

ALASKA STATE LEGISLATURE
SENATE HEALTH, EDUCATION AND SOCIAL SERVICES STANDING COMMITTEE

April 3, 2003

5:10 p.m.

MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Lyda Green, Vice Chair
Senator Gary Wilken
Senator Bettye Davis
Senator Gretchen Guess

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 30

"An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency."

HEARD AND HELD

SENATE BILL NO. 107

"An Act relating to the state centralized correspondence study program, to funding for educational programs that occur primarily outside school facilities, and to the duties of school boards of borough and city school districts and regional educational attendance areas; and providing for an effective date."

MOVED SB 107 OUT OF COMMITTEE

SENATE BILL NO. 105

"An Act relating to eligibility requirements for medical assistance for certain children, pregnant women, and persons in a medical or intermediate care facility; and providing for an effective date."

SCHEDULED BUT NOT HEARD

SENATE BILL NO. 110

"An Act relating to admission to and advancement in public schools of children under school age; and providing for an effective date."

SCHEDULED BUT NOT HEARD

PREVIOUS ACTION

SB 30 - See HESS minutes dated 3/17/03 and 3/26/03.

SB 107 - No previous action to record.

SB 105 - See HESS minutes dated 3/26/03.

SB 110 - No previous action to record.

WITNESS REGISTER

Ms. Mari Galreave
1429 Hans Way
Fairbanks AK 99707

POSITION STATEMENT: Commented on SB 30.

Ms. Ruth Abbott
HC 60, Box 4225
Delta Junction AK 99737

POSITION STATEMENT: Supported SB 30.

Dr. Bob Johnson
PO Box 945
Kodiak AK 99615

POSITION STATEMENT: Opposed SB 30.

Ms. Cyndi Saunders
6400 Woodmont Dr.
Anchorage AK 99516

POSITION STATEMENT: Supported SB 30.

Ms. Cassandra Johnson
10171 Betula Dr.
Anchorage AK 99507

POSITION STATEMENT: Opposed SB 30.

Ms. Amy Menard, Atty.
19000 Hill Rd.
Anchorage AK 99516

POSITION STATEMENT: Opposed SB 30.

Ms. Jennifer Esterl
Alaska Civil Liberties Union
PO Box 742
Girdwood AK 99587
POSITION STATEMENT: Opposed SB 30.

Dr. Kathy Todd
PO Box 1829
Valdez AK 99686
POSITION STATEMENT: Opposed SB 30 and SB 107.

Ms. Virginia Phillips
404 Lake Street
Sitka AK
POSITION STATEMENT: Supported SB 30.

Ms. Eileen Becker
Pregnancy Care Center
Box 2
Homer AK 99603
POSITION STATEMENT: Supported SB 30.

Ms. Jennie Grimwood
PO Box 2132
Cordova AK 99574
POSITION STATEMENT: Supported SB 30.

Dr. Colleen Murphy, OB/GYN
Anchorage AK
POSITION STATEMENT: Opposed SB 30.

Ms. Debbie Joslin
Delta Junction AK
POSITION STATEMENT: Supported SB 30.

Ms. Eva Small, R.N.
Juneau AK
POSITION STATEMENT: Supported SB 30.

Mr. John Monagle, President
Alaskans for Life
Juneau AK
POSITION STATEMENT: Supported SB 30.

Dr. Carolyn Brown
No address provided

POSITION STATEMENT: Opposed SB 30.

Ms. April Ferguson
PO Box 202869
Anchorage AK 99520

POSITION STATEMENT: Opposed SB 30.

Mr. Eddy Jeans, Manager
School Finance and Facilities Section
Department of Education &
Early Development
801 W 10th St.
Juneau, AK 99801-1894

POSITION STATEMENT: Supported SB 107.

Ms. Nancy Wladyka
Sitka AK

POSITION STATEMENT: Opposed SB 107.

Ms. Paula Williams
No address provided

POSITION STATEMENT: Opposed SB 107.

Ms. Nancy Richar
No address provided

POSITION STATEMENT: Opposed SB 107.

Ms. Victoria Martin
530 E 46th Pl.
Anchorage AK 99503

POSITION STATEMENT: Opposed SB 107.

Mr. Sean Ruddell
530 E 46th Pl.
Anchorage AK 99503

POSITION STATEMENT: Opposed SB 107.

Ms. Haley Ruddell
530 E 46th Pl.
Anchorage AK 99503

POSITION STATEMENT: Opposed SB 107.

Ms. Laurell Clough
7303 N. Douglas Hwy.
Juneau AK 99801

POSITION STATEMENT: Opposed SB 107.

Mr. John Paden, Counselor
Alyeska Central School
8606 Evergreen Park Rd.
Juneau AK 99801
POSITION STATEMENT: Opposed SB 107.

Ms. Cecilia Miller
PO Box 22627
Juneau AK 99802
POSITION STATEMENT: Opposed SB 107.

Ms. Katie Bousler
1501 5th St.
Douglas AK 99824
POSITION STATEMENT: Opposed SB 107.

Ms. Aran Felix
3970 N. Douglas
Juneau AK 99801
POSITION STATEMENT: Opposed SB 107.

Ms. Shawna Thompson
7036 Linden Circle
Anchorage AK 99502
POSITION STATEMENT: Opposed SB 107.

Ms. Kym Wolcott
PO Box 1023
Willow AK 99688
POSITION STATEMENT: Opposed SB 107.

Unidentified speaker
POSITION STATEMENT: Opposed SB 107.

Mr. Mike Jeffery
PO Box 808
Barrow AK 99723
POSITION STATEMENT: Opposed SB 107.

Ms. Gayle Goedde
ACS teacher
113 5th Street
Douglas AK 99824
POSITION STATEMENT: Opposed SB 107.

Mr. Kevin Sweeney, Special Assistant
Department of Education &

Early Development
801 W 10th St.
Juneau, AK 99801-1894
POSITION STATEMENT: Supported SB 107.

ACTION NARRATIVE

TAPE 03-15, SIDE A

SB 30-ABORTION: INFORMED CONSENT; INFORMATION

CHAIR FRED DYSON called the Senate Health, Education and Social Services Standing Committee meeting to order at 5:10 p.m. Present were SENATORS GUESS and DAVIS. He announced SB 30 to be up for consideration. He explained that the new version adds a new section to legislative findings, recommended by the Department of Law that explains the state's compelling interest in regulating this issue. Section 2 of the bill directs the Department of Health and Social Services (DHSS) to develop a free pamphlet to assist pregnant women in their choices. Doctors are not required to use the pamphlet, but they are offered the option and can supply whatever other information they want to. This version (Q) also elevates informed consent, which was in regulation, to statute and adds to the current abortion reporting requirement whether or not the client received the pamphlet.

SENATOR BETTYE DAVIS moved to adopt the CS to SB 30, version Q for purposes of discussion. There were no objections.

MS. MARI GALREAVE, Fairbanks medical professional, said that a fetus is not an unborn child unless you subscribe to a certain religion. In her religion, the soul enters the body 40 days after conception. Her point is to keep religion separate from abortion rights. She stated, "If the new pamphlet uses the words 'unborn child,' it is harassment. Don't legislate what someone should say in the new pamphlet."

SENATOR WILKEN arrived at 5:15 p.m.

MS. RUTH ABBOTT testified on behalf of a local Delta Junction charity and said, "Women should insist on being given the respect of being provided with all the information necessary to make an informed decision as is mandatory in all of their medical procedures."

DR. BOB JOHNSON, Kodiak, said he is a retired physician and while he was practicing, he did abortions. He has plenty of experience talking to women about their decisions and responding to their questions about the procedure and believes this is a highly private matter. Women have the right to know everything they want to know and everything they should know and that applies to any procedure that is performed on them. He noted:

For the Legislature to make the assumption that they know what women should ask is presumptuous. I think they do have the right to know anything they want to know and they should be able to ask and they should be able to learn what they need to learn....

DR. JOHNSON explained that he scheduled four appointments for each abortion. The first one was to help decide whether the patient had made an appropriate decision; the second was to answer questions about the procedure as well as its short and long-term effects. In his experience, he found none of the short and long term effects publicized by the Right-to-Life group to be factual.

MS. CYNDI SAUNDERS said she wanted both men and women to know the truth about the pain, guilt and relationship problems that a 20 to 30 minute procedure can have on the rest of a person's life. She is sad that she had the procedure three times and no one told her how she would feel 30 or 40 years later or how it would affect her children that are alive today.

MS. CASSANDRA JOHNSON said the main purpose of the wording in the proposed pamphlet is to intimidate women and make them feel guilty for exercising their rights. Aside from being an attempt to withdraw women's rights, there are several other problems with the bill. First, the Legislature has no business telling doctors the specifics of what they can tell their patients. Doctors are already bound by standards of practice which include complete and unbiased information about medical procedures, and insures that any patient truly consents to the procedure they are about to undergo. There is no need for special information/consent for an abortion. The proposed "counseling" material is clearly biased and includes a lot of other information about pregnancies and possible serious complications.

MS. AMY MENARD said she is an attorney primarily for health care delivery, medical licensing and liability issues. She recommended that the committee table this bill, because it is

contrary to existing Alaska law and its need has not been demonstrated. She maintained:

As a matter of Alaska law, abortion like any other medical treatment or procedure, always requires informed consent under AS 09.55.556. That has been law for 27 years. This law guarantees not only that women have a right to information about medical care, but that all Alaskans do. Moreover, the content of informed consent is covered ethically by the American Medical Association's code of ethics. Code provision 8.08 already directs physicians and their informed consent obligation to their patient.

The so-called findings as articulated at the outset of the bill are patently wrong. This bill does not promote judicial economy nor will it provide clarification for physicians. It's actually contrary to the rubric of [indisc.]. And what this bill does, particularly with its informed consent provisions, it decrees a double standard for physicians who provide abortion services contrary to those who do not. The creation of this pamphlet and the language that's supposed to be added to the bill, and I'm referring to subsection (h) that would be under Title 18.16.010, is contrary to existing law as it regards physicians and their practices. Decreeing [indisc.] language with regard to informed consent that is contrary to what is already called for under Title 9.

This law is poorly written and unsupported. As far as the findings articulated, it will not clarify anything for physicians and it will guarantee litigation for the state.

MS. JENNIFER ESTERL, Alaska Civil Liberties Union, opposed SB 30; one reason being the extra mandatory counseling that includes irrelevant medical information. Mandatory extraneous lectures do not give women accurate or meaningful medical information; they put words in doctors' mouths and involve a litany of conceivable pros and cons even when those alternatives are not in the patient's best interest and, worse yet, may even harm her. Women who are seeking prenatal care in order to carry a pregnancy to term should not be forced to waste time and money listening to a diatribe about their options and alternatives. She informed them that the risk of carrying a pregnancy through

to childbirth is 20 times greater than that of a first trimester abortion.

Second, this bill refers to possible psychological effects that have been associated with having an abortion. Substituting politicians' judgments to that of doctors' is misleading. A 1987-88 investigation by the attorney general of the United States (who was not a champion of choice) and a World Health Organization study state there is no medical evidence that shows abortion causes psychological injury.

Third, requiring physicians to deliver extraneous lectures makes access to quality reproductive health care much more difficult and expensive. Informed consent is already required for medical procedures. "This bill is designed to make a woman's very personal decision even more difficult...."

DR. KATHY TODD said she is a practicing physician in Valdez and opposes SB 107 for all the reasons previously stated. Women come to her already having very carefully considered their options - having talked to their significant others, their friends, their pastors and another physician sometimes. They need other health information by the time they see her. She stated that sometimes 24-hours is a long time and means an extra journey for people who live 100 miles from her office - and this happens a lot. Evidence shows that informed consent issues are best discussed with social workers and specially trained nurses, not the physician. It has also been proven that people won't read any pamphlet that is more than two pages long.

MS. VIRGINIA PHILLIPS said that SB 30 is desperately needed in Alaska. She explained, "Most of the time a woman is not told of her options. A 24-hour waiting period is needed to give a woman time to evaluate all her options along with the consequences."

She said that most women don't realize that the National Physicians Center for Family and the [indisc.] Cancer Center have acknowledged there is an abortion-breast cancer link. She surmised, "The state has a compelling interest to pass this bill to protect a woman's physical, mental and emotional health...."

MS. EILEEN BECKER said she has five children and has been involved with the Homer Pregnancy Care Center for 15 years. She stated that in a recent article, she read that only 24 percent of women who have abortions don't have regrets or after effects. About 10 million women in American regret their decision and, in the last 30 years, 40 million babies have been aborted. One out

of every four women in American has had an abortion, very high numbers. Post abortion syndrome is an actual feeling that she helps women deal with at the Homer Pregnancy Care Center.

MS. JENNIE GRIMWOOD, Cordova resident, said that this informed consent bill and pamphlet is very important. She indicated:

Often many women who are pregnant don't understand fetal development. Many times health professionals don't answer all the questions. A scared pregnant women is often an uninformed one...The abortion industry puts blinders on women. They don't want women to really know what is happening to their bodies. Many women today are coerced into having abortions by their boyfriends, health professionals, their parents and uncles. It often is not an individual choice or a pro choice, as people would have us believe. It is often a choice made out of fear and ignorance....

DR. COLLEEN MURPHY, Anchorage OB/GYN, said she is an abortion provider and provides health care that is sanctioned by the National Abortion Federation. She has a multitude of guidelines to follow in her practice and she endeavors to provide the highest quality care for women throughout their reproductive health careers. She informed the committee that current levels of care already exceed those prescribed in the bill. Birth and abortion considerations are a private concern between her and her patient. They talk about it and decide together what is needed. She urged them to, "Leave medicine to doctors...."

MS. DEBBIE JOSLIN, Delta Junction, said one of her four sons, Isaiah, was born May 10, 1999 and died 32 days later. It's largely because of her experience with him that she supports this bill. The bill contains:

...unbiased medical information regarding the development of the unborn child, abortion procedure, risks associated with abortion, alternatives to abortions including adoption agencies and support groups for parents and children with special needs such as Down's Syndrome....

She explained how her husband had received a similar booklet for his eye cataract procedure that gave him sound medical facts that allowed him to make a good informed decision. In Planned Parenthood of Southeast Pennsylvania v. Casey, the Supreme Court upheld a state statute requiring disclosure of the nature of the

abortion procedure, the risks of the procedure, the alternatives to the procedure, the gestational age of the unborn child and the medical risks of carrying to term.

The court also said if a woman shall request, she must be given a State Department of Health brochure describing fetal development and a list of agencies offering alternatives to abortion. Many states have initiated legislation that protects the state and the physician from liability by giving this information to all women who are considering abortion as an alternative....

5:43 p.m.

MS. EVA SMALL, Juneau R.N., said as a registered nurse, she truly understands the significance of informed consent and rational decision making for patients undergoing surgical procedures. Informed consent laws form the foundation of medical ethics that guarantee the patient the right to make autonomous rational decisions free of coercion. Women's right-to-know laws empower women to make informed decisions. Not only do they insure knowledge of the procedure and options, but include information on paternity establishment and child support. She supported many of the statements made earlier.

MR. JOHN MONAGLE, President, Alaskans for Life, said he recently had major surgery and the doctor spent three hours making sure he understood everything about it beforehand. Doctors want to protect themselves from liability and want to furnish as much information as possible to their patients for their own good. Conversely, women would want as much information as they can get about any surgery, certainly in the case of pregnancy and abortions.

DR. CAROLYN BROWN said she has been a physician for about 44 years and for 25 years had been in the practice of obstetric and gynecology. She said:

This proposed bill will not mandate much of anything. It offers a pamphlet that we're supposed to give to some people and doesn't tell us who we have to give it to; it doesn't tell us who has to give it to anybody; it doesn't tell us the person we're giving it to wants an abortion, doesn't want an abortion or hasn't made their mind up yet. So, let's be clear on that.

DR. BROWN said she has three basic issues with the bill; the first being that it is not equitable and has a "sincere amount of discrimination." There are 10,000 babies born in this state every year and some are lost through miscarriage. The bill does not mandate this information be given to all pregnant women; it only suggests that the pamphlet can be given out. The bill does not say who is going to have the oversight of the distribution of the pamphlet and who will make sure the information is correct.

DR. BROWN said that some terms were not defined very well, like "circumstantial criteria," "unbiased," "major bodily function" and "major psychological function." She noted that even doctors can't agree on what those things mean and asked how the legislature can come up with something and put it in stone.

Third, she said the fiscal note is \$42,000 for the first year and \$24,000 for the next five, but that wouldn't begin to cover costs when they are talking about a waiting period with women having to travel. Somebody is going to pay for them to stay over night. Many women are on Medicaid and the oversight for policing will cost a great deal of money.

MS. APRIL FERGUSON said, "I have had a child; I have had miscarriages and I have had an abortion and it's all my business. It's not your business; it's not the business of the woman down the street...."

Further she said that anyone who bases a decision of this magnitude on a pamphlet that someone hands them 24-hours beforehand is absolutely ignorant.

CHAIR DYSON announced that Senator Green arrived at least a half hour ago and that the committee would hold the bill for further work.

SB 107-CORRESPONDENCE STUDY

CHAIR FRED DYSON announced SB 107 to be up for consideration.

MR. EDDY JEANS, School Finance Manager, Department of Education and Early Development (DEED), said he was asked to describe the cost savings of this bill, which come mainly from eliminating the Alyeska Central School (ACS) as funded through the foundation program. No other school district in the state is authorized to receive state funding for summer school programs. Other school districts operate summer school programs through

learning opportunity grants and other sources of funding. Another possible savings of \$369,000 is not reflected in any of the fiscal notes, but could be realized from relinquishing space leased in the Goldbelt Building for ACS. It is not included in this bill, because he didn't know the state's intentions in terms of using that space for some other program.

He informed them that ACS had been around since 1939. However, approximately seven years ago the state made a policy decision to allow school districts to operate statewide correspondence programs and 11 of those came into existence.

The reason the state has operated a correspondence program since 1939 is because many people didn't have access to public schools or school districts. In 1997, Alaska went from state operated schools to 53 school districts that cover the entire state and Rural Education Attendance Areas (REAA).

TAPE 03-15, SIDE B

MR. JEANS explained that school districts are charged with educating every resident who resides within their district boundaries. This is a substantial change from when ACS was created in 1939. Approximately 814 students are currently being served through the Alyeska Central School. Of that number, 686 (roughly 85 percent) of them reside in the largest school districts - Anchorage, Fairbanks, Juneau, Ketchikan, Kenai, Kodiak, Mat-Su and Petersburg. Approximately 45 to 50 students are educated through the Alyeska Central School who do not have daily access to some educational program. The school districts that those people reside in do have a statutory obligation to provide some educational program for those kids.

However, ACS is the only accredited correspondence program in the state. Four school districts have applied for accreditation and have "conditional" accreditation while they go through the process. He understands that while they go through the process, the units of work that are earned are transferable and are considered accredited units.

Another important concern is that section 6 doesn't deal specifically with ACS. It reverses the foundation program in AS 14.17.430 that deals with correspondence study and its 80 percent funding. He said other programs in the state would say they are not correspondence programs that they are home school programs - schools without walls, but the statute doesn't address that type of program. Therefore, he suggested an

amendment to expand the definition from "correspondence program" to "correspondence study and similar programs". He said the department feels very strongly that the size adjustment table in the foundation program was intended for brick and mortar schools and not for something that falls outside of that category. So, DEED has proposed this amendment that deals with programs that occur primarily outside of school facilities.

SENATOR GRETCHEN GUESS asked a funding question that was indiscernible on the tape, but she was referring to the range of 80-100 percent.

MR. JEANS replied that DEED hasn't tried to calculate that because it depends on what school the student is enrolled in.

SENATOR GUESS said she would let the Finance Committee deal with it and asked how the department plans to fulfill its obligation to students who live in communities of up to 25 people and aren't in a major district.

MR. JEANS replied that the school districts have the obligation to provide an educational program.

SENATOR GUESS asked if a district is still obligated to fund a school with fewer than 10 students in a facility.

MR. JEANS replied the school districts have to provide some form of an educational program or assist those children in finding an educational program.

SENATOR GUESS said she didn't want to take up the public's time with her questions, but she had a list of concerns. The most interesting thing in the governor's letter was the word "duplicative," as well as classes, education approach, meeting with teachers, part-time students, can you call the teacher, year-round, standards-based, and accreditation. She commented:

If all of those are in another program, if you're going to say this is a duplicative service, then you really have to say it's the same service somewhere else versus different services. So, I am interested in that. And I do, for the record, Mr. Chairman, I think the accreditation issue is the issue along with parental choice and some others. Having one be on a list, maybe, for accreditation, I think, is inappropriate to refer to that as an okay choice. We need to offer people an accredited program...

MS. NANCY WLADYKA, Sitka resident, said that cash rebates are a highly successful advertising gimmick. More and more parents are opting to home school their children because local schools do not meet their children's needs. Correspondence programs offer cash allotments and the higher the allotment, the higher the enrollment figures are, but the issue of whether that allotment is adequate to allow the parent to purchase educational materials needs to be addressed. She maintained:

Alyeska Central School offers academic excellence. It exemplifies the No Child Left Behind mandate. No child can slip through the cracks at ACS because the teachers make certain of that. They require accountability. ACS offers choices approved in curriculum materials and verify that those materials are appropriate for your child. ACS provides more than books, it provides daily lesson plans, which ACS teachers write themselves and constantly review and update. I cannot stress the importance of having these lesson plans to use.... ACS has a proven track record and is an Alaska success story. If the governor knew what Alyeska Central School does for the children of Alaska, it would be receiving recognition awards and accolades and this absurd proposal to close it would appall legislators. A comparable program does not exist. There are and always will be children for whom ACS is an irreplaceable and essential service. Please don't leave Alaskan children stranded.

MS. PAULA WILLIAMS opposed SB 107 for the same reasons Ms. Wladyka stated. She added that this bill doesn't save money for the state, but for the closing of the summer school. For 3,450 students across the state last year, ACS's summer school was their only option. She opined, "You're not just saving \$1.2 million, you're closing the door to these students."

MS. WILLIAMS said that some students use ACS to accelerate their program. She accused the legislature of following a political agenda.

MS. NANCY RICHAR opposed SB 107. Her son recently graduated from ACS after attending since kindergarten. He was her fifth child. She has experienced both public and rural correspondence schools in the past and they were nightmares at times. She said there is no comparison. She told members:

I called the Mat-Su Borough last week to see if they had been approved. They have been closed to new school students most of the year; they continue to order their courses all from out of state [indisc]. They have no knowledge of the Academic [indisc.] Leadership Conference or state and national [indisc.] programs, all of which ACS has attended for years. She was told that if a student enrolled after the November 1 cut-off date, the parents had to pay the \$250 fee for each course ordered. She called Mat-Su and was emphatically told they are not a correspondence school; they help parents order courses direct from publishers with an allotment and the parents are the only teacher involved in the education. These education dollars are all going out of state.

DR. KATHY TODD said she also wanted to testify against SB 107. She has an 8th grader and an 11th grader and has needed correspondence courses to supplement the curriculum in her small school district. The states of Nebraska, North Dakota, Washington and Florida and many more consider that they have the need for a central correspondence or on-line school to supplement their curricula. They believe that their schools can't offer all of the things that need to be offered. This is the kind of school that will help the No-Child-Left-Behind mandate be successful.

MS. VICTORIA MARTIN said she has lived in Alaska since 1946 and educated her children through ACS and is now educating her grandchildren through it. She spoke very highly of the program. She said that accreditation is a very important issue.

MR. SEAN RUDELL, ACS student, opposed SB 107. His testimony was indiscernible.

MS. HALEY RUDELL, ACS student, said ACS is the only correspondence program that is accredited and students need to go to an accredited school in order to get into college because the credits are not valid otherwise.

MS. JENNIFER WILCOX, ACS student, opposed closing the school for two reasons, the first being that the alternative schools are not equal to ACS. Second, eliminating ACS would not save the state money. Alternative schools are understaffed and lack accreditation. It will take up to five years before many schools receive their accreditation. There is also the issue of the computer-based after school program, which is not an option for

her, because she doesn't want to sit in front of the computer that much.

MS. WILCOX said it costs the state \$3,220 to educate an ACS student and if she were to enroll in the public school, it would cost the state \$10,992, a \$7,772 increase. She summarized that she hoped they didn't close the school.

MS. LAURELL CLOUGH said she is a retired public school teacher and supports the public schools and Alyeska. Two sons are currently with Alyeska part-time. People home school for a variety of reasons, she said. Every student is not a fit for every place. Her oldest son is disabled and cannot function full time in a public school. She stated, "Alyeska has saved him."

She didn't see how eliminating ACS would save the state any money and its services are not duplicated anywhere. She thought there might be some secret somewhere about why ACS was to be closed, because no one has testified in favor of that.

MR. JOHN PADEN, ACS Counselor, opposed SB 107 for the same reasons already stated. He said that ACS provides summer school at the request of the Legislature each year. If they want to save money, they can cut summer school, but that wouldn't affect ACS's year-round program. Summer school affects kids around the state who are already in other schools; it allows them to take one or two courses that they may need to graduate in spring instead of holding over until the fall and taking another year to graduate. He summarized that there is no significant savings in the regular program; there is no genuine duplication of services; and this is bad policy in light of the service being rendered to students in this state.

MS. CECILIA MILLER, ACS math and technology teacher, opposed SB 107. She said she had some students that wouldn't be testifying today because they live in very remote areas - the exact reason ACS was started. They don't have access to a local school. They depend on ACS being mandated by the state as an accredited option. Each year the districts get the choice of putting in a statewide correspondence program application. Last year there were 12 schools on the list; two of them are not on the list any more having chosen not to do it. Another one of those schools decided to do K-8. She also has a high school student who lives outside of Kodiak who sent her a letter that she read into the record. It basically said that he lived in rural Kodiak and didn't have a phone. The only real communication he had with teachers was through the mail with ACS.

MS. MILLER noted that ACS has more students than 35 school districts in the state. Many of the school's children are looking to the Legislature to give them something they can depend on.

MS. JEANNE FOY, ACS teacher, said that assessment of student work is part of a teacher's job that families will have to do if ACS is closed. Some families are happy with the stipend they get and don't want interaction with a teacher, but many of them choose to use ACS; they want the accountability, the courses and the instruction that the school provides. Some of her students have no access to a local school, but they are smart and plan to go to college. She has been able to help them get the skills they need in order to succeed in college. She also teaches advanced placement English literature over the Internet and one of her students has e-mail because the Internet is way too expensive for her family. The advantage to having the correspondence teachers here in Alaska is that they can work with a student to make any modifications necessary for their particular situation.

MS. KATIE BOUSLER said that her daughter, Kaitlin, is a sophomore at Juneau Douglas High School and she is an exchange student in Bern, Switzerland. She has received numerous academic opportunities and she would not have been able to study abroad this year nor have such an impressive resume' without the existence of Alyeska Central School. Like many Alaskan students, she is able to get credit for her courses in Switzerland through ACS and then transfer them to Juneau Douglas High School. She could not do that directly through the regular high school. She told members:

ACS is the only accredited school in the state through which this is possible. I urge you not to pass this legislation and preserve unique opportunities for future Alaskan leaders like my daughter, Kaitlin.

MS. ARAN FELIX, ACS teacher, asked the Legislature to consider the disruption this bill is causing her students while their fate is being considered. Many are traveling and like Kaitlin, some of them do not start school on September 1 like a lot of schools; and some students study at a slower pace. If people want to look at boarding schools, Mt. Edgecumbe's closing date for application was March 31. Many students and parents have testified that they have been unable to find a statewide program similar to ACS where graduates can finish up from January

through December. The only students who will have it easy are the ones who return to their local schools, which will cost the state more money. She mentioned a parent who called yesterday who wanted to enroll her two children. The parent had just purchased a home and moved to Edna Bay. Shortly thereafter, their local school closed and ACS was recommended. Their local school district is struggling to create a correspondence program.

MS. SHAWNA THOMPSON, ACS student, said it is a really good program and it would be wonderful if they kept it open.

MS. KYM WOLCOTT read a letter from an ACS student who loved the school and opposed SB 107.

An unidentified woman said that closing Alyeska School was a step in the wrong direction. The school is not a duplication of other services. If high school kids need courses outside of the core curriculum, there is no way to get them without going to ACS.

MR. MIKE JEFFERY said he is in favor of keeping Alyeska Central School going, but he didn't have any objections to opening funding up to the other schools. He said the accreditation issue is very important and college admission officers know that. His daughter had been admitted to Stanford and several East Coast schools and he attributed that to the extremely high quality of education at Alyeska. That could not have been done locally in a town like Barrow.

MS. GAYLE GOEDDE, ACS teacher, said that no other program provides the teaching services that ACS does. She works with children who are failing in the regular school system and they blossom with her help at ACS. She has many students who write her letters of thanks saying that they learned so much in her class and that she gave them the courage to go on.

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MS. GOEDDE said she gives her students feedback on their writing and gives them support that is different than other programs where the parents grade the work.

CHAIR DYSON thanked her for her testimony and for the good job she had done with those students.

MR. KEVIN SWEENEY, Special Assistant to the Commissioner, Department of Education and Early Development (DEED), said that regarding the bill, three decisions need to be made. The first question is it will translate into a real money savings and the department feels it can easily identify \$1.2 million in savings from closing the summer school. In addition, the facility savings would amount to about \$370,000.

Regarding the argument that a lot of the kids would not go into other correspondence programs and enroll in their home school instead, MR. SWEENEY said, "Most of the students who chose this curriculum and chose the correspondence type program do it because it's where they sort of can flourish and that's the type of program they want...." He noted that other correspondence programs in the state are funded at 80 percent no matter where they are.

MR. SWEENEY said as far as curriculum is concerned, the department's intent when ACS closes is to make ACS's curriculum available to all districts in the state. They can also be utilized in other state-run and district-run correspondence programs. Right now the Alaska On Line Consortium, which is made up of ACS, Mat-Su, Kenai and Delta, is developing curricula. DEED wants to help the districts continue to grow the programs that are being offered. Enrollment in the district-run statewide correspondence schools has grown tremendously since 1997 while enrollment in the regular program at ACS has gone down. That brings him to the third point - that this is a policy call. The question is should the state continue to be in a state-run correspondence school business. He told members:

We believe, and the governor believes now, that other programs are being offered, that it's time for the state to get out of this business and to allow the districts to operate the state-run correspondence program.

6:50 p.m.

SENATOR WILKEN asked him to explain the other state run programs.

MR. SWEENEY replied that he may have misspoken and he meant other statewide correspondence programs.

SENATOR WILKEN asked how many of the school districts chose to operate summer schools with their [indisc.] money. Someone

responded that Mat-Su did and Senator Wilken added that Fairbanks did, too.

SENATOR WILKEN asked what the relationship is between accreditation and a diploma and/or the high school qualifying exam.

MR. JEANS replied that accreditation provides an assurance to the receiving school district that the course work the students have completed is of the same standard level when measured by the Northwest accreditation of schools and colleges. When a child transfers from ACS to Juneau Douglas High School, for instance, their staff has assurance that whatever those grades are on the transcripts for courses are of like courses that would be offered at their school.

SENATOR WILKEN asked if accreditation has any bearing on a diploma or the qualifying exam.

MR. JEANS replied that it does not.

SENATOR WILKEN said a couple of years ago some districts did an audit of some of the statewide programs and one of the measures used was the teacher to student ratio, which was 800 to 1. He asked if there was a similar measurement of the other statewide programs versus Alyeska Central School.

MR. JEANS replied that many of the existing programs do not have the same student pupil teacher ratio that ACS currently has, but a number of school districts have assured him that they want to expand their programs to offer like pupil teacher ratios that ACS is currently offering. The legislation has an open enrollment policy requirement for any district that operates a statewide correspondence program. So, those districts that are currently closing their enrollment would have to comply. It would be the department's intent that that would at least apply through the foundation count period.

SENATOR WILKEN said some statewide programs can decline to take a disabled student and asked if that will be changed in this legislation.

MR. JEANS replied that a school district cannot discriminate on the enrollment of a child because of special needs.

SENATOR WILKEN asked if a statewide correspondence program can discriminate.

MR. JEANS replied that a statewide correspondence program is operated by a school district and cannot discriminate on that basis.

SENATOR WILKEN asked if the department would follow up on that if such an incident had happened.

MR. JEANS replied that it would.

SENATOR WILKEN said he would get that information to him tomorrow. He then asked if that issue is addressed in this legislation.

MR. JEANS replied that it is on page 1, section 2, but an amendment is necessary because another provision in statute specifically refers to regional education attendance areas with similar wording. Line 14 says, "a school age child who is enrolled in or a resident of the district...". The department has interpreted that to mean [a district] has to have an open enrollment in policy, at least through the foundation count period.

SENATOR WILKEN said Mr. Sweeney spoke of the tremendous growth of correspondence students from 2,000 to 9,000 in eight years. Mr. Sweeney indicated that was correct. Senator Wilken asked him to rethink his suggestion of closing the school and asked if there would there be a real savings of \$375,000 if it moved out of the facility. He thought there would be a savings to DEED but someone else would have to pick up the tab on that space. He noted, "There really is no savings."

CHAIR DYSON followed up that there might be a net savings if that precludes them from having to go out and rent some other space. Mr. Sweeney indicated that's what he meant.

SENATOR BETTYE DAVIS said that some schools are not accredited and that might cause some problems for the students. However, she knows from serving on the State Board and visiting school districts that students are graduating from those schools all the time.

MR. JEANS replied that the provision they are referring to is section 6. He used the example of a Family Partnership Charter School in Anchorage and explained:

In their charter, they clearly state that they are a home-based school program. Because the statute currently does not state correspondence or home-based programs, they have continued to appeal our classification of them for funding purposes as a correspondence program. They want to go through the school size adjustment table and receive that additional funding for what we provide for staffing, heating, maintaining a school facility, as well as a 20% adjustment for special needs. This provision here is simply put in, as a clarification that we're referring to any program that provides educational services outside a public school facility - will be funded at the 80%.

SENATOR DAVIS responded that she understood that very well, but [accreditation] needs to be taken care of and not necessarily in this bill. She was talking about programs like alternative or charter schools and wanted to know if those children would run into any problems getting into another school because of lack of accreditation.

MR. JEANS replied that it depends on where the students are going. Colleges have assessment tools other than high school transcripts available to them from an accredited or non-accredited school to determine whether a child is ready to enter college.

SENATOR DAVIS responded that she did not want students to have problems getting into colleges of their choice because of high school accreditation and that should be addressed.

CHAIR DYSON said that very few students have trouble getting into college, no matter where they went to school.

SENATOR GUESS said she respectfully disagrees and that in her work, higher education does mean something. She noted:

I think children at least need to know when they're not in an accredited program the limits it puts on certain options that they have including the military, which I think is a serious issue.

SENATOR GUESS asked about the focus and breadth of the summer school programs that Senator Wilken mentioned are going on in the state. She questioned if, after the October open enrollment

count, a parent called up a program district correspondence program, the student could be denied entry.

MR. JEANS replied that has been occurring and it is an issue with the department right now.

SENATOR GUESS said she was confused and thought he said that was solved in the bill.

MR. JEANS replied:

The department's position on that is when a person moves into Alaska, they have the right to attend a public school in the community in which they move in to. If you want to enter into a statewide correspondence program under these provisions, it would require you to do that prior to the end of the count period. It does not leave that avenue available to you to enroll after the count period in any statewide correspondence program that you want. Alyeska does do that for some students based on whatever their conditions may be and you can ask their counselor or any of the other people in here. They don't simply allow all students to enroll after the count period. Alyeska has some limitations on their enrollment policy as well, but what this statute does is afford the people the opportunity, at least through the count period.

SENATOR GUESS thanked him and asked what happens if the fat [funding] of every district that has correspondence school goes away. The bill does not address that issue if there isn't a statewide correspondence program. She asked Mr. Jeans to point out the provisions that the department has set out in that case.

MR. JEANS replied that she is correct about the bill not addressing that subject. He couldn't say that the department has a plan set in stone that it can hand her. He added, "We don't believe that's going to happen."

He said that enrollment in correspondence programs, in general, has leveled off in the last three years. DEED sees movement between districts and between programs. Some districts, like Kenai and Mat-Su, operate district programs that had declined for a couple of years and are now taking off again. The reason is the districts realized the need to modify the programs they were offering because they weren't meeting the needs of their

children - and they wanted to get their children back into their school districts.

SENATOR GUESS wanted to know if that's a constitutional problem, regardless of what he thinks will happen. She is concerned this bill could get through the whole system and be signed into law even though it does not have an accreditation provision in it.

MR. JEANS responded that Alaska has 53 school districts that cover every square mile. Each school district has the obligation to provide some form of educational program to the students who reside in its district. He acknowledged, "Even if all the statewide correspondence programs go away, the districts still have an obligation to provide educational services of some form."

CHAIR DYSON added that the state is mandated under the Constitution to provide education for everyone. He believes very strongly that if the district-based programs weren't working, recreating something like Alyeska Central School would be mandated.

SENATOR GREEN moved to pass SB 107 from committee with individual recommendations and its accompanying fiscal note.

SENATOR DAVIS objected.

A roll call vote was taken. SENATORS GREEN, WILKEN, and DYSON voted yea; SENATORS GUESS and DAVIS voted nay and SB 107 passed from committee.

CHAIR DYSON adjourned the meeting at 7:12 p.m.