

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

February 20, 2002  
8:08 a.m.

**MEMBERS PRESENT**

Representative Con Bunde, Chair  
Representative Brian Porter  
Representative Joe Green  
Representative Peggy Wilson  
Representative Gary Stevens  
Representative Gretchen Guess

**MEMBERS ABSENT**

Representative Reggie Joule

**COMMITTEE CALENDAR**

HOUSE BILL NO. 408

"An Act relating to questionnaires and surveys administered in the public schools."

- MOVED HB 408 OUT OF COMMITTEE

HOUSE BILL NO. 416

"An Act relating to reemployment of and benefits for retired teachers and principals who participated in retirement incentive programs; and providing for an effective date."

- HEARD AND HELD; ASSIGNED TO SUBCOMMITTEE

**PREVIOUS ACTION**

BILL: HB 408

SHORT TITLE:STUDENT QUESTIONNAIRES AND SURVEYS

SPONSOR(S): EDUCATION

| Jrn-Date | Jrn-Page |     | Action                             |
|----------|----------|-----|------------------------------------|
| 02/13/02 | 2233     | (H) | READ THE FIRST TIME -<br>REFERRALS |
| 02/13/02 | 2233     | (H) | EDU, HES                           |
| 02/20/02 |          | (H) | EDU AT 8:00 AM CAPITOL 120         |

BILL: HB 416

SHORT TITLE:REEMPLOYMENT OF RETIRED TEACHERS

SPONSOR(S): EDUCATION

| Jrn-Date | Jrn-Page |     | Action                             |
|----------|----------|-----|------------------------------------|
| 02/13/02 | 2242     | (H) | READ THE FIRST TIME -<br>REFERRALS |
| 02/13/02 | 2242     | (H) | EDU, HES                           |
| 02/20/02 |          | (H) | EDU AT 8:00 AM CAPITOL 120         |

**WITNESS REGISTER**

RIC IANNOLINO, Chair  
Youth on the Street  
P.O. Box 21892  
Juneau, Alaska 99802

POSITION STATEMENT: Testified in support of HB 408.

KATHRYN ARLEN, Public Relations Liaison  
Youth on the Street  
127 South Franklin, Number 312  
Juneau, Alaska 99801

POSITION STATEMENT: Testified in support of HB 408.

DAVID MOORE, Ph.D., Associate Director  
Safe and Drug-Free Schools  
University of Washington College of Education  
909 South 336th Street  
Federal Way, Washington 98003

POSITION STATEMENT: During hearing on HB 408, briefed members on reliability and other issues related to active parental consent; supported the committee's returning this decision to local control.

CHRISTIE McINTIRE  
American Lung Association  
6420 East Northern Lights, Number 79  
Anchorage, Alaska 99504

POSITION STATEMENT: Testified in support of HB 408 on behalf of the American Lung Association, the Alaska Tobacco Control Alliance, and Alaskans for Tobacco-Free Kids.

DEBBIE OSSIANDER, Legislative Chair  
Anchorage School District School Board  
P.O. Box 196614  
Anchorage, Alaska 99519-6614

POSITION STATEMENT: Testified in support of HB 408.

JULIE McWILLIAMS, Education Specialist

Lower Kuskokwim School District  
P.O. Box 305  
Bethel, Alaska 99559  
POSITION STATEMENT: Testified in support of HB 408.

BETH SHOBER, Health Education Specialist  
Teaching and Learning Support  
Department of Education and Early Development (EED)  
801 West Tenth Street, Suite 200  
Juneau, Alaska 99801-1894  
POSITION STATEMENT: During hearing on HB 408, answered questions.

TERRI CAMPBELL, Legislative Liaison  
Office of the Commissioner  
Department of Education and Early Development (EED)  
801 West Tenth Street, Suite 200  
Juneau, Alaska 99801-1894  
POSITION STATEMENT: Testified in support of HB 416 and Amendment 1.

JANET PARKER, Retirement & Benefits Manager  
Division of Retirement & Benefits  
Department of Administration  
P.O. Box 110203  
Juneau, Alaska 99811-0203  
POSITION STATEMENT: Answered questions relating to Amendment 1 to HB 416; indicated it would apply equally to all members of the Teachers' Retirement System (TRS).

DARROLL HARGRAVES  
Council of School Administrators  
326 Fourth Street  
Juneau, Alaska 99801  
POSITION STATEMENT: Testified on a proposed amendment to HB 416; suggested local control over salaries is best.

CARL ROSE, Executive Director  
Association of Alaska School Boards  
316 West Eleventh Street  
Juneau, Alaska 99801-1510  
POSITION STATEMENT: Testified in support of HB 416 and Amendment 1; commented on another proposed amendment.

**ACTION NARRATIVE**

TAPE 02-8, SIDE A

Number 0001

CHAIR CON BUNDE called the House Special Committee on Education meeting to order at 8:08 a.m. Representatives Bunde, Porter, Wilson, Stevens, and Guess were present at the call to order. Representative Green arrived as the meeting was in progress.

HB 408-STUDENT QUESTIONNAIRES AND SURVEYS

Number 0160

CHAIR BUNDE announced that the first order of business would be HOUSE BILL NO. 408, "An Act relating to questionnaires and surveys administered in the public schools."

[Elmer Lindstrom, Deputy Commissioner, Department of Health and Social Services, who had testified previously and was available to answer questions, noted that online was Tammy Green, Epidemiology Section, Division of Public Health, Department of Health and Social Services, who has run the Youth Risk Behavior Survey (YRBS) for the department.]

Number 0250

REPRESENTATIVE PORTER reported that Mr. Lindstrom had responded to his questions via a memorandum that addressed how school districts obtain active consent and where the breakdown occurs. Representative Porter explained that unfortunately a high percentage of parents don't get involved. He noted that based on that fact and since the survey is anonymous, he will be supporting the bill.

Number 0330

RIC IANNOLINO, Chair, Youth on the Street, explained that this citizens group had conducted a survey with the McDowell Group in 1998. Homeless teens were interviewed for this survey. He explained that homeless teens are different from [homeless] adults. These homeless teens have homes, but the home atmosphere is intolerable at times due to [substance abuse] and dysfunctional behaviors. This, he noted, is what distinguishes a homeless teen from a homeless adult.

MR. IANNOLINO reported that most of these homeless teens, to their credit, attend school. Current law, however, precludes [Youth on the Street] from conducting these interviews in the schools, he said. He explained that the police were contacted

[for data], but he indicated that the police had little reported [data] because parents don't report their children as missing.

MR. IANNOLINO reported that schools' experience has been that parents don't look for their children when they are absent from school; these parents are uninvolved. It is difficult to obtain parental consent with this population of parents. He indicated [Youth on the Street] will need a valid assessment tool in order to seek funding from foundations and the federal government. The McDowell Group has indicated a valid assessment tool requires a large number of respondents; this is unavailable under current law.

Number 0460

REPRESENTATIVE STEVENS asked if funding had been lost or would be lost in the future due to the inability to conduct surveys.

MR. IANNOLINO replied, "We don't have accurate information on the population, and of course, if you're going for a half-million or a million-dollar grant, they're going to want a valid tool."

REPRESENTATIVE STEVENS inquired, "Has that occurred yet?"

MR. IANNOLINO answered, "We could apply for a grant, but we would never get it ... in a national competition." He added that [the application would contain] no proof that such a problem exists.

REPRESENTATIVE STEVENS queried, "Has there been an event in the past where you have not been able to apply for a grant or get a grant because of lack ... of statistics?"

MR. IANNOLINO said, "We can apply for grants. ... Anybody can apply for a grant, but you don't get them if you don't have ... valid statistics."

CHAIR BUNDE asked, "Have you applied and been refused?"

MR. IANNOLINO replied:

We've not applied yet. We don't have our [501(c)(3)] at this point. We are sponsored by the Glory Hole, so we can receive funding. ... Our group is one of the groups that participated [in] reading the Alaska Housing Finance Corporation grants ... on

homelessness; they're funded, of course, by the ... Mental Health Trust Fund. ... We really had to not accept one of those grants on this basis specifically.

Number 0582

KATHRYN ARLEN, Public Relations Liaison, Youth on the Street, thanked members for the opportunity to testify. She referenced her written testimony submitted to the committee. She reported that she does a lot of service work in the community, especially at the Johnson Youth Center detention section. She offered her concurrence with Mr. Iannolino's testimony. She pointed out that the quality of data is vital to successfully obtain grant funding.

MS. ARLEN turned members' attention to her concluding [written] statement, offering that [the passage of HB 408] will lead to more accurate, thorough, and pertinent data. This, in turn, will contribute to better grant-writing aimed at creating and promoting necessary, improved, and expanding services to all young people, especially those at risk. She noted that "we" can't really reach the young population because there is no specific base from which to survey them. However, "the grapevine" is an excellent source of information for [young people]. Ms. Arlen commented that this proposal seems to respect the rights of both parents and students; therefore, this is a win-win situation. She expressed hope that through the grapevine, more of the types of necessary information can be obtained to develop a successful grant.

Number 0734

DAVID MOORE, Ph.D., Associate Director, Safe and Drug-Free Schools (SDFS), University of Washington College of Education, informed the committee that since the early 1990s [the university] has done a variety of work with [Alaskan] school districts by providing technical assistance, program evaluation, and assistance with federal grants in Alaska.

DR. MOORE pointed out that the committee packet should include a one-page summary of [his testimony]. Although the Office of National Drug Control Policy pioneered active parental consent [surveys] in the early 1990s, he told members, it has since announced it isn't a valid way to measure what is occurring with the youth population. That office found that surveys requiring active parental consent underreport significant problems,

especially in regard to marijuana use and other risky, illegal behaviors.

DR. MOORE said that furthermore, there is no way to really see the value for the money being spent without [conducting] a valid statewide measurement on a local level regarding substance-abuse treatment, violence prevention and other such health behaviors. The Youth Risk Behavior Survey (YRBS) is the best way to measure community-to-community impact of the dollars being spent in areas that attempt to improve health behaviors. "By way of this process, you inadvertently give up your best quality control and ability to measure value on behalf of the citizens," he remarked.

DR. MOORE referred to the "definite loss of federal funds to other states." He informed the committee that there was a \$500,000-a-year National Institutes of Health grant to increase treatment funds to communities in need of additional substance-abuse treatment funds. He said [SDFS] was told by the National Institutes of Health that if an active parental consent form were used, the score in the evaluation section of the grant proposal would be substantially lower.

DR. MOORE indicated that it's difficult to draw a direct correlation between the [lack of reliable data] and the failure to receive grants; however, 15 to 30 points of every 100 points in a grant is scored on the evaluation [section]. The people conducting the grant review have clearly stated that using the active parental consent model, because it is not valid, will substantially reduce grant scores, he explained. For this reason, an application for a \$500,000-a-year grant was not even submitted for an Alaskan [grantee].

Number 0947

DR. MOORE reported that similar debate has been conducted at the federal level. He acknowledged that everyone involved desires parental control and involvement. The recent federal education bill [the No Child Left Behind Act] removed the active consent provision in favor of passive consent for the sake of validity, he explained. This federal Act directed local school districts to communicate with parents before a survey is conducted and to get parental involvement to establish the level of local control that the community desires. He explained that in Delaware, 18 of 19 districts opted for passive consent; [the state] allowed districts to have local control over this decision. He expressed his appreciation for the ability to convey this

information to members. He said, "I would certainly support you ... simply turning this back over to local control and removing a statewide mandate on active parental consent."

Number 1022

REPRESENTATIVE PORTER asked Dr. Moore about his knowledge of the types of internal reliability checks for validating anonymous surveys.

DR. MOORE explained that both active and passive consent models have similar types of internal reliability [measures]. These determine reliability by administering questions about nonexistent drugs, for example; students who are "faking bad" will answer "yes" to using all kinds of drugs, indicating that survey response is therefore invalid. Another type of reliability measure is a response pattern that can be detected from the larger [aggregate] reports using psychometric tests which indicate if a student is trying to "fake good" or "fake bad." He said the problem with validity is that the group of students who fail to get active parental consent is substantially different from the group of students who get consent; thus the [survey results] are invalid, he concluded.

Number 1110

CHAIR BUNDE recounted a comment by a psychologist about the Kinsey Report, which indicated in order for the [report's findings] to generalize to the population at large, one would have to question the number of people willing to volunteer information about "some of these very bizarre things." He said, "The reverse of that is, ... how do we take what is negative behavior and consider that that can ... apply to the general population?" He expressed his uncertainty that he would have - as a teen - admitted to things that would get him in "hot water."

DR. MOORE added, "Particularly if somebody [were] ... close enough to you to see your paper when you're filling it out." He agreed with Chair Bunde that a bit of underreporting takes place. The underreporting stays the same from year to year; therefore, a change in the trend line can be observed. He said, "You're probably right: if you look at survey results, you can figure that they're probably underreporting the risk behaviors. But at least they're validly underreporting them."

Number 1190

CHAIR BUNDE asked if he had traveled from the University of Washington to testify today.

DR. MOORE answered, "No. ... And it would be unfair for me to tell you the people I'm working with ... because then it'd be inferred that I represent them." He explained that he works with communities to establish prevention-and-treatment networks for kids using the local school district as a hub. He said, "That's been my love for 20 years." Alaska is a state that still has a sense of community at a local level in which the results of work can be evidenced, he offered.

Number 1234

REPRESENTATIVE GREEN queried whether Washington has [passive parental consent] for anonymous surveys.

DR. MOORE replied that Washington has local control. Washington has a statewide survey similar to [the YRBS] for which it has passive consent. Local school districts may invoke active consent for other surveys.

Number 1275

REPRESENTATIVE GREEN said, "As an old fuddy-duddy, [I've] read some horror stories of school districts where young girls are taught how to put on condoms, ... things like that." He asked what assurance exists, either statewide or locally, that there wouldn't be inappropriate, anonymous questions asked, if this should pass.

DR. MOORE offered his understanding that Alaska's survey method is similar to Washington's. The YRBS is administered by the Department of Education and Early Development (EED). He explained that legislators "definitely have their fingers in that review process." He noted that most [legislators] have been comfortable with the [survey that is administered], which is why school districts tend to feel comfortable with this survey. He indicated that for a survey without this level of checks and balances, however, a district might want to invoke active consent.

Number 1339

CHAIR BUNDE pointed out that local districts can choose active or passive consent.

DR. MOORE added that the federal government has directed schools to consider these surveys with parents to determine how they will be conducted.

Number 1360

CHRISTIE McINTIRE, American Lung Association, explained that she is also speaking on behalf of the Alaska Tobacco Control Alliance and Alaskans for Tobacco-Free Kids. From the tobacco-control community's perspective, active parental consent has virtually shut down the ability to measure progress in teen tobacco-use rates. This is because the state has not had a statewide sample of statistical significance since 1995 from the YRBS, she reported. Active parental consent has been sought, but these attempts have proven unsuccessful. She said:

In Anchorage, we worked with the school district - actually, gave them some extra funds ... for sending out permission slips as well as phone-banking to try to get these things back. And it just was not successful. So I do feel that we've made attempts.

MS. McINTIRE added that other ways to get this data have been researched with the Centers for Disease Control and Prevention (CDC) and the state. Telephone surveys have been considered, but these [result in] skewed data; parental permission must be gained to talk to the child, and the parent could be listening to the conversation and therefore it would result in unreliable data. She stated that an anonymous survey in the school is the best way to gain this information. The YRBS is the national standard for gathering youth data.

MS. McINTIRE explained that the [inability to gather reliable data] is crippling the tobacco-control community as it continues to build the tobacco-control program. The legislature is asking for evidence that the program is working, but it cannot be determined whether youth tobacco use is increasing or decreasing. She said, "We want to be able to show you that our program is working, and we'd like to be able to have the data to do that." She thanked members for their time and offered her appreciation for their support of HB 408.

Number 1482

CHAIR BUNDE observed that it is important to know if the youth tobacco-use rate is declining.

Number 1490

DEBBIE OSSIANDER, Legislative Chair, Anchorage School District School Board, testified via teleconference. She referenced a three-page statement and offered to fax it. She noted, "Generally, we're supportive."

REPRESENTATIVE GREEN asked for a summary of her statement.

MS. OSSIANDER explained that the [Anchorage School District (ASD)] has lost money from grants due the active-consent requirement. The ASD has also worked with other agencies to contact parents. The data collection for permission has been cumbersome, she reported. [The board] has been following the recent changes to federal law and believes that significant protection for families exists in that legislation, she said. She offered specific information on grants "that we feel we have lost" and information on how the ASD has sought parental permission before the surveys' administration.

CHAIR BUNDE thanked Ms. Ossiander for her participation.

Number 1596

JULIE McWILLIAMS, Education Specialist, Lower Kuskokwim School District, testified via teleconference in support of HB 408. She noted that the committee packet should include her written testimony.

Number 1650

BETH SHOBER, Health Education Specialist, Teaching and Learning Support, Department of Education and Early Development (EED), said that she would defer her testimony and speak to some of the questions she has heard. She first turned to Representative Porter's question regarding the reliability of this survey. Ms. Shober explained that the CDC created the YRBS and spent several years performing reliability and validity studies on the test. Over the past 10-12 years of the existence of this survey, [the CDC] has become more adept at fine-tuning the test's reliability and validity. She offered to provide the committee with the report from the CDC.

MS. SHOBER then addressed Representative Green's earlier remarks regarding the horror stories. She acknowledged that [EED] has heard some of the same horror stories. These horror stories are

applicable statewide; that is, judgment isn't always the best when it deals with health education curriculum in schools. She pointed out that YRBS doesn't specify a curriculum for health education, including prevention initiatives. However, the survey does [specify] the behaviors in which the students are engaging. Ms. Shober pointed out that the CDC also publishes the School Health Education Profile, which surveys teachers and administrators regarding what is actually being taught. Therefore, the [two surveys] attempt to obtain balance between what the teachers and principals are reporting as happening academically with health education and what students are reporting they are engaging in. Both the YRBS and the School Health Education Profile surveys are published and administered in Alaska.

MS. SHOBER continued with Representative Stevens' questions regarding grants that weren't funded due to the lack of data. Specifically, in the [Anchorage School District], the Safe Schools/Healthy Students grant, which is a multimillion-dollar, multiyear grant, wasn't funded due to the lack of accurate data relevant to that district. This isn't only occurring in school districts; different parts of the Department of Health & Social Services use this data for alcohol- and tobacco-prevention initiatives that complement what is done in the schools. Therefore, the impacts of not having current data are far-reaching.

Number 1831

REPRESENTATIVE STEVENS inquired as to the difference between passive and active parental [permission]. He furnished his view that HB 408 doesn't allow local control.

MS. SHOBER explained that under the current legislation, a school district must obtain active parental permission before administering any anonymous survey. Therefore, every student surveyed must have returned a slip from the parent stating that it's permissible for his/her child to be surveyed. The differences and the enormity of that task vary from district to district.

MS. SHOBER noted that the current legislation includes a provision that allows a parent to provide an annual signature for permission. She explained that the hope is that the annual permission could be obtained during registration in order to avoid the additional burden of sending things to parents throughout the year. However, not all parents register their

children, as was mentioned earlier. Under HB 408, it is allowable for the school district to, in writing, inform the community that a survey will be conducted. The district [shall] offer review of the survey to parents as well as hear parental concerns, Ms. Shober explained. Therefore, a parent would have to inform [the school district] that he/she did not want his/her child to participate in the survey, rather than the school district having to receive permission for those who want their child to participate in the survey.

CHAIR BUNDE said nothing in HB 408 would prevent a school district from choosing to require active parental permission.

MS. SHOBER agreed, pointing out that passage of HB 408 doesn't take away parents' authority to disallow their children to participate in these surveys. Rather, HB 408 provides schools, communities, and nonprofits the ability to determine what is best for their community.

Number 2014

REPRESENTATIVE GREEN posed a situation in which a questionnaire is administered in the Anchorage School District and the parents of a child provide the school notice that their child is not to participate in the questionnaire. He asked if there is a way that this questionnaire could be administered such that this child would not be "held out as being weird."

MS. SHOBER pointed out that students opt out of various programs and courses all the time. Therefore, she didn't feel that there would be any stigma.

CHAIR BUNDE closed public testimony.

REPRESENTATIVE GREEN commented that he has no problem with passive [permission] for a survey.

Number 2150

REPRESENTATIVE GUESS moved to report HB 408 out of committee with individual recommendations and the accompanying fiscal note. There being no objection, HB 408 was reported from the House Special Committee on Education.

HB 416-REEMPLOYMENT OF RETIRED TEACHERS

Number 2178

CHAIR BUNDE announced the final order of business, HOUSE BILL NO. 416, "An Act relating to reemployment of and benefits for retired teachers and principals who participated in retirement incentive programs; and providing for an effective date." Chair Bunde pointed out that the packet contains a bill analysis.

[This was the first hearing on HB 416, which was sponsored by the House Special Committee on Education. However, there had been considerable related committee discussion on January 30 and February 6, prior to the bill's introduction.]

Number 2211

TERRI CAMPBELL, Legislative Liaison, Office of the Commissioner, Department of Education and Early Development (EED), explained that HB 416 allows teachers who have accepted the retirement incentive program (RIP) to return to classroom duty. The department seeks [committee adoption of] the proposed amendment in committee packets [later adopted as Amendment 1]. She informed members that it not only would allow teachers who've accepted the RIP to return without penalties, but also would include EED [teaching personnel].

MS. CAMPBELL conveyed EED's support for the original legislation, which allows teachers to return to the classroom. She said this allows administrators to extend opportunities to teachers who have accepted the RIP; it provides another hiring tool, especially in shortage areas such as special education. Ms. Campbell added, "We would very much be supportive of schools' being able to capitalize on educators' experience, possibly having them mentor other teachers, because of their extensive classroom experience, as well as utilize them for looking at issues regarding teacher retention."

MS. CAMPBELL informed members that EED is interested in the proposed amendment because of the three state-operated schools: Mount Edgecumbe, Alaska Vocational Technical Center (AVTEC) in Seward, and Alyeska Central School. Those employees who work directly with students are [included] with teachers "for purposes of this conversation," she said, and EED is interested in extending that capacity to the department as well.

Number 2321

CHAIR BUNDE moved to adopt Amendment 1 for discussion purposes. Amendment 1 reads [original punctuation provided]:

Page 1, following line 3:

Insert a new bill section to read:

"Sec. 1. AS 14.20.135(a) is amended to read:

**Sec. 14.20.135. Employment of retired teachers because of shortages.** (a) The Department of Education and Early Development, a [A] school district or regional educational attendance area that has or anticipates having a shortage of teachers qualified to teach in a particular discipline or specialty may, by resolution, adopt a policy that permits the employment of retired teachers who are qualified to teach in the discipline or specialty in accordance with this section. The policy must describe the circumstances that constitute the shortage. If a shortage of teachers exists as described in the policy, the department, district or attendance area shall notify the administrator of the teachers' retirement system (AS 14.25) that it is hiring retired teachers under this section."

Renumber the following bill sections accordingly.

Page 1, line 5

Following "(b)"

Delete "[A]"

Insert "The Department of Education and Early Development, a"

Page 2, line 7

Following ", as amended by sec. 1"

Insert "and sec. 2"

Number 2336

REPRESENTATIVE GREEN objected, also for purposes of discussion.

CHAIR BUNDE requested clarification that [Amendment 1] would allow the department to rehire teachers for the three specific schools mentioned. He offered his understanding that it wouldn't come into play as far as hiring someone to work for the department in a nonteaching position.

MS. CAMPBELL answered:

We would be very interested in exploring that capacity and are actually ... looking at ways and opportunities

to extend that ability throughout the department, because we have in past years had quite a bit of trouble hiring some hard-to-fill positions in our education-specialist ranges as we have lost people to retirements and the lure of state service becomes a little less enticing.

But we do understand, through legal advice, et cetera, that we may need to do that in other provisions. We're looking at, at this point, if the opportunity presented itself in this particular bill for us to satisfy those needs in our state-operated schools, that that would be a first step for us.

Number 2384

CHAIR BUNDE voiced concern that there are "little apples and oranges here." He explained:

I think that logic and common sense said that rehired teachers would, obviously, be rehired as beginning teachers and at the lowest step. In these other positions, you may need more flexibility. And so it might be wise to address that as a separate vehicle, because that would be the next question I'm going to bring up to the committee, about the rehiring and should we put some limitations there.

CHAIR BUNDE offered his understanding that Amendment 1 would apply to EED's hiring of people to teach in the three schools that the department administers.

TAPE 02-8, SIDE B  
Number 2414

REPRESENTATIVE STEVENS mentioned the ideal of allowing both teachers and principals who have accepted the RIP to be rehired; he requested confirmation that [Amendment 1] also includes a teacher who'd retired under the RIP but whom [a district] wants to hire as a principal.

MS. CAMPBELL said that is her understanding, but deferred to [Division of] Retirements & Benefits experts.

Number 2357

JANET PARKER, Retirement & Benefits Manager, Division of Retirement & Benefits, Department of Administration, answered that this provision would allow that, as it would for any teacher, "as long as they're coming in with the Teachers' Retirement System [TRS]." Therefore, it applies to all members equally.

CHAIR BUNDE suggested the "shortcut," then, is that teachers and principals are in the same retirement system.

MS. PARKER affirmed that.

CHAIR BUNDE remarked that "actuarially" he couldn't imagine there would be a problem. He asked whether there were further questions of Ms. Parker, then thanked her.

Number 2304

CHAIR BUNDE asked whether there was further discussion of Amendment 1. He then closed public testimony.

REPRESENTATIVE WILSON offered that she believes it is a good amendment, and that it would affect a school district in the district she represents. [She restated the motion to adopt Amendment 1.]

Number 2282

CHAIR BUNDE asked Representative Green whether he maintained his objection to Amendment 1.

REPRESENTATIVE GREEN said no.

CHAIR BUNDE announced that without objection, Amendment 1 was adopted.

Number 2282

CHAIR BUNDE explained a concern he had with the bill: no provision prohibits having a "good old boy" or "good old girl" network whereby someone could suggest that a teacher retire and then rehire that person at the same salary; the result, in effect, would be a nice raise.

CHAIR BUNDE, for the foregoing reasons, suggested the bill should include a provision that says, "Anyone rehired under this

is rehired at the beginning salary or ... as a beginning teacher."

REPRESENTATIVE GREEN indicated that was his own concern as well.

CHAIR BUNDE proposed that with concurrence of the committee, it could be a conceptual amendment.

Number 2254

REPRESENTATIVE PORTER remarked:

To show you how naive I was, I thought that was a given, one, that the school district would take advantage of that, and ... two, that they didn't have the ability to hire at anything but the beginning step, with a couple of exceptions, in ... past experience. But I think that's a very appropriate [amendment], considering that anyone receiving this is going to be receiving time-and-a-half pay forever.

REPRESENTATIVE GREEN added, "Plus the bonus for retiring."

Number 2225

REPRESENTATIVE GUESS commented that there are two issues. The first is local control; she said, however, "We're not consistent in that." Second, a person in the private sector retires and gets a pension; if that person then chooses to work for another company, that person would still get market rate for his or her skills, and it wouldn't matter that the person was receiving retirement pay as well. She asked, "Why, in this situation, are we discussing a forced situation of what the market rate should be? Why aren't we letting the local control and the local market decide how much that person is worth?"

REPRESENTATIVE PORTER replied:

The short answer is that when the local school district pays 100 percent of their cost of doing business, then they should make 100 percent of those decisions. That isn't the case - nowhere close. That's why we are making these decisions.

Number 2169

REPRESENTATIVE GUESS said the answer regarding the local issue was fine, but she doesn't understand why the legislature is treating this group of professionals differently than they would be treated in the private sector.

REPRESENTATIVE PORTER answered, "Because it's public money."

CHAIR BUNDE recalled some "unfortunate experience" involving, to his belief, the Adak school system; he suggested there should have been criminal charges for how the public's money - state money - was treated there.

REPRESENTATIVE GUESS asked whether those experiences, then, were affecting this case. "That's OK," she added. "I'm just trying to get where this came from." She acknowledged that there are times when she herself doesn't favor local control.

Number 2125

REPRESENTATIVE STEVENS suggested keeping in mind that this deals only with teachers who've accepted RIP - "people to whom we have paid substantial amounts of money to go away." He said that is what RIP was all about. Most teachers would get up to \$2,000 extra [a year] in retirement benefits for a three-year early retirement. The desire now is to find a way to bring these teachers back without treating them exactly as if they had taken a normal retirement.

REPRESENTATIVE GUESS apologized, saying she'd thought it dealt with any retired teacher.

REPRESENTATIVE STEVENS replied that he believes this just deals with those who have taken early retirement, which has cost the districts substantial money in order to get them out of those high-paid positions; the idea was to hire people at lower pay. To rehire those people at a high level would be totally opposite what the principle was to begin with.

CHAIR BUNDE remarked that as Representative Porter said, common sense probably would dictate that [rehiring teachers at high pay] wouldn't happen. Chair Bunde recalled testimony from the Anchorage district that "that is their policy; they have given people, basically, early retirement bonuses, not a RIP, on the state level, earning retirement bonuses, and then they rehire them at beginning salaries, as you might guess common sense would dictate." He concluded by saying there is always the

possibility of mischief; when dealing with public money, it is best to err on the side of caution.

Number 2023

DARROLL HARGRAVES, Council of School Administrators, came forward to testify, noting that Representative Stevens had fairly well covered what he had to say. Mr. Hargraves conveyed support for anything that puts teachers in the marketplace so that schools can hire and use them. He agreed there should be concern because these [RIP] teachers have entered retirement at some cost to the state and the school districts. He suggested that for this to be usable, however, "a strike for local control is important here." He explained:

Many school districts will look at this and [not] have the shortages that some other district does, and so they will impose that requirement that they come back at a low level on the salary schedule. We're seeing that; that's happening with the other class of retired teachers.

On the other hand, some of the places that might make the biggest and best use of this might need the incentive of bringing them in a little higher, within the context of their own policies and negotiated agreements and other controlling factors in the school district. In fact, I can see some districts that would bring some of these people back in at a higher level in order to get them. These are places where the teacher shortage is really critical.

So I would ... strike that blow for local control and let that issue rest with the local school districts. I think they can take care of it very nicely.

Number 1946

REPRESENTATIVE STEVENS returned to an issue brought up earlier regarding hiring somebody at a beginning teacher's salary; he said it seems districts already have a lot of latitude because beginning teachers receive different salaries, based on their qualifications and how badly they may be needed, for example.

MR. HARGRAVES said that is correct. For example, a teacher who has taught for more than fifteen years in one district may enter another district with only two years' credit. "That district

survives very nicely because they have ... a better teacher pool to choose from," he remarked. "On the other hand, there are districts out there that will give eight or ten years of credit because they're really pushing hard to try to get teachers to come to them."

REPRESENTATIVE STEVENS expressed concern about the term "beginning teacher" because of its broadness.

Number 1890

REPRESENTATIVE PORTER responded:

It was my understanding ... that there are a variety of different, quote, starting salaries, probably for each school district. ... What I think you guys are addressing, and what I'm addressing, is that in that particular school district, that teacher who comes back from the RIP position should not be hired any higher than that same person would have been hired had he or she come in ... on their first day with whatever credentials that they now possess.

REPRESENTATIVE GUESS asked whether, then, no years of experience would be credited but the person's education would be.

REPRESENTATIVE PORTER suggested it would be just as though the person came from Oregon, for example.

REPRESENTATIVE GUESS said it isn't that she disagrees, but is trying to get it defined. She added, "Someone can come in, as Mr. Hargraves said, ... with ten years of experience, and I don't think that's the purpose of the amendment, is to go back to that minimum. Is the minimum coming in, really, at ... the low box of zero and a [bachelor of arts degree], or is it zero years of experience and some more education?"

Number 1780

CHAIR BUNDE offered examples. To his understanding, he said, in the Anchorage district a teacher who retired under RIP is credited with no previous experience because of the district's sufficient teacher pool. In Kotzebue, however, a person is allowed to bring in perhaps eight or ten years' experience.

REPRESENTATIVE GUESS clarified that Anchorage, in areas of shortage, allows three [years' experience to be credited].

CHAIR BUNDE remarked that Anchorage itself has flexibility, then, but in Kotzebue the person can receive the basic teacher's salary plus eight or ten years of credit.

REPRESENTATIVE GREEN added, "But not twenty."

REPRESENTATIVE GUESS agreed with the need, if there is an amendment, to clarify what "beginning" means; otherwise, the intent of the committee may not be reflected. "The whole reason to have the amendment was to put some constraints on," she added.

CHAIR BUNDE proposed holding the amendment, saying he and Representative Guess would craft an amendment for the committee's consideration at the next hearing.

Number 1750

MR. HARGRAVES reminded members that bringing teachers back under this statute will save local school districts money because of the costs of insurance and teacher retirement. "Wherever you bring them in, they're cheaper than ... what they would have been otherwise," he concluded.

Number 1736

CARL ROSE, Executive Director, Association of Alaska School Boards, came forward to testify. He informed members that the association supports both HB 416 and [Amendment 1]. He then commented on the [second] proposed amendment. He emphasized that the idea behind RIPS is to create savings, which is where the committee is headed. He suggested it wouldn't be a bad idea to ensure that savings are created; just saying "coming in at the lowest level" may not provide [districts] the latitude they need. He commented that the National Education Association (NEA) may have a real concern about this.

MR. ROSE noted that many school districts negotiate salaries when hiring retired teachers. Because this [proposed amendment] relates to a RIP, he suggested it may be prudent to have a provision that says, in essence, that if a district is hiring back someone who took advantage of RIP, there must be an economy at least observed there, "something to preface [those] negotiations."

MR. ROSE pointed out that people who have already served in their profession are being called upon to fill this gap, which is indicative and symptomatic of another problem. He acknowledged that he was asking for more money and then said, "We're really struggling to get people into our schools." He suggested it may be more difficult to attract new teachers to Alaska than to bring retired people back; that is a problem, he said, "one that we all have to face at some point in time."

MR. ROSE concluded by reiterating that districts want latitude to bring back RIP teachers, but the whole idea behind the RIP incentive was to create those economies. He suggested having an overriding statement to that effect, which would affect local negotiations, to his belief.

Number 1620

CHAIR BUNDE acknowledged that the number of people that [districts] have attempted to rehire is small, but said that nothing should keep the legislature from addressing an additional tool.

Number 1580

REPRESENTATIVE STEVENS recalled that at the university, people had retired out of TRS as campus directors, in the Matanuska-Susitna area, to his belief, and had returned under PERS [Public Employees' Retirement System] as campus directors there.

Number 1552

CHAIR BUNDE indicated he was appointing a subcommittee to draft an amendment before the next hearing; subcommittee members would be himself, Representative Guess, and Representative Stevens. [HB 416 was held over.]

**ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Education meeting was adjourned at 9:17 a.m.