

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

February 11, 2011

8:03 a.m.

MEMBERS PRESENT

Representative Alan Dick, Chair
Representative Lance Pruitt, Vice Chair
Representative Eric Feige
Representative Paul Seaton
Representative Peggy Wilson
Representative Scott Kawasaki

MEMBERS ABSENT

Representative Sharon Cissna

COMMITTEE CALENDAR

PRESENTATION(S): SCHOOL SUPERINTENDENT

- HEARD

HOUSE BILL NO. 132

"An Act providing for funding for school lunch and breakfast."

- HEARD & HELD

HOUSE BILL NO. 6

"An Act authorizing the governor to remove or suspend a member of the Board of Regents of the University of Alaska for good cause; and establishing a procedure for the removal or suspension of a regent."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 132

SHORT TITLE: FUNDING FOR SCHOOL MEALS

SPONSOR(S): REPRESENTATIVE(S) MUNOZ

01/28/11	(H)	READ THE FIRST TIME - REFERRALS
01/28/11	(H)	EDC, FIN
02/11/11	(H)	EDC AT 8:00 AM CAPITOL 106

BILL: HB 6

SHORT TITLE: REMOVING A REGENT
SPONSOR(s): REPRESENTATIVE(s) GRUENBERG

01/18/11 (H) PREFILE RELEASED 1/7/11
01/18/11 (H) READ THE FIRST TIME - REFERRALS
01/18/11 (H) EDC, JUD
02/11/11 (H) EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

STEWART McDONALD, Superintendent
Kodiak Island Borough School District
Kodiak, Alaska

POSITION STATEMENT: Provided a presentation on the Kodiak Island Borough School District.

REPRESENTATIVE CATHY MUNOZ
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 132, as prime sponsor.

MS. KENDRA KLOSTER, Staff
Representative Cathy Munoz
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 132, on behalf of Representative Munoz, prime sponsor.

ELIZABETH SWEENEY NUDELMAN, Director
School Finance and Facilities Section
Department of Education and Early Development (EED)
Juneau, Alaska

POSITION STATEMENT: Presented the fiscal note and responded to questions, during the hearing on HB 132.

ADRIANNE SWARTZ, Supervisor
Food Services
Juneau Borough School District
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 132.

DEAN HAMBURG, Board Member
Alaska School Nutrition Association
Director, Lunch Programs
Kenai School District
Soldotna, Alaska

POSITION STATEMENT: Testified in support of HB 132.

CARL ROSE, Executive Director
Association of Alaska School Boards (AASB)
Juneau, Alaska
POSITION STATEMENT: Testified in support of HB 132.

JOHN ALCANTRA, Director
Government Relations
National Education Association of Alaska (NEAA)
Palmer, Alaska
POSITION STATEMENT: Testified in support of HB 132.

AMY LUJAN, Representative
Alaska Association of School Business Officials
Juneau, Alaska
POSITION STATEMENT: Testified in support of HB 132.

AMY ROUSE, Director
Nutrition Services
Member, Alaska School Nutrition Association
Fairbanks North Star Borough School District
Fairbanks, Alaska
POSITION STATEMENT: Testified in support of HB 132.

CHRIS JOHNSON, Supervisor
Food Services
Mat-Su Borough School District
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 132.

JORDIS CLARK, School Nurse
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 132.

ANN PENNINGTON, Director
Child Nutrition
Alaska Gateway School District
Tok, Alaska
POSITION STATEMENT: Testified in support of HB 132.

LYNN WATKINS, Manager
Child Nutrition
Alaska Gateway School District
Tok, Alaska
POSITION STATEMENT: Testified in support of HB 132.

CAROL COMEAU, Superintendent

Anchorage School District
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 132.

REPRESENTATIVE MAX GRUENBERG
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 6, as prime sponsor.

TED MADSEN, Staff
Representative Max Gruenberg
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 6, on behalf of Representative Gruenberg, prime sponsor.

ACTION NARRATIVE

[8:03:13 AM](#)

CHAIR ALAN DICK called the House Education Standing Committee meeting to order at 8:03 a.m. Present at the call to order were Representatives Dick, Wilson, Seaton, Feige, Cissna, and Kawasaki. Representative Pruitt arrived as the meeting was in progress.

PRESENTATION(S): School Superintendent

[8:04:13 AM](#)

CHAIR DICK announced that the first order of business would be a presentation by the Kodiak Island Borough School District Superintendent.

[8:04:48 AM](#)

STEWART McDONALD, Superintendent, Kodiak Island Borough School District, provided a presentation of the Kodiak Island Borough School District beginning with the geographical layout and demographics of the area. The features he described included: an island population of approximately 14,000; 2,556 students; 14 schools - 4 town elementary, 1 town middle, 1 town high, and 7 K-12 in the villages; village schools may have ten students with two teachers; in-district travel occurs via an annual or bi-annual barge and float/bush plane; connection to all schools is maintained via internet, video teleconference, and phone/fax

lines; 44 percent of the students receive free or reduced lunches; 350+ students are from migrant fishing/logging families; 500+ students are English language learners; 350+ students have special needs; 14 languages are represented in the student body; 460 employees serve the district; and the operating budget is \$42 million dollars.

[8:08:47 AM](#)

MR. McDONALD explained the rise in the 3rd grade assessment scores and presented a chart to indicate the progress in proficiencies of reading, writing, and math. Intervention has brought significant gains in student performance, since the year 2000, but a plateau has been reached. In the next four years state standards require that 33.9 percent gains need to be realized to stay in step with the state expectations, he said, and this is going to present a challenge. Although the students are achieving more than ever, something like a glass ceiling will need to be broken. An analysis of the curriculum has been completed, by the district, and a myriad of initiatives have been implemented, in an attempt to attain the goal while keeping students engaged, motivated and progressing.

[8:14:14 AM](#)

REPRESENTATIVE FEIGE referred to the third grade assessment slide to ask what the measurement of the Y axis represents.

MR. McDONALD responded that it indicates student proficiency; in the year 2000, approximately 40 percent of the third grade students were proficient in math.

[8:14:59 AM](#)

MR. McDONALD emphasized the difficulty teacher turnover presents in meeting the established goals, and said that student performance is as much about teacher and administrative preparation as it is about implementing programs/initiatives.

[8:16:51 AM](#)

REPRESENTATIVE P. WILSON asked where the majority of the teachers originate; lower 48 states, or Alaska.

MR. McDONALD replied that a percentage represent local graduates who have returned to the island; however, the majority do come from the lower states, particularly the high school teachers.

8:18:10 AM

REPRESENTATIVE P. WILSON inquired whether it would be of help if the University of Alaska (UA) made adjustments to the teacher training program.

MR. McDONALD said absolutely. He reported that state trained elementary school teachers are highly skilled at meeting the needs of the child but not in teaching the specifics of mathematics, for example. The university still follows a training regime that teaches that it's acceptable if 60 percent of the class doesn't excel in math; a standard which is no longer sufficient. The Kodiak College has teacher preparation programs for instruction of the elementary grades, and efforts are being made, to create a working partnership with aligned goals, to solve this issue.

8:19:54 AM

MR. McDONALD directed attention to page six, of the committee handout, and the picture of people standing on a stage with a seated kindergarten student. He said this image represents the staff that it takes to instruct/support a student from kindergarten through graduation. Large schools have an inherently large staff, requiring less educational support, while small schools have fewer staff and require an enormous amount of educational support in order to attain appropriate instruction in classes such as pre-calculus or advanced biology. Resources are being pooled in an effort to provide classes, not at the convenience of the district, but rather in accordance with each students need. The problem is economy of scale and the bulk of the budget must pay for staff salaries and benefits. All of the operating costs represent dollars that can't be used to put a teacher before a student, such as the steep rise in heating fuel and retirement/health care costs. He said that, unfortunately, there is no quick clean solution to meet the educational target; it is an uphill climb with obstacles along the way. The challenges of the district include: relevant, rigorous high quality instruction; infrastructure cost increases; career and technical education needs; unique island challenges such as diversity needs and teacher housing; and travel and access costs.

CHAIR DICK thanked the superintendent for an informative presentation.

[8:25:26 AM](#)

HB 132-FUNDING FOR SCHOOL MEALS

CHAIR DICK announced that the next order of business would be HOUSE BILL NO. 132, "An Act providing for funding for school lunch and breakfast."

[8:26:23 AM](#)

REPRESENTATIVE CATHY MUNOZ, Alaska State Legislature, introduced HB 132, stating that school meals have been improved, during the last twelve years, but many school districts struggle to provide school meals, often using classroom money to offset the cost of a meal program. She stated her belief that a nutritious breakfast and lunch is a great equalizer for children, who are unable to focus on learning if hunger is a factor. A small level of state support will go a long way in maximizing the federal resources that are received for this purpose.

[8:28:07 AM](#)

MS. KENDRA KLOSTER, Staff, Representative Cathy Munoz, Alaska State Legislature, provided the goals of the school meal bill, which are: more kids being fed in each school, increased participation in the lunch and breakfast programs, decreased dropout rates, higher success rates, and healthier kids. She reviewed hunger in Alaska, indicating that one out of eight families struggle to put enough food on the table each year, and 43 percent of households utilizing food pantries have a child under the age of 18. The feeding America analysis, completed by the United States Department of Agriculture (USDA), found that 14.3 percent, or 26,534 children in Alaska, under 18 years of age, are food insecure, meaning they don't have access at all times to enough food for a healthy active life; this problem is more severe in rural Alaska, where nearly one child in four experiences food insecurity.

[8:29:25 AM](#)

MS. KLOSTER explained how the school lunch program works paraphrasing from a slide which read: 1) Any child at a participating school may purchase a meal through the National School Lunch Program. 2) Children from families with incomes at or below 130 percent of the poverty level are eligible for free meals. 3) Incomes between 130 percent and 185 percent of the poverty level are eligible for reduced-price meals; students can

be charged no more than \$.40 cents. 4) For the period July 1, 2010, through June 30, 2011, 130 percent of the poverty level is \$28,665 for a family of four; 185 percent is \$40,793. She reported that the school meal program funds are received primarily from federal subsidies, \$32.5 million, with \$16.5 million from student payments, and about \$9 million from individual schools that contribute from their operating budgets. The bill provides state support for the school meals program by contributing \$.35 cents for breakfast and \$.15 cents for lunch. The federal reimbursement allowed for a school lunch, at a school on the road system, is about \$4.41, and the cost to provide the meal is \$4.90, thus the state would contribute the \$.49 cents necessary to make it a free meal. Ms. Kloster reported that the more participants Alaska has in the program, the more federal reimbursement dollars will be received, thus leveraging the possibility for additional funding. The school lunch program currently feeds over 36,000 students at a free/reduced rate, and the breakfast program has about 14,000 free/reduced rate participants. She explained that six school districts, with a cumulative total of approximately 490 students, don't offer a breakfast or lunch program. Further, of the schools serving lunch, 20 percent don't participate in the breakfast program. Alaska is ranked in the bottom ten states, for the lowest participation, in the federal school breakfast program.

[8:33:20 AM](#)

MS. KLOSTER said the positive short term effects have been shown to include better academic performance, better classroom behavior, higher attendance rates, decreased tardiness, and better overall health. The long term effects contribute to lower dropout rates, higher graduation rates, lower obesity rates, and decreased healthcare needs/costs. Additionally, studies relating to the benefits of school meals show improved school achievement. A review of 18 studies showed students who ate breakfast consistently demonstrate improvement in verbal fluency, arithmetic, attention, memory, creativity, physical endurance, and general tests of academic achievement and cognitive functioning. She asked rhetorically, "How well do you function after skipping a meal."

[8:35:07 AM](#)

REPRESENTATIVE P. WILSON queried whether there is a correlation between food stamps recipients and eligibility for free/reduced

meals, and suggested that there could there be food at home but children are not being fed appropriately.

MS. KLOSTER offered to provide information regarding the overlap of qualifying families, and said that the possibility exists that they are not fed at home; which could be due to a number of reasons including an interest for social interactions.

[8:36:26 AM](#)

REPRESENTATIVE SEATON asked if the lower obesity rates relate to the quality of food available.

MS. KLOSTER answered that federal nutrition standards must be followed.

REPRESENTATIVE SEATON questioned whether the farm to school program has had an impact in the state.

MS. KLOSTER said it has been discussed, and could be considered further.

[8:37:58 AM](#)

REPRESENTATIVE FEIGE clarified that, currently, the state provides no funding to offset the costs of the meal programs.

MS. KLOSTER confirmed no state dollars are being contributed.

[8:38:58 AM](#)

ELIZABETH SWEENEY NUDELMAN, Director, School Finance and Facilities Section, Department of Education and Early Development (EED), presented the fiscal note paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

This bill creates a new state program that provides school districts supplemental state funding for the existing federal National School Lunch and Breakfast Programs (NSLP).

Currently, districts receive approximately \$32 million in federal subsidy for NSLP. In total the program expenses are approximately \$58 million, the difference is in revenues from paid meals and funding that districts transfer from their general operating funds.

The required federal match for the NSLP program is \$492,000 per year. That match is met by the \$9 million school districts transfer from operating funds.

This bill would not necessarily increase the number of students participating, but would provide approximately \$2 million per year that school districts could use directly in the breakfast and lunch programs, or to offset the \$9 million that is transferred from their operating funds.

House Bill 132 provides state aid on a per meal basis for each free and reduced lunch. The breakfast rate is \$.35 cents per meal, plus a prorated cost differential based on one fourth of the cost differentials set in laws at AS 14.17 for the foundation funding program. The lunch rate is \$.15 cents per meal plus the prorated cost factor.

In addition, beginning July 1, 2012, there is an annual adjustment based on the Anchorage Consumer Price Index (CPI).

[8:41:18 AM](#)

MS. NUDELMAN turned to page 1 of the fiscal note to read the figures, provided in millions: fiscal year (FY) 12 \$2.1; FY 13 \$2.3; FY 14 \$2.3; FY 15 \$2.4; FY 16 \$2.5; and FY 17 \$2.6. Directing attention to page 3, she detailed the calculations used to arrive at the estimated grant figures for each school in the state.

[8:44:13 AM](#)

REPRESENTATIVE KAWASAKI noted that the intent is to capture federal funds, and asked why the connection to the Anchorage CPI.

MS. NUDELMAN deferred comment.

[8:45:14 AM](#)

ADRIANNE SWARTZ, Supervisor, Food Services, Juneau Borough School District, stated support for HB 132, paraphrasing from a

prepared statement, which read as follows [original punctuation provided]:

We are here today because we support House Bill 132 which would provide funding to supplement federal dollars received for school meals served to students who qualify for free or reduced price meals.

This important legislation would benefit many Alaskan Students.

Studies have shown a direct relationship between good nutrition and student success; making it our business to ensure students receive the appropriate nutritional requirements each school day.

This important legislation would provide funding that would help Alaskan school districts 1) create new meal programs, 2) expand current meal programs, and 3) integrate more nutritional value into current menu items.

The Juneau School District would utilize this funding to 1) help expand our breakfast program, 2) offer more whole grains/fruits/vegetables/local fare, and 3) maintain reasonable meal prices.

The implementations possible due to this important legislation would make meal service more appealing to students which would result in increased participation.

More Alaskan students would receive nutritious meals on a regular basis.

Potential of increased student success in many areas.

The need for your support is great.

The benefit would be tremendous.

[8:47:49 AM](#)

DEAN HAMBURG, Board Member, Alaska School Nutrition Association, Director, Lunch Programs, Kenai School District, stated support for HB 132, noting that across Alaska 11 million school meals are collectively provided each year, funded solely by the United

States Department of Agriculture (USDA). School meals have been a leader in promoting good eating habits; adhering to the USDA guidelines. He said HB 132 will provide schools a major support when combined with the per meal reimbursement received from the federal government. It has been standard for food stamp recipients to be eligible for the school meals. He provided an anecdote from a fifth grader asking how many sleeps she might have before she receives another school meal, to demonstrate the importance of the program. It is time that Alaska partnership with the USDA to keep children fed. The association embraces the farm to school initiative and anticipates that Alaskan growers will be a product supplier for the program.

[8:53:31 AM](#)

CARL ROSE, Executive Director, Association of Alaska School Boards (AASB), stated support for HB 132, pointing out that the research regarding conditions that affect student learning can be summed up in three salient points, beginning with the need for a warm, dry, and safe environment, free from distractions. Secondly, hunger is a distraction, which effects a student's attention span and ability to focus. The third point is that the societal challenges are also a reality at the school level. A rhetorical question prevails regarding how to address a better learning environment, for children, given the existing societal challenges. He reiterated statistics from a previous witness, regarding the number of Alaskan households seeking food assistance, which also have children under the age of 18; 43 percent, of the 74,000 in need. He reported that the Chicago public school system, with 410,000 students, has chosen to provide a breakfast/lunch program, and 80 percent are eligible for free or reduced meals presenting a major challenge to the community. A group of parents collected 1,100 signatures in protest, arguing that it would take away from classroom instruction time. The final decision was made based on the fact that although 1,100, perhaps affluent, signatures were presented, the school officials found if appropriate to consider the 410,000 students. He suggested that this is happening across the nation and that providing meals is viewed as a means to enhance desired scholastic achievement.

[8:57:11 AM](#)

REPRESENTATIVE KAWASAKI commented that the \$9 million operating funds being used by districts comes from the BSA (Base Student Allocation), which should probably go directly for instruction. He said:

I'm a co-sponsor of the bill, but I wanted to make sure that school boards [understand] that, when this bill passes, that money actually goes to that intent, for school lunches. So we don't see a commensurate decrement in school operating budget monies that go to school lunch programs in the future.

[8:57:55 AM](#)

JOHN ALCANTRA, Director, Government Relations, National Education Association of Alaska (NEEA), stated support for HB 132, and cited the initiative that NEEA members recently passed. He opined that it is visible to a parent how a meal supports a child's ability to perform.

[9:00:19 AM](#)

AMY LUJAN, Representative, Alaska Association of School Business Officials, testified in support of HB 132, and said the \$9 million dollars that districts contribute from operational funds, is a testament that educators recognize the importance of feeding students. The proposed funding stream will solidify state support, and ensure that the programs are able to go forward.

[9:02:27 AM](#)

AMY ROUSE, Director, Nutrition Services, Fairbanks North Star Borough School District, Member, Alaska School Nutrition Association stated support for HB 132, paraphrasing from a prepared statement, which read [original punctuation provided]:

Currently 31 percent or 4,235 of our students qualify to receive their meals at the free or reduced rates. On average we serve 1,500 reimbursable breakfasts and 5,000 reimbursable lunches per day. These meals are nutritionally well balanced, meet federal guidelines, and provide our students with a wide variety of fresh produce, low fat and whole grain entrees, and freshly made bread items. In the month of January, we served over 28,000 breakfasts and 101,000 lunches. Eighty percent of the breakfasts and 58 percent of the lunches were served to students who qualify to receive meals at the free or reduced rates.

Our meal programs are extremely important to those who live in a variety of households such as food poor, military, migrant, those who are struggling to make ends meet and to those who don't have a permanent home like the 300+ homeless and children in transition. I have worked in school nutrition for almost 20 years. Many things have changed but the understanding that if children are hungry, they cannot learn has not. Every day, school nutrition professionals throughout our great state see students who have not received a meal since they left school the previous day. We take great pride in ensuring that our students receive the best we can afford to provide and to serve meals the students want to eat.

For years, it was the expectation of many school districts that the nutrition services department generate enough revenue to cover expenses. Over the years this has become increasingly difficult but we have not compromised the nutritional integrity of our meals as a result of rising costs. The amount of funds available through federal reimbursement and from the price of paid school meals does not cover the food, non-food supplies, transportation costs, and labor associated with producing school meals. We are getting creative in our attempts to cut costs but it has not and is not enough. Simply put, school nutrition programs are running out of funds.

You can make a difference and have a direct impact on state funding for school nutrition programs. I believe I speak for many when I say, the funds included in House Bill 132 would help us continue to provide the meals that many have come to expect and will continue to expect as we feed future generations of Alaskans.

[9:05:30 AM](#)

REPRESENTATIVE KAWASAKI observed that new USDA nutrition standards are being implemented, and asked whether this will affect meal costs.

MS. ROUSE said yes, and added that portion sizes are also being revised.

REPRESENTATIVE KAWASAKI pointed out that the same issues regarding federal meal compliance is being debated, at the committee level, regarding incarceration facilities. He opined that, given a choice, he would rather see the funds directed to the schools.

[9:07:54 AM](#)

CHRIS JOHNSON, Supervisor, Food Services, Mat-Su Borough School District, stated support for HB 132, expressing agreement with the testimony that has been brought. He said that it's getting difficult to provide meals, and the Mat-Su district has chosen to provide a free breakfast to every student in each of the 34 schools that have a meal program; an average of 3,500 breakfasts daily. The proposed USDA guidelines will increase expenses; expectations are for the cost to rise an additional \$.46 to \$.48. The farm to school program is being developed, but it is in the early stages and the impact to schools has yet to be determined.

REPRESENTATIVE FEIGE asked whether food quality is an issue.

MR. JOHNSON responded that it's always a challenge and creativity is required. On-site service is not cost effective when there are less than 100 students being served, and particular attention must be given to transported food to ensure a quality, appealing product, when it arrives.

REPRESENTATIVE FEIGE queried whether existing regulations place limits on a district's efforts to improve food quality.

MR. JOHNSON answered that regulations are not limiting; however, the freshness factor enters into food being transported from a central facility. He said cost is the biggest issue.

[9:14:46 AM](#)

JORDIS CLARK, School Nurse, offered that the large Anchorage school, where she works, recently began a breakfast program, serving 100 students, and the short term benefits are already being realized. Additionally, she reported that a casual poll, asking the students why breakfast was not consumed at home, provided a variety of responses, which included being home alone and waking late and hurrying out the door. School provides a regimen that works, she opined, and explained how food works as energy in the body, emphasizing nourishment of the brain.

REPRESENTATIVE FEIGE asked whether the legislature can provide any further support, and opined that ideally breakfast should be eaten at home.

MS. CLARK indicated that the school newsletter stresses the importance for parents to provide meals to their students; however, the reality is that it doesn't happen. Parent education is an ongoing effort, she said.

[9:20:43 AM](#)

ANN PENNINGTON, Director, Child Nutrition, Alaska Gateway School District, stated support for HB 132, pointing out that in rural areas access is a primary factor. The Gateway School District, has 366 students, 308 of which, or 85 percent, qualify for free/reduced meals. Approximately 70 percent of the qualifying students live in villages without stores. She said the one in four Alaskans experiencing food insecurity can be found in the Gateway district. For many students, the only meal they receive for the day is provided at school. It would be extremely helpful to have further meal supplements for the students, she stressed.

REPRESENTATIVE FEIGE asked whether regulations prohibit the use of subsistence resources.

MS. PENNINGTON responded that regulation does allow donations of game meat and fish, but because non-commercial food must be segregated, presenting storage issues. However, this problem has never arisen, as no donations have occurred in the last 20 years. She said she would love to be confronted with that problem.

[9:26:47 AM](#)

LYNN WATKINS, Manager, Child Nutrition Program, Alaska Gateway School District, stated support for HB 132, and agreed with the learning benefits that eating a nutritious meal provides, as mentioned by previous witnesses. She said that as the "lunch lady" the children often let her know they are hungry, and when queried they will offer that they had a minimal dinner, perhaps a bag of chips. The teachers encourage the students to eat a school breakfast, as the results can be seen in the classroom.

REPRESENTATIVE SEATON noted that the end price for a gallon of fresh milk, flown to a remote village, may not represent the

best use of a public dollar. He asked if there is a regulation regarding milk, and whether powdered milk is used.

MS. WATKINS answered that, when possible, shelf safe milk is used, but powdered milk is a commonly used commodity in remote sites.

[9:31:16 AM](#)

CAROL COMEAU, Superintendent, Anchorage School District, stated support for HB 132, and said the district would be grateful to receive further resources that could be used to increase the number of students receiving free/reduced meals. Substantial private help has been contributed from corporate entities, which has enabled the district to provide a weekend food program. These are sack meals that go home with the children, in some areas, due to the rising poverty issue.

CHAIR DICK closed public testimony

The committee took an at-ease from 9:32 a.m. to 9:35 a.m.

[9:35:14 AM](#)

HB 6-REMOVING A REGENT

CHAIR DICK announced that the final order of business would be HOUSE BILL NO. 6, "An Act authorizing the governor to remove or suspend a member of the Board of Regents of the University of Alaska for good cause; and establishing a procedure for the removal or suspension of a regent."

[9:35:46 AM](#)

REPRESENTATIVE MAX GRUENBERG, Alaska State Legislature, introduced HB 6 paraphrasing from the sponsor statement which read [original punctuation provided]:

This bill creates a statutory due process procedure under which the governor may suspend or remove a University of Alaska regent for good cause.

This bill is in response to a 2007 incident in which a regent was federally indicted on multiple counts of fraud. He refused to resign his position until impeachment proceedings began. The boards of regents' by-laws do not set forth a procedure to remove a

regent. The legislative legal counsel has concluded that regents serve at the pleasure of the governor and thus can be removed. An informal attorney general's opinion states that the governor does not have the authority to remove a regent without cause. That AG opinion concluded that the governor does have the authority to remove a regent so long as cause is established and due process granted.

It should be noted that during the 25th legislature letters were sent to the board of regents asking that it, under the authority of 14.40.170(b)(1), adopt procedures for the removal and/or suspension of a regent, but it has not done so.

It is important to acknowledge that the constitution does bear upon this bill due to the governor's powers being enumerated in Article III of the Alaska Constitution while the board of regents is established in Article VII, section 6. The Alaska Supreme Court has ruled that the UA is subject to a degree of legislative control. For example, the legislature can, without approval of the regents, dispose of UA land. Additionally, the legislature has, through law, provided the UA with a broad degree of autonomy; however, this implies the UA is still subject to laws enacted by the legislature. The legislature has been given broad authority under the constitution, indeed the only constitutional constraints on the power of the legislature to make laws regarding other agencies of the State of Alaska deal with the rules of court and the repeal of initiatives. In effect this legislation provides a check upon the powers of the university.

This bill secures the state's interest and the university's interest. This legislation will keep a cloud from hovering over the UA in a future scenario in which a regent must be removed or suspended for cause.

[9:38:45 AM](#)

REPRESENTATIVE GRUENBERG explained that the procedure, presented in the bill, is modeled on the worker's compensation appeals board legislation, and other statutory framework in the state.

The procedure is designed to be above reproach, and handled through the governor's office.

[9:40:44 AM](#)

REPRESENTATIVE P. WILSON moved to have committee substitute (CS) HB 6, 27-LS0027\D, Mischel, 2/9/11, before the committee as the working draft. There being no objection, Version D was before the committee.

The committee took an at-ease from 9:40 a.m. to 9:42 a.m.

[9:41:57 AM](#)

REPRESENTATIVE GRUENBERG stressed the need to have a process in place to remove a regent.

REPRESENTATIVE SEATON asked to have the CS explained.

[9:43:47 AM](#)

TED MADSEN, Staff, Representative Max Gruenberg, Alaska State Legislature, explained the changes in version D, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

There are a number of changes between the "A" and "D" versions, including minor grammatical and stylistic changes, and substantive changes.

There was one major change to Section 1 of the bill. Subsection (a) paragraph (3) of the "A" version (page 2 lines 2-7) was deleted and subsection (a) paragraph (2) of the "D" version (page 1 lines 12-13) was added. The effect of this change is to show that the legislature has legislative authority over the University of Alaska.

There were a few changes to Section 2 of the bill. Subsection (e) of the "A" version (page 3 lines 7-10) was deleted, as with the addition of new subsections and language in the "D" version it was unnecessary. Specifically, with designation that the proceedings in this section fall under the guidelines of the Administrative Procedures Act, the language in subsection (e) was not needed.

The other major change to Section 2 of the "A" version was a reordering of the subsections to better reflect the flow of the proceedings.

[9:46:34 AM](#)

REPRESENTATIVE GRUENBERG interjected that precedent can be cited for the legislative authority over the University of Alaska. Further, with respect to the removal of sec. E lines 7-10, the language was redundant and new language established the administrative adjudication procedures, modeled on the federal adjudication act.

[9:48:13 AM](#)

CHAIR DICK announced that the bill would be held for further consideration.

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:49 a.m.