

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

March 8, 2010
8:07 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Cathy Engstrom Munoz, Vice Chair
Representative Bryce Edgmon
Representative Wes Keller
Representative Peggy Wilson
Representative Berta Gardner

MEMBERS ABSENT

Representative Robert L. "Bob" Buch

COMMITTEE CALENDAR

HOUSE BILL NO. 360

"An Act relating to the provision of information regarding a student by a school district to the Department of Military and Veterans' Affairs, Alaska Challenge Youth Academy."

- MOVED CSHB 360(EDC) OUT OF COMMITTEE

HOUSE BILL NO. 297

"An Act establishing the governor's performance scholarship program and relating to the program; establishing the governor's performance scholarship fund and relating to the fund; relating to student records; making conforming amendments; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 206

"An Act establishing a career assessment requirement in public schools; and relating to postsecondary courses for secondary school students."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 360

SHORT TITLE: YOUTH ACADEMY: STUDENT RECORDS

SPONSOR(s): REPRESENTATIVE(s) DAHLSTROM

02/19/10	(H)	READ THE FIRST TIME - REFERRALS
02/19/10	(H)	EDC
03/01/10	(H)	EDC AT 8:00 AM CAPITOL 106
03/01/10	(H)	Heard & Held
03/01/10	(H)	MINUTE(EDC)
03/08/10	(H)	EDC AT 8:00 AM CAPITOL 106

BILL: HB 297

SHORT TITLE: POSTSECONDARY SCHOLARSHIPS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/19/10	(H)	READ THE FIRST TIME - REFERRALS
01/19/10	(H)	EDC, FIN
02/03/10	(H)	EDC AT 8:00 AM BARNES 124
02/03/10	(H)	Heard & Held
02/03/10	(H)	MINUTE(EDC)
02/12/10	(H)	EDC AT 8:00 AM CAPITOL 106
02/12/10	(H)	Heard & Held
02/12/10	(H)	MINUTE(EDC)
02/15/10	(H)	EDC AT 8:00 AM CAPITOL 106
02/15/10	(H)	Heard & Held
02/15/10	(H)	MINUTE(EDC)
02/17/10	(H)	EDC AT 8:00 AM CAPITOL 106
02/17/10	(H)	Heard & Held
02/17/10	(H)	MINUTE(EDC)
02/19/10	(H)	EDC AT 8:00 AM CAPITOL 106
02/19/10	(H)	Heard & Held
02/19/10	(H)	MINUTE(EDC)
02/22/10	(H)	EDC AT 8:00 AM CAPITOL 106
02/22/10	(H)	Heard & Held
02/22/10	(H)	MINUTE(EDC)
02/26/10	(H)	EDC AT 8:00 AM CAPITOL 106
02/26/10	(H)	Heard & Held
02/26/10	(H)	MINUTE(EDC)
03/01/10	(H)	EDC AT 8:00 AM CAPITOL 106
03/01/10	(H)	Heard & Held
03/01/10	(H)	MINUTE(EDC)
03/08/10	(H)	EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

SUSAN WALLEN, Staff
Representative Nancy Dahlstrom
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the CS for HB 360 on behalf of Representative Dahlstrom, prime sponsor.

MCHUGH PIERRE, Deputy Commissioner/Chief of Staff
Office of the Commissioner/Adjutant General
Department of Military & Veterans' Affairs (DMVA)
Ft. Richardson, Alaska

POSITION STATEMENT: Answered questions during the hearing on the CS for HB 360.

BRIGADIER GENERAL TOM KATKUS
Adjutant General/Commissioner
Department of Military & Veterans' Affairs (DMVA)
Ft. Richardson, Alaska

POSITION STATEMENT: Testified in favor of the CS for HB 360.

MS. CAROL COMEAU, Superintendent
Anchorage School District (ASD)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of the CS for HB 360.

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

POSITION STATEMENT: Responded to questions during the hearing on the CS for HB 360.

JACK WALSH, Superintendent
Bristol Bay Borough School District
Naknek, Alaska

POSITION STATEMENT: Testified during the hearing on the CS for HB 360.

JEAN MISCHEL, Attorney
Legislative Legal Counsel
Legislative Legal and Research Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Responded to drafting questions regarding HB 297, Version R.

ACTION NARRATIVE

[8:07:30 AM](#)

CHAIR PAUL SEATON called the House Education Standing Committee meeting to order at 8:07 a.m. Representatives Seaton, Munoz, Keller, and Edgmon were present at the call to order. Representatives Gardner and Peggy Wilson arrived as the meeting was in progress.

HB 360-YOUTH ACADEMY: STUDENT RECORDS

8:07:40 AM

CHAIR SEATON announced that the first order of business would be HOUSE BILL NO. 360, "An Act relating to the provision of information regarding a student by a school district to the Department of Military and Veterans' Affairs, Alaska Challenge Youth Academy."

8:08:29 AM

REPRESENTATIVE MUNOZ moved to adopt CS for HB 360, 26-LS1482\P as the working document.

CHAIR SEATON objected for the purpose of discussion.

8:09:01 AM

SUSAN WALLEN, Staff to Representative Nancy Dahlstrom, Alaska State Legislature, informed the committee the Committee Substitute (CS) addressed questions concerning "opt-out" notification to parents and students by changing the notification time to the beginning of the school year. She said this change would also reduce mailing costs to school districts.

8:10:08 AM

CHAIR SEATON drew attention to the written comments submitted from school districts that were provided in the committee packet. Also included was a legal opinion from Ms. Jean Mischel, Attorney, Legislative Legal Counsel, Legislative Legal and Research Services, Legislative Affairs Agency, regarding consequences to a school district for failure to comply with the records provisions contained in the bill.

8:11:25 AM

REPRESENTATIVE EDGMON noted the comments in opposition to the bill from rural school districts, and asked whether the

provisions in the bill created an unfunded mandate to school districts.

MS. WALLEN expressed the sponsor's hope that the CS addressed the concerns from school districts. In fact, most of the expenses borne by a school are mailing costs associated with notifications sent out after a student drops out. Changing the notification to the beginning of the school year would alleviate that issue. Although an additional reporting date would be required of school districts, she opined this should not prove to be a burden.

[8:13:34 AM](#)

REPRESENTATIVE GARDNER pointed out that the testimony from Woodie Wilson, Superintendent, Wrangell Schools, stated that the information required by the bill was already available from the Department of Education and Early Development (EED) on its [Report Card to the Public].

[8:14:02 AM](#)

MCHUGH PIERRE, Deputy Commissioner/Chief of Staff, Office of the Commissioner/Adjutant General, Department of Military & Veterans' Affairs (DMVA), informed the committee EDD does receive that information; however, the department does not have parental consent to share the information with the Department of Military & Veterans' Affairs (DMVA). House Bill 306 provides this authorization. He further explained that the information could be provided by the school districts in July, but DMVA's goal was to also have the information in January in order to contact drop-outs from the first and second semesters.

[8:15:28 AM](#)

CHAIR SEATON opened public testimony.

[8:15:54 AM](#)

BRIGADIER GENERAL TOM KATKUS, Adjutant General/Commissioner, Department of Military & Veterans' Affairs (DMVA), stated that the Alaska Military Youth Academy (AMYA) "falls under my section." He stressed the importance of the need to be able to contact at-risk youth at the earliest opportunity after they have decided to leave school. House Bill 360 does not call for a recruiting effort, but does provide a good opportunity to make contact and help at-risk youth make a change.

[8:18:01 AM](#)

MR. PIERRE added that the CS addressed the concerns previously identified by school districts, EED, and legislators.

[8:18:34 AM](#)

MS. CAROL COMEAU, Superintendent, Anchorage School District (ASD), stated the Anchorage School District is very supportive HB 360. However, given that many parents of seniors do not attend registration, she questioned whether the amendment would require schools to mail a request for parental consent to every senior over 18 years of age. Although in agreement with the idea of the bill, the mechanics and cost of mailing would be a burden to her school district.

[8:19:45 AM](#)

REPRESENTATIVE P. WILSON asked for Ms. Comeau's opinion regarding the possible cost of an unfunded mandate created by the bill.

MS. COMEAU said she was unsure of the cost. Her biggest concern would be that parents of seniors do not attend registration to complete the directory information form, but then question why the school supplied information about their student to AMYA.

[8:21:54 AM](#)

REPRESENTATIVE MUNOZ asked how parental consent was obtained for other things such as medication.

MS. COMEAU said the school attempts to get parental consent for directory information to "opt in or opt out." She warned this could become a big issue for parents with strong feelings about recruiting, even though recruiting is not the intent of AMYA.

[8:22:45 AM](#)

REPRESENTATIVE GARDNER asked whether there are other programs of which these students need to be aware.

MS. COMEAU responded that the high school education department was a strong supporter of the AMYA, but once students who leave school are located, graduation coaches provide them with a range of options.

[8:23:37 AM](#)

REPRESENTATIVE GARDNER asked what the range of options includes.

MS. COMEAU answered that the options include Nine Star Education & Employment Services, independent on-line study courses, the King Career Center, and other continuation and alternative programs that provide individual learning plans.

REPRESENTATIVE GARDNER then asked how the school district would comply with [subsection] (b) of the bill.

MS. COMEAU envisioned that the directory information parental permission form would be revised to include AMYA. The biggest challenge would be having the permission forms returned.

[8:26:18 AM](#)

CHAIR SEATON referred to page 2, line 4, and suggested alternative language.

MS. COMEAU clarified that the form must be provided annually, and said, "So I think it's fine, the way it reads." Permission for students arriving during the school year would be included in the registration packet. She asked whether all students aged 15 and over were affected by the provisions in the bill.

[8:28:20 AM](#)

CHAIR SEATON acknowledged that a compulsory age was a concern as many schools track by grade versus age. He returned to the situation of a continuing senior without parental permission on file at the school

[8:29:13 AM](#)

MS. COMEAU further explained that every fall, for every grade, every student fills out a directory information form. However, many seniors do not bring their parents, thus the consent forms are not signed on an annual basis without a concerted effort by the school.

[8:30:14 AM](#)

CHAIR SEATON surmised there was no problem with the structure of the CS, but whether there was a penalty for non-compliance

remains a question. He advised that the intent of the committee was for the school district to make "a good faith effort."

MS. COMEAU asked for assurance that the district can "do the best we can, but without basically putting somebody on point to go after 500 kids who didn't turn back their form."

CHAIR SEATON asked whether the committee interpretation was that the district will make a good faith effort. There was no objection from committee members.

[8:32:38 AM](#)

REPRESENTATIVE EDGMON expressed his strong support of AMYA and the intent of the bill. He asked whether a brochure received in the mail with an alternative to school may have a different impact in Anchorage than in rural Alaska.

MS. COMEAU noted that the Anchorage high school division and its graduation coaches are supportive of the benefits of AMYA. Sending notification in the mail is not always the best approach even in Anchorage due to the great cultural diversity of the student population. Personal contact is always the best approach, although the most effective communication may be different in rural communities.

[8:35:53 AM](#)

REPRESENTATIVE EDGMON observed there might be a more effective means to inform rural students about the AMYA, rather than sending a brochure. He suggested this requirement may not "measure up" for all districts.

MS. COMEAU acknowledged AMYA has many means to provide information about its program, including statements from successful graduates.

[8:37:48 AM](#)

CHAIR SEATON related that he had spoken with a rural superintendent and discovered that annual intake forms were not being completed in some schools.

[8:39:38 AM](#)

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

his understanding that if parents do not "opt-out," the directory information is provided at the beginning of the school year. On the other hand, for the youth behavior survey, parents must "opt-in." Thus, if there is no written consent, directory information can be published. In terms of the penalty phase, EED has broad sanctions for school districts that do not comply with state laws and regulations. Mr. Jeans advised AMYA would inform the department of a school district's non-compliance, and EED would contact the district.

CHAIR SEATON assumed EED would provide notice and an opportunity for the school district to take corrective action before withholding state funds.

MR. JEANS indicated yes.

[8:41:41 AM](#)

CHAIR SEATON concluded that if a parent does not sign to opt-out, the information would be provided.

[8:42:22 AM](#)

JACK WALSH, Superintendent, Bristol Bay Borough School District, said that although there are only 150 students in his school district, "we pay close attention, like Anchorage does, and every other district, to where each of those children are and the kinds of things that they are doing." Compliance with the provisions in the bill would not be as great a challenge for smaller school districts; however, his school district is already staying in contact with students who did not continue through school. Mr. Walsh pointed out that AMYA would not be the program for every student, but military academies are able to provide what many "need to get on to the next steps in their lives." He agreed with the previous witness that providing directory information on every 15-19 year old student is a concern for his district; however, he expressed his desire to cooperate with AMYA and other programs that could serve students who have left the school system.

[8:44:42 AM](#)

REPRESENTATIVE EDGMON asked whether the bill would help promote a program like this to drop-outs in a school district of 150 students.

MR. WALSH indicated yes. A small school does not have a counselor on staff to assist students who are at-risk of not finishing school, and AMYA offers opportunities and hope to families. Although schools do their best, he concluded that schools are not perfect for every child and every family.

REPRESENTATIVE EDGMON then asked whether are there any AMYA graduates formerly from the Bristol Bay Borough School District.

MR. WALSH said he was unsure. He added that students who fail to graduate from his school district often move to other communities, raising the cost to "track them."

[8:48:06 AM](#)

CHAIR SEATON remarked:

I think the question of all 15 year olds is off the table, because it had to have been someone who was enrolled but is no longer enrolled. ... [For] clarification for your question from the sponsor as well, that we are talking about students [who] were enrolled in that year, and then dropped out during that time and ... not a cumulative number of people that were enrolled at some time and left, so that this would be a cumulative growing list.... I don't think that is the intent.

MR. WALSH agreed the sponsor and AMYA presented the bill as a way to contact students about an opportunity, but not as a vehicle to "push them in the direction of military service."

[8:49:47 AM](#)

CHAIR SEATON closed public testimony.

[8:50:02 AM](#)

CHAIR SEATON confirmed that the intention of the bill was to affect students that were enrolled at the start of the reporting period, and are no longer enrolled at the end of that reporting period. Furthermore, the reporting period does not carry over to subsequent reporting periods.

MS. WALLEN said that was her understanding.

[8:51:21 AM](#)

REPRESENTATIVE EDGMON moved to report the CS for HB 360, [Version P], out of committee with individual recommendations and the accompanying fiscal notes.

[8:51:36 AM](#)

REPRESENTATIVE GARDNER objected for the purposes of discussion. She then directed attention to a letter in the committee packet suggesting a reference to whether a student is deceased, and questioned if this reference should be added to the bill.

[8:52:16 AM](#)

MS. WALLEN advised that students who are deceased are coded differently in the school enrollment system, and would not be indicated on the roll as a drop-out.

[8:52:53 AM](#)

REPRESENTATIVE GARDNER removed her objection.

[8:52:57 AM](#)

There being no further objection, CSHB 360, Version P, was moved from the House Education Standing Committee.

[8:58:00 AM](#)

The meeting was recessed to a call of the chair.

[9:37:41 AM](#)

CHAIR SEATON called the committee back to order. Present at the call back to order were Representatives Seaton, Gardner, Edgmon, P. Wilson, and Munoz.

HB 297-POSTSECONDARY SCHOLARSHIPS

[9:38:04 AM](#)

CHAIR SEATON announced that the final order of business would be HOUSE BILL NO. 297, "An Act establishing the governor's performance scholarship program and relating to the program; establishing the governor's performance scholarship fund and relating to the fund; relating to student records; making conforming amendments; and providing for an effective date."

[9:38:18 AM](#)

REPRESENTATIVE P. WILSON moved CSHB 297, 26-GH2771\R, Mischel, 3/4/10. There being no objection, Version R was before the committee.

[9:40:12 AM](#)

CHAIR SEATON asked Legislative Legal and Research Services, Legislative Affairs Agency, for comments on Version R.

[9:40:31 AM](#)

JEAN MISCHEL, Attorney, Legislative Legal and Research Services, Legislative Affairs Agency, said that legal services had reviewed the changes to the governor's bill to ensure consistency with the drafting rules established by legislative counsel. To maintain that consistency, new sections have been added to HB 297. She advised that although the Postsecondary Education Commission, Department of Education and Early Development, may find the section pertaining to them unnecessary, the other changes are consistent with drafting rules. As an example of minor changes, she directed attention to page 1, lines 10-11, to indicate the language change from "a student's permanent record" to "the student's permanent record." Also in that section was a change from "any errors" to "an error." More significantly, a new paragraph (18) was added on page 4, line 5. Version R also added a new section to Sec. 4 on page 5, line 16.

[9:43:26 AM](#)

MS. MISCHEL explained the new section was not reflective of any amendment, but was a means to include the governor's performance scholarship in a cross-reference found on page 7, line 5. The new language on page 7, line 5, added the range of authorities for the corporations to enter into agreements with the Postsecondary Education Commission to include the governor's performance scholarship. This authority may or may not be necessary for the agreements, but it was deemed appropriate to include it in the section.

[9:44:45 AM](#)

REPRESENTATIVE P. WILSON asked for clarification on the referenced corporation.

[9:45:27 AM](#)

MS. MISCHEL responded that the referenced corporation was the student loan corporation. In further response to Representative Peggy Wilson, she explained that legal services added a cross-reference to the existing student loan corporation authority, "to incorporate the governor's scholarship program, so the only change to existing law ... was add to the range of authorities for entering into agreements between the student loan corporation and the postsecondary [education] commission."

[9:46:14 AM](#)

CHAIR SEATON interjected that the statutes for inclusion in HB 297 are being expanded from AS 14.43.091-14.43.750 to continue through 14.43.890, effectively including the governor's performance scholarship into duties that the student loan corporation administers.

MS. MISCHEL concurred. She then said, "All we are doing is including the new governor's scholarship program within existing student loan corporation authority."

[9:47:27 AM](#)

REPRESENTATIVE P. WILSON asked whether there were substantive changes in Version R.

[9:47:45 AM](#)

MS. MISCHEL explained that Version R incorporated the seven amendments adopted by the committee in previous hearings, and made technical changes to comply with drafting rules. The only technical change made by her office which could be construed as substantive, was the insertion into Sec. 4, which did not exist in Version A of the bill.

[9:50:36 AM](#)

CHAIR SEATON observed the addition to Sec. 4 was necessary as the bill was originally drafted by the Department of Law, and not by Legislative Legal and Research.

[9:51:13 AM](#)

MS. MISCHEL stated her comments at this time were limited to technical changes, and indicated that beginning on page 8, a series of grammatical changes were made. On page 18, Sec. 8 provides a necessary cross-reference to AS 36.30.850(b) that allows an exception to the state procurement code for the scholarships. Furthermore, technical changes were made to the existing law that would eliminate non-applicable paragraphs.

[9:55:08 AM](#)

REPRESENTATIVE GARDNER offered conceptual Amendment 1 to Version R, effectively repealing Amendment 9 to the original bill, adopted on 2/26/10, and included in Version R. She advised that this action was in response to written testimony from Diane Barrans, Executive Director, Postsecondary Education Commission, dated 3/3/10 [available in the committee packet]. She further explained that the cost of the unintended consequence from Amendment 9 would be greater than the value; specifically, if a student received an "over award" scholarship they would not qualify for other aid.

[9:57:12 AM](#)

CHAIR SEATON objected for the purpose of discussion.

[9:57:26 AM](#)

REPRESENTATIVE P. WILSON asked where Amendment 9 appeared in Version R.

[9:57:44 AM](#)

MS. MISCHEL directed attention to page 16, lines 14-16, and the language to be deleted by adopting conceptual Amendment 1 which read: "less any scholarship award payments previously expended if the error, in the award of the scholarship was not due to any fault of the student."

[9:58:25 AM](#)

CHAIR SEATON removed his objection. There being no further objection, conceptual Amendment 1 to HB 297, Version R, was adopted.

[9:59:17 AM](#)

CHAIR SEATON requested that the committee finish its review of the bill, and stated his intention to pass the bill out of committee by the end of the week. Written questions were solicited from the committee to be submitted to EED for comments.

[10:01:23 AM](#)

CHAIR SEATON announced that HB 297 was held for further review.

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 10:04 a.m.