

**ALASKA STATE LEGISLATURE**  
**SENATE EDUCATION STANDING COMMITTEE**

March 31, 2010

8:03 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**

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 360(EDC)

"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 SCS CSHB 360(EDC) OUT OF COMMITTEE

**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
03/08/10	(H)	Moved CSHB 360(EDC) Out of Committee
03/08/10	(H)	MINUTE(EDC)
03/10/10	(H)	EDC RPT CS(EDC) 4DP 2NR
03/10/10	(H)	DP: KELLER, MUNOZ, P.WILSON, SEATON
03/10/10	(H)	NR: GARDNER, EDGMON
03/12/10	(H)	TRANSMITTED TO (S)
03/12/10	(H)	VERSION: CSHB 360(EDC)

03/15/10 (S) READ THE FIRST TIME - REFERRALS  
03/15/10 (S) EDC  
03/24/10 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)  
03/24/10 (S) Scheduled But Not Heard  
03/26/10 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)  
03/26/10 (S) Scheduled But Not Heard  
03/31/10 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

REPRESENTATIVE NANCY DAHLSTROM

Alaska State Legislature

Juneau, AK

**POSITION STATEMENT:** Sponsor of HB 360.

NICOLE HILL aide to Representative Dahlstrom

Alaska State Legislature

Juneau, AK

**POSITION STATEMENT:** Presented CSHB 360.

MCHUGH PIERRE, Deputy Commissioner

Department of Military & Veterans Affairs (DMVA)

Fort Richardson, AK

**POSITION STATEMENT:** Supported CSHB 360.

LES MORSE, Deputy Commissioner

Department of Education and Early Development (DEED)

Juneau, AK

**POSITION STATEMENT:** Supported CSHB 360 and suggested amending language.

NEIL SLOTNICK, Assistant Attorney General

Juneau, AK

**POSITION STATEMENT:** Provided information and amending language for CSHB 360.

**ACTION NARRATIVE**

8:03:36 AM

**CO-CHAIR THOMAS** called the Senate Education Standing Committee meeting to order at 8:03 a.m. Present at the call to order were Senators Huggins, Thomas, Davis, Stevens, and Meyer.

**HB 360-YOUTH ACADEMY: STUDENT RECORDS**

8:03:53 AM

CO-CHAIR THOMAS announced consideration of HB360 [the version before the committee was CSHB 360(EDC)].

8:04:39 AM

CO-CHAIR THOMAS called a brief at ease.

[No audio until 8:16:42 AM due to technical difficulties.]

8:05:21 AM

CO-CHAIR THOMAS called the meeting back to order.

8:05:29 AM

REPRESENTATIVE DAHLSTROM, sponsor of HB 360, explained that the bill came about due to Alaska's disappointing dropout rate. Children who drop out or are expelled from high school are unlikely to return to the classroom on their own; the option of attending the Alaska Youth Military Academy is available to help students finish a high school diploma or obtain a GED, but many people don't know about it. HB 360 was designed to provide another way to get the information about AYMA out to those kids, to let them know they have another choice.

NICOLE HILL, aide to Representative Dahlstrom, emphasized that Alaska's graduation rate is only 67 percent. She said statistics show that dropouts make significantly lower incomes than high school graduates and are more likely to commit crimes. She said the Alaska Challenge Youth Academy (ACYA) follows a curriculum that is accredited by the Northwest Association of Accredited Schools. It offers a 22-week residential program based on the traditional military training model whereby cadets are instructed in the following areas: life skills, academic excellence, job skills, responsible citizenship, leadership and teamwork, health and hygiene, physical fitness, and service to the community. In addition to these skills, cadets work toward completion of their high school diploma, earning a GED, or going back to finish high school.

REPRESENTATIVE DAHLSTROM said she recently attended an event out of state and was told that the Alaska Challenge Youth Academy program is seen as a model other states want to copy.

8:09:54 AM

SENATOR STEVENS asked what the success rate is of students completing the program.

MS. HILL said 90 percent.

8:10:40 AM

SENATOR HUGGINS asked for more detailed statistics.

REPRESENTATIVE DAHLSTROM said she will get them for him.

8:11:06 AM

SENATOR HUGGINS asked who follows up when a child drops out of school.

REPRESENTATIVE DAHLSTROM referred that question to the Department of Education and Early Development.

8:11:51 AM

CO-CHAIR MEYER said that question came up during discussions about repealing the exit exam, and no one seems to know what happens to those kids.

8:12:36 AM

SENATOR HUGGINS commented that ACYA has a very innovative program. He said he finds it interesting to hear the attitudes of kids entering the program and the change in their attitudes when they finish it successfully. He mentioned that Chugiak also has a program that helps kids get a GED or finish their diplomas.

8:14:32 AM

MCHUGH PIERRE, Deputy Commissioner, Department of Military & Veterans Affairs (DMVA), Fort Richardson, Alaska, said the idea for HB 360 was brought to Representative Dahlstrom about a year ago by one of her constituents, who said the state should do more outreach to let youth know about this program. DMVA has been doing ads on the local hip-hop station and trying in other ways to reach them, he said, but reaching out directly to their households may improve contact with the kids and families who need help.

MR. PIERRE said he worked with Representative Dahlstrom's office last year and sent a letter to every school district; only three districts responded and gave them the names of their dropouts: Nenana City school district, Kenai Peninsula Borough school district, and North Slope Borough school district. This year, Representative Dahlstrom wants to make sure all school districts comply. The districts currently give a dropout list to the Department of Education and Early Development on July 15 of each year; the reason for adding the January 15 date in this bill is that they want to catch these kids after the first semester, as soon as they drop out.

He said enrollment has been fairly steady for the past four years. During the Murkowski administration, it grew from about 100 graduates per class to from 120 to 130 graduates per class; they maintained that growth through this administration and have begun to increase again. ACYA has 186 beds total and has graduated as many as 161 cadets in a class. Classes begin on Thursday, April 1 this year, and 224 cadets are signed up to arrive on that date. Their focus now is to graduate at least 150 cadets per class. When they meet that goal, they will aim for 175 and then 200 per class; they really feel they can graduate 400 per year. He said he believes this legislation will help them improve their student selection process and get more cadets into the program.

[8:19:11 AM](#)

SENATOR HUGGINS asked Mr. Pierre how they select students.

MR. PIERRE said the Youth Academy staff interview cadets and their parents between classes; the goal is to take the cadets who are most likely to graduate. Some dropouts have only a second-grade reading level, so it is very challenging for them to come into the program for the four and a half month residential phase and be successful at getting up to a high school reading level. If they have two students, one of whom has a second-grade reading level and another who has a sixth-grade reading level, they take the one who reads at a sixth-grade level and encourage the other child to study in preparation for entering the next class. They are also trying to screen students more carefully for health-related issues like asthma or drug addiction. These kids naturally fall out of the program because they can't meet the physical standards or are going through withdrawal. If these kids can be identified before they enroll in the program, they can get help and come into the next class with a better chance of success.

[8:21:22 AM](#)

SENATOR HUGGINS asked if Mr. Pierre has statistics on kids who complete the program with a GED and then go on to get further high school education.

MR. PIERRE said, in the past, school districts were not allowed to receive students who had a GED. The Alaska Challenge Youth Academy offers only seven and a half high-school credits, so cadets who come into the program with fewer than 14 credits cannot get a high-school diploma from AYCA and will most likely get their GEDs. Now that the law has changed and schools receive

funding for those students, all of their cadets are encouraged to go back to high school and finish their diplomas, even if they have gotten a GED. As it stands now however, about ten cadets per class get their high-school diplomas and five or fewer from each class actually end up going back to high school.

SENATOR HUGGINS asked if Mr. Pierre has any information on the hang-up in funding for students who have a GED.

MR. PIERRE said he does, but thinks the Department of Education and Early Development may prefer to respond to that question.

8:23:23 AM

LES MORSE, Deputy Commissioner, Department of Education and Early Development (DEED), Juneau, Alaska, stated he and the commissioner met with Representative Dahlstrom before HB 360 was introduced, and the commissioner is very supportive because of his interest in ensuring that students have alternate pathways if they leave school without a diploma for any reason. The department does have minor concerns about some of the language at the end of the bill, he said, but removing the words "expelled" and "dropped out" from the committee's proposed amendment would satisfy their concerns.

CO-CHAIR THOMAS said he understood and agreed with the department's reasoning on that issue. He asked Mr. Morse what language the department would prefer on page 1, lines 12-14 of the bill and page 2, lines 2-3. He noted that the language in the body of the bill seemed to make it clear that it applies to someone who is not enrolled and has not achieved a GED.

MR. MORSE suggested deleting "were expelled from or who dropped out of" on page 2, lines 16-17 and inserting the word "left". He asked if Senator Thomas would like him to speak to the language in the other amendment.

CO-CHAIR THOMAS said he would. He asked if Mr. Morse agreed that the language on page 1, lines 12-14, and on page 2, lines 2-3, clearly stated which students are the subject of the legislation.

8:28:13 AM

MR. MORSE replied that the language in the bill itself was clear in terms of which students should be included. Regarding the longer amendment provided by the Department of Law, he suggested deleting "who were expelled from or who dropped out of" and

inserting "to whom the criteria described in section 1 of this Act become applicable on or after September 1 2010."

NEIL SLOTNICK, Assistant Attorney General, representing the Department of Education and Early Development, Juneau, Alaska, cautioned that the words "expelled" or "dropped out of" are words they think would raise a problem with the federal government under the Family Educational Rights Privacy Act, so they want to make sure that those words are not used. The Act distinguishes between directory information and educational records; names and dates of attendance are considered directory information. He said the body of this Act was very carefully drafted to discuss only names and dates of attendance; they were careful to avoid the reference to what would be educational records, which is implicated by the use of terms like dropped out or expelled. He stressed that they don't want to create a problem by using any of those words in the un-codified language that comes afterward, and the problem he sees with the longer amendment is that it contains the phrase "who were expelled from". He said the short amendment, which uses the words "who left school", clearly refers back to the language under the criteria. If the committee feels that is too ambiguous, he suggested they amend the problematic language to read "this applies to students to whom the criteria described in section 1 of this Act become applicable on or after September 1 2010".

SENATOR DAVIS asked why it took so long for Department of Education and Early Development to bring up this issue.

[8:31:50 AM](#)

MR. SLOTNICK said they suggested this change on the House side and the problematic terms were taken out of the body of the bill, but overlooked in the un-codified language.

[8:32:31 AM](#)

SENATOR OLSON joined the meeting.

CO-CHAIR MEYER said "simpler is better," so he would favor just inserting the word "left" but would like to speak to the sponsor before proposing any amendments.

[8:33:49 AM](#)

REPRESENTATIVE DAHLSTROM said both of the amendments before the committee have the same intent and she would consider either a friendly amendment.

MS. HILL said the reason behind the wording is that the districts code students as dropouts, and this bill is appealing to those students.

CO-CHAIR THOMAS said he was puzzled by the inconsistency between the federal Act and the fact that districts code for and collect that information.

[8:35:27 AM](#)

CO-CHAIR MEYER said they seem to have a dilemma in that the local districts code it one way and the federal government looks at it in another, but it appears that they are going to have to make this amendment in order to satisfy the federal government.

SENATOR HUGGINS proposed they change it to "left" and define what that means in regulation.

CO-CHAIR THOMAS said he sees no problem unless, by adopting this amendment, the districts could avoid transferring information by saying the requirement is not sufficiently specific.

CO-CHAIR THOMAS closed public testimony.

[8:37:29 AM](#)

CO-CHAIR MEYER moved to adopt Conceptual Amendment 1 deleting "were expelled from or who dropped out of" on page 2, lines 16-17, and inserting "left". There being no objection, the motion carried and Amendment 1 was adopted.

[8:37:36 AM](#)

CO-CHAIR MEYER said he believes the administration is on the record as supporting this amendment, but would like to hear from them one more time.

MR. MORSE confirmed the administration's support for Amendment 1.

[8:38:37 AM](#)

CO-CHAIR THOMAS asked Mr. Morse if the language of the bill is acceptable as a whole.

MR. MORSE said it is acceptable. He also explained that the coding of students as dropouts allows them to collect the information for reporting statistics on the number of dropouts, for use in calculating the graduation rate, and for reports to the federal government. The issue, he said, is really what can

be released, and this information is considered to be protected in terms of identifying individuals.

8:40:00 AM

CO-CHAIR MEYER asked if the department can define the word "left" in regulation.

MR. MORSE said the language in the bill is clear enough that they can make it explicit, either through regulation or when they communicate to the districts what is required.

8:41:10 AM

SENATOR HUGGINS agreed the data the districts collect has been used for statistical reporting and not in any effort to rescue those students.

8:41:50 AM

CO-CHAIR MEYER moved to report CSHB 360(EDC) as amended from committee with individual recommendations and attached fiscal note(s). There being no objection, SCS CSHB 360(EDC) moved out of the committee.

8:42:27 AM

There being no further business to come before the committee, Co-Chair Thomas adjourned the meeting at 8:42 a.m.