



# Anchorage School District

## Education Center

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March 15, 2016

House Education Committee  
State Capitol Building, Room 106  
Juneau, AK 99801-1182

Honorable Members of House Education:

Thank you for the opportunity to provide information to the House Education Committee that has not yet been presented in your review of HB 102, Residential Psychiatric Treatment Center Funding, based on your latest work draft version S.

The Anchorage School District is committed to working collaboratively with other organizations for the benefit of our students. We have enjoyed strong partnerships with Providence Hospital, Alaska Psychiatric Institute, Alaska Child and Family, Volunteers of America and Office of Children Services to name a few. Through collaboration with clinical care providers, we have continued to increase our educational services and supports for our children with the most complex mental health and behavioral needs.

The Anchorage School District agrees with most of the legislative findings set forth at Section 1 of this bill. Students admitted to residential treatment facilities are entitled to educational services and those services should not be compromised by virtue of the fact that a student needs psychiatric treatment.

Where ASD disagrees is with paragraph (3) of Section 1, which provides that a treatment center, in some instances, is able to provide more effective educational services to a student than a school district can provide. Additionally, ASD disagrees with paragraph (7) that there is a demonstrated need to provide uniform requirements to allow school boards to enter into contracts for treatment centers to provide educational services.

School districts exist to meet the educational needs of students. That is their primary role. ASD is unaware of any statistics or anecdotal information supporting the premise that psychiatric treatment centers are more able to provide educational services to students than the public school district.

ASD believes that a strong working relationship with these treatment centers is critical so that the corresponding needs of students for education and treatment can be accomplished. However, ASD also believes that this bill is not premised upon a need of students; but rather, upon a desire of certain private treatment centers to take over educational services at public expense. For this reason and others, ASD does not support HB 102.

*Educating All Students for Success in Life*

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The Anchorage School District has several psychiatric treatment facilities within its geographical boundaries. Under current law, ASD is obligated to and does serve all students who are admitted to these treatment facilities, regardless of whether they are ASD students or students from other Alaska school districts. These current laws include both state law (AS 14.30.186, AS 14.30.340, and AS 14.14.090) and federal law (34 CFR 300.323).

Because of the presence of treatment facilities in Anchorage, ASD serves a large number of Alaskan students who are in need of residential psychiatric treatment. For decades, ASD has met the general education and special education needs of these Alaskan students and intends to continue doing so. ASD provides direct instructional support to students through qualified teachers, administrators, and support personnel. In Anchorage, where most students are served, there is not a need for residential treatment centers to provide educational services, nor does ASD agree that such a center can provide more “effective” educational services.

HB 102 has been compared to the charter school laws. The “contract” provided for in HB 102 is comparable to the charter school application required to be submitted by charter school applicants. There is an important difference, however. Charter schools are *public schools*. They are not private treatment centers.

Additionally, the charter school laws allow public school districts to carefully consider the need for an educational program like that proposed by the charter school applicant. Under the law, the School Board has broad authority and discretion to approve or deny a charter school contract. Unlike the charter school laws, HB 102 removes all discretion from school boards because it *requires* a school district to execute a contract so long as the contract meets the requirements of the law. (“A school board *shall* enter into a contract to provide payments to a residential psychiatric treatment center...” HB 102, Section 2)

ASD believes that HB 102 is unconstitutional. Article VII of the Alaska Constitution prohibits the expenditure of public funds for the direct benefit of a private educational institution. The Alaska Supreme Court has stated that “the direct benefit prohibition involves government aid to *education* conducted outside the public schools.” *Sheldon Jackson v. State*, 599 P.2d 127, 130 (Alaska 1979). HB 102 does exactly what *Sheldon Jackson v. State* prohibits – it establishes a system of education to be provided by a private organization.

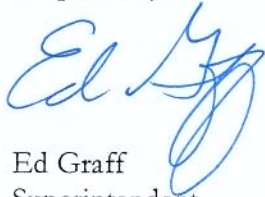
The fact that the private entities at issue also provide treatment services does not mean that the educational services they provide can be supported with public funds. There's been some testimony that by providing ancillary services these treatment centers may not run afoul of the Constitution. This is not accurate. Even if non-educational services are provided, these private treatment centers would still be accepting public funds for providing educational services. The “contract” requirements of HB 102 are designed to ensure that the educational services comply with the same requirements in existence for public schools.

The Alaska Supreme Court has also found that even indirect support of private schools (such as providing bus transportation to students) violates Alaska's constitutional prohibition of using public funds for private education. *Matthews v. Quinton*, 362 P.2d 932 (Alaska 1961). Here, HB 102 provides for direct payment of a local school district's educational funds to a private treatment center for the sole purpose of allowing that private center to provide educational services to students.

Finally, ASD believes the appeal process provided for in HB 102 is inappropriate. The proposed law provides a private vendor with a statutory right to appeal the district's decision to the Commissioner and the State Board of Education. No other private vendor is afforded this type of appeal in Alaska's system of public education. This represents yet another example of how public funds will be expended to support private institutions.

Thank you to members of the committee for your consideration of our written comments about HB 102. We would welcome and appreciate an opportunity to address the committee and describe in further detail our program to support students in treatment facilities, our record of success meeting these students where they are and keeping them on track to meet their educational goals, and our commitment to serving these students now and into the future.

Respectfully,



Ed Graff  
Superintendent

cc: Anchorage School Board  
Michael Graham, Chief Academic Officer  
Linda Carlson, Assistant Superintendent for Instructional Services  
Sue Doherty, Principal for Special Schools