

**ALASKA STATE LEGISLATURE  
HOUSE SPECIAL COMMITTEE ON EDUCATION**

February 6, 2002

8:03 a.m.

**MEMBERS PRESENT**

Representative Con Bunde, Chair  
Representative Brian Porter  
Representative Peggy Wilson  
Representative Gary Stevens  
Representative Reggie Joule  
Representative Gretchen Guess

**MEMBERS ABSENT**

Representative Joe Green

**COMMITTEE CALENDAR**

WORK SESSION ON TEACHER SHORTAGE:

Service Learning Report  
Regional Training Centers Report

- HEARD

HOUSE BILL NO. 211

"An Act requiring an annual inflation adjustment of the base student allocation used in the formula for state funding of public education; and providing for an effective date."

- MOVED CSHB 211(EDU) OUT OF COMMITTEE

WORK SESSION ON TEACHER SHORTAGE:

Rehiring RIP-Retired Teachers [what became HB 416]

- HEARD

HOUSE CONCURRENT RESOLUTION NO. 11

Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to the Education Committee, a standing committee of the legislature.

- HEARD BUT NOT SCHEDULED

DISCUSSION OF POSSIBLE COMMITTEE BILL ON STUDENT SURVEYS [what became HB 408]

- HEARD

REPORT ON EED AND THE ADMINISTRATIVE PROCEDURE ACT

- HEARD

WORK SESSION ON TEACHER SHORTAGE:

Health & Liability Insurance Costs Report

- SCHEDULED BUT NOT HEARD

**PREVIOUS ACTION**

BILL: HB 211

SHORT TITLE: FOUNDATION FORMULA INCREASE

SPONSOR(S): REPRESENTATIVE(S) GUESS

Jrn-Date	Jrn-Page		Action
03/26/01	0729	(H)	READ THE FIRST TIME - REFERRALS
03/26/01	0729	(H)	EDU, HES, FIN
04/11/01		(H)	EDU AT 8:00 AM CAPITOL 106
04/11/01		(H)	Heard & Held -- Location Change --
04/11/01		(H)	MINUTE(EDU)
04/25/01		(H)	MINUTE(L&C)
02/06/02		(H)	EDU AT 8:00 AM CAPITOL 120

BILL: HCR 11

SHORT TITLE: UNIFORM RULES: STANDING COMMITTEES

SPONSOR(S): REPRESENTATIVE(S) GUESS

Jrn-Date	Jrn-Page		Action
03/26/01	0728	(H)	READ THE FIRST TIME - REFERRALS
03/26/01	0728	(H)	EDU, HES
03/26/01	0728	(H)	REFERRED TO EDU
01/16/02	1990	(H)	COSPONSOR(S): STEVENS
01/22/02	2034	(H)	COSPONSOR(S): GREEN

**WITNESS REGISTER**

WOODY WILSON, Superintendent

Wrangell City School District  
P.O. Box 2319

Wrangell, Alaska 99929

POSITION STATEMENT: Reported on Wrangell's service learning program.

K.D. ROOPE, Student

Wrangell City School District

P.O. Box 2176

Wrangell, Alaska 99929

POSITION STATEMENT: During the service learning report, briefed members on her experience with service learning in the Wrangell School District.

CAROL KANE, Executive Director

Alaska Association of Secondary School Principals

P.O. Box 2889

Palmer, Alaska 99645

POSITION STATEMENT: Testified in support of rehiring RIP-retired teachers.

MARK JONES, UniServe Director

National Education Association - Alaska (NEA-Alaska)

1840 South Bragaw Street, Suite 100

Anchorage, Alaska 99508

POSITION STATEMENT: During discussion of rehiring RIP-retired teachers, informed members of NEA-Alaska's efforts in establishing teacher mentoring programs.

ELMER LINDSTROM, Deputy Commissioner

Department of Health and Social Services

P.O. Box 110601

Juneau, Alaska 99811-0601

POSITION STATEMENT: Presented the department's position on consent for student surveys; recommended passive parental consent.

LARRY WIGET, Executive Director

Public Affairs

Anchorage School District (ASD)

P.O. Box 196614

Anchorage, Alaska 99519-6614

POSITION STATEMENT: During discussion of student surveys, expressed support for modifying the current requirements for parental consent; reported that the ASD has had difficulty obtaining active parental consent.

JEAN MISCHEL, Assistant Attorney General  
Human Services Section  
Civil Division (Juneau)  
Department of Law  
P.O. Box 110300  
Juneau, Alaska 99811-0300

POSITION STATEMENT: Briefed members on the Administrative Procedure Act (APA) and how it applies to the Department of Education and Early Development.

BETH NORDLUND, Special Assistant  
Office of the Commissioner  
Department of Education and Early Development  
801 West Tenth Street, Suite 200  
Juneau, Alaska 99801-1894

POSITION STATEMENT: During report to the committee on the APA, offered to obtain more detailed information.

**ACTION NARRATIVE**

TAPE 02-4, SIDE A  
Number 0001

CHAIR CON BUNDE called the House Special Committee on Education meeting to order at 8:03 a.m. Representatives Bunde, Porter, Wilson, Stevens, Joule, and Guess were present at the call to order.

WORK SESSION ON TEACHER SHORTAGE: Service Learning Report

CHAIR BUNDE announced the first order of business would be the Service Learning Report.

Number 0130

REPRESENTATIVE WILSON reported that the Wrangell School District requires a service learning component for seniors and participants in extracurricular activities.

CHAIR BUNDE indicated his concerns about youths' lack of "attachment" to society. Service learning has helped to establish an attachment in some areas of the country, he offered.

Number 0255

WOODY WILSON, Superintendent, Wrangell City School District, reported on Wrangell's service learning program. He stated that service learning "draws a connection from the students to the community, and [from] the community to the school." One of the primary reasons Wrangell has a service learning program is to ensure that the community recognizes the work it does for the students. The program also helps students recognize the community's contribution to their lives, and it gives them a chance to reciprocate. He referenced materials given to members outlining the three kinds of service learning in Wrangell.

Number 0343

MR. WILSON said the first kind is the senior project required for graduation. Each senior must complete a project that gives something back to the community. State standards are integrated into these projects, he indicated. Public speaking and presenting is one requirement of the senior project that targets a standard. He noted that presentations must be electronic; PowerPoint and electronic video are just two examples of the use of technology in the senior project presentations.

MR. WILSON explained that the second type of service learning in Wrangell is the activity participation. Due to budget constraints, the Wrangell district does not pay for state travel for students in extracurricular activities. All travel expenses are paid through fundraising in the community. A student gives back to the community by performing 16 hours of community service for each activity in which he/she is involved. This is in addition to the senior project, he added.

Number 0524

MR. WILSON pointed out that service learning is not provided without cost. Facilitation of the service learning programs requires at least one-eighth of a teacher's time and sometimes in excess of one-fourth of a teacher's time, depending on the number of students, he indicated.

Number 0574

CHAIR BUNDE inquired how much one-eighth of a teacher costs in Wrangell.

MR. WILSON responded that with benefits, the cost would be \$8,000 to \$12,000.

CHAIR BUNDE suggested that this figure could be used to extrapolate costs for larger schools.

MR. WILSON noted that Wrangell's service learning programs require a great deal of organization with recordkeeping and oversight.

Number 0665

K.D. ROOPE, Student, Wrangell City School District, reported on her senior project. She explained that she worked with the swim team coach after school several times a week. She assisted with the coaching of younger swimmers. She observed that a student's knowledge and past experience often play a role in benefiting the community through his/her senior project. She indicated her presentation would include an "iMovie" [using Apple Computer software] about her work with swimmers.

Number 0730

CHAIR BUNDE asked if students experience difficulty finding projects.

MS. ROOPE responded that some students are temporarily "up in the air" about project selection. She noted a large range of activities for students to choose from. Students have taught photography and sign language classes; assisted preschool and elementary teachers; and organized art festivals, plays, musicals, and wrestling tournaments. She indicated she didn't know of any student unable to identify a project.

Number 0794

CHAIR BUNDE inquired if students chose projects such as cleaning up parks or vandalized property.

MS. ROOPE replied that some students train for their emergency trauma training (ETT) certification or become junior firefighters. Students have done recycling projects, she added.

Number 0838

REPRESENTATIVE STEVENS commended Ms. Roope for her presentation, and expressed his appreciation for hearing from a student. He asked her to identify the value she had received from her senior project.

MS. ROOPE acknowledged that students might initially be reluctant to do a senior project. She suggested that one value of the project is the identifying of interests on the part of the seniors. Students also receive satisfaction from their work on the projects.

Number 0927

CHAIR BUNDE asked whether many students felt frustrated or angry about the requirement.

MS. ROOPE responded, "We might complain a little bit, but I really don't think there's anyone who would absolutely not do it."

Number 0953

REPRESENTATIVE JOULE commented that the roles within a family have changed over the years, especially in outlying areas. The introduction of modern amenities to villages has eliminated the need for some important contributions by family members, he explained; these roles gave family members a "sense of where their place" was. He observed that much idle time resulted from this change. He emphasized that when a meaningful role [for a person] is found in the community, it adds value for the individual. He commended the Wrangell City School District for its efforts. He surmised that this validation of students through service learning programs contributes to higher self-esteem. He expressed his wish for more districts to do the same. He emphasized that an important issue is idle time.

Number 1065

REPRESENTATIVE WILSON commented that the community of Wrangell looks forward to the community service projects and presentations by the seniors.

CHAIR BUNDE noted that community support is a vital ingredient in this type of program. He congratulated Ms. Roope for her leadership.

Number 1191

CHAIR BUNDE closed public testimony on service learning.

Number 1232

REPRESENTATIVE STEVENS observed that Wrangell's service learning program offsets student travel costs. Although the program requires administration costs, it results in a savings to the district. He noted that many districts might be addressing the cost of travel.

WORK SESSION ON TEACHER SHORTAGE: Regional Training Centers Report

CHAIR BUNDE announced that the next order of business would be the Regional Training Centers Report.

Number 1362

REPRESENTATIVE JOULE thanked Gwen Cornelius for researching this topic. He described the current situation as including few teachers, little opportunity to feel a part of the workforce, and a limited frame of reference for students. He said part of this concept of regional learning centers is to utilize hub communities to give students a chance to address academic issues as well as career and job opportunities. Opportunities provided by regional learning centers include the exposure to a different environment, the potential to earn college credit or vocational [certification], and the chance to gain experience as part of the workforce.

REPRESENTATIVE JOULE suggested that using grades beyond grade 12 would assist some students with a more seamless transition to postsecondary education. It would also allow students who are unable to pass the qualifying exam by grade 12 additional opportunities to advance their education, either through certification through vocational education programs or by earning college credit.

Number 1472

REPRESENTATIVE JOULE highlighted what some districts are currently doing to address this issue. He pointed out that the Chugach School District has won some national awards and, in his opinion, has been a model for smaller schools. The Anchorage House, run by the Chugach district, provides rural students with an opportunity to live short-term in the city and be responsible for their own living by following a budget. Students also have educational opportunities while in Anchorage, he stated. Students as young as fifth grade begin by visiting Anchorage for three days at a time; older students visit Anchorage to participate in on-the-job mentoring and other activities.

Number 1560

CHAIR BUNDE added that participating in the Anchorage House is a requirement, especially for older students. They must get hands-on experience at jobs and be responsible for their own room and board, he said.

Number 1590

REPRESENTATIVE JOULE added that parents are now being brought in to be more supportive of their children. This program is now open to students in other districts as well. The Lower Kuskokwim School District (LKSD) has the Bethel Alternative Boarding School (BABS) program; it was begun in 1997 to meet the needs of at-risk students. He said he visited the school several years ago and met with staff and students, many of whom were from smaller villages. He pointed out that later in the day he saw students working at jobs. The program is open to 35 students.

Number 1663

REPRESENTATIVE JOULE discussed a forthcoming LKSD program, Yuut Elit Naur Diat, for grades 9-12, which is open to students in the region, not just those in the school district. The district foresees a 200-250 student capacity, he indicated. The program is funded by a United States Department of Agriculture and United States Department of the Interior grant; the governor's budget proposes an allocation for this program, he stated. Yuut Elit Naur Diat is a consortium of 19 organizations to provide vocational education in areas needed in the region including health, construction trades, technology, and education fields. The program will run year-round, he added.

REPRESENTATIVE JOULE stated that Project Education in Galena boards 72 students from all over the state; it has been running for five years and has a 97-percent return rate. The focus of the program is postsecondary education and careers. The district has gone beyond state funding and partnered with other entities such as the U.S. Air Force, Suzuki, General Motors, Compaq, and Frontier Flying. Project Education has strict policies on attendance and grade-point average. He also noted that students in the program who fail to pass any portion of the exit exam must attend daily, after-school tutoring.

Number 1752

REPRESENTATIVE JOULE referenced legislation sponsored by Representative Richard Foster last year that addressed the creation of a regional learning center. The Northwest Arctic Borough School District is considering an expansion to grade 14, he said. One concern with students coming in [from remote villages] is the lack of housing. Students would be placed in the community; a stipend for this housing is a matter that needs to be addressed. He added that the vo-tech center and the University of Alaska Fairbanks, College of Rural Alaska, Chukchi Campus would be used to obtain credits and work toward certification.

REPRESENTATIVE JOULE expressed his interest in the interactive TV provided in the Aleutians East Borough School District. Students in remote sites are able to participate in live classes taught by instructors in a different location; this is 90-percent funded by E-Rate monies. He stated that this is a way to utilize teacher expertise and deliver instruction to remote students. He referenced a report by the Joint Legislative Budget and Audit Committee that indicates an increased interest in additional boarding schools. These regional schools allow for opportunities for instruction and employment in these hub centers.

REPRESENTATIVE JOULE noted that job opportunities in the villages are limited. He expressed his opinion that some people might be interested in job sharing in a hub community; this has worked well in the oil and mining industries. "There may be some innovative things that we can do in terms of stimulating the economies ... in those communities," he concluded.

Number 2002

CHAIR BUNDE recognized that Representative Joule had addressed potential concern that a resurgence in boarding schools would be a step back to "pre-Molly Hootch" days. He noted that Representative Joule had also addressed the issue of a "brain drain" created in villages when people move away to work.

Number 2040

REPRESENTATIVE JOULE agreed these are important issues. He pointed out that the doctors in Kotzebue are not from the region; these positions could be job-shared by local residents trained at a regional learning center run by nonprofits. "I think the health boards would be tickled pink to ... be able to

hire people from their area, and allow them to come in on a rotating schedule and job share," he said. Half of a doctor's salary goes a long way in a village, he added. Subsidized housing in the hub community would help offset the cost of living for job-sharing medical workers, he said. He stated that there are other questions that need to be answered.

Number 2133

REPRESENTATIVE STEVENS emphasized the importance of learning from the past regarding regional boarding schools. He agreed boarding schools can give students some advantages, but noted that some disadvantages also exist. He offered that much of the Native leadership in the state had attended Mount Edgecumbe High School. He urged members to identify what went wrong with boarding schools in the past.

Number 2173

REPRESENTATIVE JOULE suggested the committee's role might be to foster districts' plans for boarding schools, but not to dictate that regional boarding schools be put in place. He said this regional learning center concept is different from a boarding school concept. He added that Native corporations would play a central role in the regional boarding schools. He continued:

Aviation and ... the federal government, in many parts of the state, [are] a major employer. We're continuing to import a lot of our workforce. And this allows us the opportunity ... to show our students what their opportunities are right there. ... I think we'd be remiss not to afford some of those districts that are willing to take this kind of a step to do that. ... We have to find a way to grow our own, and we won't if people do not understand that those opportunities exist.

Number 2274

CHAIR BUNDE observed that this information gives members and the public a good understanding of what is happening now and what could happen. He agreed that the state should not try to impose boarding schools, but should facilitate ideas from the "bottom up."

Number 2296

REPRESENTATIVE WILSON offered that individual school district's plans would spring from a specific need within the district. Wrangell's service learning program was developed out of a need for extracurricular funding, she said. She stated that districts are responding to the need for students who wish to remain near home to receive their education. Districts have accounted for shortcomings in the old boarding school model and are shaping new programs to transition students smoothly from home. She suggested the committee's role might be to encourage and allow for districts' development of plans, but not mandate the formation of boarding schools.

HB 211-FOUNDATION FORMULA INCREASE

Number 2386

CHAIR BUNDE announced the next order of business, HOUSE BILL NO. 211, "An Act requiring an annual inflation adjustment of the base student allocation used in the formula for state funding of public education; and providing for an effective date."

TAPE 02-4, SIDE B  
Number 2400

REPRESENTATIVE GUESS, sponsor of HB 211, drew members' attention to Amendment 1, noting that it simply makes HB 211 current. Amendment 1 reads [original punctuation provided]:

Page 1, line 6, Delete [~~\$3,940~~], Insert \$4010  
Page 1, line 10, Delete [~~1999~~], Insert 2000  
Page 1, line 11, Delete [~~2001~~], Insert 2002

REPRESENTATIVE WILSON moved to adopt Amendment 1. There being no objection, Amendment 1 was adopted.

REPRESENTATIVE GUESS stated her intent to move HB 211 out of committee with members' concurrence. She expressed her belief that HB 211 is good education policy by inflation-proofing the Foundation Formula. She expressed her desire for the House Finance Committee to debate whether HB 211 is good fiscal policy; she believes it is.

Number 2359

REPRESENTATIVE WILSON commented that she approves of HB 211. She noted that per-pupil funding in Wrangell has decreased in

the last 11 years, while inflation during that period was 35 percent.

Number 2301

CHAIR BUNDE asked for clarification on the inflation figure.

REPRESENTATIVE WILSON responded that this figure resulted from adding the state's annual inflation rate over those 11 years.

CHAIR BUNDE noted that school funding during the 1980s might have been an excessive figure on which to base these calculations. He expressed his opinion that should the legislature spend any additional money this year, it should be in education; he said, however, that he thought this money had already been spent.

REPRESENTATIVE JOULE moved to report CSHB 211 [HB 211, as amended] out of committee with individual recommendations and the accompanying fiscal notes.

CHAIR BUNDE objected.

A roll call vote was taken. Representatives Wilson, Stevens, Joule, Guess, and Porter voted to move the bill from committee. Representative Bunde voted against it. Therefore, CSHB 211(EDU) was moved out of the House Special Committee on Education by a vote of 5-1.

WORK SESSION ON TEACHER SHORTAGE: Rehiring RIP-Retired Teachers

[Contains discussion of what became HB 416]

Number 2222

CHAIR BUNDE announced that the next order of business would be the Rehiring of RIP-Retired Teachers.

Number 2167

CAROL KANE, Executive Director, Alaska Association of Secondary School Principals, testified via teleconference in favor of the rehiring eligibility for teachers who retired under the Retirement Incentive Program (RIP). She said she thinks it is important to include administrators in that eligibility. There is a critical shortage of teachers, principals, and other school personnel. This proposed inclusion would help districts meet

needs in special education, counseling, and administration, she stated; it might also entice people into the profession. Rehired, experienced teachers and administrators could serve as mentors to those new to the field. She also noted that districts would save money on salaries and retirement benefits.

Number 2129

MS. KANE said Alaska no longer has competitive teachers' salaries when compared to other states. Other states are offering signing bonuses, living expenses, and loan advantages to teachers and administrators; these states are taking away some of Alaska's best retirees, who could benefit Alaska. She stated that Alaska has exemplary teachers and administrators, and she encouraged members to help districts retain [these employees]. She pointed out that principals would be visiting Juneau and meeting with legislators on April 1 and 2; she offered the principals' assistance to members.

Number 2079

CHAIR BUNDE asked Ms. Kane how many teachers would have been hired under this bill's provisions, had it already been in law.

MS. KANE responded that she didn't have specific numbers, but said it would have helped her human resources director in his acquisition of special education teachers and school counselors.

Number 2050

CHAIR BUNDE asked about current shortages in Ms. Kane's district.

MS. KANE replied that she didn't have specific numbers and offered to provide them to the committee later.

CHAIR BUNDE indicated these figures would be made part of the proposed bill's record. He offered that in most cases, districts have rehired just one or two retired teachers. Earlier comments suggested that this inclusion of RIP-retired teachers would not solve the entire problem but would provide an additional tool, he concluded.

Number 2010

MARK JONES, UniServe Director, National Education Association - Alaska (NEA-Alaska), pointed out several problems pertaining to

education that are facing all states: How do we enhance the quality of instruction? How do we attract and retain the best and the brightest? How do we continually improve the quality of instruction in the classroom? He offered that he believes mentoring is a tool that will address most of the aforementioned issues. Mr. Jones noted that in order to appreciate this point, one needs to look at the teaching profession historically. He said:

Historically, teaching is a very lonely and isolated profession. It's one of the few professions that I know of where a person comes out of school, is placed into a confined classroom with four walls and a door, and is expected to take off and produce high-quality outcomes from the get-go.

Very few opportunities are built into the school setting for teachers to interact with each other, to share ideas, to nurture each other, to learn together. So, in the bigger picture, mentoring is part of the creation, I believe, of a learning environment within a school. It is the creation of a collegial environment with professional teachers providing tutoring, mentoring, and educational or instructional leadership to their colleagues.

Number 1900

MR. JONES noted that he has been working to establish mentor programs throughout the state. National Education Association-Alaska has been concerned about new teachers coming into the state and the correlated high turnover rate when these teachers arrive ill prepared. Ketchikan has a mentor program in place that was established by NEA-Alaska about five years ago.

MR. JONES offered insight into mentoring based on NEA-Alaska's experience. Mentoring is not a casual relationship or a "buddy" system. Selection of mentors must be based on well-defined criteria; these mentors must receive a curriculum of study that helps them understand adult-learning processes; and both mentor and protégé need time during the day to interact with each other for demonstration, observation, exchange of ideas, and to address problems and concerns.

MR. JONES referenced private-sector studies of mentoring programs that indicate confidentiality in the mentor-protégé relationship is critical. In several ad-hoc mentoring programs

in the state, administrators are asking mentors for input for the protégé's evaluation, he noted. As a result, the trust has deteriorated between the mentor and protégé, so it is an ineffective relationship.

Number 1829

MR. JONES cited statistics from a study conducted by Marshall Goldsmith, a well-known mentor trainer. In comparison studies, the progress of protégés in confidential mentor relationships is 35 percent greater than in mentoring situations in which the mentor is part of the evaluation process. He said NEA-Alaska is interested in creating Alaska Native paraprofessional partnerships with teachers who are new to the community. He told the committee:

We believe that teachers coming from outside the state into an Alaska Native village have no concept of what they're dealing with. Often, by the time they have discovered what the cultural distinctions are, they have made mistakes that have alienated them from the community. They have become ... dissatisfied because they don't know how to interact with people effectively, and, as a result, many of them leave. We believe that if we could effectively train and prepare Alaska Native paraprofessionals to serve as mentors, ... we would deal with the cultural conflicts that occur when new teachers arrive in the state.

MR. JONES indicated NEA-Alaska's goal of organizing communities and bringing them into the mentoring process. He concluded by stating that mentorship touches on the retention, educational quality, and induction issues facing members. He offered to submit written testimony pertaining to these issues.

Number 1707

CHAIR BUNDE asked Mr. Jones about NEA-Alaska's position on the rehiring of RIP-retired teachers.

MR. JONES replied that NEA-Alaska is concerned about the use of the retirement system as a supplementary compensation program for teachers. However, the organization is sensitive to the shortage issues schools are facing in special education, speech [therapy], occupational therapy, school psychology, and some higher-level math and science courses. He offered that bringing back retirees as a short-term solution is a critical tool. He

emphasized that long-term solutions to these problems must be found.

Number 1645

REPRESENTATIVE PORTER asked Mr. Jones to elaborate on the statistics presented regarding results of mentor programs and the inclusion of the mentor in the protégé's evaluation.

MR. JONES said he could provide more information in written form. In general, the success rates in the study were determined by criteria defined by the employer, the employee, and the mentor. For example, a protégé might identify classroom management as a primary concern and then specify particular classroom management issues with which he/she has problems. The mentoring partnership would systematically work at remedying each specific problem. He explained that in situations in which the protégé knows confidentiality exists, he/she would be more forthcoming with perceptions and weaknesses. According to these studies, a 35 percent better success rate in meeting those defined goals existed in mentoring situations where confidentiality existed than in situations where the mentor was involved in the protégé's evaluation process. The definition of success is individualized in each mentoring situation.

Number 1530

REPRESENTATIVE PORTER asked for clarification on the parties setting the goals for improvement.

MR. JONES answered that the goals in most of the studies were set [collaboratively] by the mentor, the protégé, and the employer. In private-sector mentoring situations, the mentoring program is generally established because certain performance criteria are not being met. In education, he pointed out, NEA-Alaska is advocating mentoring as a general course in the induction process.

Number 1433

CHAIR BUNDE closed public testimony on the subject of rehiring RIP-retired teachers. He requested direction from members regarding potential committee-sponsored legislation to repeal the RIP prohibition. He recounted that the report from the Division of Retirement and Benefits is that such a bill would have no negative actuarial impact on the retirement fund.

Number 1421

REPRESENTATIVE STEVENS offered that the committee has studied this subject quite carefully. He said [a bill to this end] would provide an additional option to school districts. He noted the uncertainty regarding how many teachers might actually be rehired under this proposed legislation, but said it would be a value to districts. He suggested that the House Special Committee on Education should sponsor such a bill.

CHAIR BUNDE asked if there was any objection. He noted that there was no objection and that a committee bill would be drafted. [The legislation under discussion later was introduced as HB 416.]

HCR 11-UNIFORM RULES: STANDING COMMITTEES

[Contains discussion of what became HCR 23]

Number 1366

CHAIR BUNDE announced the next order of business to be HOUSE CONCURRENT RESOLUTION NO. 11, Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to the Education Committee, a standing committee of the legislature.

Number 1326

REPRESENTATIVE GUESS, sponsor of HCR 11, noted that she was not present for previous committee discussion on this subject. She indicated many committee members have communicated to her their interest in seeing this bill move forward. She announced her willingness to reintroduce this as a committee bill and offered to do the work necessary.

CHAIR BUNDE noted his understanding that HCR 11 would require adjustments [to become a committee resolution].

Number 1291

REPRESENTATIVE GUESS offered that she would seek direction from more seasoned members. House Concurrent Resolution 11 has a companion in the Senate [SCR 3]. She outlined two options: The committee could go forward with this resolution, see what the Senate does, and perhaps amend it later; or the committee could amend it now [to address the establishment of a House Education

Standing Committee]. She said that she has not explored this subject with the Senate; she noted her willingness to do so.

CHAIR BUNDE requested members' comments on the subject.

Number 1238

REPRESENTATIVE PORTER suggested that if the House wished to consider a standing education committee for the House alone, a resolution would be needed to establish a special committee.

CHAIR BUNDE clarified that it would be a standing committee.

REPRESENTATIVE PORTER offered that he didn't have a preference regarding [the education committee's remaining a special committee or becoming a standing committee], but said it is a worthwhile discussion.

Number 1180

REPRESENTATIVE WILSON said her experience as a member of both the House Special Committee on Education (HEDU) and the House Health, Education and Social Services Standing Committee (HHES) is that both committees "have their hands full." So many issues exist that it is difficult to adequately address them all in one committee. She pointed out that most states separate education and health and social services, as two committees.

CHAIR BUNDE concurred with Representative Wilson. He noted that as a former chair of HHES, he'd received surprised responses from legislators of other states upon their discovery that [Alaska's legislature combines education with health and social services].

Number 1124

REPRESENTATIVE GUESS echoed Representative Wilson's remarks in response to Representative Porter's comment. She offered an example. There was a good policy debate in HEDU on HB 211; the resolution will now move to HHES for the same policy debate. However, the debate now should be a fiscal policy issue. She expressed concern that if HEDU remains a special committee, the policy debate will continue to be duplicated in HHES; she questioned whether this is the best thing for the House. With two standing committees, one group would focus on education and the other on health and social services matters.

Number 1089

REPRESENTATIVE STEVENS furnished that much had already been said that he had wanted to say. He noted that the three freshmen members on HEDU might not have the same perspective as longer-serving members. He conveyed his appreciation for the establishment of the HEDU committee, where members have been able to concentrate on important issues. These issues are not going away, he said, and education is a large portion of the budget. The education issues would have been cumbersome in HHES in combination with health and social services issues. He indicated his support for establishing a standing education committee.

CHAIR BUNDE requested that this be addressed as only a House issue to be brought before HEDU for consideration.

Number 1020

REPRESENTATIVE GUESS inquired whether Chair Bunde preferred a House committee resolution or for her to resubmit this resolution.

CHAIR BUNDE indicated his preference to create a resolution to establish a standing education committee in the House; the Senate can do likewise if it deems it necessary.

Number 0978

REPRESENTATIVE PORTER raised the question of whether the House can establish a standing committee that requires a rule change without affecting the Senate. He suggested this issue be broached with Legislative Legal and Research Services.

CHAIR BUNDE agreed with Representative Porter's suggestion. He added that this proposed resolution might be stronger as a committee resolution.

REPRESENTATIVE GUESS indicated her concurrence to make this a committee resolution.

Number 0927

REPRESENTATIVE WILSON inquired about the committee placement of early-development issues; she said she was not present for that discussion. She offered her understanding that most states put it in a health and social services committee.

REPRESENTATIVE PORTER offered that this administration has given the Department of Education and Early Development (EED) a title that includes early development; this may not always be the case, however. He remarked, "I don't think we should probably get that adventurous at this stage."

Number 0865

REPRESENTATIVE GUESS expressed her understanding that the Uniform Rules specify the departments; right now, early development is in with education. If that changes, then the Uniform Rules would change, she said. [The committee resolution under discussion was introduced later as HCR 23.]

#### DISCUSSION OF POSSIBLE COMMITTEE BILL ON STUDENT SURVEYS

[Contains discussion of what became HB 408]

CHAIR BUNDE turned attention to discussion of another possible committee bill, on student surveys. He explained that the administration had asked him to address this issue, so he'd chosen to bring it before the committee.

Number 0802

ELMER LINDSTROM, Deputy Commissioner, Department of Health and Social Services, offered that the department is interested, for a variety of reasons, in gathering reliable health data through anonymous health surveys conducted in the schools. Such surveys are a longstanding practice, he observed; the Youth Risk Behavior Survey is the "gold standard" among these surveys.

MR. LINDSTROM explained that several years ago legislation was passed to change the consent mechanism from passive to active. The passive consent requires parents to opt out if they do not want their children to participate in the survey. Active consent requires parents to choose to have their children participate in the survey. He stated that this has proven impossible for school districts to garner a level of participation that provides for valid data. He pointed to nationwide research regarding anonymous surveys; information about this is in the committee packet.

Number 0712

MR. LINDSTROM summarized that most of the research concludes that parents don't typically object to these surveys being conducted. "Leakage" occurs between the time a child is given a document in school and the time it should return to the school. In most instances, parents do not object to these types of surveys; parents who object can opt out.

MR. LINDSTROM noted that the department is interested in returning to the passive parental consent mechanism. Districts' ability to apply for significant funding is what is at stake; data from these surveys is used to bolster the need for funding. He stated that the Department of Education and Early Development (EED), the public health infrastructure, and other state agencies have similar uses for this data. He emphasized that this is valuable information. The current system is not working, and the department wishes to return to a system that does work.

Number 0628

MR. LINDSTROM reported that he's had extensive conversations with the sponsor of the legislation that changed the consent to active; he said concern was expressed when the legislation was introduced that active parental consent would prove to be problematic. Mr. Lindstrom offered that the sponsor had assured the department at the time that if it proved to be problematic, he would be willing to revisit the issue. "He is a man ... of his word and has indicated that he understands how problematic it has been," Mr. Lindstrom said. He noted that he felt awkward, as a Department of Health and Social Services representative, testifying before the House Special Committee on Education. This is a [proposed] bill that would affect education statutes, he pointed out. It is an issue important to both departments.

Number 0554

CHAIR BUNDE related his confidence in Mr. Lindstrom's testimony. He inquired, however, about a memo from the governor's chief of staff which indicated, he said, that the Office of the Governor is going to do what it can to make the governor look good and the legislative majority look bad. He sought Mr. Lindstrom's assurance that this was not an attempt to put the legislative majority "in a box."

MR. LINDSTROM replied, "You have my absolute guarantee on that, Mr. Chairman, and I will be sitting here at this table speaking

for the administration in support of this [proposed] legislation every step of the way."

Number 0509

REPRESENTATIVE GUESS asked if this [proposed] legislation would give the option to school districts to choose passive or active parental consent.

MR. LINDSTROM noted his uncertainty regarding whether a bill had yet been drafted.

CHAIR BUNDE confirmed that it had not yet been drafted. He clarified that the question was how the system of passive consent had worked before it was changed.

MR. LINDSTROM offered his recollection that districts were allowed to choose the consent mechanism. He indicated that this is the department's preference. He stated that he would be surprised if many districts chose active consent because it is extremely expensive.

Number 0430

REPRESENTATIVE PORTER recounted that the change from passive to active consent included specific wording that would exclude asking students what they had for breakfast, for example. He asked for more details on the language.

MR. LINDSTROM replied that there are a number of surveys, but most discussion centered on the Youth Risk Behavior Survey that surveys topics such as alcohol and drug use, sexual activity, and other topics. He acknowledged that concerns about that were understandable. He emphasized that these are anonymous surveys; in no way are they ever attributable to any individual. A child always has the ability to not answer a specific question or simply not take the survey.

Number 0337

REPRESENTATIVE PORTER asked whether the active consent law automatically precluded Alaska's receipt of federal grants.

MR. LINDSTROM responded that the lack of a valid, representative sample results in the survey's uselessness for the purpose of suggesting to a granting agency that this is what the data indicates.

CHAIR BUNDE offered his understanding that it was an issue of the number of students actually participating in the survey.

Number 0264

REPRESENTATIVE STEVENS noted the importance of remembering why education exists. He characterized not knowing what is happening with students as "flying blind"; changes in student behavior need to be monitored. He said, "As long as ... it's anonymous, it seems like it is necessary that we have these facts so we can help students, which is why we are spending so much of our money and our energy and our time in education. So, I think it's a very appropriate thing for us to make this change."

REPRESENTATIVE GUESS stated, "I think we should do this. I think not only is it important to have the data, it's important for local control." She added that the state should not be telling districts they must do this one way or the other.

TAPE 02-5, SIDE A  
Number 0001

LARRY WIGET, Executive Director, Public Affairs, Anchorage School District, testified via teleconference. He indicated that the Anchorage School District School Board supports modifying the requirements for parental permission for student participation in surveys. He noted that it is difficult to obtain [reliable] data from surveys and questionnaires with the use of active parental consent. He pointed to the ASD's Safe and Drug-Free School (SDFS) program that currently has seven grants requiring survey data. During the fall of 1999, federal auditors put the ASD's SDFS program on notice that it was bordering on noncompliance due to lack of current data. The SDFS program lost three grants totaling \$296,916. Other grants have not been applied for because the criteria indicated that without contemporary data, the application would not be competitive.

Number 0097

MR. WIGET explained that the ASD has tried a number of strategies to fulfill the requirements of the current statute. The district's return rates on secondary school surveys are low - from 5 to 30 percent. He indicated that the district had spent a substantive amount to gain permission to survey students

with little success. He concluded that the inability for the district to obtain the necessary data from anonymous surveys is impeding its ability to successfully compete for federal grants.

CHAIR BUNDE requested that Mr. Wiget submit his written testimony. He mentioned that Bruce Johnson, Association of Alaska School Boards, had distributed testimony pertaining to this matter. Chair Bunde closed public testimony and asked members for input on pursuing this subject as a committee bill.

Number 0217

REPRESENTATIVE WILSON stated that she thinks this is very important, and [districts] should be given the option to choose passive consent.

REPRESENTATIVE PORTER noted that he would be asking, upon the bill's hearing by the committee, whether this is just an easier way for this information to be obtained, although the school districts might have done a better job of informing parents. This [proposed change] would enable both active parent participation and the [requisite return rate for reliable] data. He observed, "It would certainly be easy to say, 'Well, it's not working, because we sent Johnny home with a piece of paper and it didn't come back.' There's got to be ... a better way of getting that active permission." He stated his desire to hear about some strategies that have been tried.

Number 0316

REPRESENTATIVE STEVENS asked if the permission currently required is blanket permission [for the entire school year] or is required for each survey administered.

CHAIR BUNDE suggested that questions be reserved to the time of the bill's hearing. [The legislation under discussion later was introduced as HB 408.]

#### REPORT ON EED AND THE ADMINISTRATIVE PROCEDURE ACT

CHAIR BUNDE announced the final order of business, a report on the Department of Education and Early Development (EED) and the Administrative Procedure Act (APA).

CHAIR BUNDE explained that his office has received inquiries about why the EED isn't under the APA. He pointed out the logic of having a uniform way for citizens to appeal decisions by any

department. He noted that Department of Law personnel were present to give a legal perspective on this matter.

Number 0440

JEAN MISCHEL, Assistant Attorney General, Human Services Section, Civil Division (Juneau), Department of Law, told members she represents EED and was present to explain the APA's applicability to EED programs. She clarified that the APA does apply to EED in part; it applies to some decisions the department makes. She noted that this is fairly typical for state agencies. She referenced Appendix A of the Hearing Officer's Manual, provided to members, which outlines the types of agency decisions that are under the APA and those that aren't; she said that is covered in the [APA] "applicability section."

Number 0534

CHAIR BUNDE inquired whether "under APA" indicated the [agency] was fully under the APA, and whether "not under APA" implies the agency is fully or partially not under the APA.

MS. MISCHEL replied:

Unless there is a specific category of decision-making, it is total ... for those decisions requiring due process. Agencies make all kinds of decisions that don't require due process proceedings. An example of that from the Department of Education and Early Development's perspective is special education complaints.

MS. MISCHEL reported that [EED] does independent complaint investigation that is not a due process hearing, per se; it is an independent investigation. Expert consultants are hired to conduct these investigations; these experts recommend corrective actions, if any are required. She compared this to [EED's] oversight, nondecision-making role in special education identification and placement. These decisions are made at the local district level.

MS. MISCHEL drew attention to page A-2, wherein a school district is not under the APA. She said it would be a major shift in policy to place local decisions under the APA. She added, "What HB 71 did last year was assign the appointment responsibilities for hearing officers for those due process

hearings to the state. But the decision itself is a local decision that's appealed under separate due process rules."

Number 0679

MS. MISCHEL offered that those [separate] due process rules are largely dictated by federal rules. She stated that it is a compliance issue for accepting large amounts of federal funding. It is important to note, she said, that this listing [in Appendix A] is somewhat incomplete; EED must follow the APA for teacher certification and child-care facility licensing decisions. These fit well in the APA because the APA is geared toward licensing decisions, she added.

CHAIR BUNDE offered his understanding that some functions of the department are under APA, while others - specifically in the special [education] arena - aren't.

MS. MISCHEL replied, "That's right." She added that in the special education arena, there are two types of procedures: one involves a local decision, and one involves a department recommendation. She explained that there are many other decisions that do not fall under the APA. Those decisions include school funding allocation decisions, capital improvement project priority decisions, some transportation [decisions], and bid procedure [decisions]. Regulations, however, set out the bid procedures and the appeal rights. She added that another example of a non-APA decision is the future waivers pertaining to the High School Graduation Qualifying Exam (HSGQE).

Number 0833

MS. MISCHEL said one difficulty with putting the current list of non-APA decisions in the APA column relates to the lack of efficiency built into the APA process. She suggested members compare the requirements between special education due process requirements and APA requirements. The special education due process requirements are far more restrictive, more efficient, and geared toward protecting parent and student rights; the burden of proof is different, and parents have up to 12 months to request a due process hearing on a school district decision, she explained.

MS. MISCHEL further explained that the Administrative Procedure Act allows a party 15 days to appeal a final decision issued by a state agency. Once a hearing is requested under the APA, a decision could take 6 months to a year. The special education

due process requirements call for a decision to be made within 45 days from the date of the hearing request; it is a quick and efficient system. She added that it keeps the child in the correct placement or provides appropriate services in a timelier manner.

Number 0947

CHAIR BUNDE pointed out members' understanding of the need for the difference between special education and APA regulations. He suggested that members broaden their questions.

Number 0954

REPRESENTATIVE WILSON asked for clarification on the federal regulations' superseding of state regulations.

MS. MISCHEL indicated that [federal regulations supersede state regulations] only in the sense that a state's noncompliance with federal regulations risks the loss of federal funding. Alaska has adopted both statutory and regulatory procedures consistent with federal requirements; these have been adopted by reference. In fact, she offered, state law prevails in Alaska, but the law has been structured to be consistent with federal rules.

Number 1017

REPRESENTATIVE WILSON observed that when parents contest [a decision] involving a student, a resolution should be reached before the school year is concluded. She asked Ms. Mischel to elaborate on this matter.

MS. MISCHEL explained that this matter is the reason for the short timelines in the special education arena. She offered that another good example of the difference between the APA procedures and the special education due process procedures is that the latter have a "stay put" provision. This means a child's placement may not change during the hearing proceedings except in very limited circumstances involving drugs, alcohol, or weapons, she noted. Even in these limited circumstances, there is a ten-day time limit on removing the child from the school. She stated that the intent of the timelines is to get the student back to where he/she is supposed to be.

CHAIR BUNDE asked EED personnel to expound on the portions of EED that do fall under the APA.

Number 1107

BETH NORDLUND, Special Assistant, Office of the Commissioner, Department of Education and Early Development, indicated that she was uncertain about this matter. She offered to research this further and report to the committee. She suggested that Ms. Mischel, as EED's lawyer, was quite familiar with [which department decisions are under the APA requirements].

CHAIR BUNDE observed that it would be of interest to the committee to know which [EED decisions] fall under the APA. He asked for a breakdown of which procedures currently fall under the APA and which will do so in the future. He noted that this would give the public an idea of the appeals process.

MS. MISCHEL said she would be happy to do so. She clarified that non-APA decisions have a separate set of hearing procedures that are either in statute or regulation. These procedures are made known to an appellant by the department, she concluded.

#### **ADJOURNMENT**

Number 1201

There being no further business before the committee, the House Special Committee on Education meeting was adjourned at 9:50 a.m.