented it during a phone call to the business later in which he allegedly said he would get physical with the driver and not purchase supplies there if he returned to the school.


Clouston appealed the district's decision and it went to Superior Court. It was here that Judge Neville ordered the district to reinstate him and to pay him the salary he would have been earning if he wouldn't have been fired.

The district has spent about \$74,000 on the lawsuit so far. On Thursday, Radtke estimated that the appeal will run about \$15,000. The district's attorney is working on the appeal now.

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510
(907) 586-1083 • Fax (907) 586-2995

To: The Honorable Con Bunde, Co-Chair, HESS
The Honorable Cynthia Toohey, Co-Chair, HESS
Members of the HESS Committee

From:  Carl F. N. Rose, Executive Director, AASB

Date: March 22, 1994

Re: HB521: An act relating to judicial review of decisions of school boards relating to non-retention or dismissal of teachers

The Association of Alaska School Boards supports the passage of HB521.

Under AS14.20.205 Judicial Review: a school district is obligated to submit to a trial de novo (a new trial) if a decision of the school board is unfavorable to a teacher, and the teacher appeals the decision by the board to non-retain or dismiss them. This is an extraordinary standard that has not been extended to any other group of employees. AASB views this requirement to be both duplicative and extremely costly.

The history of de novo trials in various school districts has established a pattern of unnecessary legal expenses. We feel that, by simply adding a new trial, does not improve the due process protection for an employee.

HB521 will provide an opportunity for the superior court to review the established record of the local hearing. With HB521 a teacher will still be able to appeal a school board's decision to the superior court.

The question is; "Has the school board provided a fair and impartial hearing?" If the school board's action is in question, the superior court should review the record of the hearing to ascertain that judgement. If not, there is no need for a new trial.

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

MEMORANDUM

March 22, 1994

TO: LARRY WIGET
DIRECTOR/GOVERNMENT RELATIONS

FROM: LEE WILSON *Lew*
EXECUTIVE DIRECTOR/LABOR RELATIONS

SUBJECT: HB 521, REGARDING TEACHER ACCESS TO DE NOVO TRIAL

We support the passage of HB 521.

The current provisions of AS 14.20.205, in combination with very generous tenure benefits, confer upon Alaska teachers a measure of job security unheard of in other employment arenas. That security imposes an extraordinary burden on School Districts which attempt to remove from the teaching ranks those whose performance insults public expectations and inhibits student growth.

Specifically, teachers judged by elected school boards to be unfit for duty - following lengthy and formal evidentiary hearing, usually before trained hearing officers, during which teachers may call and examine witnesses and be represented by legal counsel - have the option to begin the process all over again, in Superior Court. They may request, and must receive, a trial *de novo*, "a new trial", from scratch. Effectively, teachers can secure two complete trials over the same issues. The second trial typically occurs more than a year after the hearing before the school board, thus increasing the difficulty and cost of securing testimony from witnesses who may be out of state, or out of country. In a recent case, in Anchorage, after the District spent roughly \$20,000 to prevail before a hearing officer, it was forced to expend an additional \$100,000 to achieve the same result in Superior Court. All witnesses used in the hearing before the School Board were required to testify again at trial. All arguments, all discovery, all briefs, were recreated and submitted to a judge. Moreover, the motion practices in civil trials increase costs and cause substantial delays.

HB 521 would protect teachers by giving them access to court review of an administrative judgement, following a fair hearing before an impartial arbitrator. This process is common to employees covered by collective bargaining agreements. The standards which govern courts during such review processes are well established and well known. Basically, in order for an award of a hearing officer to be overturned by a court, the appealing party is required to demonstrate that a substantial error in fact or law was made. The burden of proof rests clearly on the appellant.

If passed, this bill would place teachers in this state on an equal footing with other represented employees. A review of the established record of the hearing, to determine if a substantial error in law or fact was made will be provided. What will be lost is the extraordinary and completely unwarranted second evidentiary proceeding in Superior Court.



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669-7598 • Phone 907/262-5846 • Fax 907/262-9645

March 15, 1994

TO: Carl Rose

FROM: *Chris* Chris Monfor/ Personnel

Subject: Costs for Legal Services in Non-Retention of
Tenured Teacher

According to Dick Swarner, KPBSD Business Manager, the costs thus far in the non retention legal fees for a tenured teacher have been \$74,000 with another \$20,000 anticipated in the appeal to the Supreme Court.

According to Dick we also lost another non-retention case a number of years ago that cost the district \$50,000.

As soon as Sharon returns I'll pass on the information you gave me so she can respond to the "chilling effective" these cases have on the district financially as well as the effects it has on administrators, etc.

If we can be of further help, please let us know.



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669-7598 • Phone 907/262-5946 • Fax 907/262-9645

March 20, 1994

Carl Rose
Executive Director, AASB
316 11th Street
Juneau, AK 99801-1510

Dear Carl:

I understand you will be speaking in favor of HB ⁵²¹~~531~~ - legislation, which would, if enacted, amend Section I AK 14.20.205 to make the scope of judicial review be the same as an appeal from a decision of an administrative agency under AS 44.62.

Currently, as you know, once a tenured teacher is recommended for termination or dismissal, the recommendation is acted upon by the School Board. At that juncture, the teacher can appeal the Board's decision to a De Novo trial in superior court.

As Executive Director of Personnel for Kenai School District, I have had recent experience with the current process which allows for the De Novo trial appeal. This process is expensive, time consuming, and puts the District at a distinct disadvantage, since the Board hearing allows time for the defense to hear District testimony, and use the created record as it prepares for De Novo trial. At the same time, the District is not allowed to use the record which it has created for the Board hearing in preparation of further testimony.

School Boards statutorily are assigned a wide range of responsibilities, one of the most serious being conducting a fair and impartial hearing. These hearings take on all the elements of a trial. Testimony is given on-record, under oath. Legal counsel is used. Fair, impartial hearings allowing for due process are real expectations, and no participant should settle for less. The new legislation would allow for a judicial review of the Board process to see if a fair and impartial hearing was conducted, and that all aspects of due process were allowed.

It is important that all people be protected from an abusive system. A review of process is not an improper procedure. It is, however, unfair to saddle districts with the burden of proof twice, without benefits of using the first preparation for the second presentation, when, in fact, the defense uses the District record to prepare for the De Novo trial.

If the proposed legislation was enacted before Kenai's recent case, the cost would have been approximately 1/4 of what it has been.

The Kenai District is in strong support of the proposed language of HB 52/ ~~131~~. We, indeed, are proponents of a fair, impartial hearing process, with all participants having the benefits of due process.

If I can be of any further help in urging serious consideration of their amendment, please contact me.

Sincerely,



Sharon Radtke
Executive Director, Personnel

H B

5 2 2

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 522

1994 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Department of Education

Title: Unemployment Compensation: Non-certificated

BRU: K - 12 Support

School Employees _____

Component: Foundation Program

Sponsor: House L&C Committee

Requestor: House HESS Committee

COMPONENT SERIAL NO. _____ 141

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE:						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

HB 522 will have no fiscal impact on the Department of Education. However, this legislation will have a significant impact on local school districts. Please see the attached page for further detail.

Prepared by: Duane Guilev

Division: School Finance

Phone: 465-8679

Date: April 15, 1994

Approved by Commissioner: _____

Agency: Education

Jerry Covey

Date: April 15, 1994

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HB 522 - Unemployment Compensation: Noncertificated School Employees

Fiscal Note Analysis for Local School Districts

In 1993, there were more than 6,000 employees working for school districts as non-certificated professionals. Of these 6000, the Department of Labor estimates that 3,800 of these employees would be potentially eligible for UI benefits during the summer months.

The Department of Labor estimates the following:

Using an average weekly benefit amount for all UI claimants of \$171 and projecting an average duration of 8.3 weeks, the cost of benefits is estimated at \$5,393,300.

As reimbursable employers under the State's unemployment insurance program, school districts would be billed quarterly for actual benefits paid to their seasonal workers.

In the first year of eligibility, it is estimated that only 40% of these non-certificated employees will file for unemployment insurance. Cost to school districts is projected at \$2,157,300.

The second year of eligibility, it is estimated that 60% will file for unemployment insurance. Cost to school districts is projected at \$3,236,000.

In the third and subsequent years of eligibility, it is estimated that 65% will file for unemployment insurance. Cost to school districts is projected at \$3,505,670.

NOTE: If a school district is on a percentage of payroll method, over time, the financial impact to the school district will be even more significant.



Alaska State Legislature
House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

SUBJECT OF MEETING:
 * HB 522: UNEMP'NT: COMP: NONCERT. SCHOOL EMPLOYEES
 CONFIRMATION HEARINGS

DATE: 4/18/94

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Tom Wilkerson ✓	APEA/AFT	211 N. Fourth St. Suite 306 Juneau	99801		586-2334	(Y) N	522
Derron Marshall ✓		NEA-AK				(Y) N	522
Ed Flanagan ✓		Public Employees Local 71				(Y) N	522
Paul Rose ✓	AASB	316 W 11th St Juneau	99801		6-1083	(Y) N	522
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

WE ARE HOPING TO BEGIN AT 3 PM. HOWEVER, THE FLOOR SESSIONS HAVE BEEN RUNNING LONG. WE WILL DO OUR BEST TO START AS CLOSE TO 3 PM AS POSSIBLE.
 TCN REQUESTED ON 04/18/94 AND HAS 3 UPDATES

**** AGENDA ****

1 HB 522 UNEMPL'T COMP: NONCERTIFICATED SCH. EMPS.

**** PARTICIPATING LIOS ****

DJT DELTA JCT.	JARVIS CTR. #210	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
* JNU JUNEAU	CAPITOL CAP106	LOCATION STAFF
KOD KODIAK	112 MILL BAY RD.	LOCATION STAFF
MAT MATSU	165 E PARKS HWY.	LOCATION STAFF
STT SITKA	210 LAKE STREET	LOCATION STAFF
SOL. KEN/SOL	34824 KALIFONSKY	LOCATION STAFF

PARTICIPANTS IN: DELTA JCT.

	DJT		
1 MS.	JACKIE NELSON-LIZARDI	TSFY. HB 522	
	HC 60 BOX 4180	DELTA JUNCTION	AK 99737 (907)895-4217
2 MS.	JANET POTWIN	OBSV. HB 522	
	PO BOX 308	DELTA JUNCTION	AK 99737 (907)895-4118

PARTICIPANTS IN: FAIRBANKS

	FBX		
1 MR.	SCOTT BIDWELL	ESSA	TSFY. HB 522
	2118 SOUTH CUSHMAN	FAIRBANKS	AK 99709 (907)452-2023

PARTICIPANTS IN: JUNEAU

	JNU		
2 REP	CYNTHIA TOOHEY	TSFY. HB 522	
			AK (907)000-0000
3 REP	AL VEZEY	TSFY. HB 522	
			AK (907)000-0000
4 REP	TOM BRICE	TSFY. HB 522	
			AK (907)000-0000
5 REP	PETE KOTT	TSFY. HB 522	
			AK (907)000-0000
6 REP	HARLEY OLBERG	TSFY. HB 522	
			AK (907)000-0000
7 REP	GARY DAVIS	TSFY. HB 522	
			AK (907)000-0000
8 REP	IRENE NICHOLIA	TSFY. HB 522	
			AK (907)000-0000
9 REP	BILL HUDSON	TSFY. HB 522	
			AK (907)000-0000
10	TO OBSERVE	OBSV. ALL ITEMS	
11	TO OBSERVE	OBSV. ALL ITEMS	
12	TO OBSERVE	OBSV. ALL ITEMS	
13	TO OBSERVE	OBSV. ALL ITEMS	

LYN1100-R01

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 02

04/19/94

12:15:43

TCN: 40659

DATE & TIME: 04/18/94 15:00 TO 17:00

STATUS:7 STATS. IN

PARTICIPANTS IN: JUNEAU

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CORRECTION

**THIS DOCUMENT
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04/19/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01
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TCN: 40659 DATE & TIME: 04/18/94 15:00 TO 17:00 STATUS:7 STATS. IN

**** ORDER SUMMARY ****

SPONSOR: HHS HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY
PURPOSE: PUB PUBLIC HEARING LEGISLATIVE BUNDE
CONTACT: LYNNE SMITH TEL#: (907)465-6825
CHAIRING SITE: JUNEAU CAPITOL CAP106

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 5 MINUTE LIMIT
WE ARE HOPING TO BEGIN AT 3 PM. HOWEVER, THE FLOOR SESSIONS HAVE BEEN RUNNING LONG. WE WILL DO OUR BEST TO START AS CLOSE TO 3 PM AS POSSIBLE.
TCN REQUESTED ON 04/18/94 AND HAS 3 UPDATES

**** AGENDA ****

1 HB 522 UNEMPL'T COMP: NONCERTIFICATED SCH. EMPS.

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29	TO	TESTIFY	TSFY. ALL ITEMS
30	TO	TESTIFY	TSFY. ALL ITEMS
31	TO	TESTIFY	TSFY. ALL ITEMS

PARTICIPANTS IN: MATSU

MAT

1 MS	ROSE SMITH	MAT-SU CEA	TSFY. HB 522
	1140 GAIL DRIVE	WASILLA	AK 99654 (907)376-2517
2 MR	BILL MUNROE		TSFY. HB 522
	2950 MARIANN'S WAY	WASILLA	AK 99654 (907)376-4269
3 MR	LEN MURRAY		TSFY. HB 522
	P O BOX 870523	WASILLA	AK 99654 (907)376-5063
4 MS.	SANDY PEVAN		TSFY. HB 522
	P O BOX 871256	WASILLA	AK 99654 (907)373-6198
5 MR.	MARK BROWN		TSFY. HB 522
	P O BOX 520783	WASILLA	AK 99654 (907)892-6010
6 MS	PAM CONRAD		TSFY. HB 522
	P O BOX 2776	PALMER	AK 99645 (907)745-2015
7 MS.	JAY NOLF1		OBSV. HB 522
	P O BOX 520630	BIG LAKE	AK 99652 (907)892-8900

PARTICIPANTS IN: SITKA

SIT

1 MS.	PAULA CLAYTON		TSFY. HB 522
	107 SHARON DR.	SITKA	AK 99835 (907)747-8236
2 MR.	MARCELLUS FEGLEY		OBSV. HB 522
	223B LANCE DR.	SITKA	AK 99835 (907)747-5085

PARTICIPANTS IN: KEN/SOL

SOL

1 MS.	NIKKI PEARSON	NEA	TSFY. HB 522
	190 TRUMPETER	SOLDOTNA	AK 99669 (907)262-9214
2 MRS.	KAREN MAHURIN	KPESA	UNABL. HB 522
	PO BOX 1073	KENAI	AK 99611 (907)283-4697

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

STATE CAPITOL, JUNEAU, AK 99801-1182
(907) 465-4954



SPONSOR STATEMENT FOR HOUSE BILL 522

In the early 1980's school employees who were not certificated were able to receive Unemployment Insurance (UI) during the time when they were not working during the summer. Federal legislation in the mid-1980's exempted non-certificated school employees from being able to receive UI and the State of Alaska brought our laws into compliance with that mandate. Now the federal law has been changed and there is no logical reason why the State should have to continue a procedure that was originally established only to meet federal requirements which no longer exist.

Seasonal state employees receive UI benefits. In 1992, there were 2,776 state employees who received an estimated \$6.348 million in UI payments. Of those, 339 had filed for UI benefits for each of the past four years, and during 1992 the recurring benefit applicants received \$876,000. State employees who had worked for at least three years, and had filed for UI benefits in at least two of the prior four years, numbered 1,026 for an estimated cost in 1992 of \$2.313 million (Thom Wylie, UI Actuary, Alaska Department of Labor, Division of Research and Analysis, "Alaska Unemployment Insurance Repeater Study," 1993)

NEA-Alaska estimates that there are 5,000 classified employees in Alaska school districts with as many as 3,500 part-year.

Currently, non-certificated public school employees are granted only part-year retirement credit each year, but are forced to go on leave without pay status when school is out. Through the negotiations process, some districts provide Personnel Action Forms establishing continued employment status, but this is the exception not the rule for rural districts. The practice of laying off non-certificated school employees places a particular hardship on those in rural school districts where short-term job opportunities are greatly reduced over similar possibilities in urban areas.

Terms of employment are often changed without due process for non-certificated employees as a result of budget cuts. Unless they form organized employee units, these employees have no job protection, no guarantee of returning to a particular job, and full-time employees are often arbitrarily reduced in numbers of days or length of work day.

This bill addresses an inequity in State law by placing all non-certificated school district employees in the same category as seasonal state employees, providing them with unemployment benefits during times of lay-off.

Sponsor Statement



NEA-ALASKA

Affiliated with the National Education Association

POSITION PAPER

HB 522

NEA-Alaska supports passage of HB 522 to correct an inequity that exists between noncertified school employees who work less than one year and don't qualify for unemployment benefits and private and public sector workers who can work part of a year but qualify for unemployment benefits. Current state law prohibits a noncertified school employee from drawing unemployment benefits during the summer months. School employees are not treated in the same manner as seasonal local government or state employees, or for that matter, private sector employees who qualify for unemployment during periods when they do not work and have an expectation to work after their period of unemployment.

The history of denying unemployment benefits to noncertified school employees changed recently when President Bush signed into law the Emergency Unemployment Compensation Act (PL. 102-164) in 1991 that provided for the lifting of the prohibition.

In Alaska slight exceptions have been made for some noncertified employees. Even though state interim benefits (SIB) are currently not funded, Section 23.20.354 of the Alaska Employment Security Act provides SIB to noncertified individuals who provide compensated service to a school district for teaching indigenous languages.

We have many noncertified school employees who work nine, ten or eleven months with no expectation of employment for the three months, two months or one month they do not work. What makes matters worse for these employees is having no opportunity to accrue retirement credit while not working. They receive no compensation from the school district during the summer.

It is difficult for a cafeteria worker, secretary, teacher aid, custodian or mechanic to secure limited one to three month employment opportunities in the private or public sectors. The reality of this situation is a person works only nine months but must stretch personal and family budgets in order to pay for twelve months of family expenses.

ANCHORAGE REGIONAL OFFICE • 1411 W. 33rd Avenue • Anchorage, Alaska 99503 • (907) 274-0536 • FAX: (907) 274-0551

JUNEAU OFFICE • 114 Second Street • Juneau, Alaska 99801 • (907) 586-3090 • FAX: (907) 586-2744

FAIRBANKS REGIONAL OFFICE • 2118 Cushman Street • Fairbanks, Alaska 99701 • (907) 456-4435 • FAX: (907) 456-2159

Many noncertified school employees are permanent Alaska residents. Benefits provided them will be spent in local stores and businesses. Alaska paid \$25.4 million in benefits in 1992 to those who have worked and earned wages during their base period in Alaska and lived and spent unemployment benefits out of state. It doesn't seem fair to provide benefits in this manner while at the same time denying them to school support personnel.

The benefit is small. If a person makes \$17,000 annually, the unemployed individual will receive \$172 per week plus \$24 per dependent for a maximum duration likely to not exceed ten or eleven weeks. But this small benefit can provide an unemployed Alaskan basic family necessities. The level of benefits will likely not cause a person to choose unemployment over the opportunity to work.

It is difficult to estimate the direct financial cost to school districts. Since some employees will likely oppose applying for benefits for numerous reasons and other employees will not be available for work during the summer, it's difficult to calculate use. Additional complications include not having clear data on the length of employment, compensation paid and the number of dependents of noncertified employees.

The shortened work year causes a noncertified school employee to depend on another working spouse or another short term job just to make ends meet. The extension of unemployment benefits simply protects those who are unable to find work and want to work.

We urge the HESS Committee to pass HB 522.

4/18/94

UI Regular Benefit Payments to Interstate Claimants^{1/} by State, 1991-1992

Table 2.15

State	1991		1992	
	Regular Benefits Paid (\$)	Percent Distribution	Regular Benefits Paid (\$)	Percent Distribution
Alabama	156,082	0.7	235,635	0.9
Arizona	749,295	3.6	781,931	3.1
Arkansas	195,490	0.9	246,733	1.0
California	2,576,348	12.2	3,528,260	13.9
Colorado	475,321	2.3	536,868	2.1
Connecticut	46,676	0.2	31,172	0.1
Delaware	11,828	0.1	17,302	0.1
Dist. of Columbia	2,256	0.0	8,812	0.0
Florida	578,077	2.7	671,842	2.6
Georgia	195,576	0.9	319,897	1.3
Hawaii	285,080	1.4	270,295	1.1
Idaho	881,673	4.2	981,612	3.9
Illinois	219,126	1.0	264,638	1.0
Indiana	98,060	0.5	157,121	0.6
Iowa	83,018	0.3	104,665	0.4
Kansas	92,441	0.4	123,213	0.5
Kentucky	129,628	0.6	176,324	0.7
Louisiana	255,611	1.2	311,105	1.5
Maine	88,815	0.4	94,237	0.4
Maryland	40,527	0.2	88,835	0.3
Massachusetts	64,750	0.3	66,647	0.3
Michigan	236,869	1.1	296,827	1.2
Minnesota	518,599	2.5	565,232	2.2
Mississippi	199,809	0.9	189,900	0.7
Missouri	249,997	1.2	350,172	1.4
Montana	775,731	3.7	1,040,135	4.1
Nebraska	34,026	0.2	97,004	0.4
Nevada	275,937	1.3	417,981	1.6
New Hampshire	58,898	0.3	69,573	0.3
New Jersey	75,352	0.4	47,011	0.2
New Mexico	250,921	1.2	304,932	1.2
New York	209,630	1.0	231,211	0.9
North Carolina	208,964	1.0	311,129	1.2
North Dakota	105,988	0.5	136,220	0.5
Ohio	193,529	0.9	181,455	0.7
Oklahoma	277,968	1.3	479,527	1.9
Oregon	2,504,197	11.9	2,745,133	10.8
Pennsylvania	110,192	0.5	195,122	0.8
Puerto Rico	22,582	0.1	41,238	0.2
Rhode Island	24,245	0.1	24,746	0.1
South Carolina	119,150	0.6	125,934	0.5
South Dakota	64,593	0.3	85,375	0.3
Tennessee	138,732	0.7	164,556	0.6
Texas	879,985	4.2	1,069,846	4.2
Utah	168,388	0.8	226,416	0.9
Vermont	25,094	0.1	40,380	0.2
Virginia	212,969	1.0	303,462	1.2
Virgin Islands	5,348	0.0	1,976	0.0
Washington	5,440,012	25.9	6,080,943	23.9
West Virginia	58,597	0.3	70,024	0.3
Wisconsin	252,954	1.2	253,867	1.0
Wyoming	138,540	0.7	163,801	0.6
Canada	20,629	0.1	42,837	0.2
Total	21,064,019	100.0	25,449,509	100.0

^{1/} Thus are payments from Alaska to recipients in other states.

Note: Percentages may not add up to 100% due to rounding.

Source: Alaska Department of Labor, Research & Analysis
UC-217 report, Benefit Payments by Industry and Area

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO : HB 522

Revision Date: _____
 Title: "Act relating to UI for persons
 employed by Ed. Institutions...."
 Sponsor: House Labor & Commerce
 Requestor: House Labor & Commerce

Department Affected: Labor
 BRU: Employment Security
 Component: E/U Services
 COMPONENT SERIAL NO. 329

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Judy Knight, Director Phone: 465-2711
 Division: Employment Security Date: 4/4/94

Approved by Commissioner: Charles W. Mahlen
 Agency: Department of Labor Date: 4/4/94

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HB 522 Fiscal Note Analysis for
"An Act relating to Unemployment Compensation for persons employed
by Educational Institutions....."

In 1993, there were more than 6,000 employees working for school districts as non-certificated professionals. It is estimated that another 1,500 non-professional employees are employed at other educational institutions. Of these 7,500, DOL estimates that 4,300 of these employees would be potentially eligible for UI benefits during the summer months.

Using an average weekly benefit amount for all UI claimants of \$171 and projecting an average duration of 8.3 weeks, the cost of benefits is estimated at \$6,103,000.

As reimbursable employers under the State's unemployment insurance program, school districts and educational institutions would be billed quarterly for actual benefits paid to their seasonal workers.

In the first year of eligibility, it is estimated that only 40% of these non-certificated employees will file for unemployment insurance. Costs to school districts and educational institutions is projected at \$2,441,000.

The second year of eligibility, it is estimated that 60% will file for unemployment insurance. Costs to school districts and educational institutions is projected at \$3,662,000.

In the third and subsequent years of eligibility, it is estimated that 65% will file for unemployment insurance. Costs to school districts and educational institutions is projected at \$3,967,000.

The department receives federal funds for the administration and processing of unemployment insurance claims from USDOL. These revenues are generated based on a workload formula for claims processed during a given time period. In the first year using the estimated 40% workload factor, \$75,890 of administrative funds would be generated. The second year is projected at \$113,835 and the third and subsequent years is estimated at \$123,321.

Additional authorization for the Employment Security BRU is not necessary at this time. While these claims have significant benefit costs to the respective employers, the workload impact is insignificant in comparison to the division's overall workload, i.e. the total number of unemployment insurance claims.



Alaska State Legislature

Please enter into the record my testimony to the House Hess
 committee name
 committee on HB 522, dated 4/18/94
 bill/subject

As a noncertificated school employee I work 9 months out of each year, leaving me unemployed for 3 months. By the time my 9 month work period ends there are no jobs to be found for only a 3 month period. This causes a great hardship on a Mother of 5. Having an income year round is a must.

As a noncertificated school employee, just as all other State and seasonal employee, I have earned the right of HB 522.

Equity has not been found in this area for noncertificated staff and is something that needs to change.

Please pass HB 522. Thank you.

Signed: Jan Wrigley
 Testifier

Representing (Optional)
Delta Jct., Ak. 99737
 Address
869-3105 wk.
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Kids Committee
committee name
 committee on H.B. #522, dated 4/18/94
bill/subject

If this bill passes. It will help my family through the summer mos.

Signed: Jane Delaney
Testifier
Mat-Su School Dist.
Representing (Optional)
701 E. Bogard Wasilla Ak.
Address
(907) 376-5341
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the HOUSE HESS COMMITTEE
 committee name
 committee on HIB 522, dated 4/18/94
 bill/subject

*I will help my family
 through the summer months.*

Signed: Donna Q. Branham
 Testifier

M. S. D.
 Representing (Optional)

701 East Bogard Wasilla AK. 99687
 Address

376-5341
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Hess
 committee name
 committee on 522, dated 4/18/94
 bill/subject

It would help our families out through the summer months.

Signed: *Ann L. Ingram*
 Testifier
Mat-Su School Dist.
 Representing (Optional)
701 E. Bogard Wasilla, AK
 Address
(907) 376-5341
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the _____

HESS

committee name

committee on _____

HB 522

dated _____

4-18-94

bill/subject

I'd like to receive unemployment
during the summer - it's very
difficult to go from a regular salary
to no paycheck for 3 months.
Finding other work for such a short
period is also not easy; however, the
bills must be paid!

Signed: _____

Leslie G. Nightingale

Testifier

Mat-Su School District

Representing (Optional)

600 Sarah's Way; Wasilla 99624

Address

373-6973

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Hess
committee name
 committee on HB 522, dated 4-18-94
bill/subject

*We cannot get paid
 for the summer - We
 really deserve a year round
 income, we work hard + are
 responsible citizens - yet are penalized
 for working for the school District!*

Signed: Shonda Atkins
Testifier

Mat-Su School Dist.
Representing (Optional)

P.O. Box 871002 Wasilla, AK
Address

376-4709
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Hess
committee name
 committee on HB 522, dated 4-18-94
bill/subject

I am in support of HB 522 because when I have 2-months without pay it really makes things tough over the summer & seems to take 2 more months to get caught up. Compensation of unemployment pay would sure help to offset that loss of pay.

Signed: Bonnie J. Murrill
Testifier
Mat-Su School District
Representing (Optional)
1340 Peck Street WASILLA 99654
Address
907/376-8491
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the HESS
 committee name
 committee on HB 522, dated 4-18-94
 bill/subject

Unemployment during the summer months would help my family budget tremendously! I am a single mom of 2 children and it gets pretty rough for those 2 months that I have no income. Unless I get hired for summer school I don't have many employment options.

There are many employees in this state that are in the same capacity ~~are~~ (seasonal employment with no guarantee of employment next year) who do receive benefits!

Signed: Karen Schmaffiel
 Testifier

Mat-Su School Dist.

Representing (Optional)
914 Agate Ln Wasilla AK 99654

Address
(907) 376-3608

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Hess
 committee name
 committee on HB 522, dated 4-18-94
 bill/subject

I really have a hard time understanding why we have been denied unemployment benefits in the past; its such a hardship without income for months. I've applied for summer school employment but my return date at the school conflicts with the last week and a half of summer school, so that doesn't look very promising. Other options? Since many people are looking for summer time work there just isn't much out there for short term employment. Sure could use your help!

Signed: Shelley Cuning
 Testifier
Mat-Su School Dist.
 Representing (Optional)
P.O. Box 870623 Fairbanks AK 99687
 Address
(907) 376-2229
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the HESS
 committee on _____, dated 4-18-94
 committee on HB 522, dated _____
 bill/subject

Un-employment is very
 necessary to 9 month / 10 month
 employees because of the
 income that we don't have
 in the summer, then we
 have to seek other employment
 for income -

Thank You
 Darlene
 Hogan

Signed: Darlene Hogan
 Testifier

Mat 50 Schools
 Representing (Optional)

P.O. Box 875171 WASHILLA AK 99687
 Address

376-3825
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Hess
 committee name
 committee on 522, dated 4/18/94
 bill/subject

*Would be just what is needed to make
 ends meet over summer, with todays cost
 of living.*

Signed: Dale P. Cochran
 Testifier

M.S.S.D.
 Representing (Optional)

P.O. BOX 873211, WASILLA AK. 99687-3211
 Address

373-1030
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Hess
 committee on HR 522, dated 4-18-94
 bill/subject committee name

*I suggest that bill. It is
 very hard to find, or get for
 only 2 months. Employees don't like to train people
 so that short a of a time period*

Signed: *Nancy Hoyer*
 Testifier

Representing (Optional)
27th FBLB Pools

Address
376-6923

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the _____

Hess
committee name

committee on _____

HB 522

, dated _____

4-18-94

bill/subject

With one son in college and another getting ready to start college, plus \$1200/month house payments, it's really hard for me to save enough money for summer expenses. My budget is strained just about as far as it'll go! Unemployment for the summer months would certainly help make my life easier in buying food + paying the bills.

Signed: _____

Barbara Brady

Testifier

Mat-lu School District

Representing (Optional)

P.O. Box 873151, Wasilla, AK 99687

Address

373-6486

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House & Hess
 committee name
 committee on NO 552, dated 4-15-94
 bill/subject

I support house bill #522,
 because nine and ten month positions
 make it extremely difficult to find
 work during the summer. Other employers
 have a hard time employing short
 time employees.

Signed: Gene R. Boehm
 Testifier

Mat-Su School Dist.
 Representing (Optional)

P.O. Box 877255 Wasilla AK 99687
 Address

373-7800 hm - 892-6010 WK
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Hess
committee name

committee on HB 522, dated 4-15-94
bill/subject

Calculating out 9 months pay to cover 12 months living expenses drops our hourly rate dramatically.

Trying to find employment for 8 weeks to 10 weeks, that coincides with our school schedule is rare.

We've tried it all. Please help us by passing HB 522.

Signed: Nancy A. Nolfi, Nancy A. Nolfi
Testifier

Representing (Optional)

P.O. Box 520667

Address

Big Lake, ALASKA 99652

Phone No.

892-6019w 892-6596-H



Alaska State Legislature

Please enter into the record my testimony to the House Hess
committee name

committee on HB 522, dated 4-15-94
bill/subject

Please pass House Bill 522.

Being a 9/10 month employee,
makes it very difficult to obtain
work for only 2 months.

our pay extended out to 12 months
makes our hourly rate very low.

Signed: Jessie Jo Larson
Testifier

Representing (Optional)

P.O. Box 521033 Big Lake, AK 99652

Address

892-6019 w/c 892-9119-hm.

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Hess
 committee name
 committee on HB 522, dated 4/15/94
 bill/subject

Please Pass HB 522. I would like to see 9 & 10 month employees have the same opportunity to collect unemployment as other "seasonal" workers (ie. construction, etc.) it is extremely difficult to find other employment during our "off months" and even more difficult to go 2 months with no income.

Signed: Debra A. Barnhardt
 Testifier

Representing (Optional)
PO Box 873419, Wasilla, AK 99687
 Address
373-4600
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Hess
 committee name
 committee on House Bill 532, dated 4/18/94
 bill/subject

I'm committed to working
 (~~working~~) in the school district.
 Summer employment with
 three children is not an
 option for me.

Signed: [Signature]
 Testifier
Mat See School District
 Representing (Optional)
Bx 897 Big Lake AK
 Address
892-8814
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Howe Ness
committee name
 committee on House Bill 522, dated 4/13/94.
bill/subject

To hard to find
 employment over the
 summer. I need to
 eat w the summer as
 well as winter.

Signed: Catalan J. Huston
Testifier
Mat-Su School District
Representing, (Optional)
PO Box 30 Willow
Address
995-6448
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Hears
committee name

committee on HB 522, dated 4-15-94
bill/subject

I support HB 522.

Signed:

Testifier

Mat-Su Borough Sch. Dist

Representing (Optional)

HC 34 Box 2089-B Wasilla, AK

Address

373-1328 - work - 892-6010

Phone No.