

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

March 17, 2010
8:00 a.m.

MEMBERS PRESENT

Senator Kevin Meyer, Co-Chair
Senator Joe Thomas, Co-Chair
Senator Bettye Davis, Vice Chair
Senator Charlie Huggins
Senator Donald Olson
Senator Gary Stevens

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 224

"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 AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 224

SHORT TITLE: POSTSECONDARY SCHOLARSHIPS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/19/10	(S)	READ THE FIRST TIME - REFERRALS
01/19/10	(S)	EDC, FIN
02/03/10	(S)	EDC AT 8:00 AM BARNES 124
02/03/10	(S)	Heard & Held
02/03/10	(S)	MINUTE(EDC)
02/15/10	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)
02/15/10	(S)	Heard & Held
02/15/10	(S)	MINUTE(EDC)
02/19/10	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)
02/19/10	(S)	Heard & Held
02/19/10	(S)	MINUTE(EDC)
02/22/10	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)

02/22/10	(S)	Heard & Held
02/22/10	(S)	MINUTE(EDC)
02/26/10	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)
02/26/10	(S)	Heard & Held
02/26/10	(S)	MINUTE(EDC)
03/01/10	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)
03/01/10	(S)	Heard & Held
03/01/10	(S)	MINUTE(EDC)
03/10/10	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)
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03/12/10	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)
03/12/10	(S)	Heard & Held
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03/15/10	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)
03/15/10	(S)	Heard & Held
03/15/10	(S)	MINUTE(EDC)

WITNESS REGISTER

JOMO STEWART, aide to Senator to Meyer
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Provided a summary on the points of consideration for CSSB 224.

MURRAY RICHMOND, aide to Senator Thomas
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Provided a summary on the points of consideration for CSSB 224.

LARRY LEDOUX, Commissioner
Department of Education and Early Development (DEED)
Juneau, AK

POSITION STATEMENT: Commented on the points of consideration for CSSB 224.

DIANE BARRANS, Executive Director
Alaska Commission of Postsecondary Education (ACPE),

POSITION STATEMENT: Commented briefly on the points of consideration for CSSB 224.

ACTION NARRATIVE

[8:00:31 AM](#)

CO-CHAIR KEVIN MEYER called the Senate Education Standing Committee meeting to order at 8:00 a.m. Present at the call to order were Senators Huggins, Davis, Stevens, Thomas and Meyer.

SB 224-POSTSECONDARY SCHOLARSHIPS

[8:01:00 AM](#)

CO-CHAIR MEYER announced consideration of SB 224. He said the intent is to work through the five remaining points of consideration and come up with a clean CS by Friday. He added that Diane Barrans has brought up a sixth point that also needs to be considered, in regards to capping the needs-based component.

[8:03:01 AM](#)

JOMO STEWART, aide to Senator to Meyer, said the members should have an updated handout of the points for consideration that was provided to the committee at the previous meeting. Included with the handout are the differences between the senate committee substitute (CS) to SB 224[26-GS2771\S] and the House version [26-GH2771\P].

First, in regards to non-traditional students, the senate CS does not include the six month proviso for scholarship eligibility, which means that there are no restrictions for when potential graduates may apply for the program. The House version does have the six month proviso so that presumptive graduates may not prematurely apply for the scholarship program. The House version also sets a definitive window of six years for how long a scholarship recipient has to use their award, while the senate CS does not. Finally, the senate CS has a 12 semester maximum count while the House version has an eight semester maximum.

[8:05:39 AM](#)

SENATOR STEVENS said he has come to terms with the fact that the goals of the bill are not compatible with non-traditional students.

SENATOR THOMAS said he tends to agree with Senator Stevens; he would be interested in moving the bill forward without the non-traditional component.

CO-CHAIR MEYER said he too supports this section of the House version.

MURRAY RICHMOND, aide to Senator Thomas, said that in the senate CS there is no differentiation between the academic and the

career track; the House CS does have this differentiation. In the House CS, career scholars can only use their scholarship to go to a career school. The tuition for the career track scholarship is also capped at \$3000.00 while the academic scholarship's tuition is set at the average University of Alaska (UA) tuition for the year 2010/2011. The senate CS would allow students to go to either a career or an academic school and the award would be set to UA's tuition.

CO-CHAIR MEYER said the question now before the committee is whether to retain the two separate tracks or keep the single track as laid out by the senate CS.

SENATOR HUGGINS said he would like to see students have the built in flexibility to cross over to either track and receive like funding. He would also like to consider Ms. Barran's point about placing a cap provision on the needs-based part of the program.

[8:11:29 AM](#)

SENATOR OLSON joined the meeting.

SENATOR DAVIS said, regarding the career track, it says that a student can use ACT, SAT or WorkKeys for eligibility. She thinks students should have to take either the ACT or SAT but that WorkKeys is not appropriate to determine preparedness for college.

LARRY LEDOUX, Commissioner, Department of Education and Early Development (DEED), said the bill does not specifically identify the ACT or the SAT and either can be used. The WorkKeys applies only to the career and technical scholarship, and is a works well as a test for individuals who are choosing to go in this direction. In the House version it states that students applying for the career and technical scholarship are required to take either a college entrance exam or another standardized test [page 9, lines 24-26].

SENATOR STEVENS said they haven't talked a lot about the WorkKeys exam. One thing that he has heard from various industries is that they want to have students who are as up-to-date on math and writing skills as those on a college track. He asked Commissioner LeDoux to explain the WorkKeys test.

COMMISSIONER LEDOUX explained that it measures technical reading and writing. He thinks the SAT or ACT would work for both; they would like to see the WorkKeys used by industry across the state

because they think there is a direct reflection between WorkKey scores and an individual's work or college performance. It doesn't measure soft skills such as the ability to work as a team or be on time. He pointed out that the career and technical scholarship would still require students to take a rigorous curriculum.

SENATOR THOMAS suggested that just getting to school every day and on time should ingrain some of these soft skills into students.

COMMISSIONER LEDOUX answered that research indicates that is not the case. Individuals learn those skills from part-time jobs and in activities such as band, choir, and sports.

CO-CHAIR MEYER said that being that there were no other comments on item two he took that to mean that the committee is in concurrence with the house version on that particular item.

8:18:06 AM

MR. STEWART continued on to item 3 which involves the intent language. In the Senate CS, he said, they have extracted the intent language; the House version has not. He reminded members of the discussion with Jean Mischel of Legislative Legal at the last meeting, who cautioned that having the goals included the bill could make them more actionable in court if these goals were not met. He suggested having the goals go alongside the bill as a letter of intent.

CO-CHAIR MEYER agreed that it seems best to retain the goals in a letter of intent to be submitted next to the bill, instead of within it. He asked Mr. Stewart to review the additional goals and changes that the committee had added to the letter of intent.

MR. STEWART said that the following two items were added to the letter of intent:

4. *providing a rigorous curriculum in all high schools in the state*
10. *increasing participation of Alaska high school graduates in Alaska postsecondary institutions.*

The other additional change to the letter of intent was to divide item number two and three, which had previously been written as one statement.

SENATOR STEVENS asked if Mr. Stewart was comfortable in addressing one of the overall goals of getting students in and out of college early in the letter of intent.

MR. STEWART answered that the letter of intent was reorganized from the way they had been presented in the original bill so that the postsecondary language is listed on top before the high school reform language. He did not include the more direct language Senator Stevens had inquired about.

MR. RICHMOND said they could add a goal with more pointed language within the letter of intent of the committee would like.

CO-CHAIR MEYER said they will give this some more thought at a later time. He suggested they look next at the name of the bill.

SENATOR DAVIS asked Senator Meyer if he has a sense for how the House will respond to removing the goals out of the bill.

CO-CHAIR MEYER said that he has not spoken directly to the chairman of the House Education Committee but because they all use the same leg legal, he thinks they will be in agreement once they hear the justification and rational behind it.

[8:24:26 AM](#)

MR. STEWART continued with item 4, which was to rename the scholarship. The scholarship has been known as the Governor's Performance Scholarship (GPS) and it was suggested to make it a more politically neutral free title. The Alaska Student Achievement Program (ASAP) scholarship was suggested.

SENATOR STEVENS said he recognizes and appreciates the fact that the governor introduced this issue and brought it forward. However, the legislature has changed the bill significantly and he is not sure that naming it the governor's scholarship in perpetuity is not a reflection of what it truly is. It seems that it is better to have a title that is statewide.

SENATOR HUGGINS said he agrees with Senator Stevens.

CO-CHAIR MEYER also agreed that this is the state's program, not the governor's or the legislature's.

SENATOR DAVIS said she does not have a problem with the new suggested title but asked whether they have received the administration's thoughts on this.

COMMISSIONER LEDOUX answered that the administration supports the GPS title. It fits what they are trying to do and it gives kids direction, so the acronym fits very well. They also believe that it is important that kids see the governor as caring about them and acknowledging the program as important.

8:29:38 AM

SENATOR STEVENS moved a conceptual amendment that the name be changed to "Alaska Student Achievement Program (ASAP)."

SENATOR DAVIS said she has no problem with the change of the title as long as it will not cause any problems with the other body.

SENATOR OLSON agreed with Senator Davis and he is fine with either title. One of the advantages of keeping the GPS title is that the governor might be more willing to support and push the bill through.

SENATOR STEVENS said the easy part is writing this bill. The hard part is getting the money to pay for it. He would like to see \$400 million put aside, but he doesn't think that will happen; he thinks it will come to a year-by-year funding by the legislature. The ASAP title may keep the scholarship out of any future disagreements due to acrimonious feelings between the legislature and the governor. He also thinks that the Senate has been very cooperative with the House in going with most of their issues and he does think this will be a contentious issue.

SENATOR OLSON agreed with Senator Steven's point.

CO-CHAIR MEYER said they will go with the more neutral title. He asked Mr. Stewart to continue on with item five.

MR. STEWART said that the transitional language in both the CS and the House version might allow students to delay graduation to become eligible for the scholarship. The CS and the House version effectively limit application eligibility for students graduating in 2011. He suggested amending the CS to directly allow June 2010 graduates to qualify for the scholarship.

MR. RICHMOND added that currently the effective date of the bill is September 1, 2010.

SENATOR DAVIS said she was seeking to include the graduates of 2010 by allowing them to apply for the scholarship but not to

have the access to the scholarship until the effective date of the bill in 2011, when funding would be available.

CO-CHAIR MEYER clarified that Senator Davis wants the 2010 graduates to be included in the scholarship program, but they may not receive the money until after their freshman year in college. He asked the administration to help them on this issue.

COMMISSIONER LEDOUX responded that there are several concerns that need to be considered. One is the sense of fairness. If the scholarship is offered to the class of 2010, some students will say that they do not qualify for the program because they did not know the requirements when they were selecting their classes. The only way they could really do it is to wait for the class of 2010 to complete their first year of college and evaluate their performance at that time to see if they qualify. This would be possible, but very difficult.

SENATOR DAVIS clarified that he is saying that a senior of the graduating class of 2010 would be eligible to apply for the scholarship as of their second year of college.

COMMISSIONER LEDOUX reiterated that the only fair way is to evaluate those students' first year of college, set up criteria for qualification based on that and then allow them to apply. That way all students of the 2010 class that attend college would have the opportunity.

[8:40:25 AM](#)

CO-CHAIR MEYER said he can see the commissioner's point, but he also understands Senator Davis' concern. They have heard from a number of parents who are following this legislation very closely and would like their children to have the opportunity.

SENATOR DAVIS said she still thinks they should be able to capture those in the class of 2010 that are prepared. If he is saying that those students can come back and qualify after their first year of college, then they need to add language to the bill to specifically allow for that.

SENATOR HUGGINS said he agrees with Senator Davis. The class of 2011 is not going to be entirely prepared either. The 2010 class should not be penalized because these standards were not in place at the time. He believes that the class of 2010 should be able to apply retroactively.

SENATOR STEVENS asked, looking at the students in the class of 2010, is there anything else they will be losing out on in regards to the scholarship by apply retroactively.

COMMISSIONER LEDOUX responded that he believes they would have to make some adjustments throughout the bill to accommodate this. It can be done simply or in a more complex manner. In regards to the eligibility of the class of 2010 the easiest way would be to require that these students complete their first year of college in order to qualify. If the committee asks them to make those changes, they will certainly do that.

SENATOR THOMAS said his only concern is that, any time an exception is made it opens the door for requests for more exception. An example of this could be students who graduated early in December of 2009.

DIANE BARRANS, Executive Director, Alaska Commission of Postsecondary Education (ACPE), said that if the legislature decides to include the class of 2010 they will just have to concede that it will not be a level playing field for that class. Those whose parents are more savvy and kept track of legislation may have prepared their children to take advantage of the opportunity. There are going to be winners and losers because there has not been equal disclosure.

CO-CHAIR MEYER assumed this would apply to those applying for the career and technical scholarship as well.

[8:47:49 AM](#)

SENATOR OLSON asked how they will be able to fund the students in 2010 without using the corpus of the endowment that is meant to fund the program for years to come.

COMMISSIONER LEDOUX replied that for the funding of this program to work students would not be eligible to receive the funds until the fall of 2011. The amount of funding needed will depend on how many students apply. He suggested that one purpose of the scholarship is to provide opportunities for children who have not been successful previously and he is concerned that these are the children that will not have the knowledge to take advantage of this opportunity at this time.

CO-CHAIR MEYER said he thinks committee's policy statement will be to try to capture the 2010 students. The Finance Committee will have to decide how to fund it. He thinks the approach

suggested by Senator Huggins' will work the best. He continued by asking Ms. Barrans to explain item six with the committee.

8:51:08 AM

MS. BARRANS said, as they discussed previously, there is language in the bill regarding students who are enrolled less than full time. They had agreed to cap the merit based scholarship for students that are less than full time to 50 percent of the award they would otherwise receive. However, they failed to set a similar cap on the needs-based performance award. On page 12, lines 8-9, of the senate CS, she suggests new language be added on a similar cap that students attending half time would be capped 25 percent of the unmet financial need (with full time students receiving 50 percent).

SENATOR HUGGINS asked if Ms. Barrans could run a couple of scenarios for them to look at.

CO-CHAIR MEYER said they will make that change but will look for Ms. Barrans to bring them that information on Friday.

SENATOR HUGGINS thanked Ms. Barrans for her research and answers to his questions on the Department of Military and Veterans Affairs (DMVA). He said rather than holding the bill up in this committee he will wait until the bill enters the Finance Committee to introduce an amendment that will give students incentive to enter into certain needed disciplines in the state.

CO-CHAIR MEYER recapped what they have decided to do with the six items that were up for consideration and what the changes to the new CS will look like. He mentioned that he will not be able to attend the meeting on Friday.

SENATOR STEVENS said he won't be able to make the meeting on Friday either. The other members said they intend to be here.

CO-CHAIR MEYER said that the committee will try to take up HB 110 on Friday. [SB 224 was held in committee.]

8:57:15 AM

There being no further business to come before the committee, Co-Chair Meyer adjourned the meeting at 8:57 a.m.