

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

April 16, 2002
3:07 p.m.

MEMBERS PRESENT

Representative Fred Dyson, Chair
Representative Peggy Wilson, Vice Chair
Representative John Coghill
Representative Vic Kohring
Representative Sharon Cissna
Representative Reggie Joule

MEMBERS ABSENT

Representative Gary Stevens

COMMITTEE CALENDAR

CONFIRMATION HEARING

Professional Teaching Practices Commission

Steven Beardsley - Anchorage

- CONFIRMATION ADVANCED

CS FOR SENATE BILL NO. 11(FIN)

"An Act relating to required school attendance; and providing for an effective date."

- MOVED CSSB 11(FIN) OUT OF COMMITTEE

PREVIOUS ACTION

BILL: SB 11

SHORT TITLE:COMPULSORY SCHOOL ATTENDANCE/AK HISTORY

SPONSOR(S): SENATOR(S) THERRIAULT

Jrn-Date	Jrn-Page		Action
01/08/01	0014	(S)	PREFILE RELEASED - 12/29/00
01/08/01	0014	(S)	READ THE FIRST TIME - REFERRALS
01/08/01	0014	(S)	HES, FIN
02/05/01		(S)	HES AT 1:30 PM BUTROVICH 205

02/05/01		(S)	Heard & Held
02/05/01		(S)	MINUTE(HES)
04/20/01		(S)	HES AT 1:30 PM BUTROVICH 205
04/20/01		(S)	Heard & Held
04/20/01		(S)	MINUTE(HES)
04/27/01		(S)	HES AT 1:30 PM BUTROVICH 205
04/27/01		(S)	Moved Out of Committee
04/27/01		(S)	MINUTE(HES)
04/28/01	1323	(S)	HES RPT 1DP 1DNP 2NR
04/28/01	1323	(S)	NR: GREEN, WARD; DP: DAVIS; DNP: LEMAN
04/28/01	1323	(S)	FN1: INDETERMINATE(EED)
02/21/02		(S)	FIN AT 9:30 AM SENATE FINANCE 532
02/21/02		(S)	Heard & Held
02/21/02		(S)	MINUTE(FIN)
02/28/02		(S)	FIN AT 9:00 AM SENATE FINANCE 532
02/28/02		(S)	Moved CS(FIN) Out of Committee
02/28/02		(S)	MINUTE(FIN)
03/01/02	2336	(S)	FIN RPT CS 6DP 3NR NEW TITLE
03/01/02	2336	(S)	DP: DONLEY, KELLY, GREEN, AUSTERMAN,
03/01/02	2336	(S)	WILKEN, LEMAN;
03/01/02	2336	(S)	NR: HOFFMAN, OLSON, WARD
03/01/02	2336	(S)	FN1: INDETERMINATE(EED)
03/05/02		(S)	RLS AT 10:00 AM FAHRENKAMP 203
03/05/02		(S)	MINUTE(RLS)
03/05/02	2387	(S)	RULES TO CALENDAR 3/6/02
03/06/02	2387	(S)	FN2: ZERO(EED)
03/06/02	2389	(S)	READ THE SECOND TIME
03/06/02	2389	(S)	FIN CS ADOPTED UNAN CONSENT
03/06/02	2389	(S)	ADVANCED TO THIRD READING UNAN CONSENT
03/06/02	2389	(S)	READ THE THIRD TIME CSSB 11(FIN)
03/06/02	2389	(S)	PASSED Y14 N4 E2
03/06/02	2390	(S)	EFFECTIVE DATE(S) SAME AS PASSAGE
03/06/02	2390	(S)	DAVIS NOTICE OF RECONSIDERATION
03/13/02	2419	(S)	RECON TAKEN UP - IN THIRD READING
03/13/02	2419	(S)	PASSED ON RECONSIDERATION Y18 N- E1 A1

03/13/02	2419	(S)	EFFECTIVE DATE(S) SAME AS PASSAGE
03/13/02	2420	(S)	TRANSMITTED TO (H)
03/13/02	2420	(S)	VERSION: CSSB 11(FIN)
03/15/02	2537	(H)	READ THE FIRST TIME - REFERRALS
03/15/02	2537	(H)	EDU, HES
04/03/02		(H)	EDU AT 8:00 AM CAPITOL 120
04/03/02		(H)	Moved CSSB 11(FIN) Out of Committee MINUTE(EDU)
04/03/02	2778	(H)	EDU RPT 4DP 1NR
04/03/02	2778	(H)	DP: GUESS, PORTER, WILSON, BUNDE;
04/03/02	2778	(H)	NR: GREEN
04/03/02	2778	(H)	FN2: ZERO(EED)
04/16/02		(H)	HES AT 3:00 PM CAPITOL 106

WITNESS REGISTER

STEVEN BEARDSLEY, Appointee
Professional Teaching Practices Commission
13201 Reef Place
Anchorage, Alaska 99515

POSITION STATEMENT: Testified as appointee to the Professional Teaching Practices Commission.

WILDA RODMAN, Staff
to Senator Gene Therriault
Alaska State Legislature
Capitol Building, Room 121
Juneau, Alaska 99801

POSITION STATEMENT: Testified on behalf of the sponsor of CSSB 11(FIN).

EDDY JEANS, Manager
School Finance and Facilities Section
Education Support Services
Department of Education and Early Development
801 W 10th Street, Suite 200
Juneau, Alaska 99801-1894

POSITION STATEMENT: Answered questions.

KATHY WIGHT-MURPHY, Vice President
National Education Association - Alaska
(No address provided)

POSITION STATEMENT: Highlighted the importance of attendance.

ACTION NARRATIVE

TAPE 02-32, SIDE A
Number 0001

CHAIR FRED DYSON called the House Health, Education and Social Services Standing Committee meeting to order at 3:07 p.m. Representatives Dyson, Wilson, Coghill, and Joule were present at the call to order. Representatives Stevens and Cissna arrived as the meeting was in progress.

CONFIRMATION HEARING

Professional Teaching Practices Commission

CHAIR DYSON announced that the first order of business would be the consideration of Steven Beardsley's appointment to the Professional Teaching Practices Commission (PTPC).

Number 0071

STEVEN BEARDSLEY, Appointee, Professional Teaching Practices Commission, testified via teleconference. Mr. Beardsley informed the committee that he has served on PTPC for one term, three years, and this confirmation would result in another three-year commitment. In response to Chair Dyson's comments regarding Mr. Beardsley's skiing activities, Mr. Beardsley expressed his pleasure in having been involved with the World Special Olympic Games. In further response to Chair Dyson, Mr. Beardsley informed the committee that he is in his 27th year teaching in Anchorage. He specified that he has worked at both the Huffman Elementary and Klatt Elementary Schools.

CHAIR DYSON inquired as the types of issues that come before PTPC.

MR. BEARDSLEY explained that PTPC deals with teaching ethics around the state for all [certified] positions. Mr. Beardsley predicted that the state is going to face the issue of teachers going out on contracts. Some of the Bush communities are finding it difficult to find teachers to fill their needs. If those teachers are found, the teachers often have difficulties adjusting to the Bush lifestyle. These difficulties can result in teachers leaving [before their contract is completed]. Mr. Beardsley said that he didn't view leaving in such a situation as very ethical.

CHAIR DYSON related his belief that [many] in the legislature are very concerned with such situations in the Bush. He inquired as to the enforcement powers of PTPC and the legislature when teachers break contracts.

MR. BEARDSLEY explained that it would be a contractual issue for which the district would have to file a complaint that would have to be investigated by the executive director of PTPC. The action taken in such a situation could go as far as suspension. He confirmed that the PTPC has taken action in such situations.

Number 0378

CHAIR DYSON recalled that the legislature passed school behavior and safety standards requiring each district to go through a process with the community in order to agree upon behavior and safety standards. Chair Dyson said, "I'm pretty zealous that each district and school do that and that the teachers be able to see what those agreed upon standards are before they sign a contract."

MR. BEARDSLEY pointed out that the [reasons some teachers leave] may also be related to working conditions and social standards, especially in the Bush.

CHAIR DYSON agreed.

MR. BEARDSLEY informed the committee that all teachers who have applied for a certificate have received the professional teaching practices standards that have been adopted by PTPC and supported by the legislature. Therefore, the teachers should be cognizant of the standards in effect via the regulations that already exist.

Number 0493

REPRESENTATIVE JOULE inquired as to whether housing is an issue.

MR. BEARDSLEY said that he believes it can be sometimes. Housing is a contractual item with which PTPC isn't involved. He reiterated the difficulties that result when teachers leave after signing a contract.

REPRESENTATIVE JOULE thanked Mr. Beardsley for his service.

REPRESENTATIVE WILSON asked if there are other issues that PTPC addresses.

MR. BEARDSLEY replied yes. There are a host of regulations that PTPC addresses, from sexual [misconduct] to situations with firearms. Mr. Beardsley pointed out that some school districts have gone into mediation with the National Education Association - Alaska (NEA-AK) in order to deal with many of the personal issues that aren't really related to ethics. He predicted that such will happen more in the Bush communities.

REPRESENTATIVE COGHILL noted his appreciation of Mr. Beardsley's work. He inquired as to how PTPC would deal with teachers who have qualifications on paper, but aren't actually qualified teachers.

MR. BEARDSLEY characterized such a situation as a district concern. He said that [PTPC] doesn't see too many of those situations.

CHAIR DYSON asked if there was any objection to forwarding Mr. Beardsley's name to the full body for confirmation. There being no objection, Mr. Beardsley's name was forwarded. Chair Dyson thanked Mr. Beardsley for his work on the PTPC.

SB 11-COMPULSORY SCHOOL ATTENDANCE/AK HISTORY

CHAIR DYSON turned to the next order of business, CS FOR SENATE BILL NO. 11(FIN), "An Act relating to required school attendance; and providing for an effective date."

Number 0709

WILDA RODMAN, Staff to Senator Gene Therriault, Alaska State Legislature, testified on behalf of the sponsor of CSSB 11(FIN). She pointed out that AS 14.30.010(a) establishes the compulsory school age for attendance at seven. She paraphrased the following sponsor statement:

SB 11 requires a parent or guardian who elects to enroll a child in first grade at the age of six to maintain that child in attendance. It does not take away the parent's option of choosing public, private or home schooling. It also does not take away the option of enrolling a child in kindergarten at age five or six. Finally, it does not take away any of

the exemptions for allowable absences currently provided under existing law.

Research indicates that earlier education is beneficial, and in fact most children in Alaska are enrolled by the age of six. However, a small percentage of students who are enrolled do not actually attend on a regular basis because state law does not require attendance until age seven. So even though a six-year-old might be enrolled in school, he/she could miss an unlimited number of days and still not be considered truant. This places a burden on teachers to keep that student up with the rest of the class and increases the potential for the student to be "held back."

CHAIR DYSON asked what would happen if a parent enrolls their child at age six, but it becomes obvious that the child isn't prepared. Is there a process by which the parent can disenroll the child and thus not fall under the compulsory education rules, he asked.

MS. RODMAN said she didn't know, but believes that it would be a situation in which the child would have to stay out of school once disenrolled. She deferred to Mr. Jeans.

Number 0880

EDDY JEANS, Manager, School Finance and Facilities Section Education Support Services, Department of Education and Early Development (EED), informed the committee that if a parent elects to withdraw their child, there are 12 exemptions under the compulsory school law that would allow the parent to withdraw the child from the public school system. He reiterated that the intent of SB 11 is that once a child is enrolled, the child remains in attendance, not sporadic attendance. He offered to provide the committee with the law listing the 12 exemptions. In response to Chair Dyson's question, Mr. Jeans specified that a parent could withdraw a child on the premise that the child will be home schooled, which is the one he would recommend the parent utilize [in such a situation]. Mr. Jeans related his belief that SB 11 is intended to be a tool for principals to use for sporadic attendance.

CHAIR DYSON said that the 12 exemptions don't seem to exactly handle the situation which he posed. He agreed that the only applicable exemption seems to be if the child is educated at

home. Chair Dyson reiterated that he asked if a child could be withdrawn because the child is really not mature enough for school. Under the 12 exemptions it seems that such a withdrawal could only occur if a competent medical authority determines that the child isn't capable [of attending public school].

The committee took a brief at-ease from 3:22 p.m. to 3: 23 p.m.

CHAIR DYSON continued by saying that it seems that once a child is enrolled in school, a parent can't easily make the decision that it was an inappropriate decision to enroll the child. He related his understanding that the parent would have to go through a medical authority or go through a bit of a charade by saying that the child is being home schooled.

MR. JEANS concurred with Chair Dyson's analysis. However, Mr. Jeans explained that once a parent notifies the school district that their child will be withdrawn on a full-time basis, the school district doesn't view the child as being truant.

CHAIR DYSON said that although he understood that [SB 11] attempts to solve a problem, it inadvertently places the parent in a bit of a quandary in the aforementioned scenario. Chair Dyson proposed the possibility of the school nurse determining that a child isn't ready for school.

REPRESENTATIVE JOULE interjected that many schools don't have nurses.

Number 1135

REPRESENTATIVE WILSON related her belief that the school nurse wouldn't be in a position to make such a decision. It seems that currently this bill takes care of [the attendance problem] unless the parent merely withdraws the child, which the parent can't do if this bill is passed.

REPRESENTATIVE JOULE asked if, in the scenario presented by Chair Dyson, the child returning to school at age seven would be required to start where the child had left off.

CHAIR DYSON assumed that would be the case. Chair Dyson clarified that his scenario was one in which a six-year-old starts school and in a couple of weeks the parent decides that the child isn't mature enough and thus withdraws the child. Chair Dyson pondered the addition of a paragraph (13) that would specify that a parent could withdraw a child once in a year.

REPRESENTATIVE WILSON directed attention to AS 14.30.010(8), which says: "is excused by action of the school board of the district at a regular meeting or by the district superintendent subject to approval by the school board of the district at the next regular meeting;". Therefore, she surmised that a parent wanting to withdraw a child could approach the superintendent to do so. It seems like a fairly easy process, she said.

CHAIR DYSON suspected that would be fairly easy. However, many schools are far away from their superintendent or school board.

Number 1327

MR. JEANS informed the committee that school districts are required to perform a developmental profile on students when they first enter the public school system. Mr. Jeans said he understood Chair Dyson's scenario to be one in which the parent and/or the school determine that a child isn't ready for first grade. He related his difficulty in believing that a school district would keep a child in school an additional year when the parent, and probably the developmental profile, has determined that the child isn't ready. He indicated agreement with Representative Wilson that paragraph (8) could be used to relieve a child of the compulsory school age requirement.

MR. JEANS noted that the members of the Senate Health, Education and Social Services Standing Committee were very reluctant about lowering the compulsory school age to six because of some of the issues that have been raised today. Therefore, the result was CSSB 11(FIN), which says that once the child is enrolled, the child must attend school.

CHAIR DYSON said that he, too, didn't foresee a school forcing a child to attend school. However, the school's average daily membership (ADM) would fall [if the child doesn't stay until October when it's calculated]. Chair Dyson expressed objection to the lack of an easy category for a parent to formally withdraw a student. Chair Dyson presented the option of holding the bill so that Senator Therriault could decide whether this is an issue to bother about or whether the bill could be passed out of this committee and could be dealt with in the House Rules Standing Committee.

Number 1530

MS. RODMAN said that she was unclear as to why Chair Dyson felt that the paragraph (8) exemption wouldn't work.

CHAIR DYSON related his belief that a parent should be able to withdraw his/her child without getting the superintendent, school board, or doctor involved. Furthermore, he didn't believe that the parent should have to commit in writing to doing full-blown home education. Although Chair Dyson felt it [paragraph (8)] would work, he said it doesn't quite fit ethically.

REPRESENTATIVE WILSON reiterated her belief that paragraph (8) would address Chair Dyson's concern. Even if the superintendent or school board is miles away, there has to be a principle teacher who would call and take care of the situation. She didn't view this as a problem.

REPRESENTATIVE DYSON asked if Representative Wilson believes that a parent needs to have the school board and the superintendent rubber stamp their decision, or should a parent be able to withdraw their child on their own.

REPRESENTATIVE WILSON said she didn't believe it's a big deal to tell the teacher or the principal that the parent wants to withdraw their child.

CHAIR DYSON stressed that it's not official until the school board and the superintendent [approve the withdrawal].

REPRESENTATIVE WILSON mentioned that this would be a problem for those schools with nine students.

REPRESENTATIVE COGHILL said this is something worth addressing.

Number 1666

REPRESENTATIVE JOULE suggested that maybe the law should read that the compulsory school attendance age is seven, but if the parent chooses to enroll their child at age six ...

CHAIR DYSON interjected, "then they can't get out without the superintendent and the school board agreeing." Chair Dyson clarified that such will be the situation if this legislation passes.

REPRESENTATIVE CISSNA expressed concern that making a big deal out of something with children can sometimes make the child feel

that they are to blame or that they are stupid. Therefore, [withdrawal] should be [a fairly easy] process for the child.

CHAIR DYSON agreed, but suspected, as Representative Wilson has indicated, that the [withdrawal process] would happen quite matter of factly.

MS. RODMAN remarked that CSSB 11(FIN) addresses this issue in that parents knowing that such a withdrawal process was required may make parents think twice before enrolling their child and letting the child attend sporadically. At least this legislation would eliminate the problem of parents using the school as a day care.

Number 1801

KATHY WIGHT-MURPHY, Vice President, National Education Association - Alaska (NEA-AK), informed the committee that she has been a teacher for 27 years, 19 of those years have been in Alaska. Ms. Wight-Murphy said that she has never seen a school deny a parent's request to withdraw their child. Ms. Wight-Murphy related her belief that decisions are made with respect to the best interests of the children. She couldn't imagine a decision would be made to hold a child in a classroom for which a child wasn't developmentally ready if the parent was requesting withdrawal.

CHAIR DYSON agreed. However, he asked if Ms. Wight-Murphy believes that a parent should only be able to withdraw a student under one of the current 12 exemptions.

MS. WIGHT-MURPHY said that she hasn't seen the 12 exemptions. However, in the reality of everyday life she didn't believe a school would deny a parental request to withdraw their child. Although she has never personally seen the need for documentation in relation to these 12 exemptions, she noted that she has limited knowledge about [withdrawal processes].

CHAIR DYSON surmised that [schools] have done the right thing without obeying the law.

MS. WIGHT-MURPHY related, as a public school teacher, that parents' wishes are taken into consideration. Having taught kindergarten and first grade, Ms. Wight-Murphy said that the issue of attendance is critical as is the need for the child to have good peer relations as well as feel successful. She

estimated that one or two children in every classroom across the state miss a great deal of days during the school year.

CHAIR DYSON agreed with the need to solve this attendance problem. The only question that has been raised is with regard to the need to include a category in the criteria to accomplish exactly what Ms. Wight-Murphy is saying.

Number 1982

REPRESENTATIVE CISSNA surmised that it has been state law that once a child is enrolled in school, the child can't be withdrawn without some formal process. If the case has been that the teachers have been understanding and allowed the withdrawals when requested by the parent, then would they have been breaking the law.

MR. JEANS said that isn't really the issue before the committee. He explained that currently the compulsory school age is seven and thus seven-year-olds are required to attend school unless they meet one of the 12 exemptions. Mr. Jeans explained that this legislation came about because some elementary school principals have first grade students that are attending school sporadically. In response to questions about these students' sporadic attendance, the parents say that their six-year-old isn't required to attend school because the child isn't seven-years-old. If there is enough sporadic attendance, the child ultimately will be held back. However, that still doesn't address the disruption that occurs with the sporadic attendance. This legislation intends to specify that once a parent enrolls his/her six-year-old in first grade, the child is required to attend on a daily basis. If the parent decides that his/her child isn't ready for school, then the parent doesn't have to enroll the child until age seven.

REPRESENTATIVE CISSNA stressed that this is a child and the parent may not know the reaction of the child until he/she is attending school. She indicated the need to have an escape clause for a parent who sees their child having difficulty [in public school]. In the case in which a parent decides to withdraw a student, [this legislation and existing exemptions] don't really work.

MR. JEANS agreed that there isn't a clean [process] for the parent when a parent wants to withdraw their six-year-old three weeks into the school year. If the committee decides to do an

amendment, he recommended the amendment be to subsection (c) versus adding another exemption under the compulsory school age.

Number 2190

MS. RODMAN reported that Senator Therriault is chairing a Senate State Affairs Standing Committee meeting and thus would recommend holding the bill if his assistance is necessary. Ms. Rodman related her belief that Senator Therriault would be amenable to an amendment to [subsection (c)].

Number 2200

CHAIR DYSON informed the committee that he has developed the following amendment: "(13) the parent may withdraw a six-year-old child from the first grade once." Chair Dyson offered Ms. Rodman the choice of moving the bill out of committee with the aforementioned amendment or holding the bill until Thursday.

MS. RODMAN requested that the committee move out the bill [with the amendment].

REPRESENTATIVE COGHILL said that he was thinking about adding language to subsection (c) that would say, "choosing to withdraw the child may be one time this year".

REPRESENTATIVE STEVENS commented that this is as much about parents as it is about children. Representative Stevens returned to the developmental profile, which has the goal of determining whether the child is truly ready to enter the first grade. He asked whether the parents and teacher of the child would meet to determine whether a child is ready to enter the first grade.

MR. JEANS said that the developmental profile is performed when the child first enrolls, which would be in kindergarten or first grade. Mr. Jeans agreed with Representative Stevens assumption that the developmental profile would screen out those children that aren't ready for the first grade.

REPRESENTATIVE STEVENS said that he didn't really see a problem.

REPRESENTATIVE JOULE, in response to Chair Dyson, said that he didn't know if the screening works in the communities in his district. He mentioned that in his area many children enter school at age four or five. Therefore, at age six there [should

be] knowledge [as to whether the child is ready for first grade].

Number 2337

REPRESENTATIVE CISSNA informed the committee that in her district a number of schools have high transiency rates. The principals have related to her that these are very different children. The parents of these children often work two jobs and thus [the school] is sort of teaching the parents along with the children.

TAPE 02-32, SIDE B

REPRESENTATIVE CISSNA expressed the need for the school to have as good a relationship with the parents as possible.

CHAIR DYSON informed the committee that there is also the option of passing out CSSB 11(FIN) unamended, and if need be there could be an amendment on the floor.

Number 2290

REPRESENTATIVE WILSON identified the problem as the parent wanting the child to stay in school [even with sporadic attendance] while the school wants consistent attendance.

CHAIR DYSON related his belief that exemption (8) in existing law addresses that problem. Chair Dyson pointed out that the system will know whether the child is ready for first grade for those children who enter school for kindergarten or other early education. The child of concern is the one for which the front-end screening doesn't work and after enrollment the parent determines that the child isn't ready for first grade. Although the parent and school may agree that the child should be withdrawn, there isn't an existing exemption that accurately fits the situation.

MR. JEANS reminded the committee that this discussion really addresses enrolling six-year-olds who have never been part of the public school system. However, the legislation is really for those children who have been part of the public school system, but have had sporadic attendance and used the compulsory school age law as a reason that the child doesn't have to attend consistently.

CHAIR DYSON announced that he wouldn't offer his amendment.

REPRESENTATIVE COGHILL announced that he wouldn't offer his amendment, although he would specify the need to amend on the bill report.

Number 2180

REPRESENTATIVE COGHILL moved to report CSSB 11(FIN) out of committee with individual recommendations. There being no objection, CSSB 11(FIN) was reported from the House Health, Education and Social Services Standing Committee.

CHAIR DYSON announced that he would be presenting a bill for the committee to consider whether to sponsor. The bill is an effort that he and Senator Kelly are working on with regard to funding for elective abortions.

ADJOURNMENT

There being no further business before the committee, the House Health, Education and Social Services Standing Committee meeting was adjourned at 4:00 p.m.