

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

February 21, 2011  
8:05 a.m.

**MEMBERS PRESENT**

Senator Kevin Meyer, Co-Chair  
Senator Joe Thomas, Co-Chair  
Senator Gary Stevens

**MEMBERS ABSENT**

Senator Bettye Davis, Vice Chair  
Senator Hollis French

**OTHER LEGISLATORS PRESENT**

Senator Cathy Giessel

**COMMITTEE CALENDAR**

SENATE BILL NO. 9

"An Act relating to compulsory school attendance; and relating to the crime of contributing to the delinquency of a minor."

- MOVED SB 9 OUT OF COMMITTEE

SENATE BILL NO. 83

"An Act providing for payment and loan incentives to public school teachers for national board certification."

- MOVED CSSB 83(EDC) OUT OF COMMITTEE

SENATE BILL NO. 8

"An Act relating to questionnaires and surveys administered in the public schools."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 9

SHORT TITLE: RAISE COMP. SCHOOL ATTENDANCE AGE/TRUANCY

SPONSOR(S): SENATOR(S) DAVIS

01/19/11 (S) PREFILE RELEASED 1/7/11  
 01/19/11 (S) READ THE FIRST TIME - REFERRALS  
 01/19/11 (S) EDC, JUD, FIN  
 02/14/11 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)  
 02/14/11 (S) Heard & Held  
 02/14/11 (S) MINUTE(EDC)  
 02/21/11 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)

BILL: SB 83

SHORT TITLE: TEACHER BOARD CERTIFICATION INCENTIVES  
 SPONSOR(s): EDUCATION

02/04/11 (S) READ THE FIRST TIME - REFERRALS  
 02/04/11 (S) EDC, FIN  
 02/14/11 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)  
 02/14/11 (S) Scheduled But Not Heard  
 02/16/11 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)  
 02/16/11 (S) Heard & Held  
 02/16/11 (S) MINUTE(EDC)  
 02/21/11 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)

BILL: SB 8

SHORT TITLE: STUDENT QUESTIONNAIRES AND SURVEYS  
 SPONSOR(s): DAVIS

01/19/11 (S) PREFILE RELEASED 1/7/11  
 01/19/11 (S) READ THE FIRST TIME - REFERRALS  
 01/19/11 (S) EDC, HSS  
 02/16/11 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)  
 02/16/11 (S) Scheduled But Not Heard  
 02/21/11 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

THOMAS OBERMEYER, Staff  
 Senator Bettye Davis  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** Gave a brief overview of SB 9 on behalf of the sponsor. Read the sponsor statement, gave a sectional analysis and answered questions for SB 8 on behalf of the sponsor.

PATRICIA GEORGE, Advocacy Co-Chair  
 Alaska State Literacy Association (ASLA)  
 Juneau, Alaska

**POSITION STATEMENT:** Testified in support of SB 9.

JOHN ALCANTRA, Lobbyist  
National Education Association of Alaska (AEA-Alaska)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 9. Answered questions related to SB 83.

LES MORSE, Deputy Commissioner  
Department of Education and Early Development (DEED)  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions related to SB 83.

MURRAY RICHMOND, Staff  
Senator Joe Thomas  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided a summary of changes to CSSB 83(EDC), version D, from the original bill, on behalf of the Senate Education Standing Committee, sponsor of the bill.

#### **ACTION NARRATIVE**

[8:05:00 AM](#)

**CO-CHAIR JOE THOMAS** called the Senate Education Standing Committee meeting to order at 8:05 a.m. Present at the call to order were Senators Stevens, Co-Chair Meyer and Co-Chair Thomas.

#### **SB 9-RAISE COMP. SCHOOL ATTENDANCE AGE/TRUANCY**

[8:05:23 AM](#)

CO-CHAIR THOMAS announced the consideration of SB 9.

[8:06:26 AM](#)

THOMAS OBERMEYER, Staff to Senator Bettye Davis, sponsor of SB 9, said statistics indicate that staying in school for longer and graduating are tremendous for personal growth and income. He turned to the report "Building a Grad Nation" which states:

Since 2002, 12 states have raised the compulsory school age from 16 to 17 or 18. Currently, 21 states have a compulsory school age of 18 and 32 states have a compulsory school age of 17 or 18. In some states that have a compulsory school attendance age of 17, like Tennessee and West Virginia, students must remain in school until they are 18 to keep their driver's license.

[This report can be located in the document packet].

He said that every state is different in the way that they handle raising the compulsory school age, but, in general, this has become a major trend.

8:08:55 AM

PATRICIA GEORGE, Advocacy Co-Chair, Alaska State Literacy Association (ASLA), testified in support of SB 9. She said while most children are in school by the age of 6, this doesn't mean that these students are in school regularly or on time. No Child Left Behind has mandated that all children must read by the third grade. She questioned how this can be enforced if children are not required to be in school until age 7. SB 9 will give schools the legal means to enforce regular and punctual attendance for beginning learners.

SENATOR STEVENS said he understands the need for reducing the mandatory age from 7 to 6. He asked if she has had any reflections on increasing the age to 18.

MS. GEORGE answered that ASLA has not taken a position on the age increase.

8:11:36 AM

JOHN ALCANTRA, Lobbyist, National Education Association of Alaska (NEA-Alaska), testified in support of SB 9. He said, on a personal note, as a parent of four children and an uncle of 61 nieces and nephews in Alaska, he understands how important it is to have a "hammer to keep kids in school." He explained that this is one tool that can be used to encourage students to attend school on a regular basis.

CO-CHAIR THOMAS clarified for the committee that a student, on their 18th birthday, could leave school.

8:14:38 AM

LES MORSE, Deputy Commissioner, Department of Education and Early Development (DEED), introduced himself.

CO-CHAIR THOMAS asked if he could review some of the exemptions to SB 9.

MR. MORSE answered that there are several exemption and this bill would not change those. Some of these exemptions include a student: in a private school with certified teachers; being tutored privately by certified personnel; attending an

educational program sponsored by a religious or private school; in a federally operated school; who has a physical or mental condition where a medical authority has indicated that attendance would be impractical; in the custody of the courts; ill or injured for a period time; who has been suspended and denied attendance; or who has graduated from secondary school regardless of age.

He said in regards to violating the compulsory attendance law the implications are addressed towards the parent. Every five days of unlawful absence is considered a violation, with a maximum financial penalty of \$500 per violation.

SENATOR STEVENS thanked Mr. Morse for his work during his time as acting commissioner for DEED.

CO-CHAIR MEYER said lowering the age makes perfect sense, however he is unsure about increasing the mandatory compulsory age from 16- to 18-years-old. If students are in school at the age of 16 who do not want to be there, it is going to be disruptive. He said he would like to see a plan for how to motivate students who do not want to be there.

He said his second concern is that there is no representation from the rural areas. He questioned whether there might be issues in rural areas where, at a certain age, the boys may be expected to go out hunting for long periods of time. He said that, despite these concerns, he does not have a problem moving SB 9 out of committee; especially because he believes that lowering the age is very important.

SENATOR STEVENS concurred. He said he hopes that if this bill does pass DEED should follow it very carefully to determine whether it is working. He said the bill is better than what they have now and he is in favor of moving SB 9.

[8:22:44 AM](#)

CO-CHAIR MEYER moved to report SB 9 from the committee with individual recommendations and attached zero fiscal note. There being no objections, SB 9 moved from the Senate Education Standing Committee.

[8:23:05 AM](#)

At ease from 8:23 a.m. to 8:26 a.m.

[8:26:19 AM](#)

CO-CHAIR MEYER said in looking at the fiscal notes there is an appropriation required of \$14,853,000 for the first year and following that SB 9 has a zero fiscal note.

**SB 83-TEACHER BOARD CERTIFICATION INCENTIVES**

[8:27:10 AM](#)

CO-CHAIR THOMAS announced the consideration of SB 83 [CSSB 83, labeled 27-LS0425\I, was before the committee].

[8:27:32 AM](#)

CO-CHAIR MEYER moved to adopt the proposed committee substitute (CS) for SB 83, labeled 27-LS0425\D, as the working document.

CO-CHAIR THOMAS objected for the purposes of discussion.

[8:27:42 AM](#)

MURRAY RICHMOND, Staff to Senator Joe Thomas, Co-Chair to the Senate Education Standing Committee, sponsor of SB 83 said there was one change made to version D. He explained that the question arose whether SB 83 would prohibit school districts from continuing to give incentives to its teachers who are certified through the National Board for Professional Teaching Standards (NBPTS). Page 2, line 12, added a paragraph that addresses this issue. It states:

(d) Nothing in this section prohibits a district or the department from providing additional monetary incentives to a teacher.

He explained that this means a district would be allowed to financially award teachers who are NBPTS certified, in addition to the money a teacher would receive through SB 83.

CO-CHAIR MEYER said it appears that in Anchorage or Fairbanks the NBPTS certification is worth \$2,000 annually for teachers, while teachers who receive their Ph.D. receive \$1,500 in these same two districts. He said it seems that in this case, for a teacher, it would be more worth their time to become nationally board certified. He asked if someone could clarify why this is.

JOHN ALCANTRA, Lobbyist, National Education Association of Alaska (NEA-Alaska), replied that, specifically in Anchorage, a master's degree is worth \$552 more on the pay scale than a bachelor's degree. In many of the 53 districts in the state a teacher cannot move up the pay scale until they achieve a master's degree and very few teachers hold only a bachelor's

degree at this point. He explained that, currently, there are 3,700 teachers in Anchorage, 23 of which have a Ph.D. and 55 who are certified through NBPTS. He said that, he would guess, most people who go on to receive their Ph.D. are interested in potentially moving out of the classroom and going into administration and that may be why those with Ph.D.s receive \$500 less than those nationally certified.

CO-CHAIR MEYER asked if there are a lot of teachers with Ph.D.s that are teaching in the classroom.

MR. ALCANTRA answered no, not for K-12.

CO-CHAIR MEYER asked for confirmation that once a teacher is certified they have to recertify every 10 years.

MR. ALCANTRA replied yes.

CO-CHAIR MEYER said he would assume that this is why teachers who are certified through NBPTS receive \$500 more annually.

[8:36:13 AM](#)

CO-CHAIR MEYER moved to report [CS]SB 83( ), [version D] from the committee with individual recommendations and attached fiscal note(s). There being no objections, CSSB 83(EDC) moved from the Senate Education Standing Committee.

[8:36:55 AM](#)

At ease from 8:36 a.m. to 8:38 a.m.

### **SB 8-STUDENT QUESTIONNAIRES AND SURVEYS**

[8:38:35 AM](#)

CO-CHAIR THOMAS announced the consideration of SB 8.

[8:39:02 AM](#)

THOMAS OBERMEYER, Staff to Senator Bettye Davis, sponsor of SB 8, read the following sponsor statement:

The purpose of this bill is to increase participation in the national biennial Youth Risk Behavior Survey (YRBS) in order to meet the minimum 60 percent participation required by the Centers for Disease Control (CDC) for the survey to be validated for assessment, recording and reporting of reliable results. Alaska has periodically failed to meet minimum participation levels. This anonymous survey

will next be administered in Alaska School Districts in Spring 2011 and 2013. This survey is enormously valuable to all aspects of society dealing with our youth. Failure to obtain usable information adversely affects education and funding of many services.

To help achieve this objective this bill will change the parental consent requirement for the YRBS from active to passive, that is, from written to implied consent if the parent does not object or deny permission in writing for the student to participate in the survey. To alleviate increased concerns about protecting the right to privacy the bill provides lengthy and detailed new notice requirements which will be sent to parents at least two weeks in advance of the survey. There will be ample time and opportunity for parents to review the survey with instructions on how to opt out. Students may also independently decline to participate or to answer specific questions in this completely voluntary and anonymous survey. Absolute privacy and anonymity are maintained by strict administrative procedures and return of surveys to CDC. Written permission is still required to be obtained from the student's parent or legal guardian for all other surveys, anonymous or not that inquire into personal or private family affairs of the student and are not a matter of public record or subject to public observation.

Although research and experience suggest that the vast majority of parents would consent to their students participating in this survey, failure of parents to return written consent forms has been found more often to be the result of lack of interest or attention, rather than refusal. Consequently, results from whole schools periodically must be disregarded when not enough parental consent forms are returned.

Without facts and population-based information on youth risk behavior parents, students, educators, planners, and policy makers cannot understand and address the important health and social issues that affect students' happiness and success in the future. The Youth Risk Behavior Survey helps guide and evaluate important health and prevention programs in both the public and private sectors. Local, state and federal officials, schools, state and federal

agencies, public and private grant programs and nonprofit health organizations rely on these survey to educate, allocate resources, and compare trends concerning safety behaviors, injury prevention, tobacco prevention and control, obesity prevention, diabetes, heart disease and stroke, safe and drug free schools, substance abuse prevention, violence and suicide prevention, HIV, STD prevention, and connectedness to teachers, parents and other adults. SB 8 simply makes it easier to obtain information on youth risk behaviors, while increasing procedures to assure privacy, parental notice, and supervision.

MR. OBERMEYER continued by reading the sectional analysis of SB 8:

**Section 1.** Adds an exception for the Youth Risk Behavior Survey (YRBS) to the written permission requirement for student surveys.

**Section 2.** Provides detailed written notice requirements for all student surveys, including YRBS.

**Section 3.** Adds specific questions and process for a student and parent to refuse to participate in a student survey by submitting a written denial of permission.

**Section 4.** Provides an exception to written permission for YRBS and a minimum two week notice provision that is consistent with the requirements in sec. 2.

MR. OBERMEYER said Section 2 was repealed and reenacted to include many more survey notice requirements to parents that are not in AS 14.03.110.

Section 3 allowed students to not only refuse to participate in the survey but allowed them not to answer specific questions in the survey.

Section 4 included a provision of two weeks' notice for parents to respond and write a denial of permission letter to take the survey.

[8:45:16 AM](#)

SENATOR STEVENS asked what funding or services would be affected if students do not take these surveys.

MR. OBERMEYER answered that, to his understanding, for agencies that deal with youth part of the funding comes from engaging youth successfully, which is often in response to the findings of this survey. These agencies help children avoid problems or assist those that are already engaged in problems now.

CO-CHAIR MEYER said this is not a new issue and is a very sensitive topic to many parents. He asked him to describe how the survey process currently works.

MR. OBERMEYER replied that there are probably five or six questions on the survey that could be construed as offensive or very personnel, typically pertaining to sexual activity. He explained that this bill is not trying to hide any aspect of the survey itself. Currently, in order to address this issue the bill states that a student may choose whether they answer a question or take the survey. He reminded the committee that parents can still write a denial of permission to the school that will not allow their child to participate.

He explained that, in his understanding, throughout the United States the comparisons of the survey answers are enormously useful. He said that not all school districts are necessarily involved and only a 60 percent participation rate is necessary. The Centers for Disease Control (CDC) will throw out the survey information from Alaska if it does not get a 60 percent feedback rate. This means that Alaska would not have any background information for two years, until the survey is administered again. He said to remedy the problem of notice to parents in regards to this survey, section 2, on page 1 and 2, includes the following:

- (1) the date the questionnaire or survey is to be administered;
- (2) a description of the content of the questionnaire or survey;
- (3) the sponsor of the questionnaire or survey;
- (4) the name of a person at the school district who may be contacted regarding the survey;
- (5) notice of the opportunity to review the questionnaire or survey;
- (6) a description of the manner in which the questionnaire or survey will be administered to the student;
- (7) instructions for submitting written permission or denial of permission to participate in a questionnaire

or survey, including an anonymous or specific questionnaire or survey;  
(8) notice of the opportunity for the student to refuse to answer specific questions...

He explained that the bill is trying to make things as easy as possible so the survey can be successful. If the bill fails, the school districts will continue making every effort, as has been done in the past, to get parents to return the permission form. He reiterated that Alaska has periodically failed to make the 60 percent participation requirement.

[8:53:35 AM](#)

CO-CHAIR MEYER said that this tells him that the administration and the school districts have not done a good job to inform parents or parents do not want their children participating in the survey. He asked if it would be easier for parents to simply check a box that allows their child to participate in a survey, rather than obligating parents to write a denial of permission.

MR. OBERMEYER replied that the issue with this is school districts issue more than just the YRBS survey throughout the year. Right now, if the parents do not object to a survey being given to their child, the law states that any personal survey given to a student must include written permission. In the case of SB 8 only the YRBS would be administered to students unless a parent has written a denial of permission letter. He reminded the committee that school districts are obligated to give parents a two week notice that this particular survey will be administered and can give written denial of consent if they do not want their child to participate.

He said that it is a great burden and expense for schools to get participation in this survey. He said that, to his knowledge, many parents would not prevent their child from participating in the survey, but they may have lost or been unaware of the required permission slip they needed to sign.

[8:56:44 AM](#)

CO-CHAIR THOMAS announced he would hold SB 8 in committee.

[8:58:21 AM](#)

There being no further business to come before the committee, Co-Chair Thomas adjourned the meeting at 8:58 a.m.