

**ALASKA STATE LEGISLATURE
HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES
STANDING COMMITTEE**

March 5, 2002
3:04 p.m.

MEMBERS PRESENT

Representative Fred Dyson, Chair
Representative John Coghill
Representative Gary Stevens
Representative Vic Kohring
Representative Sharon Cissna
Representative Reggie Joule

MEMBERS ABSENT

Representative Peggy Wilson, Vice Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 352

"An Act extending the dates for assignment of performance designations of public schools and the dates for reports and monitoring based on those designations; and providing for an effective date."

- MOVED CSHB 352(HES) OUT OF COMMITTEE

HOUSE BILL NO. 309

"An Act relating to the Interstate Compact on Placement of Children."

- HEARD AND HELD

PREVIOUS ACTION

BILL: HB 352

SHORT TITLE: SCHOOL PERFORMANCE REPORTS

SPONSOR(S): RLS BY REQUEST OF THE GOVERNOR

Jrn-Date	Jrn-Page		Action
01/23/02	2042	(H)	READ THE FIRST TIME - REFERRALS
01/23/02	2042	(H)	EDU, HES
01/23/02	2042	(H)	FN1: ZERO(EED)
01/23/02	2042	(H)	GOVERNOR'S TRANSMITTAL LETTER

02/13/02		(H)	EDU AT 8:00 AM CAPITOL 120
02/13/02		(H)	Moved Out of Committee
02/13/02		(H)	MINUTE(EDU)
02/13/02	2230	(H)	EDU RPT 4DP 3NR
02/13/02	2230	(H)	DP: GUESS, JOULE, STEVENS, WILSON;
02/13/02	2230	(H)	NR: PORTER, GREEN, BUNDE
02/13/02	2230	(H)	FN1: ZERO(EED)
02/21/02		(H)	HES AT 3:00 PM CAPITOL 106
02/21/02		(H)	Heard & Held
02/21/02		(H)	MINUTE(HES)
03/05/02		(H)	HES AT 3:00 PM CAPITOL 106

BILL: HB 309

SHORT TITLE: INTERSTATE PLACEMENT OF CHILDREN

SPONSOR(S): REPRESENTATIVE(S) CHENAULT

Jrn-Date	Jrn-Page		Action
01/14/02	1956	(H)	PREFILE RELEASED 1/4/02
01/14/02	1956	(H)	READ THE FIRST TIME - REFERRALS
01/14/02	1956	(H)	HES, JUD
01/14/02	1956	(H)	REFERRED TO HES
01/29/02		(H)	HES AT 3:00 PM CAPITOL 106
01/29/02		(H)	-- Meeting Canceled --
01/30/02	2101	(H)	COSPONSOR(S): DYSON
02/05/02		(H)	HES AT 3:00 PM CAPITOL 106
02/05/02		(H)	Heard & Held
02/05/02		(H)	MINUTE(HES)
02/12/02		(H)	HES AT 3:00 PM CAPITOL 106
02/12/02		(H)	<Bill Postponed to 2/19/02>
02/19/02		(H)	HES AT 3:00 PM CAPITOL 106
02/19/02		(H)	<Bill Postponed to 2/21/02
02/21/02		(H)	HES AT 3:00 PM CAPITOL 106
02/21/02		(H)	Scheduled But Not Heard
03/05/02		(H)	HES AT 3:00 PM CAPITOL 106

WITNESS REGISTER

ED McLAIN, Ph.D., Deputy Commission of Education
Office of the Commissioner
Department of Education and Early Development
801 West Tenth Street, Suite 320
Juneau, Alaska 99801-1894

POSITION STATEMENT: Presented HB 352 and answered questions.

MARK LEAL, Director of Assessment

Teaching and Learning Support
Department of Education and Early Development
801 West Tenth Street, Suite 200
Juneau, Alaska 99801-1894
POSITION STATEMENT: Presented HB 352 and answered questions.

DEE HUBBARD, Parent Teacher Association Representative
School Designator Committee
P.O. Box 88
Sterling, Alaska 99672
POSITION STATEMENT: Testified in support of HB 352.

LARRY WIGET, Ph.D., Executive Director
Public Affairs
Anchorage School District
P.O. Box 196614
Anchorage, Alaska 99519-6614
POSITION STATEMENT: Testified in support of HB 352.

SUE WRIGHT, Staff
to Representative Mike Chenault
Alaska State Legislature
Capitol Building, Room 432
Juneau, Alaska 99801
POSITION STATEMENT: Answered questions pertaining to HB 309 on behalf of Representative Chenault, sponsor; expressed belief that the bill would not place Alaska outside the ICPC agreement.

THERESA TANOURY, Director
Division of Family and Youth Services
Department of Health and Social Services
P.O. Box 110630
Juneau, Alaska 99811-0630
POSITION STATEMENT: Explained that HB 309 would place Alaska outside of the ICPC agreement.

ANNE CARPENETI, Assistant Attorney General
Legal Services Section-Juneau
Criminal Division
Department of Law
P.O. Box 110300
Juneau, Alaska 99811-0300
POSITION STATEMENT: During hearing on HB 309, expressed concern that the penalties in the bill do not require proof of a culpable mental state.

CANDACE BROWER, Program Coordinator

Office of the Commissioner-Juneau
Department of Corrections
431 Franklin, Suite 400
Juneau, Alaska 99801

POSITION STATEMENT: During hearing on HB 309, expressed concern about the potential cost to the state of the imprisonment provision in the bill.

ACTION NARRATIVE

TAPE 02-18, SIDE A
Number 0001

CHAIR FRED DYSON called the House Health, Education and Social Services Standing Committee meeting to order at 3:04 p.m. Representatives Dyson, Coghill, Stevens, Cissna, and Joule were present at the call to order. Representative Kohring arrived as the meeting was in progress.

HB 352-SCHOOL PERFORMANCE REPORTS

Number 0157

CHAIR DYSON announced that the first order of business would be HOUSE BILL NO. 352, "An Act extending the dates for assignment of performance designations of public schools and the dates for reports and monitoring based on those designations; and providing for an effective date."

[Amendment 1 had been adopted on 2/21/02. Amendment 2 had been placed before the committee on that date and discussed; the full text is found in the 2/21/02 minutes.]

Number 0172

ED McLAIN, Ph.D., Deputy Commission of Education, Office of the Commissioner, Department of Education and Early Development (EED), thanked Representative Dyson for his earlier meeting with EED personnel regarding the proposed language [in Amendment 2] to address the reporting of district efforts to involve the community in establishing behavior standards. He reported that the current processes were discussed in that meeting; as a result, [EED] had drafted a letter outlining the procedures for [EED and school districts].

DR. McLAIN offered that reporting of this issue was the main concern [addressed in Amendment 2]. He said, "We wanted to

commit for the record that we think that that reporting does make sense." He noted that EED has found a way to [procedurally accommodate this reporting]; the aforementioned letter outlines the procedures for doing so. He concluded, "It's my understanding that this would address the concern that was raised in Representative Dyson's proposed amendment, and we're hoping that with this process laid out, ... that concern is alleviated."

[Committee aide Jason Hooley, in response to a question, indicated Chair Dyson had offered Amendment 2 at the February 21 hearing; it had not been adopted or voted on.]

Number 0288

CHAIR DYSON recounted that several years ago, the legislature passed into law a school safety and behavior bill; it required each school to go through a community process to establish community-supported behavior and safety standards for the school. The bill also provided protection for teachers and administrators for enforcing the standards and following the procedures, provided the school had a discipline procedure in place. He said:

To my dismay, there's no written record or ... evidence that any schools have been aggressively following the law. So, in a ... slightly clumsy fashion, I was attempting to amend into this bill a requirement for the reporting of the process of [these] behavior and safety standards.

CHAIR DYSON reported that [EED] has convinced him this isn't the most appropriate way to accomplish it; furthermore, [EED] will accomplish this through regulation. "That's what they've put before you in writing," he added. He drew attention to the EED letter dated March 7 to superintendents [that will inform administrators of the new procedures].

CHAIR DYSON withdrew [Amendment 2] for the foregoing reasons. He noted that the main bill [with Amendment 1's typographical correction] was before the committee.

Number 0450

CHAIR DYSON asked about the three types of designations: one used with schools in need of improvement under Title I and the [Elementary and Secondary Education Act (ESEA)]; one passed by

the legislature one or two years ago; and one introduced by the federal government.

DR. McLAIN agreed with Chair Dyson's synopsis of the first two types of designations; he elaborated on the federal designation, saying, "They're giving new guidelines on how they wanted to [have] the fed part revised and broadened. The current fed - the one that's out now - really refers only to Title I schools."

DR. McLAIN estimated only 270 schools of Alaska's 506 schools are designated as Title I schools. Those 270 schools are the only schools covered by the current set of [federal designations]. He said the new U.S. House Resolution 1 [the reauthorization of the ESEA] takes a much broader [approach to designations], requiring states to have a designation system for all schools.

Number 0479

CHAIR DYSON asked if the [U.S. Department of Education (DOE)] has identified the new designations it is requiring.

DR. McLAIN replied that they indeed have. He asked Mark Leal to expound on that matter.

Number 0550

MARK LEAL, Director of Assessment, Teaching and Learning Support, Department of Education and Early Development, stated that the ESEA talks about "adequate yearly progress" (AYP) and sanctions for schools that do not make adequate yearly progress. The ESEA does not address the higher designations such as "distinguished" that a school might receive, he offered. The ESEA is very specific about what Alaska would call an "in crisis" designation based on test scores, and it is very specific about the definition of AYP for students and subgroups in the state.

Number 0590

CHAIR DYSON inquired if United States H.R. 1 automatically supersedes the old designations.

DR. McLAIN responded:

It will. It was very specific ... in that it will replace [the old designations]. But the schools that

are already in that process are not grandfathered - ... they will continue. So if a school is already in year two or year three [as a school improvement site], they will continue. ... They will not get a chance to start over. ... We do have 11 to 13 schools that have been designated as school improvement [sites].

CHAIR DYSON asked for clarification about the name of the designation for [Title I] schools needing improvement.

MR. LEAL offered that it is "school improvement site."

CHAIR DYSON asked whether one of the new federal categories fits that name, "schools in need of improvement."

DR. McLAIN replied that the federal designation of "school improvement site" is synonymous with the state designation of "school in crisis."

CHAIR DYSON pointed out that ["school in crisis"] is the existing state name and suggested that [EED] might want to change that name.

Number 0688

MR. LEAL replied that [EED] has not proposed [to change the designation name]. He noted that currently the main task is to try to bring "these two pieces of legislation together ... under one system" and ensure that the state is following the new federal laws.

CHAIR DYSON asked, "So the feds have already made provision for the existing ... Title I, that it'll ... fit under the new federal [requirements]? ... What you've got to do is make sure the state's [designations] conform to the new H.R. 1?" He asked why this alignment will take two years.

Number 0730

MR. LEAL noted that this proposal [for a delay] was initially offered to allow [EED] to implement the [designation] model that the School Designator Committee determined to be the most fair: a model using one-third status and two-thirds growth. It would take [EED] at least another year to obtain growth data, he reported; then, to capture the High School Graduation Qualifying Exam (HSGQE) results from 2004 along with data showing graduation rates, the two years were requested.

MR. LEAL told members [EED] is now trying to evaluate how it will make the state's model fit with the new federal requirements. He said, "I'm not a hundred percent sure - and we don't have the direction yet from the federal government - whether the model that we have proposed is ... going to fit with the federal model." He offered that his inclination is to develop the best possible model, rather than hurry the process along.

Number 0819

REPRESENTATIVE STEVENS noted his support for the delay. He asked, "What is the point of the performance designations? And if a school, say, is declared 'in crisis,' what does that mean? And what are the teeth in this that would cause a school in crisis to change?" Taking money away from a school in crisis will obviously not help it improve, he offered. Likewise, a school that has done a superior job shouldn't be penalized for that good job. He inquired how the state will ensure that these [designations] will work.

Number 0875

DR. McLAIN replied that [EED] wants to use the federal allowances in the new law to combine with other money and supports provided at the state level. The specific federal dollars, sanctions, and rewards are varied, he noted. For example, one specific federal provision pertains to school improvement sites; it calls for the district to set aside 20 percent of its Title I funds for two activities: to provide transportation to students who attend the failing school and to provide supplemental services.

DR. McLAIN pointed out that Dr. Susan Sclafani, Counselor to the U.S. Secretary of Education, had addressed this provision with EED personnel during her recent visit to Juneau; she'd recognized that this provision for transportation and supplemental services was designed with Lower 48 urban areas in mind. These urban areas are places where students could get on a bus to go to another school; there might be, for example, a Sylvan [learning] center or some tutors nearby to send students to. He indicated that both EED personnel and Dr. Sclafani acknowledge that more work needs to be done at the state and federal levels to address the ramifications of this provision for isolated communities and schools for which transportation to another place is not feasible. He said:

That's the kind of detail that we need to work out with them, but that is the kind of answer that the feds have in terms of additional dollars that could not just be spent for "business as usual." [The funds] must be targeted for those sort of ... purposes.

Number 0971

DR. McLAIN expressed his understanding that [EED] must define, by the end of the summer, the criteria for being on the list of providers for supplemental services. He noted that Alaska and other states are in conversation with the U.S. Department of Education because this subject is new to them.

DR. McLAIN acknowledged some concern on EED's part regarding what it means to allow someone to be on the list of providers for supplemental services. For example, if a Mr. Jones wants to be a tutor, [EED] has to decide: What are the criteria for allowing him to be on that list? What is [EED's] liability? What does it mean for someone to be on that list? Dr. McLain stated that if Mr. Jones provides supplemental services but shows no progress in two years' time, he can be dropped [from the list of providers]; however, [EED] must define how to determine what adequate progress is. These are the kinds of details [EED] is working on with other states to ensure it is a solid piece, he added.

Number 1041

DR. McLAIN continued:

We're hoping ... the budget that was proposed had additional state dollars that we were asking to have put into place: the \$2-million fund to provide some targeted instruction and targeted support for the low-performing schools; and then \$2 million, a request that the administration had for a fund, for the high-performing [schools].

If there's a model out there that is indeed working, we want to support that and perhaps use that as a model for other schools that might find themselves serving similar [populations]. That's still in our request, but that would be the kind of a state dollar that would accompany [the federal funds].

DR. McLAIN said in addition to the 20 percent set-aside, as [school improvement sites] pass into their third and fourth years of the plan, the federal government allows the state to become increasingly directive. Instead of just giving the money over, the state can become more restrictive about what is done with that money. In any case, school [improvement sites] will have to show their programs are based on a proven methodology and research. He said:

What we have to do, between now and the beginning of this next year, is set up what's our criteria. How do we define that? So we've got a lot of rulemaking that we have to do internally [and] get out to the districts. And that's, again, to come back to the question of why are we looking for the delay. We think those are pretty critical questions and we want to be able to turn our attention to that.

Number 1122

REPRESENTATIVE STEVENS asked whether the 20 percent set-aside was new federal money or money taken from some other school or district.

DR. McLAIN indicated EED has only seen general, large-budget categories from the federal government, and wants to ensure that the [20 percent set-aside is new money]. He said when Dr. Sclafani met with EED personnel to discuss Title I monies, EED was told an additional approximately \$8.5 million [is being made available]. He said he'd be more comfortable after he'd had time for more careful review.

DR. McLAIN expressed his understanding that the intended source of the 20 percent set-aside is new money. School improvement sites that fail to improve will experience increased control over [all Title I funds, not just the 20 percent set-aside]. He said [EED personnel] have discussed with federal personnel the issue of district-level decisions about many of the instructional resources at a particular site. That site might not have direct control over such decisions as staffing and other resources. He noted that this is a very important issue. Both he and Mr. Leal have been site and district administrators; he stated, "We want to make sure that we've got that process well in hand before we start going out with ... chipped-in-stone rules."

Number 1246

CHAIR DYSON offered his understanding of the federal regulations: that the 20 percent comes out of that school's portion [of Title I monies] if it doesn't make improvements by the end of the second or third year; this 20 percent can be available to the parents who are seeking it. He added:

When we got into this business ... two or three years ago, our present governor said if the schools finally don't make enough improvement and show that they're making progress, ... we're going to take them over. Now, both he and ... Commissioner Holloway, I think, have ... moved off of that strong [of] a statement, and I'd ask both of them if they were ... going to start the state-operated schools again or whatever else. But I think your question is, Representative Stevens, right on the mark.

CHAIR DYSON added that his reading of the federal "stuff" indicates to him that in the third and fourth years without improvement, the staff must be changed.

Number 1307

DR. McLAIN responded that EED wants to provide a clear summary sheet of those consequences to the [House Health, Education and Social Services Standing Committee]. He noted that state Title I staff are working on that; he apologized for not being able to provide it today. He questioned which part of a school district's Title I funds are considered for the 20 percent set-aside - the district's Title I funds or the individual site's Title I funds. He offered that he'd heard the response to be 20 percent of the district's allocation, a much larger sum. He concluded that this information is what he hopes to provide in the summary sheet.

Number 1344

REPRESENTATIVE COGHILL asked about the percentages of schools falling into each of the four [state-designated] categories. He offered his opinion that statute already mandates the reporting of this information, even if [sanctions] are not yet enforced. He also asked how the state will dovetail with the federal rules. For example, is the state's premise even the same as the federal government's? He noted his impression from [Dr.

Sclafani's presentation] that the state has a different premise from the federal government's.

Number 1389

MR. LEAL responded that [EED] does not have breakdowns of the percentages of schools in the four categories because it does not yet have the growth data. He said:

The bigger question for us right now is ... your second question, and that is, how is this going to dovetail with the federal requirement? Because if ... the federal requirement is to designate schools that haven't made adequate yearly progress, ... that is, in effect, designating the bottom of the ... [designation] system. It doesn't require us to designate ... the other areas. ... If we [don't] get the delay, we would be working just with this "adequate yearly progress" definition - which isn't what the [designator] committee really wants to do, but it might be what we have to do.

Number 1440

REPRESENTATIVE COGHILL observed that the department would have to make a decision about this matter; he added that [the legislature] would work with EED. This decision pertains to using the federal designation [of school improvement sites] as Alaska's lowest designation. He queried, "Is that ... what you're thinking?"

MR. LEAL replied:

The definition is a state definition; it's not a national definition. And ... there's pretty specific guidelines on what adequate yearly progress would be. And ... once we set ... that bar, based on this year's test results, then we also have to set goals for each subgroup ... to achieve ... AYP, [which] is ... based on the percentage of students who are proficient. And so once we ... find out where that bar is according to the federal definition, then we need to go back and set goals to get ... each school and each subgroup to achieve a hundred percent [proficiency] within 12 years.

Number 1490

REPRESENTATIVE COGHILL asked whether the growth and status [scores] being used as designations would be considered valid criteria by [DOE].

MR. LEAL replied, "It doesn't seem so." He offered that in conversations as recent as yesterday, [DOE] personnel indicated that to all appearances, the federal AYP definition would be the one EED must use for the bottom [level of designations]. He offered that he foresaw some flexibility for EED to include other, higher categories of designations.

REPRESENTATIVE COGHILL asked if this issue would present a regulatory problem to EED. He surmised that the statutes are broad enough, but then questioned whether, indeed, they are.

Number 1550

MR. LEAL replied that [EED] is currently drafting regulations for both outcomes. For the outcome in which the delay is not granted, draft regulations are about 85 percent written for designating schools based only on status. He noted that EED is also drafting regulations to address AYP. "We're struggling right now ... to get this thing going," he concluded.

Number 1590

REPRESENTATIVE COGHILL asked Mr. Leal for his impression of the federal timeline [for implementing the designations].

MR. LEAL replied that the direction [from the federal DOE] is for [EED] to implement the law; [DOE] will tell the state which parts of the state's implementation don't fit the guidelines as they are being written. He acknowledged, "It's not a great process." He added:

I think that the federal government is kind of struggling with the same thing this [designator] committee is - and that is, that they want this ... to move ahead, and they don't want it to ... get bogged down in the regulatory process. ... It's a difficult situation for us to try to guess what it means.

REPRESENTATIVE COGHILL said, "Maybe we shouldn't amend this."

Number 1644

DR. McLAIN observed for the committee that Mr. Leal is in daily, even hourly, conversations with [DOE]. This is a good example of why EED is requesting the [delay]. He continued:

We really want to keep ourselves going down this one path, and there's constant flux. If ... Representative Coghill had asked us questions about the status and growth four days or so ago, we probably would have answered somewhat differently. This took us ... by surprise when the feds started to indicate that that might not be the way. I give that as an example just of how fluid right now, I think, some of the decision making is ... over there.

Number 1676

REPRESENTATIVE CISSNA remarked that [Alaska] is still left with the problem faced by some schools - including schools in her district - that effectually have two kinds of schools in the same building. The concern is that these schools will be "lumped into the same category." She mentioned a big responsibility placed on the students, teachers, and administration [as the designations are established]. Furthermore, there is a large responsibility for legislators; as in any business, there must be commitment from the people who fund [the enterprise]. She added, "It doesn't matter what the feds say they're going to do; in the end, ultimately, we're the one who will make the final decision. ... Do we have that commitment?"

Number 1762

CHAIR DYSON responded:

[We] have a constitutional responsibility in this state ... for education and what that means. And whether or not money is the answer or part of the answer is a question for a lot of debate that we have to do in the future. And your point's well taken.

Number 1780

REPRESENTATIVE KOHRING noted his philosophical difference of opinion by questioning whether more money for education necessarily equates to better education. He acknowledged the common goal of a "good, solid education for our kids"; however, he pointed out his belief that more money for public schools is

not necessarily the answer. Alternatives in education such as promoting correspondence studies need to be explored. He added, "I'm not trying to get on a high horse here, ... but I just felt a need to go down this road a little bit to keep the issue alive of alternatives."

REPRESENTATIVE KOHRING pointed out a voucher bill that he'd sponsored a few years ago that "didn't get very far, unfortunately." Mentioning property tax credits and funding for correspondence study, such as through Alyeska Central [School], he said those kinds of programs will go a long way toward making education the best it can be. He concluded, "I really appreciate where you're coming from, [Representative Cissna]. I think we have the same ultimate goals. It's just [that] we have a different path that we wish to travel."

Number 1837

REPRESENTATIVE STEVENS said it will be a disservice if additional time isn't taken. He observed that the designations are based on limited information - the tests students take, which determine whether a school is deemed "in crisis" or "distinguished." Although primarily the norm-referenced tests and dropout rates are used, so many other things enter into what makes a good school, such as a music program or an athletic program. He drew attention to the additional indicators [listed on the sample report card]. He queried, "Are those things going to be ... taken into account when you actually give the report card on the school? It'll go beyond that issue of simply making a designation, but it'll also, I assume, comment on those other elements of what makes a good school."

Number 1880

MR. LEAL replied that [EED's] intent is to report those other school-quality indicators as part of the school report card. He pointed out that there is a significant amount of discussion and debate within the [designator] committee of trying to find other elements on which [EED] can collect reliable data to put into the designation portion. He said, "But understand that in order to keep the two systems compatible, that would only be to identify the higher end of the designation." This is another area in which the [designator] committee's work is unfinished, he concluded.

Number 1908

REPRESENTATIVE STEVENS asked for examples of additional indicators.

MR. LEAL offered that one indicator that the [designator] committee has discussed is some measure of parent and community involvement; there is "significant pressure" from the State Board of Education [and Early Development] to do this. "Again, it's a delicate path ... because we cannot, under the federal law, ... say that a school that has a high degree of parent involvement and ... very low test scores or doesn't make adequate yearly progress is ... a distinguished school," he said. Test scores will remain the driving force. The [designator] committee also wants to "flesh out the higher ... grades of high school" by looking at SAT [Scholastic Achievement Test] scores, a graduate survey, or something to "take the [designation] piece all the way to its ... logical conclusion," he noted.

Number 1981

DEE HUBBARD, Parent Teacher Association (PTA) Representative, School Designator Committee, testified via teleconference. She said, "Now you can see ... the amount of fun we've been having over the past ... two years in dealing with this situation." She pointed out that at the last meeting of the School Designator Committee, members received a 15-page document analyzing the new, federal education bill and addressing issues the [designator] committee needs to revisit. She said:

I can't emphasize enough why we need this delay. We have really been working hard; this is probably one of the more "brain drain" committees I have ever been on.... We've tried to get good measurements, but our problem has been that we want to measure things that ... we're unable to measure. It's just the same thing that [Mr. Leal] is talking about with the ... parent and community involvement - how can you measure that? So we've been having some problems.

But we've been working hard at ... trying to define measurements that will be able to be statistically viewed. Anything that you can do to move this bill along - to give us that extra ... two years of work that we really need - I would definitely appreciate. ... We could go ahead and make designations, but they wouldn't be very valuable. ... With that, you would lose the credibility of the whole system. So I would

appreciate this bill getting legs and running a four-minute mile as soon as possible. Thank you again, Mr. Chairman.

CHAIR DYSON thanked Ms. Hubbard for her work on the [designator] committee.

Number 2090

LARRY WIGET, Ph.D., Executive Director, Public Affairs, Anchorage School District, testified via teleconference. He noted that he had provided written testimony and [an Anchorage School District (ASD)] resolution in support of delaying the school designations. He echoed the sentiment of other witnesses' support of the delay. The ASD is working closely with [EED], he noted, and has representatives on the School Designator Committee. "We're working ... also with the feds and other organizations around the state ... and country to get further clarification on the true impact of the No Child Left Behind bill," he said. "We are very, very supportive of the delay [for] all the reasons that have been [voiced] by others."

Number 2121

CHAIR DYSON began discussion of what would become Amendment 3. He offered his intention to amend the delay date to 17 months from now, instead of 29 months from now - delaying it one year instead of two. He asked what impact such an amendment would have on the process.

DR. WIGET replied that the idea of status sticks in his mind - what "we" know about students now, versus what information will be available two years from now. More testing will provide better data. He added that it will take time to work through the details in the ESEA. His response and that of the [Anchorage] School Board is to move the date more in alignment with the [HSGQE], he concluded.

Number 2185

CHAIR DYSON offered Dr. McLain and Mr. Leal an opportunity to comment on his proposed amendment.

DR. MCLAIN said he would recommend the 2004 date - not just for alignment with the HSGQE, but to allow alignment with federal [dates]. The 2004 date allows [EED] to obtain answers to the questions being asked about parent involvement, for example. He

offered that these types of questions are being asked by other states. He said:

It's a recommendation of the national PTA as well. ... I suspect that there will be a lot of statisticians, psychometricians kind[s] of people, [and] committees ... that'll be working on this. ... I would respectfully ask that you allow us that amount of time. This is a very important piece, and I think that what we gain in terms of doing it right ... makes that two-year [delay] valuable. We will continue on with the federal pieces. We will have consequences. It is very public; people know about this process now.

Number 2240

MR. LEAL offered that a shorter timeline would force [EED] to abandon the [designator] committee recommendation earlier than it might have to. He indicated his uncertainty about the impacts of the federal legislation. He said, "They talk about flexibility, and I don't know if we're going to be given the flexibility to implement the system ... that the [designator] committee ... has proposed." Compressing the timeline will make it more necessary for [EED] to abandon the [designator] committee recommendation and simply go ahead with what will work with the ESEA, rather than petitioning the federal DOE to grant a waiver or accept Alaska's system.

Number 2279

REPRESENTATIVE CISSNA asked Chair Dyson why he wants to make the delay shorter.

CHAIR DYSON replied, "After I make the amendment, we'll have that discussion."

Number 2301

CHAIR DYSON moved to adopt [Amendment 3], on page 2, line 5, where it says, "Beginning [in] September 2004", to change the year to "2003"; and on page 2, line 12, where it says "January 1, 2005", to change the year to "2004".

REPRESENTATIVE JOULE and REPRESENTATIVE CISSNA objected.

Number 2327

CHAIR DYSON explained:

There's three or four things that bother me.... I have a theory ... - and it's based upon my six years here and six years on the legislative body of the city where I live - that public policymakers never, never, never, never do the right thing at the right time. And the rare times that we have some idea what the right thing is, we either can't get it through the process or can't get the public support to have it happen. So then we're always doing something less than the best thing at far less than the opportune time, and continue delaying getting the results from what you want.

When we were having the debate on ... the high-stakes tests here, ... it was heated and [there was] a great deal of discussion about it. And three different teachers ... who taught here in ... Juneau ... collared me at one time or another during those days and weeks that that was going on. And one of them said, "This is the healthiest thing that's ever happened ... in ... ten or twelve years.... You guys are firing a cannon shot across the bow of the educational establishment, and the kids are all of a sudden straightening up and saying, 'Oops - somebody's going to test me here ... I'm going to have to do more than just have 12 years of seat time....'"

TAPE 02-18, SIDE B
Number 2371

CHAIR DYSON continued:

The teachers said, "And it's doing the same thing for us. All of a sudden, we as a faculty are coming together and ... working on making sure that our kids are proficient, because there's a test. And we all hope that ... we would do it just out of a sense of professionalism...."

All ... six of us are going to face a test next fall, and it's good for us. ... I don't think that another 29 months from now, having ... the [designations] in effect -- I think we're delaying the impact ... of the good that's wanted to be done by the high-stakes tests.

And I may be wrong. I suspect most of you will be back here next ... year, and certainly if I am, and ... it is looking like ... a year from now that ... 17 months is not enough, and it needed to have been 29 months, then I will use all my influence ... to get the ... date changed again. So, that's, kind of, my [reasoning] for wanting to do it. And ... I ... have neither the education, nor the experience, nor the exposure of our experts.

Number 2313

REPRESENTATIVE JOULE explained his reasons for not supporting [Amendment 3]. He pointed out that some members did not support the high-stakes test legislation. He agreed that the debate was heated. He said this [heated debate] occurred because some members thought that the original timelines for implementation were too short. He said:

It's like building the second story of a house first, before you even put down the foundation. And that's precisely why I didn't support the initial high-stakes [testing legislation] as it was originally ... implemented. So we moved the test - backed it out a couple of years. To me, that's a little bit more palatable, but ... we've already built the second ... floor, and we're starting to build the first floor. ... We still haven't laid the foundation. And we're getting closer.

REPRESENTATIVE JOULE offered that he has listened to EED personnel. He also has listened to witnesses who testified at this hearing who have volunteered their time, are immersed in education, and understand what the [state] is faced with. These volunteers, a body of experts, are recommending to the House Health, Education and Social Services Standing Committee to delay the designation. He said:

I would adamantly argue that we keep the [designation] with the original date [provided in HB 352]. ... I do think we need to ... finish laying down this foundation, because we do need to have that ... as a complete package, where there's the [designation] and the high school qualifying exit exam.... So, I would be speaking against the amendment.

Number 2225

REPRESENTATIVE STEVENS noted his appreciation for Chair Dyson's "greater experience and wisdom" in these matters and his willingness to revisit the delay next year. He asked, "What will the department do differently if they are faced with 17 months as compared to what they will do if they are faced with 29 months? And I think that's an important thing to know what steps they will take and how they will be impacted by that."

Number 2181

DR. McLAIN said the federal bill with which [EED] is seeking to align has deadlines that correlate with the 2004 date. He said:

My general goal would be to allow us the kind of time to do exactly the sort of negotiations and friendly arm-twisting that Mr. Leal made reference to.... We would still, between now and 2004, be following through with the Title I ... school improvement sites and working on developing those consequences and supports. ... We will ... be refining - very specifically and immediately - the "in crisis" alignment with the feds' ... "school improvement site" criteria.

That would be our first piece - and then working to see what kind of flexibility we can get out of them, so that we can make the rest of the system as much of what Alaskans would like to see. ... I really do appreciate Representative Joule's comment; these people ... give up ... a lot of ... time. I want to give them the chance to be able to complete this process. We have a lot of ownership.

Number 2115

MR. LEAL noted that the major change without the delay would be that the [designator committee] would probably abandon its efforts to create a model that uses two-thirds growth, and it would proceed with its best reading of the federal guidelines, without assuming any flexibility from [the federal DOE].

REPRESENTATIVE STEVENS asked what would be lost in that process - as far as effort and time for the department - if it were looked at in 17 months, with the option of extending it to 29 months.

Number 2066

MR. LEAL acknowledged that he is new to [EED], and this is his first time following legislation through [the process]. He indicated he might have a better perspective next year. He said it has taken a considerable amount of his time to prepare for the various hearings.

CHAIR DYSON offered that he'd heard Mr. Leal and Dr. McLain say that [EED] is working to include the improvement piece; one result of the proposed 17-month delay could be the abandonment of the [designator] committee's work to have two-thirds of the [designation] be based on improvement. "Did I hear you correctly?" he asked.

MR. LEAL replied yes.

Number 1990

CHAIR DYSON acknowledged that he wasn't nearly as close to the [designation] process as Mr. Leal and Dr. McLain have been, but offered that he didn't see that 17 months would be an inadequate amount of time for the [designator] committee to continue its work. He remarked, "Jobs expand ... to fill the time required." He offered that he hadn't lobbied anybody regarding [Amendment 3], and said there is no pressure from him, as the chair, to pass it.

CHAIR DYSON turned attention to Representative Joule's comment about the foundation of education. He explained that he understands the foundation to be that students are learning what they need to know in order to [pass the high-stakes tests]. The premise of the high-stakes testing, he said, is that it isn't testing "a whole bunch of new stuff," but is testing the things for which there is widespread agreement among Alaskans and pedagogical experts.

CHAIR DYSON noted that this isn't new. He expressed his opinion that the committee has done its job and come up with something reasonable. The schools that have not been preparing students have something to answer for, he concluded. "We ought not to have had to tailor education significantly different at all, just because the tests are there," he said. "They should have been the kinds of things that kids were learning ... just because it was a good school system."

Number 1900

REPRESENTATIVE CISSNA referred to a conference several years ago at which teachers presented the steps required in teaching and learning different things at different ages. She said that some of the lessons being learned about how people learn - what steps they take - are new. She added, "It's a huge, huge bite that we're asking a department and a state and these schools to bite and accomplish and digest all in one time."

REPRESENTATIVE CISSNA noted that she has areas of expertise where she feels comfortable, but isn't an expert on the amount of time [the designation process] will take. Her publishing work is an indication to her that a job that might be perceived as a quick one, for example, never is. She offered deference to people with years of experience in this field. She concluded, "It's not that I don't believe that ... your commitment is not sincere, but I'll have to ... respectfully disagree."

Number 1803

REPRESENTATIVE COGHILL indicated his concurrence with some of Chair Dyson's remarks. He offered that the [implementation of school] designations has been a growth process. The Quality Schools initiative has not occurred in a vacuum, he observed. Some aggressive deadlines had been set that required "some pressure relief." He offered his opinion that ease of the task should not be considered as a criterion for determining whether something is the right thing to do. School and/or curriculum reform have been issues ever since he can remember, he offered. "If you don't have a deadline, the tension to do something relaxes," he noted.

REPRESENTATIVE COGHILL expressed his understanding that [tasks] must be prioritized for this to be accomplished. He noted his preference for the earlier date [provided in Chair Dyson's amendment]; it will help in dealing with the federal [DOE] more aggressively. He offered that he believes the federal government is seeking direction from the states; a more aggressive date will put [DOE] "on notice" as well. He conveyed his understanding that Alaska is not behind most states, but is "well in the pack."

DR. McLAIN said, "We're ahead of many states."

CHAIR DYSON offered, "And that's to your credit."

REPRESENTATIVE COGHILL noted his appreciation for this, and his goal to not relax [in the state's efforts]. He spoke in favor of Chair Dyson's amendment.

Number 1694

REPRESENTATIVE STEVENS noted that he did not take exception to [Amendment 3]. He asked Chair Dyson what criteria he would use to reconsider extending the deadline to 29 months.

CHAIR DYSON indicated that if the federal [DOE] keeps moving the target, that would be a legitimate reason to extend the delay. He offered that he would be impressed by testimony from members of the designator committee that not enough time was available to accomplish an excellent job.

Number 1600

A roll call vote was taken. Representatives Dyson, Coghill, Stevens, and Kohring voted for [Amendment 3]. Representatives Cissna, Joule voted against it. Therefore, Amendment 3 was adopted by a vote of 4-2.

Number 1590

REPRESENTATIVE JOULE moved to report CSHB 352 [HB 352 as amended] out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 352(HES) was moved out of the House Health, Education and Social Services Standing Committee.

HB 309-INTERSTATE PLACEMENT OF CHILDREN

CHAIR DYSON announced the final order of business to be HOUSE BILL NO. 309, "An Act relating to the Interstate Compact on Placement of Children." [Before the committee, adopted as a work draft on 2/05/02, was a proposed committee substitute (CS), Version F.]

TAPE 02-19, SIDE A
Number 0001

CHAIR DYSON called for an at-ease at 4:13 p.m. He called the meeting back to order at 4:23 p.m.

Number 0075

SUE WRIGHT, Staff to Representative Mike Chenault, Alaska State Legislature, offered to answer questions on behalf of Representative Chenault, sponsor of HB 309.

CHAIR DYSON observed that a major issue before members is whether the proposed changes to statute contained in HB 309 cause the state to be out of compliance with the Interstate Compact on the Placement of Children (ICPC). He asked Ms. Wright to address this matter.

MS. WRIGHT replied, "I don't believe that it does, in fact, place us outside the compact." She cited AS 47.70.010, Article III, subsection (d), which reads:

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

MS. WRIGHT said, "This particular piece of legislation was an event-driven piece of legislation until the time that we began to get feedback from other sources that this is a repetitive, systemic problem within the ... division." She reported that one child's case involves a lack of documentation: there are no court orders or medical records - no authority for the foster parent to have this child. This family has contacted Representative Chenault's office and will reluctantly testify, if necessary, but is concerned about reprisals. Ms. Wright said Alaska requires more [documentation] to transfer an automobile from state to state than it does to transfer a child. "There is very little or no accountability," she added.

Number 0294

MS. WRIGHT referenced a position paper from the Evan B. Donaldson Adoption Institute that outlines a problem with ICPC enforcement. She explained that the courts have tended to proceed in one of three ways when a violation of the ICPC has occurred. She said:

They disregard the ICPC altogether ... and grant a petition to either have a child stay in the receiving state; or they deny the petition to adopt or have the child stay in the receiving state; or they grant

retroactive compliance. Now, that involves another state agency. And generally speaking, almost always there's ... a court system involved in the ICPC transfers of children, [and] possibly a private adoption agency.

MS. WRIGHT emphasized that there should always be a court involved that allows the transfer of a child from one state to another. House Bill 309 requires that certain copies [of documents] accompany the child, and creates consequences for [failure to comply]. For example, no documentation accompanied the child she'd mentioned previously; Arizona [the receiving state] was not contacted until the day or day before the child was transferred, and this was after a court proceeding. She said House Bill 309 creates consequences for [failure to comply]. this is what [HB 309] seeks to stop. "This isn't a department vendetta," she said. The rights of the children are being forgotten in this matter; if a child is transferred out of the state for any reason, documents should accompany that child.

Number 0475

MS. WRIGHT reiterated that there is a minimum amount of documentation that should transfer between states; currently, this doesn't necessarily happen until a child is in transit. This is not an isolated incident, but a repetitive one. She added, "If necessary, we can string a hundred foster parents in here to tell you. I'd hate to waste the committee's time."

CHAIR DYSON returned to the question of whether this bill takes the state outside the ICPC agreement.

MS. WRIGHT replied with her understanding that [the ICPC] includes allowances for each state to have individual violation consequences. The issues raised by the Secretariat [to the Association of Administrators of the Interstate Compact on the Placement of Children] are "issues that are already in existence in the compact; they're not issues that we're bringing up today," she said. She offered her belief that [Alaska] would be in compliance with the ICPC. She continued, "We haven't received anything from the department that says we're not in compliance legally."

Number 0561

THERESA TANOURY, Director, Division of Family and Youth Services, Department of Health and Social Services, referenced

comments from the secretariat dated February 7. She drew attention to [page 1] line 10 of the bill, which says "the department may not accept placement of the child unless documentation requested under Article III(c) of the compact is supplied in the form of certified copies." This does not specify what "certified copies" means, she noted. It could mean that the author of a document needs to certify it, or that the division certifies that all the documents are real. Either way, this certification would cause a delay.

MS. TANOURY added that every [document] packet includes a 100A form, the contract between the states for a child being transferred between those states. A cover letter from the caseworker, a social summary, and a court order for custody are also included in the packet. The court order is in the ICPC packet, she said; Alaska uses this to show the other state that the child is in Alaska's jurisdiction. A financial/medical plan, a copy of the Title 4(e) eligibility, and the case plan are included. Other supporting documentation may include drug and alcohol assessments, medical information, psychological evaluations, and references, among other things. She added that the department is typically not the author of these documents; they are submitted by various people. Either the author or the division would have to certify that they are true copies.

MS. TANOURY explained that [Section 1 of HB 309] does not alter the compact, which is all in AS 47.70.010, but mandates that Alaska cannot accept a child without the sending state providing certified copies. The language of "certified copies" places Alaska outside the compact, according to the secretariat. She read:

Because the state would be using language that is different [from] the contractual language that forms the basis of the conduct by all other party jurisdictions, the state would be operating outside the compact.

MS. TANOURY explained that Alaska would have difficulty asking other states to accept Alaskan children, because Alaska would be entirely outside the compact. Other states don't have any guarantees of what Alaska might do, she said. Alaska would be a "dumping ground" for other states to send children.

Number 0752

CHAIR DYSON said, "To this layman's ears, that sounds like a gross overreaction. And something in me wants to say, 'Picky, picky, picky.'" He offered that this bill simply requires paperwork to accompany a child, and there must be some confidence that the paperwork is correct. He said, "To say that ... disqualifies the State of Alaska from participating seems really [a] petty overreaction, but tell me what I'm missing."

MS. TANOURY replied that the language that says the department may not accept placement of a child from another state is at issue.

CHAIR DYSON interjected, "Without the paper."

MS. TANOURY added, "Without ... certified copies."

CHAIR DYSON asked:

Who wants a piece of paper that you don't know is accurate? ... I'm sorry, I'm not meaning to debate with you, but that's all that I think ... we're after here, is that ... some way or another, we know that those are the right pieces of paper with the right kid at the right time. ... And how do we go about doing that?

CHAIR DYSON said he could see that sending originals would be inappropriate, but how does someone know it isn't a forgery or the wrong or outdated paper?

MS. TANOURY responded that because [DFYS] is a public child-welfare agency dealing under the [ICPC] compact, it provides that information through cover letters and dates of custody orders. Are they certified copies - no. Ms. Tanoury said the compact is the code of ethics and trust [among states]. Ms. Tanoury indicated that she would like the name of the child in the case alluded to earlier so that she may follow up on it. She said, "We're doing something wrong, and I don't know how to correct it if I don't have the specific case so that I can follow up on it."

MS. TANOURY noted that she had tried earlier to clarify that under the compact, paperwork for an intact family is not sent ahead to the [receiving state]. The state is informed after the family moves that a child in Alaska's custody is in that state. The state then provides some monitoring and other requested services for Alaska; this is reciprocal. She pointed out that

this is not the case for children being sent out of state to a relative not known by [DFYS]. In this case, the compact requires all of the paperwork ahead of time. The home must be studied and approved by the other state before the child can be released.

Number 0971

CHAIR DYSON explained that the committee is not interested in promulgating legislation to address a particular case; it is, however, interested in addressing systemic problems. He offered his impression of Ms. Tanoury's earlier representation of the this case that [DFYS] did what it deemed best for the child in question as quickly as possible, albeit, ahead of the paperwork, but not to the detriment of the child. The child was put in the best possible placement and the paperwork was following.

MS. TANOURY added that the majority of the complaints she receives are complaints that the process is taking too long. Grandma, for example, wants the child, and DFYS cannot send the child until the paperwork is completed. She said that this characterizes 95 percent of the complaints she hears about. A national conversation among the states addresses how to get the process moving more quickly. "Our request to ... L.A. County gets lost or ... at the bottom of their pile; it's not one of their kids," she said.

Number 1054

CHAIR DYSON recalled that Ms. Tanoury's earlier testimony indicated that [DFYS] acts on a judge's decision rather than waiting for the official court document, which can take days or weeks. He noted that he had wondered whether it is appropriate for [DFYS] to act on the judge's decision or whether it should wait until the paperwork is complete.

MS. TANOURY said that was correct, but clarified that a court order is sent with a child leaving from or arriving to the state. This court order indicates that a child is in [state] custody. In the aforementioned case, the court order was just approving the move.

Number 1127

CHAIR DYSON noted that the question he'd asked Ms. Tanoury to defend was whether this bill passing into law would put Alaska outside of ICPC compliance. He referenced the letter from

Dennis Eshman, J.D., which states that the term "certified copy" puts Alaska outside of ICPC compliance. Because Alaska [proposes] to use language different from that House Bill 309 creates consequences for [failure to comply]. used to form the basis of the conduct by all other parties of jurisdiction, Alaska would be outside the compact. He asked if this was Ms. Tanoury's position.

MS. TANOURY replied, "Based on his decision, yes."

CHAIR DYSON asked Ms. Tanoury if she would like to add anything.

MS. TANOURY indicated she would like to comment on the penalties contained in the bill.

CHAIR DYSON offered that the representation he has heard expressed over the years identifies a lack of accountability as an issue: there is no record that anyone was ever reprimanded. The intention of the [sponsor] of the bill, he noted, is to get [DFYS's] attention to "do your business the way you should."

MS. TANOURY replied, "And it has." She explained that many states have [provisions for] violations of the compact. She estimated that 19 or 20 states do so, including Alaska. She observed that none of the violations seem as extreme as [what is called for in HB 309]; "this does seem very punitive." She expressed her opinion that [DFYS] employees are some of the hardest-working state employees; she said, "They don't - not all the time - intentionally do things like this." Checks and balances are in place, and she offered her hope that these work in the majority of cases.

MS. TANOURY said she would like the names of cases in which this process hasn't worked correctly so she can [take corrective measures]. She noted that the [language in HB 309] is punitive and goes well beyond a class B misdemeanor, whereas most states with a penalty have a penalty for each incident, not for each day of violation.

Number 1279

REPRESENTATIVE CISSNA indicated she will be introducing an amendment. She offered her opinion that it would be great to fix problems that occurred.

Number 1331

ANNE CARPENETI, Assistant Attorney General, Legal Services Section-Juneau, Criminal Division, Department of Law, noted that she was hesitant to testify because she is not familiar with the compact; she is familiar with criminal law in general.

MS. CARPENETI expressed her understanding that [Section 3] would make a violation of the compact punishable by 180 days of jail for each day of violation for acts where there is no culpable mental state, a "bad mind," or criminal negligence. She noted that there is no intention, knowledge, recklessness, or criminal negligence that one is in violation of the law. Generally, for someone to be held accountable for this type of penalty, there is some sort of requirement that the state, in prosecuting the person, has proved beyond a reasonable doubt that he/she had some sort of bad mind, and that this was not just a mistake. She noted that this is the concern of the department about this section.

MS. CARPENETI also pointed out that Title 11 includes more general statutes that address misconduct by officials; these require some sort of culpable mental state. Official misconduct, misuse of confidential information, and endangering the welfare of a child are examples of these general statutes that might apply to some of these bad acts in dealing with a child. She noted that the department is concerned that a person could go to jail for 180 days without any culpable mental state for every day of violation, when there is a possibility that a person could violate it by an innocent or good-faith mistake.

Number 1439

CHAIR DYSON asked which statute cited deals with negligence with regard to a child.

MS. CARPENETI replied that various statutes address this. Custodial interference in the first degree is a class C felony, and custodial interference in the second degree is a class A misdemeanor.

CHAIR DYSON asked what custodial interference means.

MS. CARPENETI answered it means interfering with a custodial order of a court. She offered that she did not know whether the compact applies to parental misconduct. She explained that official misconduct is in violation of AS 11.56.850 or the misuse of confidential information.

CHAIR DYSON asked for another statute that she'd mentioned that deals with negligence in relation to a child.

MS. CARPENETI replied, "Endangering the welfare of a child?"

CHAIR DYSON asked Ms. Carpeneti to elaborate on this statute. He noted his impression that this one came the closest to sending a child to the wrong place or handling a case improperly.

MS. CARPENETI responded that this would be a violation of AS 11.51.100. She offered her uncertainty that this applies to the types of cases in question. She added, "I'm not sure exactly what you're looking for."

CHAIR DYSON said, "We're looking for something that's appropriate."

MS. CARPENETI offered that AS 11.51.100 prohibits a parent, guardian, or other person legally charged with the care of a child under 16 to intentionally desert a child in a place under circumstances creating a substantial risk of physical injury, or to leave the child with another person who is not a parent, guardian, or lawful custodian, knowing that the person is a sex offender or should be registered as such.

CHAIR DYSON observed that this didn't sound like what he was looking for. He suggested that Ms. Carpeneti could see what [the bill] is attempting to do - get authentic documents to accompany a child. Original documents will not work, he said, and Ms. Tanoury has offered that "certified" gets the [American Public Human Services Association's] "knickers in a knot." He asked Ms. Carpeneti for a better term of law to meet the desired end.

MS. CARPENETI said she'd like to speak with [DFYS] about this matter. "Authentic" implies that a document is authenticated by someone. She offered to research this and make some suggestions for language and to address the [penalty language]. She indicated she could do this by March 7.

CHAIR DYSON summarized that the committee would like Ms. Carpeneti to answer two questions: whether there is a better way to say "accurate documents", and whether there are more appropriate disincentives than \$1,000 a day.

Number 1610

MS. CARPENETI indicated she would seek answers to those questions.

CHAIR DYSON announced that the committee would suspend the hearing on HB 309 until March 14.

Number 1660

CHAIR DYSON, on another subject, asked members if they were comfortable with the committee's entertaining a committee bill that is the House equivalent to SB 302. [He observed concurrence from Representatives Kohring, Stevens, and Cissna.] He announced that the committee would go ahead with that as a committee bill.

Number 1680

CANDACE BROWER, Program Coordinator, Office of the Commissioner-Juneau, Department of Corrections, noted her concern with the incarceration provided in [HB 309]; this would be a great cost to the state. [HB 309 was held over.]

ADJOURNMENT

There being no further business before the committee, the House Health, Education and Social Services Standing Committee meeting was adjourned at 4:52 p.m.