

Taneeka Hansen

From: Mackey, Emil <emil.mackey@juneauschools.org>
Sent: Friday, April 08, 2016 11:48 AM
To: Rep. Paul Seaton; Rep. Liz Vazquez; Rep. Neal Foster; Rep. Louise Stutes; Rep. David Talerico; Rep. Geran Tarr; Rep. Adam Wool
Cc: Rep. Cathy Munoz; Sen. Dennis Egan; Rep. Sam Kito
Subject: SB 89 - Juneau School Board Member Emil Mackey Feedback

Good Morning,

I was told that members of the House Health & Social Services committee desired feedback regarding SB 89 - Parental Rights. As an elected member of the Juneau School Board, I am writing in response to this request and to inform you of my opposition to SB 89. In respect of your time, I will use bullet points to expedite your review and reference, if needed. Please let me know if you would like clarification regarding any of these points and I will be happy to be more in-depth in a follow-up. Likewise, I have CC'd the Juneau legislative delegation so they are aware of my opinion regarding SB-89. This feedback is my own and is not necessarily representative of other members nor the Juneau Board of Education collectively.

- 1. School board control how they spend student allocations, but have no control over revenue.** This is important because SB 89 would limit possible volunteer organizations with whom our district relies to provide free educational services to our students and staff. Disallowing school districts from utilizing the free educational resources of "Planned Parenthood" and other similar organizations deemed to be connected to be "abortion providers" means that our district will need to buy curriculum and staff to teach appropriate and necessary sex education to our students. This means that SB 89 will lead to higher district costs to the district. These costs will either lead to higher costs to the state in the form of a higher necessary Basic Student Allocation (BSA) or an erosion of existing resources; thus weakening education.
- 2. If passed, there is not enough time between now and the next school year to identify substitute materials, train staff, and implement a new sex-education curriculum.** This means that many students will not have sex education for at least a year. The CDC has found that effective sex education courses lead to lower rates of STD and HIV. Furthermore, effective sex education programs like those offered for free through our partnership with Planned Parenthood, also leads to delaying first sexual intercourse, reducing the number of sex partners, and decreasing the number of times students have unprotected sex. Please see http://www.cdc.gov/healthyyouth/sexualbehaviors/pdf/effective_hiv.pdf for more information and references by the CDC concerning these facts. Once again, this means that the State of Alaska will see increased long-term costs for a generation associated with the students that will contract STD's, HIV, and produce unwanted pregnancies and the associated increases in social program support for these mothers and children. I would urge the committee to get an estimate of these associated legacy costs for each year sex education is not offered in the state.
- 3. The bill is unnecessary because nothing prevents the parents from opting-out of the current curriculum.** Of all of the provisions, opting-in versus opting out of sex education is the only component of the bill that has actual parental-rights merit. The remainder of the bill seems to be more focused on quashing the participation of Planned-Parenthood and other similar organizations outside the domain of parental rights.
- 4. I have received no complaints from Juneau parents regarding neither the current Juneau Sex Education program nor their children being taught using the Planned-Parenthood material in the**

current program. There is no problem concerning the current sexual education curriculum in Juneau. Likewise, I have heard of no significant complaints outside Juneau.

5. **The bill increases legal liability exposure of the state and individual districts.** In a time of fiscal crisis, do you want districts to lose funding because a child forges an opt-in statement? Under SB 89, Juneau would lose funding if a student forged an opt-in statement. Do you want the state to get sued for violating Section 1.5 of the Alaska Constitution ("Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.")? If such a suit goes federal as similar cases have done, does the legislature want to pay for the years of litigation costs as individuals and organizations argue that their Federal first and fourteenth amendment rights are violated by this law? I realize that efforts have been made to make it more "constitutional," however, I still have my doubts and any estimation either way is speculative. For the sake of argument, let's assume SB 89 is constitutional, is it worth the costs to the state and districts for the years or decades it will take to defend the suits?
6. **Public testimony to the legislature has been overwhelmingly opposed to this bill.** Regardless of attempts by both sides to muster support and opposition, the testimony has been overwhelmingly against passage. This appears to be more of a solution looking for a problem than well-considered and needed policy. I urge you to consider public testimony and weigh it heavily in your decision.
7. **SB 89 creates ambiguity, conflict, and legal liability for districts trying to reconcile the conflicts between Bree's Law and SB 89.** Bree's law changed statute so that 14.30.355 was mandated to "adopt and implement a policy, establish a training program for employees and students, and provide parent notices relating to sexual abuse and sexual assault awareness and prevention for students, enrolled in grades kindergarten through [grade]12. Under the current SB 89 proposal, "A school district and an educational services organization that has a contract with a school district may not contract with an abortion services provider. If we can't use the free services of Planned Parenthood to help with this training, who would the legislature suggest as a substitute? How much is the legislature prepared to pay for this service if it is not offered free as is our current service with Planned Parenthood? How do you suggest we enforce Bree's Law mandates until a provider is identified and contracted? Will districts be "held harmless" during the transition to locate, contract, and utilize a new provider? If we are, what does that say about Alaska's commitment to sexual violence prevention? How will this law be implemented in rural and remote school districts where resources are even more strapped than in Juneau?
8. **Are School Districts at liable if Charter Schools choose to contract with Planned Parenthood?** As I understand it, AS 14.03.250 allows districts to establish a Charter School, but the local school board has no real control over the curriculum once the charter is approved. This is important because Juneau and many districts have Charter Schools. As such, charter schools are basically free to choose whatever curriculum they desire and school district has no control over that decision until the charter or contract are up for renewal with the district. If a Charter School chooses to contract with Planned Parenthood, will the district be held liable when we have no control over the Charter School until their contract and/or charter is open for renewal? What guidance does the legislature have regarding the rights of districts versus the rights of charter schools in regards to this law and the potential consequences if violated by a charter school?

While there are other points I could make, I believe these represent the most important concerns I have with SB 89. Policy-wise, I see considerable liabilities to the state and my district caused by SB 89. If SB 89 is concerned about "parental rights," then the bill needs to be more focused on the opt-in versus opt-out debate. In contrast, banning districts, district personnel, and others from contracting with Planned Parenthood or similar organizations has no relation to "parental rights." The only reason for this provision is to prohibit a free organization from participating in the public educational process. As a consequence, this inhibits the ability of districts to comply with the mandates of Bree's Law, efficiently and effectively conduct sexual education in Alaska, and increases an unnecessary financial burden on the district and community. For these reasons, I urge you to give a critical eye to SB 89 and do not pass. Juneau and Alaska school districts need the support of the legislature, not unnecessary unfunded mandates that only hurts the ability of Alaska school districts to deliver effective, efficient, and locally-controlled curriculum.

Sincerely and Respectfully,

Emil Robert Mackey, PhD, MPA, MEd, BSE

Juneau School Board Member