

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8571 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

**SB**

**39**

# FISCAL NOTE

No. 2

Bill Version: SB 39

I (S) Publish Date: 2/8/95

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Education  
 Title: An Act relating to memorial BRU: Postsecondary Education  
scholarship loans. Component: Student Loan Program  
 Sponsor: Senator Taylor  
 Requester: Senate HESS Committee COMPONENT SERIAL NO. 0218

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0- 0.0</b>	<b>-0- 0.0</b>	<b>-0- 0.0</b>	<b>-0- 0.0</b>	<b>-0- 0.0</b>	<b>-0- 0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )	-0-	-0-	-0-	-0-	-0-	-0-
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**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY95) cost: \$ -0-

**POSITIONS**

FULL-TIME						
PART TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Zero (0) fiscal impact.

Prepared by: Dr. Joe L. McCormick, Executive Director  
 Division: Alaska Commission on Postsecondary Education  
 Approved by Commissioner: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Phone: (907)465-6740  
 Date: January 26, 1995  
 Date: \_\_\_\_\_

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# FISCAL NOTE

**STATE OF ALASKA**  
**1995 LEGISLATIVE SESSION**

No. 1  
 Bill Version: SB 39  
 (S) Publish Date: 2/8/95

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "An act relating to memorial  
scholarship loans." Alaska State Troopers  
 Component: Detachments  
 Sponsor: Senator Taylor  
 Requestor: (S) HESS COMPONENT SERIAL NO. 0799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ -0-

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**  
 No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 01/25/95  
 Approved by Commissioner: *Ronald L. Otte* Date: 2-6-95  
 Agency: Ronald L. Otte, Dept. of Public Safety

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HOUSE COMMITTEE REPORT

(7)  
 Date Referred: March 15, 1995 FURTHER REFERRALS: Finance

Date of Committee Action: 4/4/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: CNSB 39(FIN)

CS FOR SENATE BILL NO. 39(FIN) MEMORIAL SCHOLARSHIP LOANS

"An Act relating to memorial scholarship loans; and providing for an effective date."

recommends it be replaced with the following committee substitute \_\_\_\_\_  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)  
 fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) Public Safety, DOE

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Car Boudo</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>Tom Boudo</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE *Car Boudo*

# Alaska State Legislature



*Senator Robin L. Taylor*

## Sponsor Statement

### SENATE BILL 39

Before the House HES Committee  
April 4, 1995

Senate Bill 39 was introduced at the suggestion of Kathleen Niles, admissions clerk at the University of Alaska Southeast-Sitka. The bill would modify the eligibility requirements of the Alaska State Troopers Michael Murphy Scholarship program to include certificate programs.

The wording of AS14.43.300 currently limits the awarding of Murphy scholarship loans to students who pursue a degree program in law enforcement, law, probation and parole, penology or closely related fields. The language prevents students in certificate programs, such as the Law Enforcement Certificate Program offered at the Sitka campus, from eligibility.

The scholarship revolving loan fund established by the Legislature includes a provision allowing forgiveness of one-fifth of the loan indebtedness for each one year period of full time employment in law enforcement in Alaska. Department of Labor statistics show that 63 percent of Sitka program graduates are currently employed in the state as law enforcement personnel.

The bill carries a zero fiscal note and received unanimous "do pass" recommendations from both the HES and Finance committees last year before receiving a unanimous vote of the full Senate.

SB 39 will potentially benefit Alaska students attending an Alaska school with an eye toward employment in Alaska.



**SENATOR FRED F. ZHAROFF**

**ALASKA STATE LEGISLATURE**

P O BOX 405, KODIAK, ALASKA 99615 (907) 486-5259 (FAX ALSO)  
DURING SESSION  
STATE CAPITOL, JUNEAU, ALASKA 99801-1182 (907) 465-3473 FAX (907) 463-3043

**DISTRICT C**

KODIAK ISLAND • RURAL SOUTHEAST • SOUTH KENAI PENINSULA

**SPONSOR STATEMENT  
CSSB 36(HESS)-WINN BRINDLE MEMORIAL SCHOLARSHIP LOANS  
SENATOR FRED F. ZHAROFF**

CS SB 36(HESS), "An Act relating to interest on and repayment of A. W. Brindle memorial scholarship loans; and providing for an effective date" was introduced at the recommendation of Alec Brindle of Wards Cove Packing Company. The intent of this bill is to make the A. W. Brindle memorial scholarship loan program more attractive to students seeking post secondary degrees. The Brindle program may be used by students statewide--not just those who reside in fishing communities as some have perceived--who are interested in seeking degrees in fisheries, fishery sciences, fishery management, seafood processing, food technology or other closely related fields.

The program is funded by contributions from the fish processing industry. Fisheries businesses are entitled to a tax credit of not more than five percent of their fish tax liability for contributions made during the year to the A. W. Brindle scholarship account.

According to the Alaska Commission on Postsecondary Education, the Brindle program is currently being underutilized by students. Although over \$1.8 million has been contributed to the program by the industry since 1987, a balance of approximately \$1.4 million remains in the fund. My hope is that by allowing a forgiveness provision similar to that of the old student loan program and by fixing a low interest rate (5%), more students will take advantage of the A. W. Brindle memorial scholarship loan program and seek degrees in fisheries related fields.

*applies to sections 3-5 of  
CSSB 39(FIN)*



MAR 9 RECD

March 5, 1993

The Honorable Robin Taylor  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Taylor:

I am the Admissions Clerk at the University of Alaska Southeast in Sitka and am in charge of the recruitment process for the Law Enforcement Certificate Program. The University of Alaska Foundation's *Alaska State Troopers: Michael Murphy Scholarship* was recently brought to my attention as potentially being available for students applying for this program.

I spoke with the contact person for the scholarship, Lieutenant Robin Lown of Juneau. He felt that it would be a good idea if this scholarship was made available to Certificate students, but advised me to contact the Postsecondary Commission for restrictions. I spoke with Linda Avery from the Commission; she felt that the scholarship was probably for four-year degree program students, but that an application from a certificate student had never been submitted as a test case.

I would like to promote the eligibility of the Law Enforcement Certificate Program for the *Alaska State Troopers: Michael Murphy Scholarship*. The limitations as currently stated in Sec 14.43.300 are "...a Michael Murphy memorial scholarship loan may be used only to pursue a degree program in an accredited college or university in law enforcement, law, probation and parole, or penology, or closely related fields."

Senator Taylor  
Page 2

This scholarship is a revolving loan fund, the recipient receiving forgiveness of one-fifth of loan indebtedness for each one-year period of full-time employment in Alaska in law-enforcement or related field. The enclosed brochure states that recent Alaska Labor Department statistics show that 63 percent of the Law Enforcement Certificate Program graduates are currently employed in Alaska as law enforcement personnel and this percentage does not include those working for the federal government or outside of Alaska.

This is an expensive program. The cost for the 17 week program for Fall 1992 was over \$5000; for the 11 week program, a student could expect to spend close to \$3750. As an employee who hears the moans and groans from those who want to enter the Law Enforcement field and are trying to finance this program, the possibility of scholarship help would be very encouraging. I would appreciate your consideration of this matter and thank you for your time.

Sincerely,



Kathleen Niles  
Admissions

enclosures

#### **MICHAEL MURPHY MEMORIAL SCHOLARSHIP LOAN FUND**

The Alaska State Legislature has established the Michael Murphy Scholarship Loan Fund for eligible Alaska residents. This scholarship loan is funded by private donations and by voluntary contributions from state employees who may contribute one or more days of annual leave to the fund. The Department of Administration credits the memorial with funds equal to the value of the donated leave and furnishes the employee with a statement reflecting the value of the donation. The statement may be used for income tax purposes.

Funds of up to \$1,000 per year are available for undergraduates and graduates who are full-time students pursuing a degree program at an accredited college or university in law enforcement, law, probation and parole, penology, or closely related fields. The loans are non-interest-bearing and, upon degree completion, the scholarship loan recipient shall receive forgiveness of 20 percent of total loan indebtedness for each one year period he or she is employed full-time in Alaska law enforcement or related fields.

Applications must be submitted by April 1 for fall enrollment. For further information and applications interested students should contact:

Lieutenant Robin Lown  
Alaska State Troopers  
ATTN: Michael Murphy Scholarship Fund  
2760 Sherwood Lane  
Juneau, AK 99801  
(907) 789-2161



Detective Dawn Augustus, Class of 1985

## ADMISSIONS

Enrollment is limited to thirty persons; applications are processed on a first-come, first-served basis. Applicants to the 17 week University Certificate Program must submit a high school transcript showing graduation or passing GED scores. All participants are required to meet admission requirements of the Alaska Public Safety Academy which include a thorough background check, a valid driver's license, and minimum physical requirements. There is no minimum age requirement but applicants are advised of the age 21 minimum hiring standard of law enforcement agencies.

All application materials, including requests for housing and financial aids, are handled through the University of Alaska Southeast, Sitka Campus. For an application packet or additional information write or call:

ADMISSIONS AND RECORDS  
 UNIVERSITY OF ALASKA SOUTHEAST,  
 SITKA CAMPUS  
 1332 SEWARD AVENUE  
 SITKA, AK 99835  
 907-747-6653

### Notice of Nondiscrimination

The University of Alaska Southeast does not discriminate in employment, admissions, or access to or participation in its programs, activities or services on the basis of race, color, age, sex, national origin, handicap or otherwise as prescribed by applicable state and federal laws and regulations including Title IX of the Education Amendments of 1982 (sex) and Section 504 of the Rehabilitation Act of 1973 (handicap). Inquiries regarding the application of these laws and regulations may be directed to Pauline Fredrickson, Title IX Coordinator, University of Alaska Southeast, Telephone (907) 747-6653, or to the Office for Civil Rights, U.S. Department of Education, Seattle, Washington.

There is a minimum age requirement that applicants be advised of the age 21 minimum

University of Alaska Southeast  
 Sitka Campus  
 1332 Seward Avenue  
 Sitka, Alaska 99835-9498



Officer Jeff Johnson, Class of 1988



Law  
 Enforcement  
 Training  
 Program

University of Alaska Southeast  
 and Alaska Public Safety Academy

## Course Descriptions

### Week 1-6 (Optional)

#### Written Communication for Law Enforcement

Completes the requirements of college-level composition, with basic writing exercise and classroom discussion based on the particular demands of the law enforcement profession.

#### Oral Communication for Law Enforcement

The unique communication situations faced by law enforcement officers are covered, including interpersonal, small group, and public communication skills.

### Week 7-17 (Required)

#### Criminal Investigation

Course covers physical evidence and crime scene investigation, drug identification and case procedures, arson, sex crimes, fingerprinting, and investigation practices.

#### Criminal Justice

Specific instruction is provided in the organization, jurisdiction, and role of the Alaska Criminal Justice System, the District Attorney's office and the Public Defender's office. The special role of juveniles is included.

#### Physical Training

Course covers physical conditioning, physical methods of arrest, baton, and cold water survival.

#### Police Procedures

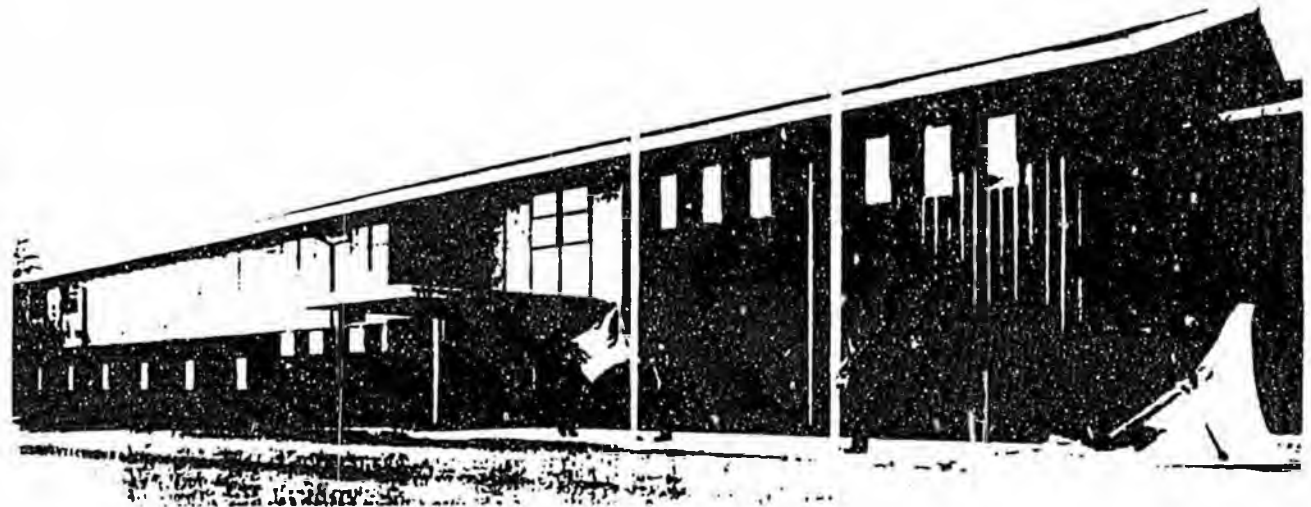
Course covers a variety of disciplines including report writing, interviews and interrogation techniques, rules of evidence, substantive law, shooting, security checks, domestic disputes, and related topics.

#### Procedural Law

A statutory law course covers individual rights, constitutional safeguards, evidence. Constitutional issues such as search and seizure, 5th amendment and 14th amendment are studied.

#### Traffic Law Enforcement

Course covers preparation of D.W.I. Enforcement, drinking drivers and driving, the D.W.I. Statute, issues and defenses, pharmacology and toxicology, theory and operation of the intoximeter, courtroom testimony, and case preparation. Accident investigation techniques and traffic law are included.



Alaska Public Safety Academy, Sitka, Alaska

**THE PROGRAM...**The Law Enforcement Program is a seventeen-week program offered cooperatively by the University of Alaska and the Alaska Public Safety Academy. The training is accredited by the University and meets training requirements of the Alaska Police Standards Council and the National Park Service for seasonal rangers.

**EMPLOYABILITY...**When you have successfully completed the Law Enforcement Program, you will be qualified to seek employment in a wide variety of law enforcement settings—municipal and village police departments, the National Park Service, and various other public and private agencies both in Alaska and elsewhere. Although employment is not guaranteed by the program, 63 percent of our graduates are currently working in Alaska as law enforcement personnel. Additional numbers have found professional employment outside Alaska and with Federal agencies.

**TRAINING OPTIONS...**The seventeen-week program is divided into a six week and an eleven week segment. During the first six weeks you will complete training in written & oral communications for law enforcement officers. During the final eleven weeks you will complete criminal justice classes and physical training.

You may choose to attend either the full 17-week program or to attend only the final 11-week segment. Successful completion of either program meets requirements of the National Park Service and Alaska Police Standards Council. The University of Alaska Southeast Law Enforcement Certificate is awarded only to those who complete the 17-week program with passing grades in all classes and a minimum overall grade point average of 2.0. The full 17-week program is essential to the overall success of many students who need preparation in communications, computer, and study skills, as well as a 'head start' on physical conditioning.

**HOUSING...**Comfortable housing and a meal plan are provided at the Alaska Public Safety Academy in Sitka. Residency at the Academy is optional during the first six weeks but mandatory for all participants during the final eleven weeks.

\*Students who have satisfactorily completed college English and speech may request transfer of credit rather than attending the first six weeks of the program.

**S B**

**5 8**

# FISCAL NOTE

No. 1

Bill Version: SB 58

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO.

(S) Publish Date: 2/15/95

Revision Date: \_\_\_\_\_

Title: Use of Title "Industrial Hygienist"

Department Affected: Labor

BRU: Labor Standards & Safety

Component: \_\_\_\_\_

Sponsor: Senator Leman

Occupational Safety and Health

Requestor: Senate RES

COMPONENT SERIAL NO. 970

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>						
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<b>CHANGE IN REVENUE</b>						
<b>FUND SOURCE #</b>						

**FUNDING:**

(Thousands of Dollars)

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ None

**ANALYSIS:** (Attach a separate page if necessary)

Senate Bill No. 58 would restrict the use of the title "industrial hygienist" and related titles and initials. The use of such titles would require college credentials and certification.

Prepared by: John A. Abshire, Director

Phone: 269-4914

Division: Labor Standards and Safety

Date: 2/8/95

Approved by Commissioner: Tom Cashen, Commissioner

Agency: Department of Labor

Date: 2/8/95

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HOUSE COMMITTEE REPORT

(7)  
 Date Referred: April 7, 1995 FURTHER REFERRALS: Labor & Commerce

Date of Committee Action: 5/2/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: SB 58 am

SENATE BILL NO. 58 am USE OF TITLE "INDUSTRIAL HYGIENIST"

"An Act restricting the use of the title 'industrial hygienist' and related titles and initials."

recommends it be replaced with the following committee substitute \_\_\_\_\_  the same title  a new title

additional referral to \_\_\_\_\_ Committee  attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) Labor 2/15/95

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Wm. P. Kelly</i>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>George J. Davis</i>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Car Beuch</i>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>John J. ...</i>		<input checked="" type="checkbox"/>		
<i>Al ...</i>		<input checked="" type="checkbox"/>		

CHAIR'S SIGNATURE *Car Beuch*



# SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Ste 540, Anchorage AK 99501 258-8189

Session: State Capitol, Juneau AK 99801 465-2095

## SPONSOR STATEMENT SB58

I introduced SB58 at the request of members of the Midnight Sun Section of the American Industrial Hygiene Association (AIHA). According to this organization 15 people in the state are presently certified industrial hygienists.

AIHA recommends and supports adoption of legislative and regulatory language to provide "title protection" to the profession of Industrial Hygiene. Title protection defines titles and definitions used by the profession, establishes its legal recognition and protects Industrial Hygiene (IH) titles. These titles may be used only by those who meet the criteria outlined in the definitions.

An individual who does not meet IH criteria may practice within the scope of the meaning of industrial hygiene, so long as the individual does not use the title, initials, or represents herself/himself to the public as an Industrial Hygienist, Industrial Hygienist in Training (IHIT), or Certified Industrial Hygienist (CIH).

According to the AIHA., California, Illinois and Tennessee have already passed similar legislation. Many other states are considering industrial hygiene title protection legislation.

# Midnight Sun Section, AIHA

3605 Arctic No. 2591  
Anchorage, Alaska 99503

## Section Officers:

### **Past President:**

L. A. Shookman, CIH  
BP Exploration  
P.O. Box 196612  
Anchorage, AK  
99519-6612  
(907) 659-4470

### **President:**

Martin H. Finkel, CIH  
Environmental Safety  
and Health of Alaska  
4057 E. 20th. No.E-62  
Anchorage, AK 99508  
(907) 333-0012

### **Vice President:**

Steve Findlay, CIH  
ARCO Alaska, Inc.  
P.O. Box 100360  
Anchorage, AK  
99510-0360  
(907) 265-6322

### **Secretary:**

Gary Bledsoe  
State of Alaska  
Epidemiology  
P.O. Box 240249  
Anchorage, AK.  
99524-0249  
(907) 561-4406

### **Treasurer:**

Kim Arlington  
Alyeska Pipeline  
Service Company  
1835 S. Bragraw St.  
Anchorage, AK. 99512  
(907) 265-8209

Senator Loren D. Leman  
P.O. Box 190733  
Anchorage, AK 99519-0773

Dear Senator Leman:

Thank you for taking the time to consider sponsoring the Industrial Hygiene Title Registration Act. This will summarize the issues and introduce you to our organization.

The Midnight Sun section of the American Industrial Hygiene Association (AIHA) is comprised of members of the industrial hygiene community in Alaska, as well as persons interested in health and safety issues. National AIHA has over 11,000 members in 78 sections, including the Midnight Sun section here in Alaska. An accompanying brochure will describe AIHA in greater detail.

We wish for the State to recognize our profession by enacting the Title Registration Act. Industrial hygiene professionals can be a resource for the legislature in delving into health and safety issues affecting the workplace in any future legislation, and we want you to be aware that we exist and can be of service to you.

We want to ensure that State and local agencies do not "write us out" of our profession in any regulations that they may promulgate in the future. This almost happened in the past in other States, such as California; when a regulation covering asbestos abatement required the signature of specified professionals on any abatement plans; the agency involved did not know of the existence of industrial hygienists, and thus excluded our profession from performing our safety functions in California until legislative relief was had (a similar Title Registration bill).

We also have evidence that persons in Alaska without the credentials to do so, have represented themselves as CIHs (Certified Industrial Hygienists). When a business person contracts with a consultant, there should be a mechanism for assuring that business person that s/he is getting what is being paid for. In Alaska, today, anyone can call themselves an industrial hygienist or Certified Industrial Hygienist and there is no way to stop that person from doing so, even when found out!

These issues are not unique to Alaska. There is now a nation-wide push to enact similar legislation in all 50 States. Twenty-six States have either passed such bills or are considering them in their next session. The Midnight Sun section of AIHA hopes that Alaska will not be one of the last States to pass a Title Registration Act.

We hope that we have given you sufficient facts upon which to base a decision to sponsor this Act. If you need additional information, we will be only too happy to work with you, including travelling to Juneau during hearings, or arranging for a conference call with the National AIHA Government Affairs office.

Sincerely,

A handwritten signature in cursive script that reads "Martin H. Finkel". The signature is written in dark ink and is positioned above the typed name.

Martin H. Finkel, CIH  
President

## Protecting People

Industrial hygienists are scientists and engineers committed to protecting the health and safety of people in the workplace and the community. Industrial hygiene is considered a "science," but it is also an art that involves judgment, creativity and human interaction.

The goal of the industrial hygienist is to keep workers, their families, and the community healthy and safe. They play a vital part in ensuring that federal, state, and local laws and regulations are followed in the work environment.

Typical roles of the industrial hygienist include:

- Investigating and examining the workplace for hazards and potential dangers
- Making recommendations on improving the safety of workers and the surrounding community
- Conducting scientific research to provide data on possible harmful conditions in the workplace
- Developing techniques to anticipate and control potentially dangerous situations in the workplace and the community
- Training and educating the community about job-related risks
- Advising government officials and participating in the development of regulations to ensure the health and safety of workers and their families
- Ensuring that workers are properly following health and safety procedures

---

### A Profession

Dedicated to Protecting People  
in the Workplace and the Community

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## Industrial Hygienists Work With The Issues That Concern Us All

Industrial hygienists deal with the health and safety challenges facing people everywhere. Typical issues include:

- Evaluating and controlling environmental lead exposure
- Indoor air quality (Sick Building Syndrome, second-hand tobacco smoke)
- Emergency response planning and community right-to-know
- Occupational disease (AIDS in the workplace, tuberculosis, silicosis)
- Potentially hazardous agents such as asbestos, pesticides and radon gas
- Cumulative Trauma Disorders (Repetitive Stress Injuries, Carpal Tunnel Syndrome)
- Radiation (electromagnetic fields, microwaves)
- Reproductive health hazards in the workplace
- Setting limits on exposure to chemical and physical agents
- Detection and control of potential occupational hazards such as noise, radiation and illumination
- Hazardous waste management

## Applying "Good Science" to Make the Workplace and Community Safe and Healthy

Industrial hygienists are devoted to achieving and maintaining high professional standards. To meet this goal, the American Board of Industrial Hygiene was created by the American Industrial Hygiene Association (AIHA) in 1961 to set standards and promote certification of industrial hygienists. Certified Industrial Hygienists (CIHs) are recognized for their expertise after fulfilling a rigorous qualification process including a two-day long examination. AIHA administers certification points through continuing education programs that help CIHs remain current on the many diverse issues addressed by industrial hygienists.

## AIHA: The Essential Source

AIHA is the source of information for industrial hygiene issues. Professionals working in occupational health and safety turn to the association to help them achieve their career goals and to bring together the common concerns of the profession. AIHA gives its members a voice so that the media, the government and the community are aware of the many occupational health and safety issues. AIHA also acts as the essential source for anyone who needs information on the topics that industrial hygienists work with, whether it be lead exposure, asbestos abatement or other issues that industrial hygienists face daily.

## AIHA is the Essential Source for:

- The best information about current trends in occupational and environmental health
- Educational and resource materials through technical publications and continuing education programs
- The latest scientific research and technology from AIHA's more than 30 technical committees
- Prestigious laboratory accreditation and proficiency testing programs for qualified laboratories

## AIHA Laboratory Accreditation Program: Committed to Quality

Laboratory accreditation from AIHA is a seal of approval that industrial hygiene labs testing for lead, asbestos, formaldehyde and other possible toxins are achieving and maintaining high levels of professional performance. AIHA's rigorous accreditation program examines labs on a variety of stringent criteria including lab facilities' personnel, equipment, quality assurance practices and analytical methods. Site visits of labs are conducted to verify compliance.

## A Diverse and Growing Membership

Founded in 1939, AIHA has grown to become the largest international association serving the needs of occupational and environmental scientists and engineers practicing industrial hygiene in industry, government, labor, academic institutions, and independent organizations. AIHA is a non-profit organization with more than 11,000 members and 78 local chapters. The members of AIHA are highly educated professionals; 98% of AIHA members are college graduates, 54% have master's degrees and 13% have doctoral degrees.

## The American Industrial Hygiene Conference & Exposition

AIHA cosponsors the American Industrial Hygiene Conference & Exposition, the largest occupational and environmental health meeting in the world. The annual conference draws more than 10,000 occupational health and safety experts from all over the globe to discuss and debate the latest issues in technical sessions, roundtables and forums. The conference, which includes a world-class exhibition, also enables industrial hygienists to study and advance their careers by offering an array of professional development courses.

### Also available from AIHA:

- "Is Lead a Problem in My House?" informational brochure
- CareerWorks educational pamphlet for those interested in an industrial hygiene career
- Information on AIHA's technical committees
- Professional Development information
- AIHA Publications and Information Catalog
- Information on the annual American Industrial Hygiene Conference & Exposition
- Employment Services for members and employers
- AIHA Membership information
- AIHA Laboratory Services information

For any of the above or additional brochures, contact AIHA Support Services.



**American Industrial Hygiene Association**

2700 Prosperity Avenue, Suite 250, Fairfax, VA 22031

Tel: (703) 849-8883 • Fax: (703) 207-3561



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

PLEASE PROVIDE  
 ALL REQUESTED  
 INFORMATION.

SUBJECT OF MEETING:  
 SB 58. USE OF TITLE  
 "INDUSTRIAL  
 Hygienist"

DATE: MAY 2

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
						Y	N	
Janet Ogden	Sen. Leman					Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

**SB**

**62**

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 62

Revision Date: \_\_\_\_\_  
 Title: An act relating to birth certificates for  
certain foreign born persons who are adopted  
 Sponsor: Green  
 Requestor: Senate HES

Dept. Affected: Health and Social Services  
 BRU: State Health Services  
 Component: Bureau of Vital Statistics  
 COMPONENT SERIAL NO. 961  
 See also (SN#): \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ( )						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The number of requests for this services is so small that it should have no impact on the program.

Prepared by: Peter M. Nakamura, MD, MPH *P.M.N.*  
 Division: Public Health  
 Approved by Commissioner: Karen Pedue, Commissioner *K.P.*  
 Agency: Department of Health & Social Services

Phone: (907) 465-3090  
 Date: 02/13/95  
 Date: 2/14/95

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# HOUSE COMMITTEE REPORT

(7)

Date Referred: February 27, 1995

FURTHER REFERRALS:

Date of Committee Action: 3/23/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

SB 62

SENATE BILL NO. 62

BIRTH CERTIFICATES FOR CERTAIN ADOPTEES

"An Act relating to birth certificates for certain foreign born persons who are adopted."

recommends it be replaced with the following committee substitute \_\_\_\_\_  the same title  
 a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal note(s) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_ H+SS

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Walter Kotaly</i>	✓			
<i>Don L. ...</i>	✓			
<i>Don Bunde</i>	✓			
<i>Carol ...</i>	✓			
<i>Carol Robinson</i>	✓			
<i>Tom Brien</i>			✓	

CHAIR'S SIGNATURE

*Car Bunde*

# ALASKA STATE LEGISLATURE

Interim:  
105 East Parks Highway, Suite 106  
Wasilla, Alaska 99654-7035  
(907) 376-3370



Session:  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-0000  
Fax 465-3805

**SENATOR LYDA GREEN**  
SENATE DISTRICT N

## Sponsor Statement

### Senate Bill 62

*"An Act relating to birth certificates for certain foreign born persons who are adopted."*

The purpose of this bill is to allow foreign-born adoptees who are now over the age of 18 to obtain a birth certificate.

Current law allows foreign-born adoptees to have a birth certificate if they are under the age of 18 when they apply. However, when this law was passed in 1982, there was no retroactive provision included to allow those persons who were already over the age of 18 at that time to obtain a birth certificate. This small group of Alaskans is thereby excluded from obtaining a birth certificate, while all other adopted children, foreign or domestic born, can have one by applying before age 18. These individuals are confronted with difficulties and delays when traveling or applying for various programs. They should not be deprived of a birth certificate simply because they are now too old to apply.

This bill would remove from statute 18.50.211(b) which states that a birth certificate may not be issued if the adopted person for whom the certificate is intended is 18 or more years of age when the request for the certificate is made.

Approximately half of the other states issue birth certificates to foreign born adoptees, Alaska being one of the first to begin the practice. However, Alaska may be the only state to have an age restriction. Because federal law prohibits a person over the age of 16 from being adopted, the removal of this section does not allow adults to be adopted and then obtain a birth certificate. It simply allows those who were adopted as children, but are now over age 18, to be able to obtain a birth certificate.

# Legislative Research Agency

Alaska State Legislature



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

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

February 8, 1995

## MEMORANDUM

TO: Senator Lyda Green

FROM: Maureen Weeks <sup>AWW</sup>  
Legislative Analyst

RE: Birth Certificates to Foreign Born Adoptees  
Research Request 95.105

You ask whether any state besides Alaska issues birth certificates to adopted persons born in other countries. The answer is that at least half the states, including Alaska, issue such birth certificates. Alaska is perhaps the only state which will not issue these certificates to foreign-born people older than 18.

George Gay, the chief of Registration Methods Branch of the Division of Vital Statistics in the National Center for Health Statistics (Phone: 301/436-8815), reports that at least half the states issue birth certificates to foreign-born people adopted by parents who reside in the state. Alaska may have been the first state to do so. Although Alaska is not alone in issuing such birth certificates, our state is certainly "unusual" in restricting certificates to foreign-born persons who are younger than 18, Mr. Gay says. He speculates the language may be an imitation of federal language which does not allow officials to issue *copies* of some documents after a foreign-born person is 18.

Birth certificates to foreign-born adoptees are "aesthetic" but have little practical value, according to Mr. Gay. They can be used to establish a child's age when it is time to enter school, but they cannot be used to obtain passports or for other official business, Mr. Gay says. Certificates issued years after birth violate the basic principle of vital statistics registration, which is to register births and deaths when they occur and where they occur, he says.

I hope this information is useful to you. If you have any further questions please don't hesitate to call me.

BACKUP INFORMATION

FEB 09 1995

CERTIFICATION OF VITAL RECORD

STATE OF ALASKA

150-FB: 95-999999  
STATE FILE NUMBER

DATE FILED: 01/01/95

STATE OF ALASKA  
Department of Health & Social Services  
Bureau of Vital Statistics  
BOX 110675  
JUNEAU, AK 99811-0675

CERTIFICATE OF BIRTH FOR A FOREIGN-BORN CHILD

NAME OF CHILD: JANE MARIE DOE

DATE OF BIRTH: 01/01/1995

PLACE OF BIRTH: COUNTRY INDIA

MOTHER'S MAIDEN NAME: JANE DOE

DATE OF BIRTH: 01/01/1975

PLACE OF BIRTH: ALASKA

FATHER'S NAME: JOHN DOE

DATE OF BIRTH: 01/01/1975

PLACE OF BIRTH: ALASKA

PARENT'S RESIDENCE ADDRESS:

STREET	350 MAIN STREET
CITY	JUNEAU
STATE	ALASKA
ZIP	99811-0675

I HEREBY VERIFY THAT THE DATA SHOWN ABOVE IS BASED ON EVIDENCE PRESENTED TO THIS OFFICE.

BY \_\_\_\_\_  
STATE REGISTRAR

DATE: \_\_\_\_\_

THIS DOCUMENT IS NOT TO BE CONSIDERED EVIDENCE OF UNITED STATES CITIZENSHIP

11423

I CERTIFY THAT THIS IS A TRUE, FULL AND CORRECT COPY OF THE ORIGINAL CERTIFICATE ON FILE IN THE BUREAU OF VITAL STATISTICS, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, JUNEAU, ALASKA.

DATE ISSUED \_\_\_\_\_



information is a prerequisite to the issuance of a final decree in the matter.

(c) Whenever an adoption decree is amended or vacated, the court shall prepare a report on a form prescribed and furnished by the bureau. The report must include the facts necessary to identify the original adoption report and the facts amended in the adoption decree necessary to properly amend the original report, or the new certificate of birth if already established.

(d) Before the 11th day of each calendar month, the court shall forward to the bureau reports of decrees of adoption, including those vacated or amended, that were entered in the preceding month, together with the related reports the bureau requires.

(e) When the bureau receives a report of an adoption, or vacation or amendment of an adoption from a court for a person born in the United States but outside the state, a copy shall be made for the bureau's files and the original shall be forwarded to the appropriate registration authority in the state of birth. (§ 17 ch 118 SLA 1960; am §§ 1, 2 ch 76 SLA 1982)

Sec. 18.50.211. Certificate of birth for foreign-born adopted person. (a) Subject to the limitation in (b) of this section, the state registrar shall issue a certificate of birth for a person born outside the United States whose adoptive parents are residents of the state at the time of the adoption, upon request by the adopted person, or by the adopted person's adoptive parent or guardian that the certificate be made, and upon receipt of an adoption report as provided in AS 18.50.210 together with

(1) the information necessary to identify the original certificate of birth

(2) if there is no original certificate of birth, the findings of the court under AS 25.23.175, unless the adoption proceeding is commenced before August 31, 1982, in which case an affidavit of an adoptive parent setting out the true or probable date and place of birth and parentage of the adopted person must accompany the adoption report.

(b) The state registrar may not issue a certificate of birth under this section if the adopted person for whom the certificate is intended is 18 or more years of age at the time the request for the certificate is made.

(c) A certificate of birth issued under this section shall be in a form prescribed by the state registrar and shall state that it is not evidence of United States citizenship.

(d) Upon proof of naturalization an amended certificate of birth shall be issued under this section that deletes the statement that the certificate is not evidence of United States citizenship. (§ 3 ch 76 SLA 1982)

FCIB

Palmer, Alaska  
January 1, 1995

*AN OPEN LETTER TO OUR LEGISLATORS:*

*I respectfully request your help in getting a Birth Certificate for my son Brian, age 34.*

*My husband Ralph and I adopted Brian from Korea when he was 3½ years of age. When his Adoption and Naturalization papers were finalized, I assumed the next step was a birth certificate.*

*I was shocked to find that over-seas adopted children were not allowed birth certificates in Alaska! I fought hard for years to make it possible for such adoptees to receive birth certificates.*

*I was so thankful the legislation was enacted, (I still am!), then dismayed to find it was not retroactive. Brian was over 18 by that time, and and was not eligible.*

*Brian is a very responsible Alaskan citizen, a self-employed mechanic and trucker. He has been told when stopped at the Border, that it would be helpful to have a birth certificate with him.*

*I have been told the only way for him to secure a birth certificate is by the legislature passing a special bill giving him one, the bill being sponsored by his local legislators.*

*In the past I have not been able to persuade our legislators to do this. I am asking you to please consider this request. It would be a wonderful gift for his 35th birthday!*

*Thank you for listening, and I do wish you each a very successful legislative year.*

*Sincerely,*

*Maxine DeVilbiss*

Maxine DeVilbiss  
HC04-9302  
Palmer, Alaska 99645

745-3483

03/27/95 LEGISLATIVE TELECONFERENCE NETWORK LTN1404  
 14:22:34 N CONFERENCE DISPLAY PAGE 04 - VOLUNTEER & OFF-NET SITES I362  
 TCN 50465 T/C DATE: 03/23/95 TIME: 14:00 to 14:30 STATUS: 7 STATS IN  
 \* LIO VTS NAME ADDRESS CONTACT TELEPHONE  
 ZZZ OF1 OFFNET 1 PALMER MAXINE DEVILBISS 907 745 3483  
 ZZZ OF2 OFFNET 2 ANCHORAGE DR. MCGUIRE 907 562 4142

MSG: 1410 NO FURTHER INFORMATION

ENTER Pg# 05 PF2 NextC# ynnnn PF3 Exit PF4 Menu PF5 Update PF7 Bwd PF8 Fwd

03/27/95 LEGISLATIVE TELECONFERENCE NETWORK LTN1402  
 14:23:14 N CONFERENCE DISPLAY PAGE 02 - AGENDA L362  
 TCN 50465 T/C DATE: 03/23/95 TIME: 14:00 to 14:30 STATUS: 7 STATS IN  
 REF# BILL BILL TITLE/SUBJECT  
 01 SB 62 BIRTH CERTIFICATES FOR CERTAIN ADOPTEES  
 02 HB 231 INTERVIEWS BY THE STATE MEDICAL BOARD

MSG:  
 ENTER Pg# 03 PF2 NextC# ynnnn PF3 Exit PF4 Menu PF5 Update PF12 Quit

03/27/95 LEGISLATIVE TELECONFERENCE NETWORK LTN1405  
 14:23:35 N CONFERENCE DISPLAY PAGE 05 - PARTICIPANTS BY SITE L362  
 TCN 50465 T/C DATE: 03/23/95 TIME: 14:00 to 14:30 STATUS: 7 STATS IN  
 SITE: LIO ZZZ VTS OF1 OFFNET 1  
 1 MS MAXINE DEVILBISS T 01 SB 62  
 PALMER AK (907)745-3483

**S B**

**6 8**

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO.

CSSB68

Revision Date: \_\_\_\_\_  
 Title: Act relating to the donation of food by  
meat processors and seafood processors  
 Sponsor: Senator Leman  
 Requestor: Special Committee on Fisheries

Department Affected: Environmental  
Conservation  
 BRU: Environmental Health  
 Component: Meat & Poultry Inspections  
Seafood and Sanitation Inspections

COMPONENT SERIAL NO. 648 & 1936

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

FUND SOURCE

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

Estimate of any current year (FY95) cost: \$ 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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Larry Jones *Lawrence Jones*  
 Division: Director, Information and Administrative Services

Phone: 465-5010  
 Date: 3/6/95

Approved by Commissioner: *Michael...*  
 Agency: Department of Environmental Conservation

Date: 3/6/95

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HOUSE COMMITTEE REPORT

(7)

Date Referred: March 20, 1995

FURTHER REFERRALS:

Date of Committee Action: 4/4/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: CSSB 68(HES) am

CS FOR SENATE BILL NO. 68(HES) am FOOD BANKS; MEAT & SEAFOOD PROCESSORS

"An Act relating to the donation to a food bank of hatchery salmon, to the donation of food by meat processors, seafood processors, manufacturers, packers, processors, bottlers, and similar entities, and to who qualifies as a food bank."

recommends it be replaced with the following committee substitute HCS CS SB 68 (HES)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

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

fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) DEC

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Don Bunde</i>	<input checked="" type="checkbox"/>			
<i>Stella J. ...</i>	<input checked="" type="checkbox"/>			
<i>...</i>	<input checked="" type="checkbox"/>			
<i>Carol ...</i>	<input checked="" type="checkbox"/>			
<i>Tom ...</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE *Stella J. ...*



Official Business

# Alaska State Legislature

## SENATE

State Capitol  
Juneau, AK 99801-1182

### SPONSOR STATEMENT SB68

I introduced SB68 at the request of Food Bank of Alaska.

The purpose of this bill is to encourage more entities to donate food to food banks and non-profit agencies that serve the needy. It provides salmon hatcheries, meat and seafood processors with the same protection under state law that they have under the federal Good Samaritan Food Donation Act.

The federal Good Samaritan Food Donation Act relieves donors of food from certain liability for death or injury resulting from the donated food. To qualify for protection under the Act as a donor, the person must donate the food for free distribution by a food bank.

Current state law protects donors and food banks from civil and criminal liability arising from injury or death attributable to the condition of the donated food. However, they remain liable if the injury or death results from gross negligence, or reckless, or intentional misconduct of the donor. Salmon hatcheries, meat and seafood processors are not specifically listed as a donor covered by this protection under existing state law.

Upon the passage of this bill the Food Bank of Alaska expects thousands of pounds of seafood and meat to be contributed for distribution to the needy.

The bill also clarifies to whom and how a food bank distribute goods.

Winter 1994

# Gleanings

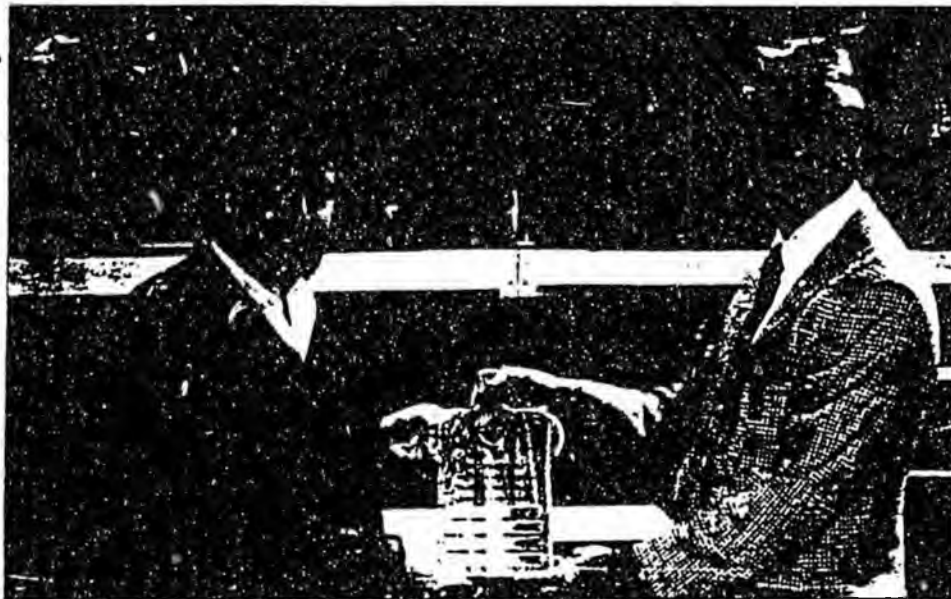


food bank of alaska

2121 Spar Avenue, Anchorage, Alaska 99501

Phone: (907) 272-3663 Fax: 277-7368

## Dragnet Fisheries Fills FBA Freezer



Pictured above is Jay Cherrier, Secretary/Treasurer of Dragnet Fisheries, and Jack Doyle, Executive Director of Food Bank of Alaska.

Dragnet Fisheries joined the fight against hunger in Alaska by donating 125,000 pounds of salmon to Food Bank of Alaska last summer. This generous donation will enable Food Bank of Alaska to provide frozen and canned fish on a year round basis to our agencies throughout Alaska.

## \$1,300,000 Capital Campaign Underway

From its start in 1979, Food Bank of Alaska has been a central food acquisition and distribution system for social service agencies of Alaska which are feeding those in need.

Food Bank of Alaska has grown into the largest non-profit food distribution system in Alaska due to the increased need for food for children, adults, and families throughout our state.

Our growth over the past fifteen years clearly indicates that there is no reason to be optimistic that the need for food or the services of Food Bank of Alaska will diminish in the near future. At this time we have 200 agencies in our network and cannot accept new ones until we are able to meet their food needs.

With this in mind, the Board of Directors adopted a Strategic Plan that will lead Food Bank of Alaska into the year 2000, and launched its first ever capital campaign.

### A Successful Campaign will:

- Expand warehouse space to allow for increased food storage.
- Allow Food Bank of Alaska to accept over 8,000,000 more pounds of food.
- Allow us to be mortgage free and use those funds for food acquisition.
- Increase freezer/refrigerator capacity to store more fresh and frozen food.
- Improve food acquisition, processing, and distribution systems.
- Feed those in need...because no one deserves to be hungry.

## FBA receives grant from MAZON: A Jewish Response to Hunger

Food Bank of Alaska has been fortunate to receive an \$8,000 grant from MAZON: A Jewish Response to Hunger. This is the second year that Food Bank of Alaska has been awarded this grant to purchase high-protein foods, and foods targeting infants and children.

MAZON was founded in 1986 as a vehicle through which American Jews could respond to the tragedy of hunger in the United States and abroad. MAZON, Hebrew for "food," raises funds by asking American Jews who are celebrating life-cycle events such as weddings, birthdays, anniversaries, and bar/bat mitzvahs, to contribute 3% of the cost of these celebrations to hunger relief.

## Notes for your calendar

Anchorage Aces

February

Spring "Scouting for Food"

March

CANstruction '95

March (See story on page 4)

Subway's Food Drive

April in Subway stores in Alaska

Spring Auction

April

National Association of Letter Carriers Food Drive

May throughout Alaska

Annual Amateur Golf

Tournament

June at Eagle Glen Golf Course

For information call!

272-3663.



## CANstruction '95

Calling all business, service groups, organizations, and individuals. Help fight hunger and build a "Hunger Free Town" - one can at a time!

Food Bank of Alaska will be holding its fifth Annual CANstruction event at the University Center, March 25 & 26. This unique food drive involves teams of people who design and build one-of-a-kind sculptures made mostly of canned foods. Participants from past CANstruction events are available to consult with new teams regarding the design and construction of the sculptures.

CANstruction teams donate a \$25 entry fee for a sculpture space. This fee is waived for teams representing non-profit organizations. Food Bank of Alaska provides electricity, if desired, judging, awards, and signage.

CANstruction is fun! CANstruction also affords high visibility for everyone involved, but you need to start planning early! In previous years, all local media sources have covered CANstruction. For more information call 272-3663.

## Fifteen Years Fighting Hunger

Food Bank of Alaska has worked in conjunction with its member agencies, volunteers, and donors for fifteen years in the fight against hunger. This organization began from a small group of visionary Alaskan citizens who believed that no one deserved to be hungry so they created a way to acquire and distribute excess food to agencies which feed needy individuals.

We would like to thank over 200 guests who helped us honor our 1993 - 94 donors, and volunteers, both past and present, at our 15th Anniversary Event on October 5th.

A special thanks to Matanuska Maid Dairy for its generous sponsorship, Ken Wray's Printing, graphic designer Dave Allen, Allegro, Arctic Welding Supply, and event chair Vern McCorkle. Thanks also to guest speakers, Christine Vladimiroff, OSB, CEO and president of Second Harvest (the national network of food banks to which Food Bank of Alaska belongs) and Iditarod winner Martin Buser and his champion dog, D-2.

Finally, a special thank you to all the donors and volunteers who have helped Food Bank of Alaska through fifteen years of operation. We appreciate the outstanding support and enthusiasm we have received from the Alaskan communities that support our efforts and to all who share our belief that "no one deserves to be hungry."

## "Dine Out Against Hunger" a great success

Our first annual "Dine Out Against Hunger" was a great success! Fifteen restaurants took a bite out of hunger on Tuesday, November 15 by donating a percentage of their sales that day to Food Bank of Alaska.

A special thanks to Aadland Marketing Group, Advanced Voice Services, Anchorage Hilton Hotel, Avis, Blockbuster Video, Cafe Fonte, Professional Colorgraphics, Claudia Hinton, of Klondike Advertising, Rose Garden Florist, Sheraton Anchorage Hotel, Simon & Seaforts, members of the "Dine Out Against Hunger" committee, and everyone who patronized the following participating restaurants:

Anchorage Hilton Berry Patch  
Anchorage Hilton Top of the World  
Sheraton Anchorage Bistro 401  
Elevation 92  
Jens'  
La Mex in Spenard  
O'Brady's Burgers and Brew  
The Gallery Cafe in the  
Anchorage Museum

McDonalds - Mountain View  
Sea Galley  
Shannon's Calais Cafe  
Sacks Cafe  
Harry's  
Denny's on Denali Street  
Piper's-Westcoast International Inn

## Holiday Food Drives

Food Bank of Alaska received a variety of nutritious foods through food drives sponsored by businesses, students, and community organizations for the 1994 holiday season. Food drives provide an essential part of our inventory. They offer variety, quality, and nutritional balance for agencies in our statewide network which feed needy children and adults.

Please join us in recognizing the following sponsors of food drives during the holiday season:

- Rogers Park Elementary School
- Boy Scouts of America - Western Alaska Council
- Real Alaskans
- Church of Jesus Christ of Latter Day Saints 13th Ward Young Women
- ACT III Theatres - "Cans Film Festival"
- Wendler Junior High School
- Central Junior High School
- American Postal Workers Union - "Breakfast for Kids Drive"
- Prime Cable of Alaska
- Taku Elementary School
- Preston, Gates & Ellis
- City Electric
- Hot Rods
- Susitna Elementary School
- Hope Cottages - Ocean
- BP Early Learning Center
- Walden Book Store - 5th Avenue Mall
- Lamonts - Dimond Center
- Lamonts - Northway Mall
- Lamonts - University Center
- Tiger Cub Pack 220
- Sam's Club - Dimond
- Price Costco Food Drive - Dimond
- National Bank of Alaska Employees
- Christ Our Savior Lutheran Church Preschool
- Stellar Alternative School
- Alaska Airlines Employees
- Anchorage Daily News Employees
- ARCO Alaska, Inc.
- Alaska Pipe and Supply
- Frame House Art Gallery
- Northrim Bank
- Denali Federal Credit Union
- Amazing Grace Preschool
- 100.5 Fox Radio and Mapco
- Zion Lutheran Church Preschool
- Anchorage Board of Realtors
- Anchorage Bowling Association
- Shepard of the Hills Lutheran Preschool
- Uncle Joe's Pizzeria





**Facsimile Cover Sheet**

**To:** Loren Leman  
**Company:** Alaska State Senate  
**Phone:** 465-2095  
**Fax:** 465-3810

**From:** Pat R. Wendt, Administrator, *PW*  
**Company:** Alaska Special Olympics  
**Phone:** (907) 753-2182  
**Fax:** (907) 753-2192

**Date:** 02/24/95

**Pages including this cover page:** 1

**Comments:**

**Alaska Special Olympics would like to express it's support for Senate Bill # 68 which amends the Good Samaritan Act.**



## Food Bank helps thousands

### thanks to generosity of many

The year 1994 is just a memory for us and there is much to remember. For most of us the year was pretty much like the year before and this year will be like the last.

But for some of our friends and neighbors this year has been the worst in their lives. Several families have lost their homes to fire and many more have lost their job or are new to the area. This is a very loving and caring community and people just need to know who to ask for help to get back on their feet. That is why the Food Bank is here, to help meet the needs when people get caught short and need food.

To the people of the Kenai Peninsula, it is my pleasure to report to you how your Food Bank provided service during 1994. The year was busy and we saw tremendous growth. During the year we received over 620,000 pounds of food for distribution (up from 420,000 pounds in 1993). The value of the food that was distributed to those in need on the Kenai Peninsula by the Food Bank in 1994 was over \$1.2 million. This was accomplished because of the continued community support. The program operates totally through your response to our fundraisers, food drives and requests for donations.

We have many individuals and businesses that have made this program possible. Carlisle Enterprises Inc. provides all our transportation at no charge from Anchorage to us and also down to the distribution points in Homer. Without this help we would not be able to have the food that comes from Food Bank of Alaska. Peninsula Sanitation provides a dumpster for us at no charge, although very little food goes into the dumpster.

We get donations from many retailers and wholesalers. Thanks to Tri Star Distributing (2,179 pounds), Save U More (2,213 pounds), Safeway, L. (15,795 pounds), Carrs (27,694 pounds),

Although this seems like a large amount of food, this represents less than 2 percent of all the food that goes through these stores. In the past the stores had no real option but to throw the food in the dumpster. We are grateful that these businesses and others are willing to call us up so that we can come and pick up the donation and prepare it for distribution.

We have also been blessed with fish from the canneries at the end of the season when they close down for winter. Cook Inlet Processing, Salamantoff, Wards Cove, Inlet Salmon and Ed's Kaslof Seafoods have given us over 15,000 pounds of fish this year. This gives us the opportunity to include a protein in food boxes.

The Food Bank also does several food drives during the year to help supplement donations from stores/salvage. This amounted to over 20,000 pounds of food from the community. The need in the community is greater than even this, and so the Food Bank has dedicated thousands of dollars to purchase much needed foods, like beans, rice, mac 'n' cheese, and for the holidays over 700 turkeys and hams. When a donation is made with the request to be used for food, that is exactly what we are delighted to do. Food from the Food Bank now reaches over 6,000 people each month all over the peninsula. We see miracles happen every day.

At the December board of directors meeting, the members voted to provide food boxes directly to those in need. Anyone who is in need of food can come to the Food Bank and we will provide two weeks of food. We work on the honor system and ask that people remember this so that we will have good food boxes for everyone who needs the help. There is no cost for this service, it is a gift from the community. All of us at the Food Bank believe that no one deserves to be hungry. People in need can come to the Food Bank once every three months if the need persists. We do

working to make it happen. We need your help. You never know if you might need the help of the Food Bank, and we will be there for you. If you had planned to make a donation to help support the work of the Food Bank, it is not too late. The Contract With America, if passed, will impact millions of people and the work of food banks will increase dramatically.

Miracles happen here, every day. There is something for each volunteer to do to help these miracles happen, just come and volunteer. Your help is needed, your donation, your time and your talents. If not you, who? If not now, when?

Linda Parker, executive director  
Kenai Peninsula Food Bank

the stress of no food in the house is present. Children study better when they have enough to eat. For some of our children the only meals they get are the lunch and breakfast they get at school.

The Food Bank is renting space in a warehouse on K-Beach Road behind the Red Diamond Center. We have only 2,000 square feet and often are challenged to make do with the room we have to process and store the food. We have food stored at the freezers at Cook Inlet Processing and at the Unocal Camp. We rack our food three pallets high and still are short on room. The goal of the board of directors is to see that the new building is framed and ready to move in by the end of the summer. This is possible with all of us

1994 was a very successful year for the Food Bank to provide service to the peninsula. In 1995 we have a goal to reach out and help so that no one goes to bed hungry. It has been proven that domestic violence is greater when

encourage people to sign up for the commodity program at the Salvation Army and Public Assistance for long-term help.

It is such a thrill to us to be able to help and to see the impact that the Food Bank is making to people in need. Food is distributed from the Food Bank by members of the Soldotna First Baptist Church at KPC weekly (average 1,000 pounds weekly) to help the students, many of which are extremely low income. Food is also provided to the students at People's Count and New Frontier Vocational Training School, and to Bishops Attic for distribution. Commodity program food goes through the Food Bank to the Salvation Army in Kenai and Homer along with some donations of bread, milk and produce to help

## HOUSE CS FOR CS FOR SENATE BILL NO. 68(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS LEMAN, Ellis, Kelly, Pearce

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to the donation to a food bank of hatchery salmon, to the  
 2 donation of food by meat processors, seafood processors, manufacturers, packers,  
 3 processors, bottlers, and similar entities, and to who qualifies as a food bank; and  
 4 providing for an effective date."

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

6 \* Section 1. AS 17.20.345 is amended by adding a new subsection to read:

7 (c) A person who donates to a food bank salmon from a hatchery that operates  
 8 under a permit issued under AS 16.10.400 - 16.10.470 is immune from liability as  
 9 provided in this section if the salmon is apparently fit for human consumption at the  
 10 time of its donation, even if the hatchery does not have a permit issued by the  
 11 Department of Environmental Conservation under this chapter, AS 03.05, or other  
 12 statute to process fisheries products for human consumption.

13 \* Sec. 2. AS 17.20.347 is amended to read:

14 Sec. 17.20.347. "DONOR" AND "FOOD BANK" DEFINED. In AS 17.20.345

1 and 17.20.346,

2 (1) "donor"

3 [(A)] includes a person, farmer, retailer, slaughterhouse under  
4 state supervision, freight company, distributor, wholesaler, meat processor,  
5 seafood processor, or similar entity, and [;

6 (B) EXCLUDES] a person who acts in a commercial capacity  
7 as a manufacturer, packer, processor, bottler, or similar entity, even if that  
8 activity is the person's primary activity;

9 (2) "food bank" means a nonprofit [AN] organization [RECOGNIZED  
10 BY THE STATE OR FEDERAL GOVERNMENT AS A NONPROFIT  
11 ORGANIZATION AND] that operates principally to collect, inspect, and salvage  
12 donated food for free distribution either to needy persons or to nonprofit  
13 organizations for free distribution to needy persons; in this paragraph, "nonprofit  
14 organization" means an organization recognized by the state or federal  
15 government as a nonprofit organization.

16 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

A M E N D M E N T

TO: CSSB 68(HES) am

1 Page 1, line 3, following "bank":

2       Insert "; and providing for an effective date"

3 Page 2, following line 14:

4       Insert a new bill section to read:

5       "\* Sec. 3. This Act takes effect immediately under AS 01.10.070(c)."

**S B**

**8 8**

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. SB 88

Revision Date: \_\_\_\_\_

Department Affected: Education

Title: An Act establishing a pilot program for charter schools

BRU: Education Program Support

Component: Basic Education and Instructional Improvement

Sponsor: Senator Sharp

Requester: Senator Sharp

COMPONENT SERIAL NO. 171

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>2.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE FUND SOURCE:</b>						
-----------------------------	--	--	--	--	--	--

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match	2.0	0.0	0.0	0.0	0.0	0.0
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>2.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ 0.0

**ANALYSIS: (Attach a separate page if necessary.)**

Senate Bill 88 establishes a pilot program for charter schools. The State Board of Education will need to develop, notice, and promulgate regulations to implement SB 88.

Prepared by: Sheila Peterson, Special Assistant

Phone: 465-2803

Division: Commissioner's Office

Date: February 18, 1995

Approved by Commissioner: *[Signature]*

Jerry Covey

Agency: Education

Date: February 18, 1995

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**

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# HOUSE COMMITTEE REPORT

(7)  
Date Referred: April 18, 1995

FURTHER REFERRALS:

Finance

Date of Committee Action: 5/2/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

CSSB 88(FIN)

CS FOR SENATE BILL NO. 88(FIN)

PILOT PROGRAM FOR CHARTER SCHOOLS

"An Act establishing a pilot program for charter schools; and providing for an effective date."

recommends it be replaced [ ] the same title  
with the following committee substitute \_\_\_\_\_ [ ] a new title

[ ] additional referral to \_\_\_\_\_ Committee  
[ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

fiscal note(s) Education 3/9/95

[ ] zero fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	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"/>			

CHAIR'S SIGNATURE *[Signature]*

Anchorage School District Profile of Performance ..... 1992-93

Table 13 (continued)

Anchorage School District  
 Percentile Rank Scores Corresponding to  
 Average (Mean) NCE Scores  
 ITBs & TAP  
 Historical Elementary School Performances

Elementary School	Grade	Area	S '88	F '88	F '89	F '90	S '92	S '93
Government Hill	4	Reading	43	36	50	24	36	17
Government Hill	4	Language Arts	36	50	NA	23	33	14
Government Hill	4	Mathematics	43	45	NA	41	39	29
Government Hill	6	Reading	42	56	45	42	40	34
Government Hill	6	Language Arts	40	54	NA	39	31	28
Government Hill	6	Mathematics	39	43	54	39	22	34
Homestead	4	Reading	59	55	57	62	49	51
Homestead	4	Language Arts	59	59	54	54	50	61
Homestead	4	Mathematics	51	56	62	66	60	62
Homestead	6	Reading	65	63	67	62	58	56
Homestead	6	Language Arts	66	65	64	58	58	63
Homestead	6	Mathematics	65	71	62	55	71	67
Huffman	4	Reading	63	76	71	72	66	74
Huffman	4	Language Arts	74	72	65	63	66	63
Huffman	4	Mathematics	70	72	75	74	78	76
Huffman	6	Reading	76	72	69	75	75	71
Huffman	6	Language Arts	80	75	76	76	67	67
Huffman	6	Mathematics	73	66	55	63	74	77
Inlet View	4	Reading	75	75	56	72	52	62
Inlet View	4	Language Arts	74	74	69	68	55	63
Inlet View	4	Mathematics	65	73	76	67	65	76
Inlet View	6	Reading	70	67	76	77	72	66
Inlet View	6	Language Arts	67	50	69	67	63	60
Inlet View	6	Mathematics	74	79	67	73	74	65
Kennedy	4	Reading	54	26	51	49	36	35
Kennedy	4	Language Arts	55	21	44	41	33	47
Kennedy	4	Mathematics	41	23	55	48	49	56
Kennedy	6	Reading	47	26	41	61	57	45
Kennedy	6	Language Arts	45	37	51	53	57	48
Kennedy	6	Mathematics	57	32	35	56	53	38

Table 19 (Continued)

Anchorage School District  
 Percentile Rank Scores Corresponding to  
 Average (Mean) NCE Scores  
 ITBS & TAP  
 Historical Elementary School Performances

Elementary School	Grade	Area	S '88	F '85	F '89	F '90	S '92	S '93
Government Hill	4	Reading	40	38	30	24	36	17
Government Hill	4	Language Arts	36	50	NA	23	33	14
Government Hill	4	Mathematics	43	43	NA	41	39	29
Government Hill	6	Reading	42	50	43	42	40	34
Government Hill	6	Language Arts	40	34	NA	39	31	29
Government Hill	6	Mathematics	39	43	54	39	22	34
Homestead	4	Reading	59	60	57	62	49	51
Homestead	4	Language Arts	59	59	54	54	50	61
Homestead	4	Mathematics	51	50	62	66	60	62
Homestead	6	Reading	60	63	67	62	58	56
Homestead	6	Language Arts	60	65	64	58	58	63
Homestead	6	Mathematics	65	71	62	55	71	67
Huffman	4	Reading	68	70	71	72	66	74
Huffman	4	Language Arts	74	72	66	63	66	63
Huffman	4	Mathematics	70	73	75	74	78	76
Huffman	6	Reading	70	72	80	75	73	71
Huffman	6	Language Arts	50	70	70	70	67	67
Huffman	6	Mathematics	70	68	85	85	74	77
Inlet View	4	Reading	70	70	80	72	82	62
Inlet View	4	Language Arts	74	74	69	68	55	63
Inlet View	4	Mathematics	68	75	76	67	65	76
Inlet View	6	Reading	70	69	76	77	72	66
Inlet View	6	Language Arts	67	80	69	67	63	60
Inlet View	6	Mathematics	74	79	67	73	74	65
Kennedy	4	Reading	54	28	51	49	36	35
Kennedy	4	Language Arts	55	21	44	41	33	47
Kennedy	4	Mathematics	41	23	55	48	49	56
Kennedy	6	Reading	47	20	41	61	57	48
Kennedy	6	Language Arts	48	37	51	53	57	48
Kennedy	6	Mathematics	57	32	38	56	53	38

DEPARTMENT OF EDUCATION  
OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

GOLDBELT PLACE  
801 WEST 10TH STREET, SUITE 200  
JUNEAU, ALASKA 99801-1894

(907) 465-2800  
FAX (907) 465-4156

April 20, 1995

Linda Sharp, M.Ed.  
2060 Esquire Drive  
Anchorage, AK 99517

Dear Ms. Sharp:

Thank you very much for taking the time to write your letter of support for Senate Bill 88, "*An Act establishing a pilot program for charter schools.*" I, too, join you in your hearty support for this legislation. A pilot program for the establishment of charter schools will promote local innovation and will support the formation of parent/teacher ventures in education.

Senate Bill 88 has passed the Senate and has been referred to the House Health, Education, and Social Services (HESS) Committee and to the House Finance Committee. Representatives Con Bunde and Cynthia Toohey are the co-chairs of the HESS Committee. You might wish to contact this committee and let the members know of your strong interest in the establishment of the charter schools, as well as your suggestion for improvement.

At the State Board of Education's last meeting, the board members voted unanimously to support the establishment of charter schools. It is our hope that this legislation will pass this legislative session and that the option to establish a charter school will be available to all Alaskans soon.

Thank you for your support and I look forward to hearing from you again.

Sincerely,



Shirley J. Holloway, Ph.D.  
Commissioner

**"THIS ADMINISTRATION WILL  
WORK TO FREE LOCAL  
DISTRICTS FROM REGULATIONS  
AND MANDATES WHICH  
RESTRICT PARENTS AND  
EDUCATORS FROM EXPLORING  
INNOVATION."**

**Governor Tony Knowles**

**State of the State Address  
January, 1995**

**JOE A. MARKS, P.E.**

May 1, 1995

Honorable Con Bunde

Fax 465-3871

Dear Con,

Please expedite the Charter Schools bill. It represents the best opportunity some of our kids will ever have of getting the education they deserve and we are paying for.

Some kids in the Anchorage School District have been shortchanged for too long by a top heavy bureaucracy that fails to tend to the needs of about a third of our student population. The majority of underachieving schools could be converted into Charter Schools. These schools can and will attract parents into meaningful, participatory roles that bode well for their childrens' educations.

It makes no economic sense for us to pay \$ 7,500 per year per child to have schools scoring in the 15 to 40 percentile range as Anchorage's underachieving schools are now doing. We must try a different way to insure that a third of our students do not burden or threaten us in the near future.

Please give Charter Schools a chance.

Sincerely,



J.A. Marks, P.E.

## SPONSOR STATEMENT

CSSB-88(FIN)

BY: SENATOR BERT SHARP

THE ISSUE OF CHARTER SCHOOLS WAS DISCUSSED AT LENGTH DURING THE TWO YEARS OF THE 18TH LEGISLATURE. UNFORTUNATELY, CHARTER SCHOOLS WAS JUST ONE PART OF SB-61, WHICH IN ALL ASPECTS, WAS AN "OMNIBUS EDUCATION BILL" THE BILL TRIED TO ADDRESS DIVERSE ISSUES, EACH OF WHICH, WERE CONTROVERSIAL AND IN SOME WAY, TAINTED THE OTHER BY ASSOCIATION.

I'VE TRIED TO CRAFT SB-88 TO BE A SINGLE ISSUE BILL ON CHARTER SCHOOLS. MY GOAL IS TO SET AS FEW LIMITATIONS AS POSSIBLE IN SETTING UP AND OPERATING CHARTER SCHOOLS. THIS BILL WILL ALLOW SCHOOL DISTRICTS, TEACHERS AND PARENTS THE SPACE TO BE CREATIVE. IT ALLOWS THE CHARTER SCHOOLS TO UTILIZE EXISTING SCHOOL FACILITIES, NEW FACILITIES AND/OP THE OPTION OF LEASING PRIVATELY OWNED STRUCTURES FROM THE OWNER. A GEOGRAPHICAL ALLOCATION HAS BEEN DONE TO ASSURE FAIRNESS STATEWIDE.

ALL CHARTER SCHOOL PROPOSALS MUST BE SUBMITTED TO THE LOCAL SCHOOL BOARD FOR CONSIDERATION, AND UPON THEIR APPROVAL, FORWARDED TO THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION FOR REVIEW AND COMPLIANCE TO STATE LAW.

ALL STAFFING OF CHARTER SCHOOLS MUST BE DONE ON A VOLUNTEER BASIS, WITH THE PRINCIPAL OR ADMINISTRATOR HAVING THE RIGHT OF FINAL APPROVAL OF ALL STAFF SELECTION.

SECTION 3. FUNDING FOR CHARTER SCHOOL. (a) A LOCAL SCHOOL BOARD SHALL PROVIDE AN APPROVED CHARTER SCHOOL WITH AN ANNUAL PROGRAM BUDGET. THE BUDGET SHALL BE NOT LESS THAN THE AMOUNT GENERATED BY THE STUDENTS ENROLLED IN THE CHARTER SCHOOL LESS ADMINISTRATIVE COSTS RETAINED BY THE LOCAL SCHOOL DISTRICT, DETERMINED BY APPLYING THE INDIRECT COST RATE APPROVED BY THE DEPARTMENT OF EDUCATION. THE "AMOUNT GENERATED BY STUDENTS ENROLLED IN THE CHARTER SCHOOL" IS TO BE DETERMINED IN THE SAME MANNER AS IT WOULD BE FOR A STUDENT ENROLLED IN ANOTHER PUBLIC SCHOOL IN THAT SCHOOL DISTRICT.

A CHARTER SCHOOL DOES NOT DILUTE THE AMOUNT AVAILABLE TO THE SCHOOL DISTRICT'S OTHER SCHOOLS.

BY CHALLENGING STUDENTS TO ACHIEVE AT THEIR HIGHEST CAPABILITIES, I FIRMLY BELIEVE CHARTER SCHOOLS MAY LEAD THE WAY TO A MORE EFFECTIVE EDUCATION SYSTEM FOR THE NEXT CENTURY.

I URGE YOUR SUPPORT ON THIS IMPORTANT LEGISLATION.

# Alaska State Legislature

SENATOR  
BERT SHARP

DISTRICT P

CHAIRMAN  
SENATE STATE AFFAIRS COMMITTEE

MEMBER  
FINANCE COMMITTEE  
RULES COMMITTEE



Senate

FAIRBANKS

DENALI BANK BUILDING  
119 N. CUSHMAN, SUITE 201  
FAIRBANKS, ALASKA 99701  
(907) 452-7895/7896

SESSION ADDRESS

STATE CAPITOL, ROOM 514  
JUNEAU, ALASKA 99801-1182  
(907) 465-3004/4921

## SPONSOR STATEMENT

CSSB-88(FIN)

BY: SENATOR BERT SHARP

THE ISSUE OF CHARTER SCHOOLS WAS DISCUSSED AT LENGTH DURING THE TWO YEARS OF THE 18TH LEGISLATURE. UNFORTUNATELY, CHARTER SCHOOLS WAS JUST ONE PART OF SB-61, WHICH IN ALL ASPECTS, WAS AN "OMNIBUS EDUCATION BILL" THE BILL TRIED TO ADDRESS DIVERSE ISSUES, EACH OF WHICH, WERE CONTROVERSIAL AND IN SOME WAY, TAINTED THE OTHER BY ASSOCIATION.

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REPRESENTING  
GOLDEN HEART  
OF ALASKA

SPONSOR STATEMENT

ALL CHARTER SCHOOL PROPOSALS MUST BE SUBMITTED TO THE LOCAL SCHOOL BOARD FOR CONSIDERATION, AND UPON THEIR APPROVAL, FORWARDED TO THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION FOR REVIEW AND COMPLIANCE TO STATE LAW.

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BY CHALLENGING STUDENTS TO ACHIEVE AT THEIR HIGHEST CAPABILITIES, I FIRMLY BELIEVE CHARTER SCHOOLS MAY LEAD THE WAY TO A MORE EFFECTIVE EDUCATION SYSTEM FOR THE NEXT CENTURY.

I URGE YOUR SUPPORT ON THIS IMPORTANT LEGISLATION.

**DIVISION OF LEGAL SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

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

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

April 29, 1995

**SUBJECT:** Sectional Summary of CSSB 88(FIN)

**TO:** Senator Bert Sharp

**FROM:** Michael F. Ford   
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** Allows the formation of a charter school by application to a local school board. Requires approval by the local school board and the State Board of Education. Limits the State Board to approval of not more than 30 charter schools. Imposes limits on the number of charter schools in certain cities and boroughs. Requires that seven charter schools be allocated in a geographically balanced manner.

**Section 2.** Provides for organization and operation of a charter school. Exempts a charter school from certain district education requirements. Requires that a charter school operate under contract with the local school board. Imposes certain required contract provisions. Provides that a charter school can be operated in an existing school district facility or another facility that meets applicable health and safety requirements.

**Section 3.** Requires that funding for a charter school be provided by the local school board, through an annual program budget. Requires that the budget be not less than the amount generated by enrolled students less administrative costs of the district.

**Section 4.** Provides that admission to a charter school can be limited to certain age groups or to students who will benefit from a particular teaching method or curriculum. Prohibits a school board from requiring a student to attend a charter school. Requires a charter school be nonsectarian.

**Section 5.** Provides for assignment and evaluation of teachers in charter schools.

SECTIONAL SUMMARY

Senator Bert Sharp  
April 29, 1995  
Page 2

Section 6. Provides that a contract for a charter school may not be for a term of more than five years and may not extend beyond July 1, 2005.

Section 7. Allows the Department of Education to adopt regulations to implement the charter school provisions.

Section 8. Defines certain terms used for purposes of charter schools.

Section 9. Repeals sections relating to charter schools on July 1, 2005.

Section 10. Allows the State Board of Education to proceed to adopt regulations.

Sections 11-12. Effective dates.

MFF:glc  
95-315.glc



Fairbanks North Star Borough School District

# FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

520 Fifth Avenue

Fairbanks, Alaska 99701-4756

(907) 452-2000

Board of Education March 9, 1995

**Sue Wilken**  
President  
Seat A  
474-0341

Senator Bert Sharp  
Alaska State Legislature  
MS 3100  
Juneau, Alaska 99801-1182

**Bill Burrows**  
Vice President  
Seat E  
451-4985

Dear Senator Sharp:

**Jane Haigh**  
Treasurer  
Seat D  
457-7834

Thank you for responding to the Fairbanks School Board's request to support legislation regarding the establishment of a pilot program for charter schools in Alaska.

**Bob Boko**  
Clerk  
Seat G  
474-9081

Your effort in sponsoring SB88 is appreciated. Passage of this bill will serve Fairbanks and the state well in its attempt to explore different means of organizing and managing schools. We are committed to doing our part at the local level. Together, we can continue to work toward the improvement of education of Fairbanks' youth. We feel strongly that an option for non-mandated charter schools to contract with local school boards promotes that effort.


**Jerry McBeath**  
Member  
Seat C  
479-2870

As you know, the Fairbanks community has always held education as a high priority. We recognize that improvements should always be our goal and we appreciate your assistance in considering of different forms of educational delivery.

**Andy Warwick**  
Member  
Seat F  
474-9148

Sincerely,

**Cynthia Henry**  
Member  
Seat B  
474-0034

  
Bill Burrows

Vice President  
Board of Education

**Bill Heinen, Lt. Col.**  
Eielson Air Force Base  
Representative  
477-3259

**John Popp, Major**  
Fort Wainwright Army Post  
Representative  
456-3771

cc: Interior Delegation  
Rick Cross, Superintendent  
Linda Anderson, Legislative Liaison

**Jay McAlpin**  
Student Representative  
455-9061

SUPPORT

HC 31 Box 5248-A  
Wasilla, AK 99654-9704  
April 28, 1995

House HESS Committee  
c/o State Capitol Bldg.  
Juneau, AK 99801-1182

Dear Committee Members,

Thank you for hearing SB 88. As an educator and parent, I have tried to bring about positive change within education for quite some time now. It has been a frustrating, disenchanting experience.

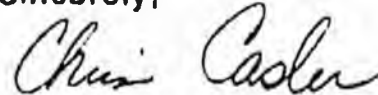
That is why SB 88 is so important. It does not harm the current system for those who experience success by traditional methods. It does give hope for those of us with children who do not succeed within the traditional setting.

Contrary to popular belief, charter schools are not a "brain drain." They offer every one the same opportunity to attend. They cannot restrict who can attend. Those who use the "brain drain" argument need to consider that, if this is indeed true, why is traditional education permitted to inflict damage to our children's education? Obviously it is inappropriate. Just ask industry. Why are parents enacting charter schools all over the country? Why is voucher legislation gaining popularity across the US.? Do we really have to totally gut the current system to bring about reform, rejuvenation and renovation? I do not believe so and that is why I support this bill.

As I know you believe, children are our most precious future. Let's give all children the best we can for their education, not just those who succeed in "traditional" settings. Let's give communities something to support in education, not just more of the same which they are currently bashing loudly and clearly. Please pass SB 88 quickly and get it into our children's present, not their "too little, too late" future.

Thank you for your patience and attention. I look forward to speaking with you on Tuesday.

Sincerely,



Chris Casler



Report 2, 1994

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# Policy Briefs

A Publication of the North Central Regional Educational Laboratory

ERIC ED 370 227



## Charter Schools Update

*Editor's Note: NCREL's special issue of Policy Briefs on "Charter Schools: A New Breed of Public Schools" (Special Policy Report 2, 1993), has been distributed widely throughout the United States since its publication in August. This Policy Update was developed to respond to numerous requests for further information on the topic and to follow up on recent developments concerning Charter Schools, particularly in the NCREL region. It cannot possibly be as inclusive as the original report, but provides information that was not available when the original report was published. The opinions expressed in this update do not necessarily reflect the views of the NCREL staff or board of directors. We hope you find the information useful.*

### Other Points of View on Charter Schools

We received letters from Senators David Durenberger (R-MN) and Paul David Wellstone (DFL-MN) requesting that we publish the views of students and parents from the Toivola-Meadowlands, Minnesota, Charter Schools. The students wrote a "Letter to the Editor" in response to the original report on Charter Schools, and we interviewed for this update two parents who have been involved in the school.

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Policy Briefs  
are reports on  
the status of  
current issues  
in education  
from a national  
perspective.  
descriptions of  
actions and  
agendas in the  
NCREL region.  
commentaries  
by experts from  
their particular  
point of view.  
and resources  
for further  
information.

EA 025 863

## Unedited Letter to the Editor from Toivola-Meadowlands Charter School Students

November 5, 1993

Dear Editor,

We, the students of Toivola-Meadowlands Charter School, would like to respond to the interview given by Daniel Mobilia concerning our school. Mr. Mobilia was not updated on the events occurring within TMCS at the time of the interview, and we would like to take this opportunity to make some corrections. It is true that Charter Schools are exempted from some requirements to allow them to be innovative, but the examples given in that article are not true. Mr. Mobilia stated that charters are exempt from hiring certified teachers. That is not the case in Minnesota. The Minnesota law requires charters to have certified teachers, and that includes the Toivola-Meadowlands Charter. Also expressed in the interview was the exemption of having principals. Charters have that exemption, but so do all other independent school districts in Minnesota. Under the Laws of Minnesota for 1993 amended from the Minnesota Statutes of 1992 under Sec. 15 it states that each public school building in an independent school district may be under the supervision of a principal who is assigned to that responsibility by the board of education for that school district upon recommendation of the superintendent of that school district. The word "may" gives the choice to the TMCS to take an alternative plan of a board of directors and a site base management team instead of a traditional principal.

These options make the school run more smoothly and efficiently. As a matter of fact, TMCS recently elected a new board of directors on October 27, 1993. We had an excellent turn out of 65% of all parents/guardians and staff members of the voting membership.

Many people do not understand charters, and it's hard to explain how one works without inviting a person to see one in operation. Charters allow students to be creative and to have more responsibility in their education. Students here have the chance to explore interests in a style that makes it very educational and fun. Charters also give the students actual experiences of dealing with the business world. Right now we have students who have started their own businesses within the school, such as piano lessons and wood crafts. By starting their own business the students learn a number of things. Communication skills, organization, problem solving, budgeting, and responsibility are just a few. Other students are involved in the coordination of activities for the school. Organizing a rock climbing trip to UMD or skiing at Giants Ridge are some examples. And unlike many other schools, we encourage our students to do community service. This can involve the examples above plus anything from janitorial to working in a day care center to doing projects in the community.

Charter schools are definitely a jump from traditional schools, but if not given the chance to succeed, we will never know what they can accomplish.

*The TMCS Speech Drama Class*

## Illinois Update

Legislation on Charter Schools has been introduced by Lee Daniels (R-Elmhurst). Governor Jim Edgar, in his "State of the State Address" in January, praised Charter Schools as an innovation in education for Illinois that he would propose. Patrick O'Malley (R-Palos Park) has sponsored the Governor's Charter School legislation. The legislation is now pending in the Illinois General Assembly. Mayor Richard Daley of Chicago has made Charter Schools one of his goals

for 1994. The Illinois State Board of Education is discussing "Principles for Evaluation of Legislative Proposals on Charter Schools." Seven principles intended to be safeguards in governing the formation of Charter Schools are under discussion. However, no agreement on the support of Charter Schools or the principles has been made at this time. The Illinois PTA convention recently adopted the "Illinois PTA position on Charter Schools."

### Proposed Illinois State Charter Legislation Sponsored By Representative Lee Daniels

Legislation proposed by Rep. Lee Daniels (R-Elmhurst) would amend the School Code, authorizing the creation of Charter Schools in all school districts. It would establish a seven-member Illinois Charter Schools Commission to administer the Charter Schools Law and provide that members of the Commission are to be appointed to staggered four-year terms by the Governor. If the governing body of a Charter School is a college or university or public community college, the proposed legislation provides that the Illinois Board of Higher Education must approve the charter before it takes effect. The proposed legislation also adds provisions concerning the manner of approval of a Charter School contract, material contract revision, and release of a charter school from state laws and regulations. It provides that a Charter School shall be:

- a public school accountable to its sponsor
- operated in a nonsectarian, nonreligious, non-home-based manner
- subject to statutory and constitutional prohibitions against discrimination
- prohibited from charging tuition
- administered by a governing body in a manner provided by the charter

The proposed legislation authorizes Charter Schools to negotiate for the use, operation, and maintenance of school buildings and grounds on a rent-free basis with colleges, universities, and other entities. It also prescribes certain terms that are required to be included in a Charter School application and contract. If the Charter School is to be established by converting an existing public school to Charter School status, this move must have the approval by a majority of the certified teachers at the school, by a majority of the parents and guardians of pupils enrolled in the school, and (in Chicago) by the local school council before an application may be submitted or received for consideration to establish the designated school as a Charter School. Finally, the proposed legislation adds provisions relative to charter terms and renewals, employee options, financing, evaluation, and reporting.

**Excerpt from the Illinois State  
of the State Address to the 88th  
General Assembly by Governor  
Jim Edgar**

*January 12, 1994*

This year, I will propose legislation to create at least a dozen Charter Schools throughout Illinois. Schools that are organized from the bottom up, schools where principals, teachers, parents and, yes, even students can act to make education more responsive, more relevant, and more exciting without having to answer to layers of bureaucracy and being shackled by overly restrictive mandates.

Indeed, Illinois is ready, I believe, to experiment with having the private sector manage our schools as has occurred in Baltimore and Minneapolis.

Some reforms will work. Others may not. But we're not going to know the answers unless we try, and we do know right now that the status quo is not working in many schools throughout the state.

So let us be innovative—let us help pioneer Charter Schools.

**Excerpt from *Springfield Scene*  
(The Illinois Chamber)**

*April 4, 1994*

**"Charter schools proposal advances"**

The Governor's Charter School legislation, S.B. 1716, sponsored by Senator Patrick O'Malley (R-Palos Park), advanced out of the Senate Education Committee on a 6-2-1 vote. It will receive a second reading in the Senate. The Illinois Chamber, with its fellow statewide business groups

and the school management alliance, testified in support of the measure.

Statewide labor groups, including both statewide teachers' unions, registered opposition to the legislation, primarily on the basis that all of the personnel mandates embedded throughout the school code (notably collective bargaining, tenure, teacher certification) and curricular mandates would not be required for Charter Schools.

A previous *Springfield Scene* stated that Charter Schools should have maximum freedom to devise programs that allow their students to demonstrate the highest level of competencies in given topic areas. By reducing the number of state-mandated processes, the school board and the charter applicant can focus programs on performance.

The Illinois Chamber is working with Senator O'Malley and the Governor's office to draft an amendment that clarifies several provisions of the bill. This amendment will be considered by the Education Committee this spring.

**Illinois PTA Legislation Position  
Statement**

**Position on Charter Schools**

It is the position of the Illinois PTA that charter schools could be a viable part of the reform initiative. They could provide a vehicle for change and innovation by creating new kinds of schools within the public school structure. The Illinois PTA also considers charter schools to be only a small piece of school reform. They should not be viewed as a means of

improving the overall quality of education in Illinois, nor as a means of solving the school funding issue. Charter schools are but one option in a continuum of educational reform.

The Illinois PTA will support legislation creating charter schools that meets the following specific conditions:

1. Charter schools must not be operated for a profit; nor affiliated with a non-public sectarian, religious or home-based school. (Public funds must not be used for private schools. An Illinois PTA Continuing Position)
2. Charter schools must be open to all students regardless of sex, race, religion, national origin, ancestry, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability.
3. Charter schools must not charge tuition or fees which might preclude attendance and full participation by economically disadvantaged students.
4. There must not be any negative impact on currently existing schools.
5. New monies must be made available to fund charter schools; and the state must work to improve funding for existing elementary and secondary schools until it provides the primary cost of public education.
6. Charter schools must be subject to all federal and state laws which deal with health and safety, and prohibit discrimination; and must be subject to the Freedom of Information and Open Meetings Acts.

7. A charter school must be accountable to the local board of education of the district in which it is located.

8. In order to insure the highest standards of teaching, teachers must be certified.

## Michigan Update

### Michigan Legislation on Public School Academies

Michigan passed Public Act 363 late in 1993 that allows the creation of Public School Academies—Michigan's version of the Charter School concept. According to the legislation, "A public school academy is a body corporate and is a governmental agency." The Governor strongly supports the concept.

The following are major features of Michigan Public School Academies:

1. Any individual or organization (except a religious group), such as governing boards of any local school district, intermediate school district, community college governing board, or the governing board of a public state university, may propose and be authorized to run a public school academy.
2. No numerical limit is placed upon the number of public school academies established.

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*California has 45 Charter Schools. The state does not offer start-up monies to get the schools going, so progress in numbers has been slow compared to states where start-up monies are available, such as Massachusetts.*

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## California and Arizona Updates

As mentioned in the original issue of *Policy Briefs on Charter Schools*, California's general election ballot in November 1993 included a referendum (Proposition 174) that would have allowed parents to use vouchers to pay for private schooling. This referendum was viewed by many as a threat to the future of California's Charter Schools. In California, as in Oregon and Colorado, the voucher referendum was defeated by a margin of at least two to one. Colorado voucher proponents have begun a new campaign on the issue, hoping to put it on the ballot in 1994. Why the referendum in California—which was very popular when first proposed—was so strongly defeated is being discussed widely. If nothing else, it is obvious that if such referendums are to pass, they must appeal to middle-of-the-road as well as conservative voters.

California has 45 Charter Schools. The state does not offer start-up monies to get the schools going, so progress in numbers has been slow compared to states where start-up monies are available, such as Massachusetts.

Today, people are looking to Arizona, where the voucher issue is very alive if not altogether well. Both Charter Schools and a pilot voucher program are included in education reform bills. House Bill (HB) 2585 includes the voucher program; Charter Schools are included in both HB 2585 and Senate Bill (SB) 1375. Both bills have been discussed by the education committees in their respective houses and referred to the appropriations committees. SB 1375 has tied significantly more monies to the Charter

School proposal alone. Both bills have created a stand-off. The most contentious disagreements have been over the voucher issue, which has brought to the surface "wars" not necessarily related to vouchers. Both the Governor and the Republican majorities in the House and Senate support vouchers and Charter Schools as an essential part of their education reform package. Vouchers, however, have *not* turned out to be a partisan issue; there is some support for vouchers on both sides. Democrats had expected a division along party lines, but it did not occur. It appears that Arizona will see a long struggle to decide these issues.

## Massachusetts Update

Massachusetts has given initial approval to 15 applications for Charter Schools. The Massachusetts charters will be run by teachers, parents, and community groups, but also by private management for-profit groups, such as the Edison Project, created by Whittle Communications Corporation. The Edison Project won charters in three cities.

## Minnesota Update

### New Charters

Three Charter School applications were submitted to the Minnesota State Board of Education (MSBE) for approval, according to Bill Allen, who coordinates Charter School proposals for the Minnesota Department of Education.

The following application was approved:

New Country School in LeSueur will be a secondary school with a "computer-infused curriculum" and appren-

ticeships and activities in the community. It will receive support from the Community Learning Centers project that has grant money from the New American Schools Development Corporation. The project was approved by the LeSueur Board of Education.

The following applications are still pending:

Emily Community School in Emily is a K-12 program already open with private funding, serving about 75 students. The Crosby-Ironton School Board voted 3-3 on the proposal, meaning that the decision rests with the MSBE.

Sudbury School in Roseville is based on a Massachusetts model that organizes the school as if it were a small town. It has some elements of the Summerhill model. The Roseville Board voted against the proposal 3-2. Board members indicated that their reluctance was based on the inability of the district to provide adequate performance assessment.

## Wisconsin Update

The issue of *Policy Briefs* on Charter Schools featured new legislation in Wisconsin to create Charter Schools. In the months following enactment of Wisconsin's Charter School law, it became apparent that some provisions in the 1993 legislation would cause difficulties for ten participating districts in their efforts to create Charter Schools. In a cooperative effort to correct the situation, the school districts, the Department of Public Instruction, and the Governor's Office developed legislative proposals to increase the flexibility

of school districts and clarify areas of uncertainty and confusion in the law. The proposals have been included in the governor's review bill, which will be addressed by the state legislature.

In brief, according to an analysis by the Legislative Reference Bureau, the proposed bill includes the following changes in the provisions for governing Charter Schools:

1. The requirement that all Charter School employees remain school district employees is deleted; but private Charter School employees would not participate in the Wisconsin Retirement System (WRS).
2. The contract between the school board and the Charter School is allowed to specify which provisions in the laws that govern public schools will apply to the Charter School.
3. The proposed bill directs the state superintendent to establish requirements for licensure as a Charter School instructional staff member. To teach in a Charter School, an individual must hold a regular license or permit to teach, a Charter School instructional staff license, or a Charter School instructional staff permit from the state superintendent.
4. Eliminated is the provision that prohibits the school board from spending on average more per pupil enrolled in a Charter School than it spends on average per pupil enrolled in public schools. But it will require the petition or contract that establishes a Charter School to specify the anticipated average amount that the Charter School will spend per pupil enrolled in the Charter School in

the first year of the contract. Other explanations, justifications for spending, and reporting procedures also are specified on finances.

5. The school board will be allowed to enter a contract on behalf of the Charter School with other governmental units for services or joint power or duty required or authorized by law.
6. The bill allows a pupil to attend a Charter School located outside of his or her school residence district, as allowed for any public school outside the residential district.
7. The requirement to give preference in awarding contracts for the operation of Charter Schools to those that serve at risk children is eliminated.
8. Exemption from civil liability is extended to include Charter School employees.
9. The names of Charter School employees charged with or convicted of certain crimes or dismissal because of immoral conduct are to be reported to the state superintendent.

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*According to Raich, Charter Schools allow in-house decision-making, which eliminates "all of the bureaucracy of getting things done" and leads to better communication among parents, students, and teachers. Decisions are made by the teaching staff, paraprofessionals, community members working in the schools, and licensed educators, who meet several times during the week.*

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## Parent Cannot Envision the Community Without a Charter School

### Interview with Dick Raich, Parent, Meadowlands, Minnesota

by Aurelio Huertas, Jr., NCREL

In less than one year, student enrollment at Toivola-Meadowlands Charter School has increased from 162 students to 197, a 22-percent student increase, says Dick Raich, parent and board member of this recently established Charter School in Minnesota. He attributes the increase to the school's "flexibility" and its ability to bring local businesses and community expertise into the school. "I think under the present structure of education, this is one thing where small school districts fail. They don't have this type of flexibility to move within the structured system."

According to Raich, Charter Schools allow in-house decision-making, which eliminates "all of the bureaucracy of getting things done" and leads to better communication among parents, students, and teachers. Decisions are made by the teaching staff, paraprofessionals, community members working in the schools, and licensed educators, who meet several times during the week. "If a problem arises and you want to change something or bring in something new, you can do it right away," Raich says.

The Toivola-Meadowlands Charter School's open-door policy encourages parents to become more involved in their children's education, which Raich says was not the case several years ago.

Today, teachers at the school promote and solicit parental involvement as much as possible. "Teachers welcome parents in. They welcome ideas. They want to exchange ideas. The one thing they have worked on so much is communication within the community." Not surprisingly, Raich attributes much of the school's success to the community.

However, Raich is careful to point out that Charter Schools are not right for every community. "Why would you want to change something in a community where education is acceptable? They have the outcomes they want. They see what they want coming out of the public schools."

Moreover, Raich warns that the process of setting up a Charter School is very strenuous. He believes that the biggest problem is meeting the legal requirements for establishing a Charter School. "It takes a long time to set this up. Your letters of intent and the contracts—these sorts of things can be made easier." He points to the experiences of other districts that are in the process of setting up Charter Schools: "I know of several other schools that have been working on this for two and three years. They are having a heck of a time."

The Toivola-Meadowlands community has adapted so well to its Charter School that Raich finds it difficult to imagine not having a Charter School. "If Charter Schools fail, I really don't know how we are going to adapt back to the public education in the sense that it was before. Once the programs are set up, they have a track record, and everyone is comfortable with the direction, it can really take off."

**Charter Schools: "I would like to see every district have the option to do this."**

### **Interview of Tim Robinson, Parent, Meadowlands, Minnesota**

*by Aurelio Huertas, Jr., NCREL*

Imagine a school where all members of the school community share a common vision for the school and are involved in decisions affecting curriculum, school structure, and instruction techniques. Now, stop imagining. Such a school really exists: Toivola-Meadowlands Charter School in Meadowlands, Minnesota.

Tim Robinson, who is one of the school's board members and has three children attending the school, says that community feedback on Charter Schools has been "very positive" since the decision was made to establish a Charter School. "Parents like the thought of having programs that are centered on learning in the community, teaching real world applications, and in which their children go out in the community to see what they learned."

The Charter School represents a unique partnership between the local school district and the Meadowlands community. The school seeks to revitalize education by involving the whole community. Parents are more involved in the educational process. Students have regained an interest in learning. Teachers are experimenting with innovative techniques.

Education at Toivola-Meadowlands Charter School extends far beyond pencils, paper, and textbooks. Students have input into what they believe they

need to learn, which encourages them to share the responsibility for learning. They also explore real-life applications of what they have learned through innovative, hands-on activities in the community.

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*"Parents like the thought of having programs that are centered on learning in the community, teaching real world applications, and in which their children go out in the community to see what they learned."—Tim Robinson*

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"All the hands-on stuff is what really connects it for the kids," explains Robinson. "What connects it for the parents is that they can be directly involved and they don't have 50 layers of bureaucracy to go through when they want to have input of how things are done."

Toivola-Meadowlands Charter School believes in challenging its students, especially in the use of technology.

"A lot of the course offerings are geared towards high technology, communications, and interpersonal relationship skills," says Robinson. The school also focuses on everyday skills from a new perspective. "We are taking family learning a little differently—*life skills* we call it," explains Robinson. "It is not just cooking skills and how to do your laundry, but about going out and interacting with young kids and seeing how they learn. Parenting is not as easy as kids think."

Although Robinson believes that Charter Schools offer many benefits, he also admits that even the most successful programs include a measure of failure—not every problem has a practical solution. For example, transportation is a concern

echoed by many Meadowlands residents. "I feel the transportation issue is inadequately addressed in the law," says Robinson. "When there is a transportation problem, there is no solution. This should be fixed."

Nevertheless, Robinson feels that Charter Schools are at the cutting edge of educational reform. He notes that "things may seem rocky at first," but he would like to see more states experiment with Charter Schools. "I would like to see every district have the option to do this."

*Aurelio Huertas, Jr., is a staff writer for the North Central Regional Educational Laboratory. He writes extensively on educational topics as well as alcohol, tobacco, and other drug-related prevention issues.*

### Excerpts from President Clinton's State of the Union Message

*The New York Times (National), January 26, 1994*

We must set tough world-class academic and occupational standards for our children. And give our teachers and students the tools they need to meet them. Our Goals 2000 proposal will empower individual school districts to experiment with ideas like chartering their schools to be run by private corporations or having more public school choice, to do whatever they wish to do as long as we measure every school by one high standard: Are our children learning what they need to know to compete and win in the global economy?

Goals 2000 links world-class standards to grass-roots reforms, and I hope Congress will pass it without delay.

## Product List

### Regional Policy Profiles

Qty	Catalog Number	Description	Cost
—	SSAP-92-93	State Student Assessment Program Database with disk, 92-93	\$99.95
—	SSAP-U1-93-94	State Student Assessment Program Database, Update disk & hard copy, 1993	\$49.95
—	SSAP-B-92-93	State Student Assessment Program Database, hard copy, 1993	\$29.95
—	RPIC-1R-93	<i>Issues and Recommendations Regarding Implementation of High School Graduation Tests</i> , William A. Mehrens, 1993	\$ 5.95
—	RPIC-1R-93-ES	<i>Issues and Recommendations Regarding Implementation of High School Graduation Tests</i> , William A. Mehrens, Executive Summary, 1993	\$ 3.00
—	PPD-921	<i>Policy and Practice Toward the Improvement of Teacher Education</i> , Nancy L. Zimpher and Kenneth R. Howey, 1993	\$ 8.95
—	RPIC-SB-93	<i>Source Book on School and District Size, Cost and Quality</i> , 1992	\$ 6.00
—	TCP-921	<i>Defining Education's Role in Telecommunications</i> , 1993	\$ 8.95
—	RPIC-AA93	<i>Academic Achievement - A View from the Top</i>	\$ 5.95
—	RPIC-AA93-ES	<i>Academic Achievement - A View from the Top</i> , Executive Summary	\$ 3.00
—	ISM-DDC-93	<i>A Database and Catalog of Alternative Assessments, focuses on math and science and includes disk</i> , 1993	\$ 9.80
—	ISM-AB-94	<i>Annotated Bibliographies of Alternative Assessments in Math &amp; Science</i>	\$ 7.45
—	RPIC-HS-93	<i>Legal Implications of High-Stakes Assessment: What States Should Know</i>	\$19.95
—	ED-AS-094	<i>Surveying the Landscape of State Educational Assessment Programs</i> , Linda Bond, 1994	\$ 5.00
—	RPIC-TT-94	<i>The Test of Testing: Making Appropriate and Ethical Choices in Assessment</i> Gregory Bell, 1994	\$ 4.95

### Policy Briefs - No Charge

—	1994	#2	Charter Schools Update
—	1994	#1	Building Collaborative Education Systems: New Roles for State Education and Higher Education Agencies
—	1994	W-94	Funding Crisis Forces Action in Michigan
—	1993	#3	Integrating Community Services for Young Children and Their Families
—	1993	#2	SPECIAL POLICY REPORT: Charter Schools: A New Breed of Public Schools
—	1993	#1	SPECIAL REPORT: Decentralization: Why, How and Toward What Ends?
—	1992	#17	Alternative Teacher Certification
—	1992	#1	SPECIAL REPORT: Intermediate Agencies: Renewed Interest in the Redesign of Service Delivery in State School Systems
—	1991	#15-16	Alternative Assessment
—	1991	#14	Tech Prep: Filling a Vital Niche in American Education Strategy
—	1991	#12	Restructuring Schools: Exploring School-Based Management and Empowerment Issues
—	1990	#10-11	Performance Assessment
—	1990	#9	Parent Involvement in School Restructuring
—	1990	#8	Recruiting and Retaining Minority Teachers
—	1990	#6-7	School Finance Equity: The Courts Intervene
—	1990	#5	Technology: Its Use in Education
—	1990	#4	Restructuring: A New Agenda for Schools
—	1989	#3	Choice: Implementation Issues
—	1989	#2	Early Childhood Education for At-Risk Children
—	1989	#1	Dropouts: Strategies for Prevention

To Order: contact Dina Czoher at NCREL, 1900 Spring Road, Suite 300, Oak Brook, IL 60521



 1984-1994  
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10th ANNIVERSARY

Opinions expressed in the commentaries do not necessarily reflect the view of NCREL staff or board. Facts and ideas presented in NCREL's *Policy Briefs* are intended to survey a current issue and not to advocate a particular position.

*Policy Briefs*

A publication of the North Central  
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This publication is based on work sponsored wholly or in part by the Office of Educational Research and Improvement (OERI), Department of Education, under contract number RP91002007. The content of this publication does not necessarily reflect the views of OERI, the Department of Education, or any other agency in the U.S. Government.

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# Charting a

# NEW COURSE

**Parents eager to throw out the old rules are leading a movement to create and operate new publicly funded charter schools.**

FOR YEARS A group of concerned parents in Franklin,

Massachusetts, gathered at school functions and library story hours to compare notes, complain about local schools, and discuss the need for a better education for their kids. "We talked excessively about what we wanted our schools to be," recalls Peg Murphy, a former teacher and suburban mother of five. Just about a year ago, Murphy learned that Massachusetts was one of a handful of states that had passed charter school legislation, allowing parents and teachers to fashion and run their own publicly funded schools.

With only two weeks left before the deadline to submit a charter proposal to the Massachusetts Department of Education, Murphy worked fast. "I threw all the educational materials I had collected into a laundry basket and went to the home of a friend, who's a kindred spirit on these issues," she says. The writing came easily. Today she is president of the governing board at the Benjamin Franklin Classical Charter School, slated to open its doors this September for students in kindergarten through grade four.

The new school will be located

BY RUTH BAYARD SMITH  
PHOTOGRAPHY BY MICHELE McDONALD



Parents on the governing board of the Benjamin Franklin Classical Charter School will oversee the budget, hire staff, and select textbooks. "We're hoping to launch a school with an unusual tone of cooperation and respect," says Peg Murphy.

in a former parochial school that has not been in use for several years. For now, in addition to Murphy and her husband, Robert, the board is made up of five other couples whose children will also attend the school. Says Murphy, "We are parents who are very involved in our children's education, and it's an attitude we want to foster in our school. Our existing schools encourage volunteers, but that usually means they're looking for parents to bake cookies. We've had a thirst to be more active."

Since Minnesota passed the first charter school law in 1991, the movement to establish independent, publicly funded schools has grown steadily. Currently, 11 states have charter school legislation on the books; laws in six of these—Arizona, California, Colorado, Massachusetts, Michigan, and Minnesota—give charter schools a greater degree of autonomy than the legislation passed thus far in Hawaii, Georgia, Kansas, New Mexico, and Wisconsin. (Debate over charter schools is expected to hit the agendas of legislatures in another dozen or so states this year.) Most of the states that allow charter schools have placed a limit on the number that can exist—100 in California, 25 in Mas-

sachusetts—largely in response to critics who charge that charters draw money and reform-minded professionals away from the public school system. Some 110 charter schools are now operating nationwide, according to Lori Mulholland, senior research specialist at the Morrison Institute for Public Policy at Arizona State University, and at least 50 more are expected to open in September.

Although states are beginning to give the go-ahead, establishing a charter school is by no means easy. Charters are granted only for a specified period of time, usually from three to five years; if the school does not meet its goals, the charter will not be renewed. Money is another problem. Charter schools receive the same per-pupil funding as do other schools in the district, but get neither start-up funds nor assurances of assistance with legal matters, insurance, payroll, or other support services. Perhaps the largest hurdle, however, is finding a place to hold classes. While some charter schools are established within existing schools, others are left to scramble—one Michigan charter school was established in a suburban garage, and one in California operates out of a group of trailers in a local park.

Though accountable to either a local or a state educational authority, charter schools are virtually exempt from the restrictive regulations that have typically plagued public education. For example, charter schools are free to spend money as they choose, hire and fire staff, and select textbooks and other educational materials. By blending the more conservative elements of school choice with a strong commitment to public education, charter schools have appeal across political lines. They provide groups of parents, educators, business leaders, and community organizations with the opportunity to form schools bearing their own stamp. The schools are then governed by their own boards—with varying configurations of faculty, parents, and even students—whose members make decisions about academics and policy.

From the beginning, a key component of the charter school movement has been family involvement, and some states require that specific guidelines for families be included in the proposal and governing bylaws. "Charter schools were meant to be collaborative," explains the Morrison Institute's Mulholland. "They provide a huge potential for involvement of parents, community groups, businesses, whoever can work to improve the outcomes of children's education."

But, says Mulholland, parental involvement can mean different things to different people, depending on the school and its phase of development. Some parents, like Peg Murphy, get involved from the beginning, developing their vision for the school, writing the charter proposal, drafting governing laws, and actually hiring a director and teachers. At certain charter schools, parents are required to work a stipulated number of hours during the school year.

When attorney John Hedges decided to send his daughter to the International Studies Academy, a charter school that was converted from an existing high school in San Francisco's predominantly Hispanic Mission district, he jumped at the chance to become part of the governing process. Says Hedges, whose daughter had been in a private school, "Public school was politically where I always wanted to be." Now president of the school's board, Hedges typically spends one day a week in planning and preparation. "We have a major amount of work to do to make the major educational changes we want," he says.

At the Parents Allied with Children and Teachers School (PACT) in Anoka, Minnesota, which opened last September, school board member Pam Rother estimates that 70 percent of the parents are involved in making the K-8 school work. This includes spending time in the classroom, helping determine curriculum,

**From the beginning, a key component of the charter school movement has been family involvement, which can mean anything from writing the charter proposal to working a specified number of hours in the school.**

renovating the physical plant, and working in the school office. According to Rother, PACT's special-education coordinator and the mother of four children who attend the school, "We want to find parents' strengths and gifts and plug them into those areas. The last thing we want is for parents to burn out." Yet Rother does worry whether "volunteerism can continue at this pace. We have a vested interest in having the school succeed. The commitment level is high, but sometimes I wonder how I am going to capture the enthusiasm for next year."

Ironically, sometimes parents who have devoted large amounts of time and energy to shaping their schools are loath to relinquish control to other parents. Says James Griffin, executive director of the Lakewood, Colorado-based State League of Charter Schools, "Frequently, a group of parents has put at least 1,000 hours into the school. Their attitude is 'If other parents want to follow, great. But this is our program.' They're reluctant to turn it over. I understand their feelings, and that turning over control, particularly in the first year, can be very chaotic for the school."

From an educator's perspective, however, more pressing are the problems that can ensue when parents want too much authority. "As far as parental involvement is concerned," says Griffin, "a balance needs to be struck between the governing structure and day-to-day involvement. A lot of personal dynamics are at work and sometimes people have to bend. On the one hand, we can't change the nature of charter schools, which are heavily parent-oriented, but on the other hand, sometimes schools want to keep parents at arm's length."

In any case, says Eric Premack, charter schools consultant at the Berkeley,

*(continued on page 47)*



**Robert and Peg Murphy see themselves as the "primary educators" of their children.**

## Charting a New Course

(continued from page 29)

California-based Institute for Policy Analysis and Research, "Parental involvement doesn't just happen *because* it's a charter school. Schools need to develop a structure and specific plans. In my view, there has been little substantive parent involvement at the typical non-charter school."

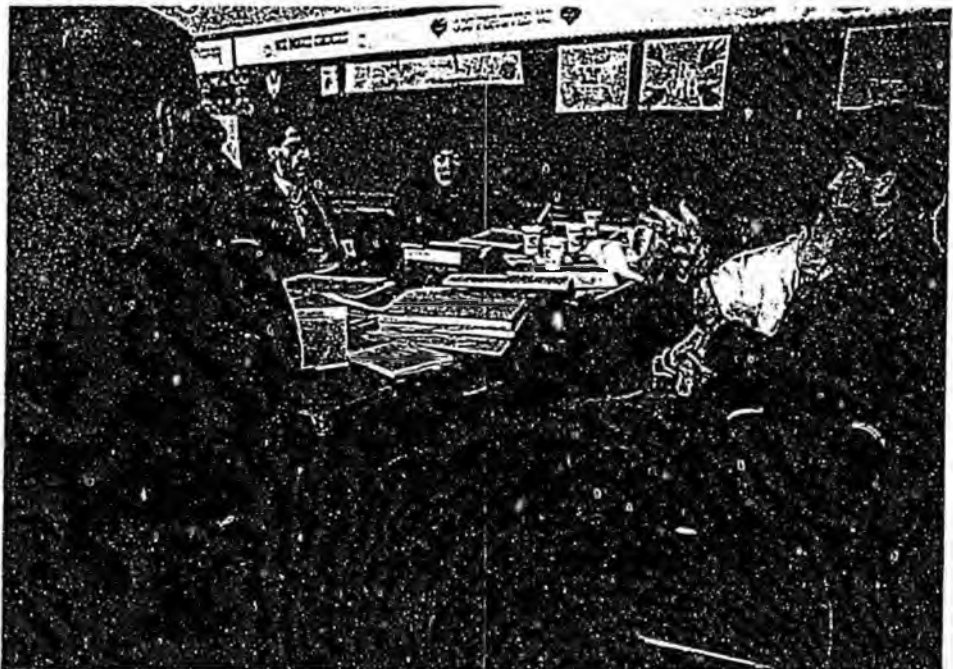
By their very nature, charter schools empower parents by giving them an option they didn't have previously. Ted Kolderie, senior associate at the Center for Policy Studies in Minneapolis, cites an example of a Minnesota Montessori school where parents were so frustrated with problems concerning space, transportation, and faculty that they looked into starting their own charter school. As a result, says Kolderie, the existing administration responded and met their demands. "The presence of the charter law gave parents and administration the ability to do that. Parents looked at each other and said, 'All we were after was a district-run Montessori school with transportation. We weren't looking to have the hassle of running our own school.'"

Still, decision making by consensus is often frustrating. Steven Hirabayashi, principal of the San Francisco International Studies Academy (ISA), sounds a familiar chord among those involved with charter schools when he says, "Sometimes it seems that there are just too many opinions. The faculty and staff here really do believe that for successful education to occur, a school has to have strong partnerships among faculty, parents, and students, but the process can be time consuming and frustrating." Hirabayashi concedes, however, that the charter mandate has lifted layers of cumbersome state and local bureaucracy from the governance of the International Studies Academy. Now, says Hirabayashi, the school is "only accountable to the San Francisco Unified District, which takes a hands-off approach."

John Hedges, ISA's charter council president, also acknowledges that a shared governing process has some inherent problems. But he says, "Institutions always take a lot longer to make change than

you expect. Taking a school that exists and giving it a self-governing body to control its own destiny is like trying to change a tire while driving down a freeway." What makes the commitment worthwhile, according to Hedges, is that the school "seems to have a new spirit."

Most charter schools start slowly, either by mandate or by choice. For instance, the Benjamin Franklin Classical Charter School plans to open as a K-4 facility, then add one grade level at a time. The PACT school in Anoka, Minnesota, will add a ninth grade in its third year, using the intervening time to develop plans for a high school with strong ties to the community.



Parents of prospective students will have a chance to meet the governing board of the new charter school. They will sign family contracts to ensure participation by all.

And San Francisco's ISA functioned for an entire year as a non-charter school after its charter proposal was approved in order to become fully prepared.

The charter school movement seems to have energized many parents across the country with the sense that they can take control of their children's education successfully. Says Peg Murphy of the Benjamin Franklin Classical Charter School, "As parents, we want to keep abreast of what's happening in the classroom. My daughter recently completed a unit on planets. Because we were aware of what she was doing, my husband, who's an amateur astronomer, got out the telescope

and we looked at the rings of Saturn. But the enrichment can be as simple as talking at the dinner table about what the children are studying in school."

No one could dispute the value of parents providing enrichment in their children's education. But with charter schools still in their infancy, many significant questions remain. Will these schools deliver the high-quality education they promise? Will those parents who founded a charter school stay involved and enthusiastic once their kids graduate—or will the job of keeping the school alive abruptly fall to a new generation of parents who may or may not have the necessary

zeal? How seriously will the loss of resources and students to charters affect other schools in the district? And will charter schools ultimately set up their own bureaucracies, as cumbersome and impenetrable as those they're replacing?

For the time being, at least, charter schools show great potential. As Colorado's James Griffin says, "Charter schools can't be all things to all people, but they represent a whole new dynamic for teachers, parents, and anyone else interested in children's education." ■

*Ruth Bayard Smith is a New Jersey-based freelance writer.*

## COMPLIMENTS OF THE ALASKA STATE LIBRARY

### AMERICAN SURVEY

again next year. An even more unruly class of congressmen will have entered by then, presumably boasting A-to-Z. This will not endear Messrs Andrews and Zeff to the leadership. "Does this mean I'm not going to be deputy whip?" asks Mr Andrews.

## Property regulation Government, keep out

BY JOHN WYOMING

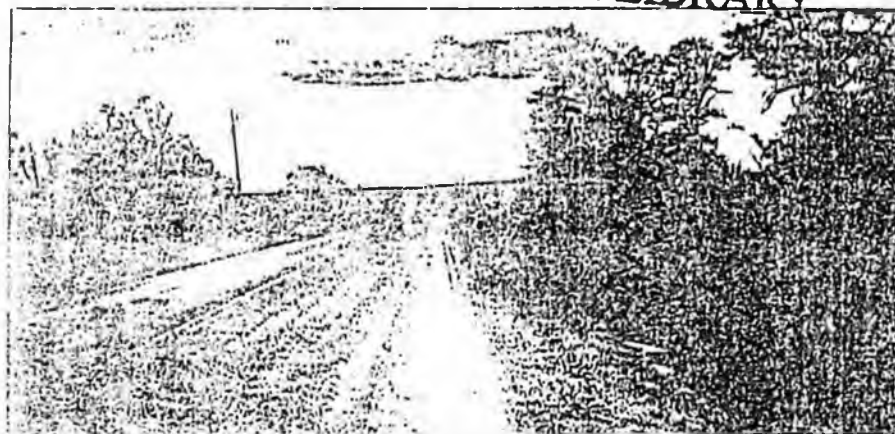
JUNE was a good month for property owners. On June 24th the Supreme Court, in a 5-4 decision, told the city of Tigard, Oregon, that it could not legally demand that Florence Delan build a bicycle path and create a green space if she was to expand her plumbing store on Main Street. Two weeks before, a federal appeals court had informed the federal government that it had overstepped its regulatory power in protecting wetlands. The plaintiffs—who are now dead; litigation has been proceeding for 14 years—had complained that the government, through its wetland regulations, had put such restrictions on their New Jersey property that it had lost its value.

The two cases strengthen an unmistakable trend: the government is losing some of its power to regulate or control private property without compensation. In such "regulatory takings" cases, as they are called, governments have usually deployed a series of loopholes allowing restrictions on property, such as zoning and pollution control, without a city or state having to pay the landowner for any lost value.

The two rulings were not a total surprise. Some shift in legal thinking had been detected since rulings in two related cases in 1987. Then, in 1992, the Supreme Court gave definitive notice that there are limits to regulations. It awarded damages to David Lucas after a state agency refused to let him build a home on a beach-front property because it constituted a possible erosion hazard. Mr Lucas sued, saying he was entitled to compensation under the Fifth Amendment to the constitution, which says the government will justly compensate those whose land is taken for public use.

The government still wins most such cases. The Supreme Court's ruling in Lucas applies, says Justice Scalia, in "relatively rare situations". Ian Laitos, a law professor at the University of Denver, estimates that plaintiffs win only 5% of all federal cases. Yet litigants remain undeterred. The number of cases filed against the federal government has doubled in the past ten years.

Part of the problem between landowner and government stems from shifting definitions of the word "property". This "founda-



Whose land is it anyway?

tion of the social contract", as Rousseau called it, is not as rock-solid as most property owners imagine. Lincoln's emancipation proclamation stripped many southern families of their primary property—their slaves—with no thought of compensation. The uncertainty may encourage governments, but it rattles property holders.

The 140 cases now before the Court of Federal Claims can roughly be divided between those originating east of the Mississippi river and those coming from west of it. The New Jersey wetlands case is a typical eastern-states suit. The Clean Water Act imposes stringent regulations when any remotely damp piece of earth is converted to other uses. A clash between property rights and regulation is inevitable when 75% of all wetlands are privately owned.

From west of the Mississippi come litigants upset about increasingly restrictive laws on commodity development, particularly mining. Miners and ranchers see going to court, even with a slim chance of victory, as a chance to intimidate federal land managers. And the conviction that the federal government is not a dependable business partner is not limited to commodity use. In 1993, two communications companies filed a claim against the federal government when NASA, following a presidential directive, stopped launching their private satellites. The companies lost.

Some people feel that property-rights advocates and conservative judges have combined to change the legal agenda. But others, such as Michael Heyman, an Interior Department lawyer, admit that the issue is one of fairness. As Mr Heyman asked recently, at a conference on the subject at the University of Colorado law school, "When there is an unforeseen change in the law, who should bear the cost?"

Every speaker at the conference pleaded for better legislation, saying that the law on regulatory takings is a poor way of settling differences over property. In most cases, the courts' rulings are on an all-or-nothing basis; the tyranny of litigation produces a deep polarisation. A recent opinion by Loren

Smith, the chief judge of the Court of Federal Claims, was quoted with approval: "Courts cannot produce comprehensive solutions... Judicial decisions are far less sensitive to societal problems than the law and policy made by the political branches of our great constitutional system."

Politicians have got the message. Seven bills on the subject are currently before Congress. No fewer than 86—most of which failed—have been introduced in state legislatures in the past year. But even changes in the law may not solve the problem.

With its deep pockets, bureaucracy has little incentive to settle; Congress, in its habit of largesse, has set up a "judgment fund" which pays any settlement incurred by a federal department. And even the most avid defender of public resources cannot help but notice a lack of bureaucratic common sense. In the case of Mr Lucas, the court ordered the state of South Carolina to buy his beach-front land at the market price if it wanted to prevent anyone building on the property. After gaining title, the state sold the land to a developer.

### Charter schools

## Free at last

WASHINGTON, DC



BILL CLINTON expressed his approval for the idea in his State of the Union address in January. Roy Romer, the Democratic governor of Colorado, fought hard and successfully to get

an enabling law through his state's legislature. William Weld, the Republican governor of Massachusetts, thinks it is an idea whose time has come and says he cannot wait to see its effect.

The brave new idea is charter schools, and the essence of it is simple: allow someone other than school boards to set up and run public schools. Charter schools are ei-

ther started from scratch or formed by converting existing public schools to charter status. The founders may be parents, teachers, public bodies such as museums and universities, or in some cases profit-seeking private enterprises. Typically, charter schools are separate legal entities—able to hire people and hold property—and not merely an arm of the school system. Teachers are employees of the individual school; some even opt to be owners, with shares in the partnership in charge of the school.

The basics of public schooling remain in place (no fees, no teaching of religion, no selective admissions). But by granting charters for public schools outside the existing system, people with innovative ideas for education can put them into practice free from the drag of the public-school bureaucracy. California has a 13-volume education code; charter schools can ignore it.

They may offer unconventional hours, experiment with curricula, specialise in certain types of teaching, design programmes tailored to a particular community. Instead of churning out what cynics call *trus* (but-time units), they aim to satisfy their customers. Nobody is obliged to go to them; the schools depend on the choices of parents and children, and on the money that follows each child.

Passing legislation allowing charter schools has been a hard, state-by-state battle. Teachers' unions and school boards have put up stiff resistance. But Republicans like the charter idea because it offers greater choice; Democrats like it because (unlike more radical reforms, such as vouchers, that would channel tax dollars to private as well as public schools) it keeps more obviously within the bounds of free public education. Politicians have been urged on by parents desperate for better schools. As a result, charter-school laws have been spreading.

Minnesota was first, in 1991. California followed the next year. In 1993 six more states passed what they described as charter-school legislation. Kansas and Arizona approved laws this year. New Jersey may be next; there, as in Arizona, the governor prefers school vouchers but may well take charter status as a feasible second-best.

There is no standard model for organising charter schools. Some states (such as Massachusetts) have passed bold legislation; others (such as Georgia) have been more cautious. Colorado introduced an appeals procedure so that school boards could not on their own block applications for charter schools; Massachusetts has gone a step further, and put the state's education secretary in charge of the vetting process. Most states have limited the number of charter schools (up to 100 in California, 50 in Colorado, 25 in Massachusetts, 20 in Minnesota). But Michigan set no limits at all.

How well are the reforms working? It is

early days. Few charter schools are up and running (about three dozen in California, six in Minnesota, two in Colorado), and the experience is mixed.

Some schools seem to be translating local control into efficient management. But charter advocates would like to see more evidence of innovation. It turns out that the mere business of setting up a school uses up vast amounts of creative energy. "This is not for the faint of heart," says Barbara O'Brian of the Colorado Children's Campaign, a child-advocacy organisation. One of the two schools already open in Colorado had a terrific year, the other a rocky one.

Still, the monopoly in public schools is breaking up. Competition is bringing experiments and forcing assumptions to change. Even some people in the teachers' unions and on school boards are starting to embrace the charter-school idea. The unions see such schools opening despite their opposition, and have an interest in be-

Start of a trend?



ing constructively involved. The school boards, traditionally just suppliers of education services, have the opportunity to become purchasers on behalf of the citizens they serve, and to think afresh about the sort of education they ought to be buying. One school-board executive argues perceptively that "moving away from the role of exclusive provider of education services may be a blessing in disguise."

Arresting

NEW YORK

JUST a few weeks ago William Bratton, New York's police commissioner, was fretting that his officers were unhealthy, overweight and out of shape. This week he may be wishing that one of his policewomen was not in such obviously fine shape. On the cover of August's *Playboy*, Carol Shaya, a 25-year-old officer in New York's Bronx, appears at least partly in uniform; in an eight-page inside spread she is largely out of it, aside from a few useful props such as

handcuffs. The magazine helpfully recounts Officer Shaya's "fondest on-the-job memory" of disarming a machete-wielding murderer. "I'm a great shooter and I handle my nightstick [truncheon] well," she adds.

New York's police department has been here before. In 1982 Cibella Borges was suspended for posing nude in a hard-core magazine when she was a civilian employee of—remarkably—the police department's Public Morals Division. Ms Borges was later sacked for "conduct prejudicial to the good order and effectiveness of the police department" but, after a long legal battle, was reinstated in 1985. She is now a plain-clothes police sergeant in Brooklyn.

Officer Shaya—who is rumoured to have earned as much as \$250,000 for her undercover assignment, but maintains she wants to stay with the police—is unlikely to get such a rough time. At worst, she will be disciplined for breaking two police rules: that officers should not wear their uniform—however alluringly arranged—in the course of other employment, and must not use their association with the force for commercial gain. Police officials say, however, that they are reserving judgment until they see the pictures. *Playboy* is presumably laying on an extra print-run to cope with the department's demand.



How's that, Mr Bratton?

EDUCATION

# A CLASS OF THEIR OWN

Bucking bureaucracy, brashly independent public schools have much to teach about saving education

By CLAUDIA WALLIS

**R**ON HELMER'S TWO-CAR GARAGE isn't much to look at, but the modest structure set amid the cornfields and ranch homes of esurban Freeland, Michigan, harbors a revolution. Inside the garage and spilling over into what was Helmer's living room is the Northlane Math and Science Academy, a new kind of public school. In these unconventional quarters, Helmer, a veteran teacher and school administrator, and two other teachers are attempting to guide 39 students, ages 6 to 12, toward a better understanding of their world via a very active brand of learning.

On a recent day, the youngest children gathered around the small pond in Helmer's backyard, collecting water samples and aquatic plants for study. In the former living room, an older group struggled with the intricacies of urban planning—where to put the power plants, whether to build a highway, how big to make the municipal hospital—by playing a complex computer game called *SimCity 2000* on the school's five new Macintoshes. Members of a third group could be found in the garage, sanding and sawing to create kid-size furniture of their own design.

Like other Michigan public schools, Northlane Academy gets its funding—a total of \$175,500—from the state lottery and sales taxes. But because the school belongs to a new category of independent "charter schools"—one of nine that have opened in Michigan this fall—Helmer, as principal, is

Ron Helmer, top, center, with the students and faculty of his homegrown school in Freeland, Michigan

free to spend the money as he sees fit—on those Macs, for example—without interference or oversight from the local board of education. He is also free to depart from the public-school curriculum, which he regards as about a mile long and an inch deep. Northlane, he vows, will teach kids to think and understand rather than learning by rote. "Here we're not so concerned with being able to name the three capitals of South Africa as we are with why South Africa has three capitals; with understanding the cultural, economic and political forces that created those capitals."

It's an approach that so far seems to be going over well with Northlane's young scholars. Sidney Tessin, 10, excitedly tells how her class dissected walnuts and discussed the ways vascular and nonvascular plants differ. In her old public school "we talked about plants," she says, "but never about *why* there are vascular and nonvascular plants." Nick Reisinger, a freckled 12-year-old, chimes in: "Here we get to talk about things instead of just listening to some boring teacher. I don't feel like 'Duh, what am I doing here?' anymore."

THE CHARTER-SCHOOL MOVEMENT IS NOT yet big. Just 11 states, beginning with Minnesota in 1991, have passed laws permitting the creation of autonomous public schools like Northlane; a dozen more have similar laws in the works. Most states have restricted the number of these schools (100 in California, 25 in Massachusetts) in an attempt to appease teachers' unions and other opponents. Nevertheless, the charter movement is being heralded as the latest and best hope for a public-education system that has failed to deliver for too many children and cannot compete internationally.

PHOTOGRAPH BY CLAUDIA WALLIS



**LITERARY PURSUITS:** Children at the Northlane Math and Science Academy curl up with some good books. "I don't feel like 'Duh, what am I doing here?'" says a student

"Charters can bring real innovation into the classroom and challenge other public schools to raise their standards," insists Massachusetts Governor William Weld. Parents are clearly eager for alternatives: just consider the growth of the home-schooling movement, which now involves half a million children. Where charter schools have opened, they are thronged with applicants. Where they have not, parents and educators are moving mountains to create them, either from scratch or from the frayed cloth of old public schools.

Take this other scene from the revolution. In the hardscrabble barrio of Pacoima near Los Angeles lies the Vaughn Next Century Learning Center. Of its 1,107 students, 931 are Hispanics who speak limited English; 95% are so poor they qualify for free breakfast and lunch. Four years ago, Vaughn was just another failing inner-city elementary school: test scores were among the lowest in the state, 24 of the 40-odd faculty members had quit in the previous two years, and the principal had resigned after anonymous

death threats. Yvonne Chan, the new principal, was determined to turn things around.

Possessed of enough energy and drive to power a locomotive, Chan was nonetheless hindered at every turn by the inertial drag of school bureaucracy. California's

education code runs to 6,000-plus pages. Most of it seems designed to generate more paper: local schools are required to send reams of forms to district offices before they can fix a broken window, change the school menu, take a class on a field trip or buy new textbooks. To make real innovations, Chan found herself perpetually fighting for waivers. In 1992, when California enacted a charter-school law, Chan was one of the

first to apply. "We wanted the waiver of all waivers," she explains. "The charter takes the handcuffs off the principal, the teacher and the parents—the people who know the kids best. In return, we are held responsible for how kids do."

Granted charter status last fall, Vaughn Next Century, with a budget of \$4.6 mil-

lion, became a case study in how to take the money and run—in the direction of greater efficiency and higher student achievement. Chan totally revamped spending. She put services like payroll and provisioning the cafeteria out for competitive bids; she reorganized special education. By year's end she had managed to run up a \$1.2 million surplus, which she proceeded to plow back into the school. She added new computers, an after-school soccer program and, most important, more teachers, so that the number of students per teacher dropped from 33 to 27. To relieve overcrowding, the school broke ground this month for a new 14-classroom complex.

As for academic achievement, in the four years since Chan has been principal, test scores have risen markedly. She believes that with charter status, further gains will come fast. For one thing, Chan has far more control over her staff and their duties than do principals working under union and district rules, including the power to hire and fire. Teachers at Vaughn work longer hours than they did before the school went charter, but they are paid more and given more authority. Every faculty member serves on one of eight parent-teacher committees that meet weekly and essentially run the school. "We don't want

**ADDITION LESSON:** Money saved through shrewd California, enabled principal Yvonne Chan to



**SCHOOLS must break free of bureaucracy. Fifty years of top-down reform has not done the trick.**

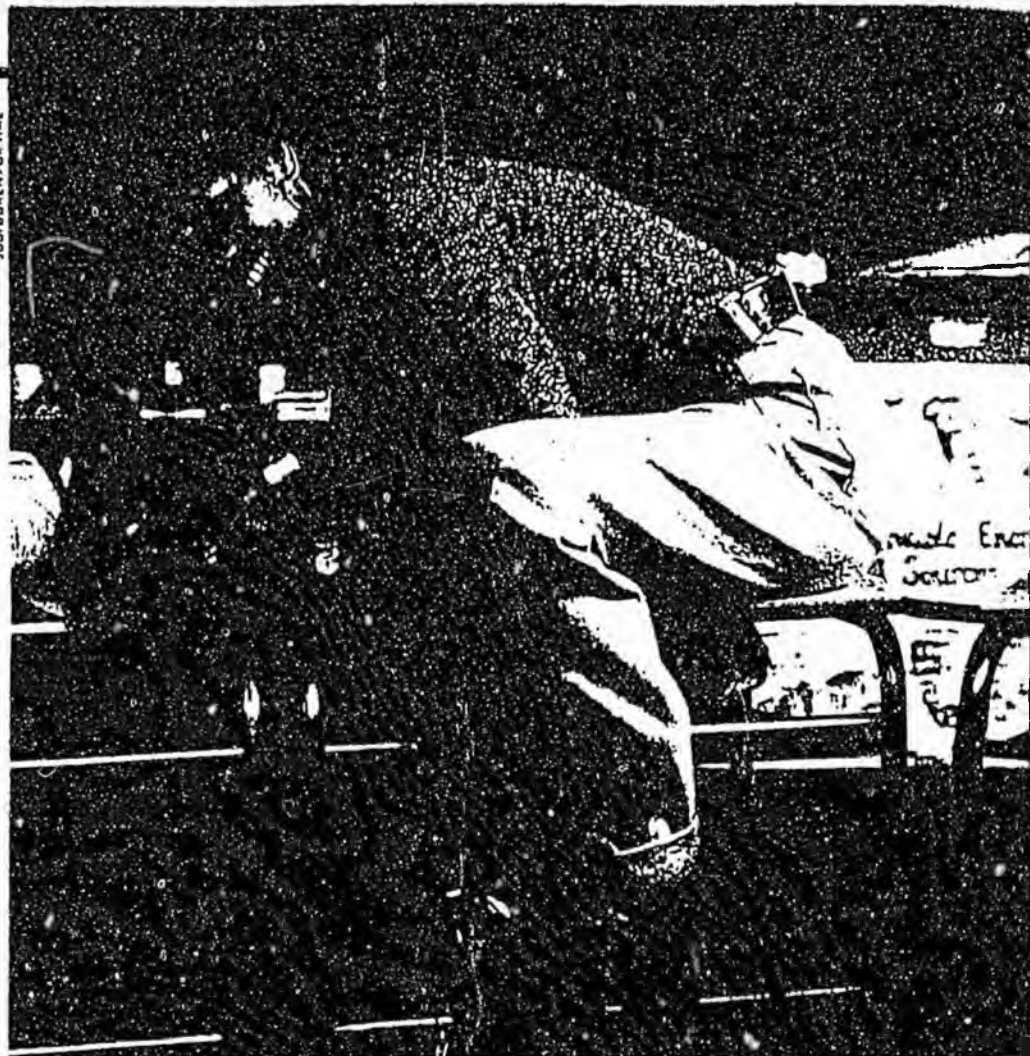
people who just clock in and out," says Chan. "This is not business as usual."

Nor is it for parents, who must sign a three-page contract committing them to be involved in their child's education and to volunteer 30 hours in the school. Most seem pleased to be involved and amazed to be consulted on matters of substance. Says parent Nina Uribe: "It has been a beautiful change."

AMERICAN SCHOOLS DO NOT TURN ON A dime. Yes, they are buffeted regularly by the passing winds of reform (as any teacher will attest). Those breezes usually leave behind another layer of managers in the central office, another mandatory service to be provided to the needy few, another couple of hundred pages of education code telling teachers what they should do and when. But the basic structure remains the same. It is a structure forged in the early industrial age: the school as factory turning out regulation graduates, with teachers as laborers, principals as foremen, and supervisors as, well, supervisors, running every detail from the curricular to the custodial in a strictly top-down fashion.

It is this time-honored structure that the charter-school movement seeks to challenge, if not topple; by placing authority in the individual school, freeing it from

management of her charter school in Pacoima, embark upon a new classroom complex



**FAMILY MATTERS:** At the Satellite Academy, a small alternative high school that serves "at risk" adolescents in New York City, Lisa Ferrer learns about the meaning of family

the bureaucracy. The nation's 140 charter schools come in every size; shape and flavor. Some have a special emphasis, as Northlane does on science; others serve a special population—dropouts, for instance. But whatever their mission or philosophy, they reflect the growing recognition that fundamental change is needed in American education and that to make it, schools must break free of stultifying regulation and bureaucracy. Fifty years of top-down reform have not done the trick.

This realization has found expression in other forms as well. In cities like New York, Philadelphia and Chicago, reform-minded administrators have not waited for state legislatures to act. They have seized the initiative to create scores of charter-like high schools and middle schools—small alternative schools that operate independently of district rules. In New York City, veteran principal and school reformer Deborah Meier is one of a group using a \$25 million grant from the Annenberg Foundation to raise the number of such

schools from 50 to 100. The goal, she says, "is to demonstrate that public schools can be creative, idiosyncratic, interesting places of academic excellence without losing their publicness."

A handful of other places—notably Baltimore, Maryland, and Hartford, Connecticut—are experimenting with a far more radical way to circumvent bureaucracy: hiring a for-profit company to run their schools. "The idea," says Baltimore schools superintendent Walter Amprey, "is to have a company ready for true accountability that offers a way to pierce the bureaucracy and gives us a model that, if we have the will and courage, could change the collective culture of failure" in urban schools.

**MANY**  
see charter  
schools as a  
way to bring  
choice into an  
arena where  
there has  
been none.

"All of these are efforts to bust up the system," says Linda Darling-Hammond, co-director of the National Center for Restructuring Education, Schools and Teaching at Columbia University's Teachers College. "Right now we are trying to do a once-in-a-century reform of education. This is a transforming era. These efforts reflect the frustra-

tion people have with a perceived public-school bureaucracy that is very, very entrenched in a way of doing things that cannot meet our needs in the future."

The frustration has been building for years. During the Reagan Administration, a federal study group tripped alarms with the dire 1983 report *A Nation At Risk*. It was the first of a series of major reports showing how poorly American students stack up in math, science and other subjects against their foreign peers and future competitors in the global economy. Throughout the 1980s, school districts increased spending and in many places granted substantial salary raises to teachers. The benefits have been hard to discern.

By the 1990s the talk was all of bureau-

cratic bloat and poor return on investment. According to a now infamous 1992 report by the Educational Testing Service, the U.S. spends a greater percentage of its gross national product on education (7.5%) than any other country except Israel, and yet is outperformed in math and science among 13-year-olds by more than 10 nations, including Hungary, Taiwan and the former Soviet Union. Other studies indicate that a rather small percentage of the \$275 billion spent this year on U.S. public education will actually wind up in the classroom. In 1950 two-thirds of school spending went for classroom instruction; by 1990 the proportion had shrunk to less than half. Administrative outlays had meanwhile doubled from 4% to 8%.

In an era when business has been shed-

ding layers of middle management and adhering to the late management guru W. Edwards Deming's notion of pushing responsibility down the line to those who know the customer best, it does not take a lot of imagination to see that the nation's public education systems need to do the same. In education, those who know the customer—students and their parents—best are the people who work at the neighborhood school. Not the folks in the central office.

Charter-school advocates, particularly the more conservative among them, have another agenda beyond efficiency and reform. Many see charter schools as a way to bring some diversity and options into an arena where traditionally there have been none. "Education is the only place in

**F**OR MORE THAN FIVE YEARS, THE REV. NORMAN HANDY HAS been watching the Harlem Park Community School in Baltimore, Maryland. The fortress-like building, set amid the open-air drug markets and boarded-up houses of one of the city's worst neighborhoods, is right across the street from his Unity Methodist Church. The view has not been pretty.

Up until two years ago, says Handy, the brick structure was not only decrepit but crawling with rats and mice and "roaches so big you could feel the critters move under your foot." Academically, the school, which serves 2,051 students—prekindergarten through the eighth grade—was in just as bad shape. On any given day, he relates, a significant number of the kids were on "disciplinary removal," hanging out unsupervised and causing trouble on the block. "I would intervene in a street fight four or five times a week," says Handy. "Every morning the white students, especially the girls, would wait until after 9 a.m. to show up, because of gang violence against them."

In 1992 Baltimore's new school superintendent, Walter Amprey, proposed a novel way of dealing with the problems at Harlem Park and eight other city schools: let someone else run them. Amprey proposed giving a five-year, \$125-million contract to Education Alternatives, Inc., a Minneapolis, Minnesota, corporation that operated three schools in three states. Handy was among many citizens who opposed the plan: "I saw it as a subterfuge to subvert the educational process and to experiment with African-American children."

Amprey's plan prevailed, and now Handy is a convert. Today he says, "That building is an oasis in a desert of poverty, drug addiction and violence." E.A.I. invested \$1.1 million up front in material improvements, computers and other supplies. It moved quickly to clean and repair the schools and take charge of security. Maintenance and financial management were contracted out for greater efficiency.

The Minnesota firm also instituted its teaching program, called "Tesseract," a name derived from a magical pathway in the children's classic *A Wrinkle in Time*. The program requires teachers to analyze each student's learning style and then devise an individualized plan and goals. It emphasizes parental involvement, the use of computers and continual encouragement. Posters bearing upbeat slogans abound in Tesseract schools: "Go for It!"; "Every Child Has Gifts and Talents."

The visible improvements in E.A.I. schools helped persuade the Board of Education in Hartford, Connecticut, to sign the firm to a \$200 million contract earlier this month, under which



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American life where there is no choice," argues Chester Finn, who served as Assistant Secretary of Education under President Reagan and is a founding partner of the Edison Project, a for-profit education company that has contracts to open three Massachusetts charter schools next fall. "We don't tell poor people what to eat; we give them food stamps. We don't tell them which doctor to go to; they have Medicaid cards." And yet when it comes to schools, says Finn, only the rich can "buy their way out, by moving into a certain neighborhood or choosing private schools." Charters, if there were enough of them, would offer a choice of schools to the less well-off.

In this sense, the charter movement is heir to the more radical voucher move-

ment popularized in the 1980s. Voucher advocates want to break up the "public-education monopoly" by letting parents spend their allotment of public-school dollars as they wish—even on private or parochial schools. Charters are a kinder, gentler, more politically palatable way to provide parents with some measure of choice, albeit within the public system.

They are not, however, palatable to everyone. Not one charter bill has passed a state legislature without controversy. The reason: charter schools take money right out of the pockets of their rivals—the conventional public schools. In most states, the money simply follows the student. Thus, if the district spends \$5,000 a year per pupil, and 30 children choose to attend the new

charter instead of the local middle school, as much as \$150,000—depending on district administrative costs and categorical grants—would go directly to the charter rather than the other district schools.

That prospect distresses many supporters of public education, including the hugely influential teachers' unions. Unions also oppose provisions in many state charter laws that free these special schools from collective bargaining agreements. In California the unions are fighting attempts to expand the state's popular charter schools beyond the current cap of 100. Meanwhile, the Michigan Education Association, having spent a fortune trying to block the state's 1993 charter-school act, is making Republican Governor John Engler's advo-

## TOOLS GO PRIVATE



it will manage the citywide system of 32 schools and 26,000 students. As in Baltimore, the decision was preceded by battles.

Chief among the critics of E.A.I. are members of the Baltimore and Hartford teachers' unions, who are, among other things, unhappy over the dismissal of Baltimore's experienced (and unionized) classroom aides. E.A.I. replaced them with recent college graduates who receive low pay and no benefits, and who tend toward high turnover. "You train them and they may be gone in six weeks," complains a teacher. Some opponents are unhappy with E.A.I.'s policy of mainstreaming nearly all special-education kids into regular classes—a measure they regard as a cost-cutting trick that shortchanges some kids.

But the most serious criticisms concern educational performance. According to figures released by the Baltimore schools last week, test scores in reading and math have dropped slightly in the eight Tesseract elementary schools, while they rose a bit in the rest of the system. On the other hand, attendance at E.A.I. schools was up. Stunned by the report, E.A.I. immediately dispatched a team of eight independent experts to Baltimore to re-examine the test data. Company officials point out that, to begin with, E.A.I. had been handed some of the city's lowest performing schools. In addition, E.A.I.'s test takers include more special-ed kids than at other schools. A third argument: student turnover rates at the schools are very high (30% of students present in September are gone by June). "Does Tesseract work?" asks E.A.I.'s Philip Geiger. "To know that, the kids have to have been in the program." Amprey insists that "we need five years and maybe more, but we know enough to say that this concept will work."

But the larger issue for defenders of E.A.I. is whether private corporations have any business making profits off public schools in the first place. E.A.I. chairman John Golle likes to point out that plenty of companies already do: the textbook industry, private bus companies, food services, even plumbers and electricians. Bringing in professional management makes sense, he insists. "We have asked well-meaning, competent educators to supervise the fixing of the boiler room and analyze cash flow—things they are not educated in." Most important,

**MORNING RITE:** Children at Baltimore's Mary E. Rodman school, which is run by E.A.I., start their day with a meeting and a dance

Golle notes, a private company is accountable. "You can cancel us and show us the door after we've invested millions up front in your district." Indeed, if test scores don't begin to rise, that may be just what Baltimore will do.

—By Claudia Wallis.

Reported by Richard N. Ostling/Baltimore

PHOTO BY CLAUDIA WALLIS



STEVE GROSS FOR TIME

**NATURE'S CLASSROOM:** Science teacher Wil Reding draws his lessons from the great outdoors at West Michigan Academy of Environmental Science near Grand Rapids, Michigan

cacy of that law an issue in his current campaign for re-election.

The M.E.A., along with the American Civil Liberties Union and others, has actually taken legal action to overturn Michigan's rather liberal charter law. Michigan is unusual in allowing private schools to apply for charter status. In fact, most of Michigan's first charters were granted to former private schools. The M.E.A. argues that these schools are not truly public and cannot legally receive public funds. Last week a Michigan judge sent a chill through the charter community by temporarily holding up disbursement of \$11 million in state funding until the matter is resolved.

In most states charter laws are quite weak; they actually make it difficult to create a charter school. There are no start-up funds, no buildings provided, no guarantee of support services from the school district. Local unions often add to the obstacles, making it tough to recruit teachers. Though state education officials recognize the problems, coming up with seed money for charters is not easy, given the political opposition. A tiny bit of help may come from the Federal Government: a \$6 million development fund for charter schools is included in the \$11 billion school-reauthorization bill signed last week.

Meanwhile the experience of Clemen-

tina Durón in Oakland, California, is all too typical. When Durón, a public-school principal, joined with a group of Latino parents to form a charter middle school in the low-income barrio of Jingtletown, they faced open hostility from the district school board and union. The district refused to allow the proposed school to participate in its self-insurance program, which would have cost only \$400. Instead, Durón had to pay \$10,000 for private liability insurance. Nor was the district willing to share its legal services or payroll department. The attitude, says Durón, was "You guys want to run your own school, then you do the whole thing. Go ahead and fall on your faces."

The founders of Jingtletown charter nearly did, but they were motivated to persevere. For years, the tight-knit community had watched its youngsters graduate happily from the local elementary school only to get lost in huge, anonymous and gang-ridden junior highs. They craved an alternative. Still, it was not until Aug. 20, 1993, three weeks before school was to start, that the district approved Jingle-

town's opening. The local Roman Catholic diocese agreed to provide a small park as a temporary site, and during the next few weeks, Jingtletown parents feverishly dug ditches for electrical lines and sewers. They arranged to rent eight trailer-like portable classrooms for the school's 120 sixth- and seventh-graders, but when classes began, the sewer lines were still incomplete. "For three weeks, kids had nowhere to go to the bathroom," recalls Durón. "We had to knock on doors in the neighborhood. I'd take kids 10 at a time."

Miraculously, Jingtletown is now in its second year, though still in need of a permanent home. Parents are pleased with the small classes and individual attention. "This school is a necessity," says Durón. "We are driven by commitment and passion."

COMMITMENT AND PASSION CAN BUILD A school, but will that school succeed educationally? Will charter schools produce graduates that are better equipped for success in society, as their advocates hope?

It is too early to measure the success of charter schools. But for all their diversity, it is interesting to note that many seem to be embracing a very similar set of pedagogical principles. First, reduce class size. Make sure parents are heavily involved. (Contracts with parents are a common feature.) Just as important, keep school size small, particularly in the inner city, where kids desperately need a sense of family and personal commitment from adults. Encourage active hands-on learning, in part through the intelligent use of technology. For older kids, drop the traditional switching of gears and classrooms from math to social studies to biology every 45 minutes and substitute lengthier classes that teach across disciplines.

These principles have proved successful in experimental schools of the past. "The tragedy of American education is not that we don't know what to do," observes Dominique Brown of the Edison Project, which has devised an elaborately ambitious plan for its schools. "There are countless studies in countless classrooms that show what works. The problem is getting it done on a big enough

scale to make a real impact."

But the best intentions and cleverest plans can run aground in practice. The opening year of Michigan's University Middle School, a charter school for inner-city kids in Detroit, was an unmitigated disaster. The inexperienced staff of white, suburban-raised teachers had no idea how

**CHARTER**  
schools are not  
palatable to  
everyone.  
Not one bill  
has passed a  
legislature  
without a fight.

to relate to the kids, and vice versa. Insufficient supervision meant that students were hanging out windows and riding elevators all day long. The 90-min. classes failed to hold their attention. Midway through last year, the principal quit in despair.

With a strict new discipline code, University Middle School is off to a better start this fall. Still, critics of charter schools are worried that there is insufficient oversight, and experience will probably prove them right. There is, however, one important check on the performance of these new schools: most states grant charters for a maximum of five years. If the school fails to measure up, the charter will not be renewed.

Even if charter schools do succeed individually, the bigger question is, Will they make a difference to American education at large? Charter proponents argue that their schools are laboratories for change, places that will shine as examples and inspirations to the rest of the school system.

A number of experienced educational reformers have their doubts. "We have this romantic view that if we can show a successful pilot school, others will follow. Not true!" says Linda Darling-Hammond, noting that decades of successful magnet schools and model schools have not transformed the system. "Ordinary schools don't have the material resources—the funds, the faculty—to emulate the charters," she says. And it doesn't help that some school districts are so much poorer than others. "Unless you equalize spending, there's no hope of reforming schools at the bottom of the range."

Some critics go so far as to say that charter schools will actually hurt public-school systems by drawing away talent and money; they benefit the few at the expense of the many. "If state mandates are really such an impediment to the 1.6 million public-school students in Michigan, then why not remove them for all of us?" asks M.E.A. president Julius Maddox. Such concerns temper the general enthusiasm for charter schools expressed by U.S. Secretary of Education Richard Riley, who as a Democrat is closely attentive to the union view: "We don't want to take our attention off the great majority of schools. We need to make all schools more challenging and engaging."

But given how hard it is to start just one small charter school, how will it be possible to remake the entire system? In New York City, Meier hopes to show the way by building a new citywide support system for independent public schools. "We want to create a system that cherishes their idiosyncratic

RICK BICKMAN



**PITCHING IN:** Nina Uribe, mother of a fourth-grader, oversees breakfast daily at Vaughn Next Century. "Before the charter," says a teacher, "I couldn't get parents on the phone"

qualities, that encourages them to be entrepreneurial and creative and in which we invent some new forms of accountability." Without it, she fears, charter schools will be nothing more than "cute exceptions."

But maybe not. Minnesota doesn't have many charter schools; but it does have the longest experience with them. Educators there say the schools have had an influence well beyond their numbers. In several towns and cities, education officials have been spurred to reform by the mere prospect that a charter school would open in town.

In Forest Lake, a suburb of St. Paul, after facing down a group of parents who wanted to charter a Montessori program, the local school board decided to form such a program of its own. In the small college town of Northfield, the threat of secession by a charter group led the district to create a Spanish-language immersion program for first- and second-graders, introduce multiage classrooms and enrich the math program for middle-schoolers. "The charter made it easier to change things," admits Northfield superintendent Charles Kyte.

"If we weren't progressive enough and didn't change, then somebody else would come along and do it for us."

Such change is inevitable in the view of Ray Budde, a retired University of Massachusetts professor of school administration who is credited with inventing the charter-school idea. "If you see kids leaving you and money leaving you and you're criticized about the job you're doing, you're going to respond," he says. "This is a wake-up call for the Establishment: the old organization doesn't fit the times. It's like the Berlin Wall—it's got to come down. But it's going to take 10 or 20 years for something new to emerge."

In the meantime, parents want better schools now. And in spite of the obstacles, they are organizing charter schools in droves and flocking to what few exist. Principal David Lehman of West Michigan Academy of Environmental Science, near Grand Rapids, has a sheaf of applications several inches thick for the year 1997, though his school has no track record. This summer he got a letter from Amy and Ron Larva of Grand Rapids. Their child was not yet born, they wrote, but they wanted to reserve a kindergarten spot for the year 2000.

—With reporting by Margot Homblower/Los Angeles, Raku Kamrani and Richard M. Osling/New York and Scott Morvill/Minneapolis

**PARENTS**  
want better  
schools now.  
In spite of the  
obstacles, they  
are organizing  
charter schools  
in droves.

mas. Because Sissy was more like a little devil than an angel. And to get readers curious. To make them want to read my story."

"Aha! So authors hint at themes and try to entice you to read when they create titles. Perhaps this is what David's author did." I find students read more critically when they connect the decision making process in their own writing with the work of published authors.

### Buyer Beware!

Strategies for choosing a book connected well with our study of persuasion. "Think like a consumer when choosing literature," I said. "Buyer beware!" We contrasted the purposes of jacket summaries (to sell the book), anthology editor's introductions (to motivate students to read), and card catalog summaries (to present content facts). We underlined persuasive language in cover summaries, eliminated it to see what facts remained, and then wrote blurbs to advertise our own stories.

I illustrated the persuasive purposes of cover art. David showed the class the menacing grizzly bear rearing and roaring on its hind legs and extending its razor-sharp claws across the cover of his novel and reminded us of "just 11 pages of grizzly."

Then we contrasted the wholesome book jacket art of hardcover young adult novels (meant to be sold to grandmothers and librarians) with the racier paperback editions (to be sold directly to teens). Students could hardly believe the two book covers represented the same book.

school visit, author Joan Lowery Nixon said cover artists seldom read books they illustrate.

I recommended students use multiple strategies to choose literature. I modeled the use of title, author, pictures, editor's summary, and random samplings of text to predict plot and mood. Reading the first page and then pages a third and two thirds into the story ensures students will know in advance the density, complexity, and style of the language so they can decide if they choose to take on difficult text. We were often struck by the variety of literary tastes in class.

Finally, we talked about abandoning books. How long should you give a book to "get good"? Should you stay with literature that seems too hard? How can you tell if it is? I reminded students of the five-finger trick: Hold up a finger for each unknown word on a page. If you get to five, you may have trouble. I suggested they try visualizing: If they cannot get a mental picture from their reading, the book is too hard. I reminded pupils that skilled readers abandon dull or confusing books. And some reread favorites.

From two simple questions, I learned how my students chose literature and what I could do to help them choose more effectively. More important, they opened a dialogue with my students. Meaningful class discussions and lessons resulted. My students showed me there is an important prereading strategy I should teach: How to choose literature wisely. Thus armed, our students will grow to love books.

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## Washington Seen . . .

. . . By Anne C. Lewis, Washington Correspondent

### Charter Schools

The notion of charter schools, which at one time was regarded as being an eccentric fringe or else as some kind of move to destroy public schooling, has now become respectable. Not only have more than a half-dozen states passed bills which allow for charter schools, but the Clinton Administration's proposals for reauthorizing the Elementary and Secondary Education Act (ESEA) also include a new provision for charter schools.

The ESEA plan which the Clinton people are advocating would offer a competitive grants program for the purpose of demonstrating the concept of charter schools. Specifically, the Clinton plan would include these provisions:

- Authorize funds for planning a public charter school and other start-up costs, including developing new curriculum, redefining desired educational outcomes, securing necessary training for teachers, and reaching out to both parents and the community.

- Require each application for a public charter school to describe the educational results which the school will strive to produce. The criteria which are to be used in the process of awarding grants will include such considerations as the degree of flexibility provided by the state to the

school, the amount of community support and involvement, and the likelihood that the school will meet its objectives and improve educational results for students. The state must sign off on the application to signify its commitment to freeing the school from rules and regulations.

- Reserve some funds to be used for school support team review, for evaluation of the charter schools, and for bringing the schools together to exchange information and learn from each other.

This inclusion of the charter school idea in federal legislative proposals is in sharp contrast to the struggle which proponents of charter schools had to make in the first state to adopt the idea—Minnesota. Although the state of Minnesota had been in the forefront of the public school choice idea, it took some strong political pressure to succeed in extending choice to cover schools designed and launched by change-oriented educators.

A part of the literature of school reform for more than 10 years, it was mostly conjecture until American Federation of Teachers President Albert Shanker suggested in the late 1980s that like-minded reform teachers be allowed to create schools within schools chartered by the school district. When the charter proposals turned out not to include safeguards