

**ALASKA STATE LEGISLATURE  
HOUSE EDUCATION STANDING COMMITTEE**

April 4, 2011

5:04 p.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

**OTHER LEGISLATORS PRESENT**

Senator Fred Dyson

**COMMITTEE CALENDAR**

**HOUSE BILL NO. 145**

"An Act establishing the parental choice scholarship program to be administered by school districts for the purpose of paying the cost of attending grades kindergarten through 12 at public and private schools; and providing for an effective date."

- HEARD & HELD

**HOUSE JOINT RESOLUTION NO. 16**

Proposing amendments to the Constitution of the State of Alaska relating to state aid for education.

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 145

SHORT TITLE: K-12 SCHOLARSHIP PROGRAM

SPONSOR(S): REPRESENTATIVE(S) KELLER

02/09/11	(H)	READ THE FIRST TIME - REFERRALS
02/09/11	(H)	EDC, FIN
03/25/11	(H)	EDC AT 8:00 AM CAPITOL 106

03/25/11 (H) Heard & Held  
03/25/11 (H) MINUTE(EDC)  
04/04/11 (H) EDC AT 5:00 PM CAPITOL 106

BILL: HJR 16

SHORT TITLE: CONST. AM: EDUCATION FUNDING

SPONSOR(S): REPRESENTATIVE(S) KELLER

02/09/11 (H) READ THE FIRST TIME - REFERRALS  
02/09/11 (H) EDC, JUD, FIN  
03/25/11 (H) EDC AT 8:00 AM CAPITOL 106  
03/25/11 (H) Heard & Held  
03/25/11 (H) MINUTE(EDC)  
04/04/11 (H) EDC AT 5:00 PM CAPITOL 106

**WITNESS REGISTER**

REPRESENTATIVE WES KELLER

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Presented HB 145 and HJR 16 as the sponsor of each bill.

RONALD PAINTER

Kodiak, Alaska

**POSITION STATEMENT:** Testified in support of HB 145.

MARIA PAINTER

Kodiak, Alaska

**POSITION STATEMENT:** Testified in support of HB 145.

JESSICA DEAN

Palmer, Alaska

**POSITION STATEMENT:** Testified in support of HB 145 and HJR 16.

MICHELLE NILAND

Wasilla, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 145.

BARBARA HANEY

North Pole, Alaska

**POSITION STATEMENT:** Testified in support of HB 145.

CHERYL PEYTON

Eagle River, Alaska

**POSITION STATEMENT:** Testified in support of HB 145.

JOHN TOBEY

Eagle River, Alaska

**POSITION STATEMENT:** Testified in support of HB 145.

ANDY CLARY

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 145 and HJR 16.

NEIL NICHOLS

Eagle River, Alaska

**POSITION STATEMENT:** Testified in support of HB 145.

ROBERT TIMMINS

Eagle River, Alaska

**POSITION STATEMENT:** Testified in support of HB 145.

KRISTINA JOHANNES

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 145 and HJR 16.

SHIRLEEN RANNALS

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 145 and HJR 16.

CYNTHIA GEIERMANN

Big Lake, Alaska

**POSITION STATEMENT:** Testified in support of HB 145 and HJR 16.

KARIN OWENS

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 145.

CONNIE WINGREN, Principal

Holy Name Catholic School

Ketchikan, Alaska

**POSITION STATEMENT:** Testified in support of HB 145.

DAVID BOYLE

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HJR 16.

TIM GEIERMANN

Big Lake, Alaska

**POSITION STATEMENT:** Testified in support of HB 145.

CARL ROSE, Executive Director

Association of Alaska School Boards (AASB)

Juneau, Alaska

**POSITION STATEMENT:** Testified during discussion of HB 145 and HJR 16.

JULIE ZERKEL

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 145.

KATHRYN BOLAK

Chugiak, Alaska

**POSITION STATEMENT:** Testified in support of HB 145.

BETTY SMITH

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 145.

#### **ACTION NARRATIVE**

[5:04:32 PM](#)

**CHAIR ALAN DICK** called the House Education Standing Committee meeting to order at 5:04 p.m. Representatives Dick, Kawasaki, Wilson, Seaton, and Feige were present at the call to order. Representative Pruitt arrived as the meeting was in progress.

#### **HB 145-K-12 SCHOLARSHIP PROGRAM** **HJR 16-CONST. AM: EDUCATION FUNDING**

CHAIR DICK announced that the next order of business would be HOUSE BILL NO. 145, "An Act establishing the parental choice scholarship program to be administered by school districts for the purpose of paying the cost of attending grades kindergarten through 12 at public and private schools; and providing for an effective date", and HOUSE JOINT RESOLUTION NO. 16, Proposing amendments to the Constitution of the State of Alaska relating to state aid for education.

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REPRESENTATIVE WES KELLER, Alaska State Legislature, stated that the purpose of HB 145 was to provide public funding for the cost of attending grades kindergarten through 12 at a public or private school selected by the student's parent or legal guardian. He clarified that, as the Alaska State Constitution did not allow funding for private schools, HJR 16 offered an

amendment to the Alaska State Constitution for funding to private schools.

[5:07:32 PM](#)

CHAIR DICK expressed his concern for what would happen to the many students who remained in public schools, specifically special education and discipline problem students who may not be admitted into the private schools.

REPRESENTATIVE KELLER replied that parents of children with special education needs would be able to select the school that could best serve their child. He explained that any school could be a participating school.

[5:08:47 PM](#)

REPRESENTATIVE P. WILSON inquired whether all schools would be required to provide the same services as a public school if they received public funding.

REPRESENTATIVE KELLER replied that it would be a matter of parental choice for where their child would receive the best service.

REPRESENTATIVE P. WILSON stated that a public school had mandated services, which may not be available at a private school, but that the private school would still receive the funding.

REPRESENTATIVE KELLER replied that the proposed bill provided funding to the district to be paid to the school of choice "for a similarly situated student."

[5:11:09 PM](#)

REPRESENTATIVE KAWASAKI asked that if a school was based on a model such as Sharia Law, or an economic theory based on Communism, would that be an acceptable public expense.

REPRESENTATIVE KELLER replied that should enough parents want to send their child to the school, it should be able to exist and be supported with the funding allocated to their child's attendance.

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REPRESENTATIVE P. WILSON asked what options existed for students in the rural areas. She opined that the proposed bill primarily supported students in the RailBelt.

REPRESENTATIVE KELLER replied that the proposed bill did not favor any areas. He stated that the coalition supporting HB 145 had many Alaskan Native and rural supporters. He offered his belief that there were opportunities for rural communities to create private schools to emphasize immersion into native language.

[5:14:32 PM](#)

RONALD PAINTER asked that the committee support HB 145. He stated:

This is without a doubt the best thing we could do to improve education for our children in the shortest time. Nationwide, we spend more money now than any country except one, and we rank among the lowest of all industrialized nations for education. More money for public education is not the answer. HB 145 will go a long ways to solve those problems. Please support this.

MARIA PAINTER said that all four of her children had attended parochial school and that she supported HB 145.

[5:16:14 PM](#)

JESSICA DEAN said that she had two children enrolled in private school, while dually enrolled in a district correspondence school. She opined that many private schools offered solutions for student needs, and she stated her support for HB 145 as a solution to the current school problems.

[5:19:19 PM](#)

MICHELLE NILAND reported that her child went to a charter school and she stated opposition for HB 145. She declared that home school was a viable alternative to provide a different type of education. She expressed concern that the public schools would be "left with the higher needs children, with now a greater limit on the resources that are available for them." She directed attention to Version I, lines [24] - 25, and expressed concern that the school district would be required to provide reasonable transportation to the school of choice. She

suggested greater involvement from the parents as a solution to the school district needs. She declared that alternatives already existed, and she urged opposition to HB 145.

[5:23:53 PM](#)

BARBARA HANEY stated her support for HB 145. She said that her seven children had been home schooled and had attended public school. She opined that special needs students would receive the most benefits. She said that she put her career on hold to educate her children at home, and as a result she did not have a pension. She offered her belief that the rural areas would also benefit. She opined that competition among schools would be healthy, as this would make schools more responsive to the requests of parents.

[5:31:40 PM](#)

CHERYL PEYTON stated support for HB 145, and she read from a prepared statement: [Included in members' packets] "Parents know their children better than anyone. Parents are the rightful authority to choose how and where their children will be educated." She described the process that she had undergone with her Down's syndrome child, and reported that the neighborhood school was the only choice offered. She relayed that the consensus for a special needs child was most often "bending to the will of the neighborhood school." She concluded:

Studies show that educational quality improves when parents have the fundamental right to choose where their children are educated. I believe the introduction of "market forces" improves all schools, and I believe it is especially helpful for special needs children and families.

[5:35:42 PM](#)

JOHN TOBEY stated support for HB 145, and said that his daughter had been in public school, private school, and home school. He offered his belief that this was an important opportunity to allow parents to have a freedom of choice for their child's education, and that the proposed bill would allow the public school system to improve through competition.

[5:39:50 PM](#)

ANDY CLARY expressed support for the proposed CS for HB 145 and HJR 16. He said that he attended a private school, Anchorage Christian School. He stated that this was not an insurmountable shift in education policy. He reflected on the recent Arizona laws on school choice. He reported that the standard assessment tests and accountability were already occurring in private schools. He declared that empirical evidence showed that school choice programs stimulated improvement in the participant and public schools competing for students.

[5:43:04 PM](#)

NEIL NICHOLS stated his support for HB 145, and paraphrased from a prepared statement. He offered his belief that the increasing cost of public education in Anchorage had not delivered improved test scores and graduation rates. He opined that the proposed bill would bring fresh ideas, new resources, and new opportunities for children.

[5:44:29 PM](#)

ROBERT TIMMINS stated his support for HB 145, and said that it "was crucial for the interest of our children." He declared that true competition among the schools, allowing for parental and student choice, would have the "single most positive effect on vaulting our state to new heights in productivity and capability." He declared this to be a minimal cost way for Alaska to incentivize students to do their best. He urged support for HB 145. He relayed that his wife had home schooled both their children.

[5:47:41 PM](#)

KRISTINA JOHANNES urged support for HB 145 and HJR 16. She offered her belief that the section of the U.S. Constitution which prohibited money for parochial schools was "an anti-Catholic animus that was existing at the time in our country and unfortunately it made it into our Constitution, and it's a blight on our Constitution, and as a Catholic, whenever I read that, I feel personally insulted, actually, to be honest." She opined that the current system was an economic injustice to parents.

[5:50:18 PM](#)

SHIRLEEN RANNALS stated her support for HB 145 and HJR 16. She stated that she had four children, with the youngest in a

Catholic school, which she opined to offer a higher education and a healthier atmosphere. She stated that she had many complaints with the Anchorage School District during the years her children attended its schools. She offered her belief that the most important thing to remember was that parents had the right to choose the best education for their children.

[5:52:15 PM](#)

CYNTHIA GEIERMANN, stating her support for HB 145, said the size of the public school classes did not allow for individual attention. She shared that her child now attended a private school, which allowed for a moral component to her education, but it came at a personal cost. She stressed the importance for parents to have a choice and for the public money to follow the child.

[5:55:08 PM](#)

KARIN OWENS shared that she had four children, had taught in the Anchorage School District for ten years, and that she supported HB 145. She relayed that her one child currently in school was in a private school, as the public schools attempted to be a one size fits all system. She opined that more choices empowered the children and the parents. She directed attention to the popularity of charter schools as an example of the support for school choice programs. She offered her belief that the current system was not working, and she could not put her children in the public schools.

[5:57:02 PM](#)

CONNIE WINGREN, Principal, Holy Name Catholic School, stated her support for HB 145 as this would allow parents to place their children in the school of choice. She reported on the success of the students that graduate from Holy Name Catholic School, where standardized tests were administered.

[5:59:01 PM](#)

DAVID BOYLE stated support for HJR 16, and paraphrased from a prepared statement, which read as follows [original punctuation provided]:

I would like to testify today on HJR 16, the constitutional amendment to the Alaska Constitution.

As background, Alaska has what is called a Blaine amendment in its constitution which precludes state funds going to private and secular schools. This Blaine amendment has a very shady history, named after U.S. Congressman James Blaine. These amendments were passed as a direct result of the anti-immigrant, anti-Catholic bigotry that was dominant in the 19th and early 20th centuries. Many states were required to include Blaine amendments in their constitutions before they were allowed to join the union. This was called the inclusion act of 1899. This is why many western states have Blaine amendments in their state constitutions today.

The U.S. Supreme Court laid the constitutionality of the Blaine amendments to rest in its *Zelman vs Simmons-Harris* of 2002 decision. This decision stated that the federal establishment clause is not violated by the participation of religious schools in school choice programs. Students in Cleveland were given state vouchers to attend the school of their choice, sectarian or non-sectarian. Religious and non-religious schools could participate in this voucher program. Over 60 percent of the students who participated in this program were at or below the poverty line. The court held that this government aid reaches religious institutions only by way of deliberate choices of numerous individual recipients. Chief justice Rehnquist stated that the court had rejected similar challenges three times.

In August 2002, the Washington State Blaine amendment was struck down by the 9th Circuit Court of Appeals by a vote of 2-1. The decision was based on: "A state law may not offer a benefit to all but exclude some on the basis of religion."

In addition, under the Individuals With Disabilities Act (IDEA), the federal government gives funds to provide special education to children with disabilities; it requires districts spend some of these funds for children whose parents choose private (including religious) schools.

The question to ask now: is the Alaska Constitution unconstitutional?

The overriding consideration should always be: what is best for the kids?

The U.S. Supreme Court ruled on April 4th, 2011, [today] in a 5-4 decision that the Arizona tuition tax credit plan was constitutional. The majority wrote: "Awarding some citizens a tax credit allows other citizens to retain control over their own funds in accordance with their own consciences." Per justice Kennedy: the plaintiffs' position "assumes that income should be treated as if it were government property even if it has not come into the tax collector's hands." (Arizona Christian school tuition organization v. Winn, no. 09-987).

[6:02:00 PM](#)

TIM GEIERMANN, stating his support for HB 145 and HJR 16, said that he "would send my children to the garbage dump before I sent 'em to a government school, because at least they'd learn a trade." He reported that he chose to home school and then private education. He opined that "my property taxes, my state money should follow the child to the school of the parent's choice."

[6:03:14 PM](#)

CARL ROSE, Executive Director, Association of Alaska School Boards (AASB), agreed that parents did have a right to choose the school for their children, but that the state had a responsibility, under the Constitution of the State of Alaska, "to provide a free public education for all school age children." He said that the schools were not failing, and that he detected "an anti-government sentiment being attached to schools." He stated his adamant disagreement with the statement of the bill sponsor, Representative Keller, that "it was intuitively obvious" that private schools out performed public schools. He offered his belief that HB 145 would create a dual system of education. He directed attention to the costs for operation, construction of facilities, and transportation which would need to be included in the fiscal note. He stated that allowing the funds to follow a student would be far more costly than what it was today. He emphasized that the public schools were not failing and that challenges did exist. He stated his agreement with the exercise of choice, but he questioned whether the state should pay for that choice.

6:08:00 PM

The committee took a brief at-ease.

JULIE ZERKEL stated support for HB 145. She said that she was the parent of a high functioning, autistic child, and that it was difficult to find workable situations. She offered her belief that it was difficult for children who did not fit the public school model. She stated that parents needed a choice of schools for their children.

[Chair Dick passed the gavel to Vice Chair Pruitt for the duration of the meeting.]

6:14:46 PM

KATHRYN BOLAK said that she was an advocate of pro-choice in education, and stated her support for HB 145. She said that choice was important and necessary, as the public education system did not fit every child. She opined that more choices would raise the standards in every institution.

6:16:13 PM

BETTY SMITH stated her support for HB 145, and said that competition would improve the public schools. She offered her belief that government regulation should not be attached to the money. She opined that parents should have a choice of schools, regardless of their income.

[HB 145 and HJR 16 were held over.]

6:17:31 PM

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 6:17 p.m.