

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

March 9, 2009

8:04 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Cathy Engstrom Munoz, Vice Chair
Representative Bryce Edgmon
Representative Wes Keller
Representative Robert L. "Bob" Buch
Representative Berta Gardner

MEMBERS ABSENT

Representative Peggy Wilson

COMMITTEE CALENDAR

OVERVIEW(S): AVANT-GARDE LEARNING FOUNDATION'S ALASKA NATIVE
TEACHER INITIATIVE AND EDUCATION ALIGNMENT STUDY

- HEARD

HOUSE BILL NO. 126

"An Act relating to continuing the secondary public education of a homeless student; relating to the purpose of certain laws as they relate to children; relating to tuition waivers, loans, and medical assistance for a child placed in out-of-home care by the state; relating to foster care; relating to children in need of aid; relating to foster care transition to independent living; and relating to juvenile programs and institutions."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 126

SHORT TITLE: FOSTER CARE/CINA/EDUCATION OF HOMELESS

SPONSOR(S): REPRESENTATIVE(S) GARA

02/11/09	(H)	READ THE FIRST TIME - REFERRALS
02/11/09	(H)	EDC, HSS, FIN
02/25/09	(H)	EDC AT 8:00 AM CAPITOL 106
02/25/09	(H)	Heard & Held
02/25/09	(H)	MINUTE(EDC)

03/02/09 (H) EDC AT 8:00 AM CAPITOL 106
03/02/09 (H) Heard & Held
03/02/09 (H) MINUTE(EDC)
03/09/09 (H) EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

DON SHACKELFORD, Vice President
Avant-Garde Learning Foundation
Anchorage, Alaska

POSITION STATEMENT: Presented the overview of the Avant-Garde program.

EDDY JEANS, Director
School Finance and Facilities Section
Department of Education and Early Development (EED)
Juneau, Alaska

POSITION STATEMENT: Responded to questions during the overview by the Avant-Garde Learning Foundation, as well as during the discussion of HB 126.

JOHN PUGH, Chancellor
University of Alaska Southeast (UAS)
Juneau, Alaska

POSITION STATEMENT: Responded to questions during the overview by the Avant-Garde Learning Foundation.

REPRESENTATIVE LES GARA
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the committee substitute (CS) for HB 126.

AMANDA METIVIER, Coordinator
Facing Foster Care in Alaska (FFCA)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 126.

THERESA LOMBARDO
Casey Family Programs
Juneau, Alaska

POSITION STATEMENT: During hearing of HB 126, related the work done by Casey Family Programs.

BARBARA DEXTER, Educator
Child In Transition Homeless Project
Anchorage School District;

District Liaison, McKinney-Vento
Anchorage School District
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 126.

MIKE LESMANN, Community Relations Manager
Office of Children's Services
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 126.

ACTION NARRATIVE

[8:04:41 AM](#)

CHAIR PAUL SEATON called the House Education Standing Committee meeting to order at 8:04 a.m. Representatives Seaton, Munoz, Keller, Edgmon, Gardner, and Buch were present at the call to order.

OVERVIEW(S): AVANT-GARDE LEARNING FOUNDATION'S ALASKA NATIVE TEACHER INITIATIVE AND EDUCATION ALIGNMENT STUDY

[8:05:58 AM](#)

CHAIR SEATON announced that the first order of business would be an overview from the Avant-Garde Learning Foundation of Alaska.

[8:07:18 AM](#)

DON SHACKELFORD, Vice President, Avant-Garde Learning Foundation, related that although he will address the committee on behalf of the Avant-Garde Learning Foundation, he is a former high school English teacher, principal, assistant professor at the University of Alaska Anchorage (UAA), and director of the Alaska Partnership for Teacher Enhancement at UAA. He then noted that he has lived in Alaska for 47 years during which he graduated from West Anchorage High School and the Alaska Methodist University and received his Master's degree from UAA. Mr. Shackelford paraphrased from the following prepared statement, which read [original punctuation provided]:

We are first and foremost an educational foundation, devoted to improving teaching and learning in Alaska. Avant-Garde, since its inception as a nonprofit organization in January of 2006, is committed to

improving public education through the use of innovative, scientifically based practices and processes and by forming strong partnerships with school districts, colleges and universities and corporations.

Recently, our Board of Directors voted to make Kameron Holloway Perez-Verdia our Chief Executive Officer. Kameron was raised in Barrow and has extensive experience working with and running several nonprofit organizations, both in Alaska and Outside. We are pleased to have him return to Alaska to take the leadership at Avant-Garde.

Our founder and President, Dr. Shirley Holloway, is someone many of you know from her years of public service to Alaska's children as a teacher, principal, superintendent, college president, commissioner of education and member of the state school board. Her vision for the Avant-Garde Learning Foundation was to create a nonprofit organization that would help fill in the gaps in our educational system and find innovative ways to leverage our strengths, to work together collectively, and to experiment with pilot programs that could conceivably become permanent aspects of our educational system if they were proven to be effective. Our efforts, then, have been devoted to creating educational programs and initiatives, several examples of which members of the committee have before you in the packet that was provided for this testimony. Please allow me to speak to some of our efforts.

Our largest project is the Alaska Native Teacher Initiative. Shell Oil contacted Avant-Garde two years ago and asked us what sort of community support they could provide in several geographic areas of interest to Shell in our state. Dr. Holloway visited communities in rural Alaska and asked Elders, mayors, school district superintendents, community leaders and others about their needs and what most needed to be done to improve the lives of those who reside in rural Alaska communities such as theirs. Without exception, communities reported that there was an urgent need for more Alaska Native teachers in their schools. Community members mentioned the need for appropriate role models for their children and superintendents

talked about the high turnover of teachers in their schools.

From that, Dr. Holloway put together a group of thirty educators, several of whom were Alaska Native and community members as a Design Team that held its meetings from January to May 2008. The Design Team became the vehicle for creation of the Alaska Native Teacher Initiative. Five school districts - Aleutians East, Bristol Bay, Lake and Peninsula, North Slope and Northwest Arctic and five institutions of higher learning - Alaska Pacific University, Bristol Bay Community College, Chukchi Community College, Ilisagvik College, and the University of Alaska Southeast - became our original partners in the Initiative. After months of meeting and working together, the design team crafted an initiative that supports rural Alaskans in their efforts to become teachers. As a result of the Design Team's work, and through generous financial support from Shell, Avant-Garde now supports a cohort of 33 students who are currently taking their first course together this spring. We are also indirectly supporting some 97 students in our partner higher education schools through funds devoted to giving teacher candidates the support the Design Team designated as essential to recruiting and retaining Native and other rural Alaskans.

Our Design Team found several previous teacher education programs that were designed for rural Alaskans, and two current programs, RANA [Rural Alaska Native Adult] at APU [Alaska Pacific University] and PITAAS [Preparing Indigenous Teachers & Administrators for Alaska Schools] at UAS [University of Alaska Southeast]. These programs produced many Alaskan teachers, including many who are still on the job, and several who were on our Design Team. We found that a highly focused and clearly intentional process whereby teacher candidates receive a great deal of support - financial, personal, cultural and educational - maximizes the candidates' chances of becoming certificated Alaska teachers. If you are at all familiar with the UAA ANSEP [Alaska Native Science & Engineering Program] program, with its focus on strong and consistent supports for its engineering candidates, you have some idea of what we mean.

However, Avant-Garde's Alaska Native Teacher Initiative is de-centralized and divided between our five partner school districts and institutions of higher learning, and thus literally spread across the state.

We have contracted with the Institute of Social and Economic Research (ISER) at UAA as our evaluator for this and all our projects. ISER will help us monitor the progress of the Initiative by following our students all the way through the first years of their teaching. Our intent is to create a data-driven profile of our Initiative and to analyze the impact our students make on their students in the public schools. If we are correct in our assumption that people from a culture who are well trained and prepared as teachers will have a positive impact on student performance, and that these teachers will remain on the job in village schools for the duration of their careers, or certainly far beyond the tenure of most teachers from outside the village, then we will be back before this committee and the legislature talking about how we can expand this Initiative.

This fall, we hope to add the University of Alaska Anchorage to our Alaska Native Teacher Initiative. We are currently seeking Federal funding for our second cohort of teacher candidates. Many of our candidates are paraprofessionals who are currently working in their village schools. Avant-Garde also wants to reach down into the middle and high schools of rural Alaska to encourage and support young people who want to become teachers. We also plan to include two new school districts this fall, Southwest and Dillingham City Schools, as partners. The Alaska Native Teacher Initiative is an exciting effort and we are dedicated to making it a success. Our students and our communities deserve the very best in the field of education.

Another effort with which Avant-Garde is involved is the alignment Study that was conducted for us by ISER. Part One of the Study, which was paid for by Shell Oil, was published in time for the Commissioner of Education's Summit last November. The question we asked ISER to explore was: What are the gaps in Alaska's public education system that are holding

students back from academic success? The Alignment Study found two major areas of concern. The first was the fact that many young people enter school already behind their peers in terms of academic readiness. The need for quality early childhood education would seem to be the answer to this issue although there are obvious fiscal implications. The second problematic area identified by ISER was in high school and the apparent disconnect between high school graduation and college entry. The Study found that after passing the High School Graduation Qualifying Exam [HSQE], many students consider their high school career over. The fact is, the HSQE is essentially an eighth grade test taken by tenth graders, who upon passage of the test are not adequately prepared for postsecondary education. High school students need to be challenged to take more demanding courses, tackle difficult subjects like another language, and be counseled to become better prepared to enter college or the workforce. Moreover, the University of Alaska's academic expectations for entering freshmen are often murky and difficult to fathom. A stronger connection needs to be made between high schools and our institutions of higher learning. Too many of our high school graduates are required to take non credit "developmental" courses as freshmen in order to meet the minimal requirements for college-level English and mathematics courses.

Avant-Garde is interested in data-driven discussions that move us beyond educational decisions that may not be based in fact. We also want to help create a dialogue between educators, citizens and policymakers that will help us creatively and decisively address issues of common concern. This is why we commissioned the Alignment Study and why we are seeking funding from this legislature for the second part of the study so that we can look more closely at the identified problem areas and help clarify where we need to go as a state.

Another of Avant-Garde's projects is an online essential skills program for students in primary through high school called Skills Alaska. It employs two pieces of technology, Skills Assessment and Skills Tutor. Skills Assessment is an instrument used by students, parents and teachers to accurately assess

student's math and language arts skills. Skills Tutor is a program that provides skill-building lessons for students in math and language arts. Over forty percent of Alaska's public school students in eight school districts have access to Skills Alaska, and over the years we have gathered data that show significant improvement in students' skills when they faithfully utilize the programs. Teachers who utilize Skills Alaska report favorably on the diagnostic tools and the flexibility that allows them to create class, small group and individual lessons for students in need of building their skills. Funding for Skills Alaska is currently being provided through United States Department of Education sources. The school districts involved with Skills Alaska are Aleutians East, Anchorage, Bristol Bay, Galena, Kenai, Kodiak, Lower Kuskokwim and Nome.

These are examples of Avant-Garde's current work. We are excited by the positive reception we have gotten from other Alaskans and the amount of cooperation we continue to receive from our partners in education. We are optimistic about helping improve teaching and learning in our state. By forging partnerships between institutions and entities with common aims and concerns, we are creating a new way of looking at and solving our educational problems. Avant-Garde's clients are the students of Alaska. Our pledge is to help them receive a first-rate education, no matter where they live, rural or urban. Our commitment is to continue finding ways to leverage our state's strengths in order to address our educational weaknesses. This is why Avant-Garde was created, and this is why we hope to continue to play a pivotal role in public education in Alaska.

[8:21:21 AM](#)

REPRESENTATIVE GARDNER stated that this program dovetails with the University of Alaska's K-12 outreach budget request. Therefore, she asked whether the foundation has been working with the university system. She noted that the [university] budget subcommittee didn't support K-12 outreach and thus "took out a big whack of that money." She further asked whether there is any possibility that the state could receive Recovery Act grants that would allow the university to move forward on the K-12 outreach or any other part of its initiative.

MR. SHACKELFORD responded that Avant-Garde is aware of and supportive of the University's request for funding. He highlighted the importance of a more cohesive effort between the university and K-12, particularly since the alignment study indicated that graduating high school students aren't prepared for college. No matter what happens this year, Mr. Shackelford opined that K-12 outreach will have to be revisited.

[8:24:17 AM](#)

REPRESENTATIVE GARDNER related that when the university budget cuts were made, the chair of the House Finance Subcommittee on the University of Alaska opined that [K-12 outreach] isn't the university's responsibility to fund. She then inquired as to whether there's any funding elsewhere to work on "this alignment issue."

CHAIR SEATON noted that he has asked the same question and was told that a \$600,000 increment was added to the commissioner's budget such that the alignment issue would be addressed by the K-12 initiative.

[8:25:36 AM](#)

REPRESENTATIVE MUNOZ inquired as to how the Alaska Native Teacher Initiative is being carried out financially and otherwise.

MR. SHACKELFORD explained that Avant-Garde has tried to create a system of supports for those living in rural Alaska who would like to become certified teachers. This may include financial assistance, or other means to enable them to achieve their goal. The foundation, he related, has cooperative agreements with school districts in order to allow these candidates to work on coursework while providing entry points, counseling, and instruction on how to proceed. Additionally, Avant-Garde is trying to help the universities and the foundation have a better understanding of the communities from which [students] come in order to be more culturally appropriate and realize the strengths those from the village bring with them. Currently, a paraprofessional in rural Alaska who is taking one to two courses a semester faces an 8- to 10-year process to obtain a teaching certificate. Furthermore, one must pass the Praxis test prior to entering a certification program for education. The aforementioned test can be an obstacle, and therefore Avant-Garde is working with the Alaska Pacific University (APU) and

other institutions to work on the skills necessary [to pass the Praxis test]. The transitional piece between what the university and state requires to become a certified teacher can prove daunting to many interested people. Therefore, Avant-Garde is trying to provide support similar to that APU and UAS provide for those wanting to become certified teachers.

[8:30:43 AM](#)

CHAIR SEATON related his understanding that most of Avant-Garde's Alaska Native Teacher Initiative program is designed to be taken online via the distance education program. He inquired as to how personal contact is handled.

MR. SHACKELFORD specified that mentoring is part of the program. Additionally, each person receives an individual plan of study through whichever college or university in Alaska they choose to attend. The aforementioned requires guidance from those in the field. Avant-Garde has a program coordinator, Anishia Elbie, who is in contact with students via telephone and e-mail. In fact, she has even made personal trips to several locales. Mr. Shackelford opined that there has to be "intentionality" in this process, and to that end mentoring, navigation, and assistance is being given throughout a student's course of study. Interaction occurs throughout the program, he highlighted.

[8:34:24 AM](#)

CHAIR SEATON, recalling the Moore v. State of Alaska, asked whether the school districts with which Avant-Garde is partnering are the same as those school districts identified as in a situation in which students aren't succeeding on par with certain districts.

MR. SCHACKELFORD deferred to the Department of Education and Early Development (EED).

[8:36:29 AM](#)

EDDY JEANS, Director, School Finance and Facilities Section, Department of Education and Early Development (EED), specified that the five school districts in which the state is intervening and are the focus of the Moore case are the Lower Yukon School District, Northwest Arctic School District, Yukon Flats School District, Yukon Koyukuk School District, and the Yupiit School District.

8:37:00 AM

CHAIR SEATON surmised then that only one of the aforementioned school districts is covered under the Avant-Garde program. Perhaps, the state might want to work with the Alaska Native Teacher Initiative when going through the intervention process with the aforementioned school districts.

8:37:46 AM

MR. JEANS reminded the committee that the 25th Alaska State Legislature passed Senate Bill 241, which directed the university to look at the issues surrounding obtaining and maintaining Alaska Native teachers. He mentioned Avant-Garde has had multiple discussions with the commissioner of EED.

8:38:13 AM

REPRESENTATIVE BUCH inquired as to the current efforts for coordinating through the commissioner of EED.

MR. JEANS related that Shirley Holloway, with Avant-Garde, has had many conversations with the commissioner of EED on [obtaining and maintaining teachers in the Bush]. Furthermore, the department is working with the university regarding how to get more teachers into the university system and keeping teachers in rural Alaska.

MR. SHACKELFORD informed the committee that Cyndy Curran, Teaching and Learning Support, EED, was an instrumental member of the teacher initiative design team. He, too, acknowledged that the commissioner of EED has had many conversations with Ms. Holloway regarding the work of Avant-Garde on this initiative. Mr. Shackelford characterized the department as a partner of Avant-Garde, which falls into line with Ms. Holloway's mission for [the education community] to work together to build on its strengths.

8:42:13 AM

REPRESENTATIVE EDGMON inquired as to the definition of Alaska Native [in terms of the initiative].

MR. SHACKELFORD explained that the program is for rural Alaskans. In fact, the first cohort includes a hand full of non-Natives who live in rural Alaska and are committed to

working, living, and teaching in rural Alaska. The focus [of the initiative] is on community members.

8:43:01 AM

REPRESENTATIVE EDGMON surmised then that titling the effort the "Alaska Rural Teacher Initiative" would be more accurate.

MR. SHACKELFORD acknowledged that may be the case, but emphasized that the effort was called the "Alaska Native Teacher Initiative" because the majority of the attendees will be Alaska Natives. Furthermore, the title of the effort reflects the rural reality and the distinctly different cultural way of living, which is really important.

8:44:18 AM

JOHN PUGH, Chancellor, University of Alaska Southeast (UAS), related his appreciation for Mr. Shackelford, Avant-Garde, and what both are attempting to do in the state. He noted that UAS has been a partner with Avant-Garde since the inception of its program. In fact, UAS receives \$40,000 [from Avant-Garde] that supports UAS's PITAAS program. He explained that the original program was entitled Preparing Indigenous Teachers for Alaska Schools (PITAS). The second grant with the federal government also included administrators, which resulted in the PITAAS program. The program is seven years old, and was originally funded by the U.S. Department of Education. The initial grant focused on the villages and communities in Southeast Alaska and the Yukon-Kuskokwim School District. The program initially sought to work with the school districts by having mentors in the school district who would work with students with an interest in becoming teachers. Therefore, the first year of the program focused on establishing a network of mentors in the school district. By the second year of the program, the mentors were to identify those students who indicated an interest in education. A three-week summer program allowed those students to know what it is to be a teacher and discover what type of coursework is necessary in high school to prepare them for college. Mr. Pugh explained that [the university] recognized that many students entering college were under prepared and many of those under prepared students who wanted to be a teacher disappeared after a year. Therefore, the notion was to provide outreach to the schools prior to students entering college. The PITAAS program is still in existence, but only focuses on the Southeast Alaska school districts.

8:48:46 AM

MR. PUGH explained that most of the students [in the PITAAS] program are first generation college attendees. In such situations it's very difficult for parents who didn't attend college to understand and support their children in college. Therefore, a support system at the university for these students is necessary. The support system includes financial aid as well as tutoring and other network support. Once a student enters the program and receives funding, the student receives intrusive advising and tutoring. However, most of these students require a connection to their culture that provides guidance and strength with regard to the student's ability to return to their community. To that end, the university has strengthened its Alaska Native language and studies programs. The program is in its third cycle of the grant and is adding university positions at Sitka, Ketchikan, and Juneau. Furthermore, distance education students in a bachelor of liberal arts program are being supported as well. The model is evolving and proving to be successful, he said.

8:52:44 AM

REPRESENTATIVE MUNOZ inquired as to how many Native candidates are in the program in Southeast Alaska.

MR. PUGH answered that about 25 students per year enter the PITAAS program. Currently, there are a total of about 67 students in the PITAAS program. He opined that recruitment of students committed to teaching is important, particularly with the competition from the health science field.

8:53:33 AM

CHAIR SEATON referred to the ISER alignment study, specifically the aspect regarding the gaps in the Alaska public school system that hold students back from academic success and the disconnect between high school graduation and college entrance.

8:54:32 AM

REPRESENTATIVE GARDNER highlighted that the ISER study suggested that a counsel be formed to address the early education, student transitions, and achievement gaps between whites and minorities. The counsel would also address teacher education and professional development as well as relationships between schools and families. All of those issues, as well as those

specified by the chair, could fall under the Department of Education and Early Development (EED), which has to be sold on any recommendations as does the legislature. Furthermore, EED has the tools to implement any recommendations. Therefore, she questioned the benefit of having a counsel.

MR. SHACKELFORD explained that if the counsel is constructed such that it can work with the legislature and the department, educational endeavors can be strengthened. He said that many states have counsels of varying authority and thus have varying degrees of success. From the perspective of Avant-Garde and ISER, EED would have to be an active member of any type of counsel, although it would only be one member. Mr. Shackelford, speaking on his own behalf, opined that sometimes decisions are made in an "echo chamber" without the necessary spirited and fully versed discussions to determine the best course of action.

REPRESENTATIVE GARDNER noted her agreement, but specified that often a counsel is in an echo chamber. However, a step may be saved if decisions are made by EED after inviting all the stakeholders to participate through the normal public process used for regulations or policies.

[8:58:44 AM](#)

CHAIR SEATON reminded the committee that under the current situation the department approaches the legislature with ideas, for which the legislature has to obtain support to have any impact. In fact, if everything was being done successfully, some conversations wouldn't have occurred and a House Education Standing Committee would not have been formed. However, having a more public, non-state entity such as a counsel taking charge and making suggestions for programs could be worthwhile. He expressed frustration with the results-based data in that it lacks information regarding how early childhood education programs with significant long-term results could be achieved.

[9:01:18 AM](#)

REPRESENTATIVE EDGMON asked if there is a potential budget request. From a letter from Dr. Holloway, Representative Edgmon read the following: "The various institutions must begin to work more cooperatively and closely if we are ever going to satisfactorily address the alignment issue." Representative Edgmon interpreted the aforementioned to mean that there is a fundamental alignment issue in the state. He questioned whether

this is about the need for an umbrella organization to address [educational matters].

MR. SHACKELFORD specified that Avant-Garde Learning Foundation has requested \$22,000 to complete the second phase of the alignment study. He related his understanding that Dr. Holloway, as do many in the state, has a concern that the many smart, hard-working, dedicated folks in the education field as well as interested citizens could work together in a more effective manner. As Chair Seaton pointed out, education and children are being considered very early on through college. To think of what it "looks like" for all children to become educated and a full-fledged citizen in this democracy is a fairly revolutionary concept since it isn't happening for all children right now. For instance, 50 percent of Alaska's students drop-out. In order to address the many serious educational problems in Alaska one must review what's going on and do so comprehensively in order to make qualitative decisions. Furthermore, the decisions need to be based on facts and research. Mr. Shackelford opined that Dr. Holloway has much concern in terms of being able to make the best educational decisions [in the existing institutional structure]. Therefore, Avant-Garde was created as an outside organization that could move rather quickly to influence and bring [stakeholders] together.

[9:06:21 AM](#)

REPRESENTATIVE EDGMON inquired as to Avant-Garde's position relative to EED.

MR. SHACKELFORD characterized Avant-Garde as a brooding omnipresence. Although some of Avant-Garde's funding comes from Shell Oil, the federal government, and other grants, Avant-Garde is an insider working from the outside. Avant-Garde's role is to help bring resources together as its only obligation is to the students of Alaska.

[9:08:26 AM](#)

REPRESENTATIVE KELLER thanked Avant-Garde for its work. He then clarified his understanding that a fundamental problem exists in education in Alaska.

[9:09:05 AM](#)

CHAIR SEATON returned to the issue of "the disconnect" between high school graduation and college entrance, which will be discussed at a future meeting. He expressed interest in focusing on what high school graduation means: "seat time" versus competency. Competency exams may be misleading to students. The alignment issues may be part of this discussion.

HB 126-FOSTER CARE/CINA/EDUCATION OF HOMELESS

9:11:37 AM

CHAIR SEATON announced that the final order of business would be HOUSE BILL NO. 126, "An Act relating to continuing the secondary public education of a homeless student; relating to the purpose of certain laws as they relate to children; relating to tuition waivers, loans, and medical assistance for a child placed in out-of-home care by the state; relating to foster care; relating to children in need of aid; relating to foster care transition to independent living; and relating to juvenile programs and institutions."

9:13:00 AM

CHAIR SEATON reminded the committee that it had before it CSHB 126, Version 26-LS0309\S, Mischel, 2/24/09, adopted on February 25, 2009.

9:13:13 AM

REPRESENTATIVE LES GARA, Alaska State Legislature, speaking as the sponsor of HB 126, pointed out that the amendments in the committee packet address the concerns expressed during the last committee hearing.

9:14:28 AM

AMANDA METIVIER, Coordinator, Facing Foster Care in Alaska (FFCA), informed the committee that she is an alumnus of Alaska's foster care program as well as a foster parent. Ms. Metivier related support for HB 126 on behalf of FFCA, which is Alaska's only statewide advocacy organization consisting of youth and foster care and those who have aged out of the foster care system. The FFCA works to improve child welfare, policy, and practice by sharing personal experiences regarding life in foster care in Alaska. This legislation reflects what youth in and from foster care have identified as a need. Last year, FFCA created a policy agenda. Ms. Metivier opined that children and

youth in foster care deserve the same opportunities as those children who grow up with their natural parents. The state ultimately becomes a child's parent when he/she comes into state custody. Currently, the state provides support to children and youth awaiting foster care placement under the McKinney-Vento Homeless Education Assistance Improvement Act of 2001 ("McKinney-Vento Act"). The FFCA believes that school stability should be made available to all children in youth and foster care. She opined that it's an injustice to move children from foster home to foster home and allow school changes as well. Ms. Metivier then highlighted that for most young people, your 18th birthday doesn't mean that your parents automatically stop providing financial and emotional support. However, for those young people in foster care who are 16-years-old and older, permanency is highly unlikely. Therefore, these young people age out of the system and statistics show that for these young people there's a high rate of homelessness, substance abuse, and incarceration. Therefore, providing opportunities for higher education for these young people allow the cycle of dependence on the system to be broken.

[9:18:22 AM](#)

THERESA LOMBARDO, Casey Family Programs, began by offering the Casey Family Programs as a resource to the committee. She then related that the Casey Family Programs has been involved in a collaborative project with the Alaska Court System, the Office of Public Advocacy, the Office of Children's Services, the Anchorage School District, Facing Foster Care in Alaska (FFCA), and other organizations. The focus of [Casey Family Programs] has been to improve the educational outcomes for children and/or youth in foster care because the data clearly illustrates that the more placement changes youth experience, the less likely they'll finish school. The legislation before the committee places, for the first time, the term "education" in the child welfare statute and places the terms "child welfare" in the education statute in Alaska. The aforementioned is a remarkable step and necessary in this [dual] system to raise awareness and change the work in both fields. Ms. Lombardo then turned to the judicial education checklist that judges use any time a child in need of aid is before the court. Although that checklist is an optional tool for judges to use, it has raised awareness. Furthermore, the checklist seems to have united people in a way that hasn't occurred before.

[9:21:50 AM](#)

BARBARA DEXTER, Educator, Child In Transition Homeless Project, Anchorage School District; District Liaison, McKinney-Vento, Anchorage School District (ASD), testified in favor of allowing foster children/youth staying in the school of origin. Of the 420 K-12 youth in foster care in the ASD, the school district has worked with about 150 in emergency situations and some transportation support has been provided to those children/youth. She advised that transportation costs are expensive, but allowing foster children/youth to remain in the school of origin avoids the months of educational lagging. Additionally, Ms. Dexter said she's in favor of the postsecondary funding and the support that will be offered for children/youth in foster care.

[9:23:37 AM](#)

CHAIR SEATON closed public testimony. He then noted that the committee packet includes amendments for consideration.

[9:25:13 AM](#)

MIKE LESMANN, Community Relations Manager, Office of Children's Services (OCS), Department of Health and Social Services (DHSS), related DHSS's support for the educational components of HB 126. He recalled that last year very similar legislation was introduced in the Senate by Senator Bettye Davis. The educational comments of HB 126 and the McKinney-Vento Act are important to OCS as well as the children and families served by the department.

[9:26:33 AM](#)

REPRESENTATIVE MUNOZ asked if the McKinney-Vento Act funds transportation in the state [for foster children/youth that stay in their school of origin].

MR. LESMANN stated his belief that the funding is provided to the school districts.

[9:27:13 AM](#)

EDDY JEANS, Director, School Finance and Facilities Section, Department of Education and Early Development (EED), reported that currently about \$150,000 comes through the department for the transportation component. The aforementioned funding is spread through the Anchorage, Juneau, Kenai, and Mat-Su School Districts. He recalled Superintendent Comeau's recent testimony

that the Anchorage School District has to transfer \$175,000 from operating funds to cover the entire cost of ASD's [transportation] program. Superintendent Comeau's testimony illustrates that all the funding doesn't come from the department or the federal government. Therefore, [HB 126] would require additional state support. However, Mr. Jeans noted that he hasn't had an opportunity to work with the school districts to formulate a fiscal note.

[9:28:27 AM](#)

CHAIR SEATON opined that the fiscal note is likely to be indeterminate due to its dependence upon what the legislature appropriates.

MR. JEANS noted his understanding that the Finance Committees won't accept an indeterminate fiscal note. Therefore, he expressed his desire to provide a fiscal note that specifies a range, which would be subject to appropriation.

REPRESENTATIVE MUNOZ pointed out that the legislation does have fiscal notes from DHSS.

[9:29:37 AM](#)

REPRESENTATIVE KELLER, referring to page 2 of Version S, asked if "out-of-home care" refers to all foster care.

MR. LESMANN replied yes. If DHSS petitions the court for custody of a child, then that child has to be removed from his/her home and placed elsewhere, that is considered "out-of-home care" or foster care.

[9:30:32 AM](#)

REPRESENTATIVE GARDNER asked if a child living at a state facility such as Covenant House is considered foster care.

MR. LESMANN explained that for a child who is awarded to the department/state, the stay at Covenant House would hopefully be temporary and DHSS would work to return the child to the placement made by the department.

[9:31:13 AM](#)

REPRESENTATIVE GARDNER related her understanding that under the McKinney-Vento Act, which the state is already following, a

child in Covenant House would be classified as homeless. However, the point of HB 126 seems to apply McKinney-Vento when a foster home is found for a child in state custody that hasn't already been in foster placement.

MR. LESMANN opined that he and Representative Gardner's understanding is the same. This legislation applies to those children/youth awaiting foster care placement that have been removed from their home and placed in an emergency setting.

MR. JEANS related his understanding that HB 126 expands the McKinney-Vento Act beyond those children/youth who are awaiting placement to include children who are actually placed.

REPRESENTATIVE GARDNER explained that one is a homeless population who receives the [McKinney-Vento Act] services. Although the child/youth is no longer homeless when there's a foster care placement, the desire is for the McKinney-Vento Act provisions to apply to those children/youth, she surmised.

[9:33:04 AM](#)

REPRESENTATIVE MUNOZ asked if there will be a fiscal note to identify the costs associated with the waiver of tuition for state institutions.

MR. JEANS specified that such information would come from the University of Alaska System or the Alaska Commission on Postsecondary Education (ACPE).

[9:33:31 AM](#)

REPRESENTATIVE KELLER, referring to page 3, line 31, of Version S, asked if the term "adequate" is used elsewhere in statute to define the public education system.

MR. JEANS opined that the term "adequate" won't appear in Title XIV to help define the public school education system. In further response to Representative Keller, Mr. Jeans suggested that the committee would need to ask Legislative Legal & Research Services whether the state is incurring any liability by using the term "adequate."

[9:35:36 AM](#)

REPRESENTATIVE EDGMON inquired as to whether the term "permanently housed" on page 2, line 21 is defined in regulation.

REPRESENTATIVE GARA specified that the term "permanently housed," which is language used in McKinney-Vento to define homeless children, will be removed by one of the proposed amendments because it's not relevant to HB 126.

[9:36:51 AM](#)

REPRESENTATIVE MUNOZ moved that the committee adopt Amendment 1, labeled 26-LS0309\S.4, Mischel, 3/5/09, which read:

Page 1, line 9, following "(b)":
Insert "and (d)"

Page 2, following line 12:
Insert a new subsection to read:
"(d) A school district is required to comply with this section only
(1) if the legislature appropriates funds for the purpose; and
(2) to the extent possible using funds appropriated for the purpose."

Reletter the following subsection accordingly.

Page 3, following line 8:
Insert a new subsection to read:
"(d) A state-supported educational institution in the state is required to provide a waiver under (a) of this section only if the legislature appropriates funds for the purpose of offsetting waivers under this section. If an appropriation is not sufficient to fully offset waivers for each person entitled to a waiver under (a) of this section, the institution may offer full or partial waivers to eligible applicants as funding permits and at the discretion of the institution."

REPRESENTATIVE KELLER objected.

[9:37:42 AM](#)

REPRESENTATIVE GARA explained that Amendment 1 addresses the non-state entities that are financially burdened by HB 126.

Amendment 1 makes changes such that school districts only have to comply with the additional transportation requirements in HB 126 to the extent the state provides funding. Amendment 1 further allows tuition assistance to the extent the state provides for those services. The amendment specifies that if state funding isn't provided, the non-state entities aren't required to comply with the transportation and tuition requirements. Amendment 1, he explained, ensures that the legislature doesn't pass an unfunded mandate.

[9:39:02 AM](#)

REPRESENTATIVE KELLER removed his objection to Amendment 1. There being no further objection, Amendment 1 was adopted.

[9:39:25 AM](#)

REPRESENTATIVE MUNOZ moved that the committee adopt Amendment 2, labeled 26-LS0309\S.5, Mischel, 3/5/09, which read:

Page 1, line 9:

Delete "Except as provided in (b) of this section, the"

Insert "The"

Page 1, line 12:

Delete "during the homelessness"

Insert "for the remainder of the current school year or, if the student is attending school for a summer term, for the remainder of the summer term,"

Page 1, line 13, following "2001)":

Insert ", as those provisions existed on February 1, 2009"

Page 2, line 2:

Delete "(1)"

Page 2, line 3:

Delete "; or"

Insert "."

Page 2, lines 4 - 7:

Delete all material.

Page 2, lines 20 - 21:

Delete "that the student attended when permanently housed or the school"

Page 2, line 31:

Delete "loans, grants,"

Insert "grants"

Page 3, line 1:

Delete "and"

Page 3, following line 1:

Insert a new paragraph to read:

"(4) has applied for an available federal education loan; and"

Renumber the following paragraph accordingly.

Page 3, lines 3 - 4:

Delete all material and insert:

"(b) The amount of the waiver to which a person is entitled under this section is the amount of unmet need for tuition, room, and board expenses, as determined by the commission, after deducting all available funding for the school year from education loans, grants, or scholarships for a person eligible for a waiver."

Page 3, line 5:

Delete "including a loan under AS 14.43.112,"

Page 3, lines 9 - 22:

Delete all material.

Renumber the following bill sections accordingly.

Page 9, following line 15:

Insert a new bill section to read:

"* **Sec. 9.** AS 47.10.080(c) is amended to read:

(c) If the court finds that the child is a child in need of aid, the court shall

(1) order the child committed to the department for placement in an appropriate setting for a period of time not to exceed two years or in any event not to extend past the date the child becomes 19 years of age, except that the department or the child's guardian ad litem may petition for and the court may grant in a hearing

(A) one-year extensions of commitment that do not extend beyond the child's 19th birthday if the extension is in the best interests of the child; and

(B) one-year extensions of commitment that do not extend beyond the child's 21st birthday [AN ADDITIONAL ONE-YEAR PERIOD OF STATE CUSTODY PAST 19 YEARS OF AGE] if the continued state custody is in the best interests of the person and the person consents to it;

(2) order the child released to a parent, adult family member, or guardian of the child or to another suitable person, and, in appropriate cases, order the parent, adult family member, guardian, or other person to provide medical or other care and treatment; if the court releases the child, it shall direct the department to supervise the care and treatment given to the child, but the court may dispense with the department's supervision if the court finds that the adult to whom the child is released will adequately care for the child without supervision; the department's supervision may not exceed two years or in any event extend past the date the child reaches 19 years of age, except that the department or the child's guardian ad litem may petition for and the court may grant in a hearing

(A) one-year extensions of supervision that do not extend beyond the child's 19th birthday if the extensions are in the best interests of the child; and

(B) an additional one-year period of supervision past 19 years of age if the continued supervision is in the best interests of the person and the person consents to it; or

(3) order, under the grounds specified in (o) of this section or AS 47.10.088, the termination of parental rights and responsibilities of one or both parents and commit the child to the custody of the department, and the department shall report quarterly to the court on efforts being made to find a permanent placement for the child."

Renumber the following bill sections accordingly.

Page 11, line 9:

Delete "receiving services under the program"

Insert "eligible for services under the program who has left out-of-home care"

Page 11, line 10:
Delete "less"
Insert "more"

Page 11, line 12:
Delete "after the individual leaves out-of-home
care"
Insert "and shall end before the individual is 23
years of age"

9:39:49 AM

CHAIR SEATON objected for discussion purposes.

9:39:54 AM

REPRESENTATIVE GARA explained that Amendment 2 clarifies that the McKinney-Vento concept will be adopted, and therefore as a child in foster care moves through various placements, he/she stays in the same school if the parent, guardian, and child feel that's in the child's best interest. The McKinney-Vento Act has standards for involving the youth, parent, and guardian. If the foster child/youth stays in the same locality, he/she would stay in the same school and transportation funding would be provided through the end of the school year or summer school term. When the new term begins, the presumption is that the foster child/youth will attend the school where he/she resides. The amendment also clarifies, with changes to page 1, line 13, that the legislation refers to federal law as it exists today. Amendment 2 also makes changes to clarify that HB 126 applies to foster children.

9:42:16 AM

REPRESENTATIVE EDGMON requested clarification regarding what is considered the school of origin.

REPRESENTATIVE GARA specified that with the passage of Amendment 2 the school of origin will be the school the foster child/youth was in prior to the new placement.

REPRESENTATIVE EDGMON questioned how the school of origin provision is applied in a situation in which a child attended school while living with his/her parents, then attended another school once placed in emergency foster care and would remain in that school if the child was placed in a second foster home [during the school year].

REPRESENTATIVE GARA answered that in such a situation the child would remain in the first school [the child attended when with his/her parents] through the end of the term. The desire, he stated, is for the child not to have to change school once he/she receives a foster care placement [or even a second foster care placement].

[9:43:42 AM](#)

REPRESENTATIVE GARDNER interjected that oftentimes when a child is removed from his/her parents, there is no way of knowing how long the child will be out of the home. Therefore, the child is often placed in a temporary home that's not intended for more than say 30 days. The desire is to not change schools due to that temporary placement. If the parents don't do what they need to do, then the child is moved to a more permanent placement. Thus, the child is often moved several times early on.

[9:44:33 AM](#)

CHAIR SEATON clarified that [the amendment and legislation] aren't addressing the child's placement, but rather discusses maintaining the child in his/her original school.

[9:44:52 AM](#)

REPRESENTATIVE GARA related that the federal funding for the class of children covered by the McKinney-Vento Act, homeless children and those foster children awaiting placement, largely covers the cost. He noted that in Anchorage an additional \$170,000 has to be obtained just to meet the class of kids covered by the McKinney-Vento Act. The state would provide funds for those foster children not covered by the McKinney-Vento Act.

[9:45:24 AM](#)

REPRESENTATIVE KELLER opined that the federal requirements that exist today [under the McKinney-Vento Act] must include more than just transportation. He requested a list of those requirements.

REPRESENTATIVE GARA said that the focus has been on the McKinney-Vento Act provisions regarding maintaining the child in

the same school. There may be some additional provisions of the Act that [HB 126] doesn't necessarily intend to incorporate. The McKinney-Vento Act addresses keeping the child in the same school and forwarding the child's transcript to the new school as soon as possible. If a child is moved to a new school, the child has a right to attend that school, even if the transcript hasn't yet arrived.

[9:47:46 AM](#)

REPRESENTATIVE KELLER pointed out then that the legislation needs work because the language on page 2, line 1, refers to "the requirements in (a)", "requirements" plural. Furthermore, the seven-day transfer is not included in subsection (a).

[9:48:21 AM](#)

REPRESENTATIVE GARA said that the desire [with HB 126] is to address the school of origin and transportation aspects of the McKinney-Vento Act. To that end, he said he would entertain the following conceptual amendment:

Page 1, line 11, following "origin";
Delete "for providing comparable education"

[9:49:22 AM](#)

REPRESENTATIVE KELLER requested a clean committee substitute (CS) prior to action on the legislation.

[9:49:45 AM](#)

CHAIR SEATON returned the committee's attention to Amendment 2.

[9:50:11 AM](#)

REPRESENTATIVE GARA explained that the legislation provides for financial assistance for foster youth for postsecondary education. Amendment 2, on page 2, lines 3-24 of the amendment, allows part of the financial assistance to include loans, not just funds from the grant. There is no need to create a new state loan program, and thus Amendment 2 eliminates the provisions of HB 126 that create a new state loan program. Therefore, foster youth will apply for available federal loans and the financial assistance will be for the amount of need beyond what's available in federal grants and loans. Foster

youth will also be required to apply for whatever other funds are available in order to minimize the state's costs.

[9:51:50 AM](#)

REPRESENTATIVE GARA then turned to page 3 of Amendment 2, which has to do with the ability of the state to extend foster care and the associated benefits to age 21. There is federal funding, he noted, to extend foster care to age 21. Referring to page 4, line 8, of Amendment 2, Representative Gara explained that the state has a transitional services program for foster youth, the Independent Living Program, which helps foster youth to age 23. Currently, the help that the Independent Living Program provides has some gaps that the aforementioned portion of Amendment 2 attempts to fill, including providing rental assistance for foster youth coming out of care.

[9:53:35 AM](#)

CHAIR SEATON reminded the sponsor that the committee's purview is limited to education-related matters. Therefore, Chair Seaton offered an amendment to Amendment 2 such that the language on pages 3 and 4 of Amendment 2 would be deleted.

[9:55:06 AM](#)

REPRESENTATIVE GARDNER, indicating objection to the amendment to Amendment 2, remarked that she doesn't find it problematic to incorporate the amendments requested by the sponsor that include matters not related to education. Incorporating the portions of Amendment 2 that aren't related to education would allow the legislation to contain the elements desired by the sponsor prior to the next committee of referral.

[9:55:45 AM](#)

CHAIR SEATON said that he has been clear that consideration of HB 126 would only address the education-related aspects. Therefore, he said he is uncomfortable incorporating amendments that include provisions that aren't related to education. Chair Seaton then reiterated his motion to amend Amendment 2 by deleting pages 3 and 4 of Amendment 2.

[9:56:24 AM](#)

REPRESENTATIVE BUCH asked if deleting the provisions of the amendment is common practice.

CHAIR SEATON said that normally he doesn't request that the committee restrict its consideration to one aspect of the legislation. However, the sponsor desired to move the legislation from committee fairly quickly and deleting the provisions not related to education is a method in which that can be achieved. Since the committee hasn't taken testimony on the provisions of HB 126 not related to education, Chair Seaton said that he's uncomfortable considering amendments on those matters.

[9:59:41 AM](#)

REPRESENTATIVE GARDNER removed her objection to the amendment to Amendment 2. There being no further objection, the amendment to Amendment 2 was adopted.

[10:00:04 AM](#)

REPRESENTATIVE KELLER asked if the committee could inquire as to the [definition] of the term "adequate" prior to moving this legislation. He opined of the potential downside to using the term "adequate."

CHAIR SEATON indicated agreement with the suggestion.

[10:00:39 AM](#)

CHAIR SEATON removed his objection to Amendment 2, as amended. There being no further objection, Amendment 2, as amended, was adopted.

[10:01:15 AM](#)

CHAIR SEATON moved that the committee adopt Conceptual Amendment 3, which read:

Page 1, line 11,
Delete "and for providing comparable education"

[10:01:36 AM](#)

REPRESENTATIVE MUNOZ objected for discussion purposes.

[10:02:15 AM](#)

REPRESENTATIVE MUNOZ removed her objection. There being no further objection, Conceptual Amendment 3 was adopted.

[10:02:45 AM](#)

The committee took an at-ease from 10:02 a.m. to 10:04 a.m.

[10:04:29 AM](#)

REPRESENTATIVE MUNOZ offered Conceptual Amendment 4, which read:

Page 3, line 31,
Delete "adequate"

CHAIR SEATON objected for discussion purposes.

REPRESENTATIVE GARA said that although he doesn't share the concern with use of the term "adequate," he doesn't want to add educational requirements that change those in the education code. Therefore, he said he was fine with the amendment.

[10:05:30 AM](#)

CHAIR SEATON removed his objection. There being further objection, Conceptual Amendment 4 was adopted.

[10:06:20 AM](#)

CHAIR SEATON announced that he would honor the request to have a CS drafted for the committee's consideration at its next meeting.

[10:06:52 AM](#)

REPRESENTATIVE BUCH noted his objection to holding the legislation.

[10:07:31 AM](#)

CHAIR SEATON suggested that members review the CS prior to the next meeting in order that the legislation could be reported from committee if there are no questions.

[HB 126 was held over.]

[10:07:36 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 10:08 a.m.