

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

February 22, 2013

8:01 a.m.

MEMBERS PRESENT

Representative Lynn Gattis, Chair
Representative Lora Reinbold, Vice Chair
Representative Dan Saddler
Representative Paul Seaton
Representative Peggy Wilson
Representative Harriet Drummond

MEMBERS ABSENT

Representative Gabrielle LeDoux

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 1

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HJR 1

SHORT TITLE: CONST. AM: EDUCATION FUNDING

SPONSOR(S): REPRESENTATIVE(S) KELLER

01/16/13	(H)	PREFILE RELEASED 1/7/13
01/16/13	(H)	READ THE FIRST TIME - REFERRALS
01/16/13	(H)	EDC, JUD, FIN
02/22/13	(H)	EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE WES KELLER

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Introduced HJR 1, as the sponsor of the resolution.

JIM POUND, Staff

Representative Wes Keller

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HJR 1, on behalf of the resolution sponsor, Representative Keller.

KEVIN MCGEE

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

TOM FINK

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

DENNIS FRADLEY

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

KATHLEEN SQUIRES

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

LADAWN DRUCE, Vice President

National Education Association (NEA) Alaska

Kenai, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

DREW BAKER

Soldotna, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

JENNIE HAMMOND

Kenai, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

LON GARRISON, Member

Sitka School Board

Sitka, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

JOSHUA DECKER, Attorney

ACLU of Alaska

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

LANCE ROBERTS

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

RON ARNOLD, Representative
Educational Support Staff Association (ESSA)
Fairbanks, Alaska
POSITION STATEMENT: Testified in opposition to HJR 1.

ZEBULAN WOODMAN
Fairbanks, Alaska
POSITION STATEMENT: Testified in opposition to HJR 1.

ANDY HOLLEMAN
Anchorage, Alaska
POSITION STATEMENT: Testified in opposition to HJR 1.

JERRY COVEY, Education and Non-Profit Consultant
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HJR 1.

TUCKERMAN BABCOCK
Kenai, Alaska
POSITION STATEMENT: Testified in support of HJR 1.

DOUG HODGES
Kenai, Alaska
POSITION STATEMENT: Testified in support of HJR 1.

TAMMY SMITH
Fairbanks Education Association (FEA)
Fairbanks, Alaska
POSITION STATEMENT: Testified in opposition to HJR 1.

TOYA SANDERSON
Fairbanks Support Staff Association (FSSA)
Fairbanks, Alaska
POSITION STATEMENT: Testified during discussion on HJR 1.

ARNOLD COHEN
Pacific Northern Academy
Anchorage, Alaska
POSITION STATEMENT: Testified in opposition to HJR 1.

JESS ELLIS
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HJR 1.

TAMMI GANGULI, Member
Alaska Parent Teacher Association (PTA)

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

WANDA LAWS, President

National Association for the Advancement of Colored People
(NAACP)

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

BOB GRIFFIN

Eagle River, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

JOHN TOBIA

Eagle River, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

CHINH GRIFFIN

Eagle, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

GLEN BIEGEL

Alaska Home Educators Association

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

DAVID NEES

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

LAWRENCE WEISS

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

JANE ANVIC

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

VICTOR FISCHER

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

LAURA BONNER

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

DAN LORING

Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion on HJR 1.

CARL ROSE, Executive Director

Association of Alaska School Boards (AASB)

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

MARY GRAHAM

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

JODIE TAYLOR

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

ACTION NARRATIVE

[8:01:00 AM](#)

CHAIR LYNN GATTIS called the House Education Standing Committee meeting to order at 8:01 a.m. Representatives Gattis, Seaton, Reinbold, and Saddler were present at the call to order. Representatives Drummond and P. Wilson arrived as the meeting was in progress.

HJR 1-CONST. AM: EDUCATION FUNDING

[8:01:44 AM](#)

CHAIR GATTIS announced that the only order of business would be HOUSE JOINT RESOLUTION NO. 1, Proposing amendments to the Constitution of the State of Alaska relating to state aid for education.

[8:02:26 AM](#)

The committee took a brief at-ease.

[8:03:57 AM](#)

REPRESENTATIVE WES KELLER, Alaska State Legislature, speaking as the sponsor, stated that proposed HJR 1 would give Alaskans the opportunity to vote to amend the Alaska State Constitution to include the statement: "nothing in this section shall prevent payment from public funds for the direct educational benefit of

students as provided by law." He offered his belief that a vote against HJR 1 would state that a person did not want to allow Alaskans to decide whether that sentence should be included, or would be an attempt at preventing Alaskans from making this decision. Directing attention to page 1, lines 8 - 11, he pointed out that HJR 1 would also delete the following: "No money shall be paid from public funds for the direct benefit of any religious or other private educational institution."

[8:05:29 AM](#)

JIM POUND, Staff, Representative Wes Keller, Alaska State Legislature, stated that HJR 1 "moves Alaska's education system forward. It eliminates a federal mandate." He offered his belief that this was in response to an Alaska Supreme Court interpretation to not permit state funding to a private or religious school. He assessed that HJR 1 was a request to Alaskans for whether "they want to expand educational opportunities from K through 16." He suggested that other bills had supported needs based scholarships and academic scholarships, which all went to the University of Alaska. He stated, "There's nothing wrong with the University of Alaska, but in many cases, these students want to have options to go somewhere else." He assured the committee that HJR 1 would put those options to the voters in Alaska, and would "not make any decisions, today, having to do with public funding." He stated that the proposed resolution was not a voucher bill, and was not a parent or school choice legislation. He offered his interpretation that it would not bankrupt the public school system because it would create competition, and that it was not discriminatory. He stated that the proposed resolution only did one thing, it "puts the vote before the Alaska people to decide if their legislature, and then this legislature can decide, later on, whether there's school choice, parent choice, vouchers, or whatever you wanna call them."

[8:07:42 AM](#)

REPRESENTATIVE SADDLER asked how many times the Alaska State Constitution had been amended.

REPRESENTATIVE KELLER replied that he did not have that information, and suggested that there were people on line waiting to testify.

[8:08:23 AM](#)

CHAIR GATTIS asked to clarify that the proposed resolution only asked the Alaskan voters "if it's okay."

REPRESENTATIVE KELLER replied "that's exactly right. That's all it's about." In response to a further question from Chair Gattis, he said that approval of the resolution would not create education vouchers or scholarships, that it would only allow Alaskans to decide whether this sentence should be included in the Alaska State Constitution: "nothing in this section shall prevent payment from public funds for the direct educational benefit of students as provided by law."

[8:09:01 AM](#)

REPRESENTATIVE SEATON called attention to the committee that the proposed resolution also deleted language, which he read: "No money shall be paid from public funds for the direct benefit of any religious or other private educational institution." He stated that a vote for the proposed resolution would express agreement that money could be paid to religious and private educational institutions.

REPRESENTATIVE KELLER opined that the aforementioned sentence, which would be deleted by the proposed resolution, was "outside of the scope of a lot of discussion anyway on this bill," and he reiterated that the proposed resolution only added the sentence: "nothing in this section shall prevent payment from public funds for the direct educational benefit of students as provided by law."

[8:10:36 AM](#)

REPRESENTATIVE SEATON clarified that the proposed resolution allowed insertion of some language and deletion of other language. He emphasized that it was not possible to vote for half the resolution.

REPRESENTATIVE KELLER expressed his agreement.

[8:12:02 AM](#)

CHAIR GATTIS asked if approval of the proposed resolution would create a school voucher or scholarship program.

REPRESENTATIVE KELLER replied that it would not.

[8:12:11 AM](#)

REPRESENTATIVE DRUMMOND stated that an assumption from the removal of the text on page 1, lines 8-10, would be that "money from public funds shall be paid for the direct benefit of religious or other private educational institutions." She asked about the source of funding to pay the several million dollars in additional tuition for the 2500 students in Anchorage who currently attended a private or religious school.

REPRESENTATIVE KELLER replied that the proposed resolution did not appropriate or spend funds, and did not presume that money shall be spent. He assessed that the only cost from the proposed resolution would be to print the ballots.

REPRESENTATIVE DRUMMOND offered her belief, "that appears to be skirting the issue, Mr. Keller." She expressed an assumption that deletion of the text would allow money to be paid to the private or religious institutions. She repeated her request for the source of tuition funding, as it was necessary to "consider the down line implications of a positive vote on this constitutional amendment."

[8:13:53 AM](#)

REPRESENTATIVE KELLER endorsed that the application and presumption by Representative Drummond was not valid, maintaining that the proposed resolution "does not do that."

CHAIR GATTIS opened public testimony and stated that any written testimony would be included in the official record.

[8:15:04 AM](#)

KEVIN MCGEE, stating that he was the parent of three children who had graduated from the Anchorage School District, declared his opposition to proposed HJR 1. He described the educational careers of his three children and said that he did not see a reason to change the Alaska State Constitution. He opined that private school tuition should be paid by parents.

[8:17:55 AM](#)

TOM FINK stated his support for proposed HJR 1, offering his belief that, as the school system in Alaska was "broken," this would remove the major obstacle for correction of the system. He said that the legislature was limited to funding public schools, rather than funding the education of Alaska's children.

He stated that passage of this proposed resolution would allow the legislature to "answer the educational needs of our children." He offered his belief that the primary opposition to the proposed resolution was the National Education Association (NEA), in order to protect "their own power structure, not for the education of our children."

[8:19:45 AM](#)

DENNIS FRADLEY, referring to both the United States Constitution and the Alaska State Constitution, stated that direct government support for religious institutions was prohibited and that the proposed resolution did not alter that prohibition. He expressed his support for HJR 1 and referenced the options for school choice that existed in other states. He offered his belief that competition between public and private schools would make the schools better in Alaska.

[8:22:09 AM](#)

KATHLEEN SQUIRES stated her support for HJR 1, and described her limited choices as the parent of a child with special needs. She opined that the public should be allowed to decide whether to fund the educational system.

[8:24:28 AM](#)

LADAWN DRUCE, Vice President, National Education Association (NEA) Alaska, stated that NEA Alaska opposed proposed HJR 1. She declared that "children are our special interest." She pointed out that Alaska had both school and program choice in the public schools, with many school districts offering a variety of alternatives. She said that the proposed resolution would allow public funds to go to private or religious schools. Directing attention to the concept of competition to improve the public schools, she declared that there was not any evidence to support this. She referred to the educational summit in Anchorage, which had reported that the majority of demand for choice was within the public school system. She declared that a voucher system would not lead to higher student achievement, and directed attention to two examples included with her submitted written testimony. She suggested a variety of funding needs for the schools. She declared that NEA Alaska was committed to great public education for every child, and was working to ensure a quality, qualified teacher in every classroom. She emphasized that Alaska did not need to change its constitution,

rather, to work together to improve the public schools, educate the children, and strengthen the communities.

[8:26:35 AM](#)

DREW BAKER stated that "our country has a history of opposing monopolies, and they do it for a reason." He declared that competition would make our economy stronger, and that he supported proposed HJR 1, in opposition to "the monopoly of the public school."

[8:27:26 AM](#)

JENNIE HAMMOND offered her belief that parents had the responsibility to choose the best education for their children. She shared that her children went to a private school. She declared her support for proposed HJR 1.

[8:28:52 AM](#)

LON GARRISON, Member, Sitka School Board, stated his opposition and concern for proposed HJR 1. He emphasized that the framers of the Alaska State Constitution understood the value and necessity for offering every student in the state the opportunity for a quality public education. He expressed that the foundation of democracy resided in the ability to educate the population. He assessed that the theory for competition in the schools to bring improvement was naïve and incorrect. He argued that this proposed resolution would, instead, create segregation of the haves and have nots. He asked what oversight would exist for the appropriate use of public funds. He asked if every private school would be required to accept and provide the opportunities demanded by state and federal law for any child, no matter what their impairment. He questioned the idea that competition among schools would result in greater student achievement, as public schools had to work within the boundaries of negotiated agreements for salary and benefits. He suggested other means for attaining student achievement, and offered his belief that these issues were not central to the proposed resolution.

[8:31:24 AM](#)

JOSHUA DECKER, Attorney, ACLU of Alaska, stated that ACLU Alaska was in opposition to proposed HJR 1. He said that the framers of the Alaska State Constitution had "squarely confronted this issue, and directly rejected it." He noted that the proposed

resolution did not change either federal or Alaska statute which prohibited direct funding to private religious institutions. He voiced caution for the funding of private, secular schools as these schools needed to abide by the non-discrimination laws, which included physical or mental disabilities.

[8:33:22 AM](#)

LANCE ROBERTS stated his support for proposed HJR 1, saying that tax payers should not be required to support public schools while paying more money in the form of tuition to a private school. He specified that the proposed resolution would give parents a choice and give the legislature the tools to allow competition, which he opined would have great results. He declared that the public should be allowed to vote on this issue.

[8:35:06 AM](#)

RON ARNOLD, Representative, Educational Support Staff Association (ESSA), stated his opposition to proposed HJR 1, pointing to data which verified the lack of success from competition. He stressed the importance of improving public education with support for greater involvement and greater teachers; however, it was not necessary to make a change to the constitution.

[8:37:19 AM](#)

ZEBULAN WOODMAN stated his opposition to HJR 1 as it would subsidize private schools, while allowing operation outside the state laws for public schools. He said that vouchers took money from public school classrooms, and gave it to "for profit, education corporations, private school operators, and religious organizations." He offered his belief that the voucher system was a way to privatize schools, with exemptions to state and federal laws. He indicated that free market principles were already working for the school system, and that it did not need government intervention. He pointed out that fixed costs at public schools would not be decreased with the use of vouchers. He asked if all applicable federal laws for construction and maintenance would also apply to private schools.

[8:40:01 AM](#)

ANDY HOLLEMAN stated his opposition to proposed HJR 1. He said that competition through school vouchers could lead to the

opening of a system of schools that "many Anchorage students can never hope to attend." He opined that this would enable a segregated school system.

[8:41:06 AM](#)

JERRY COVEY, Education and Non-Profit Consultant, stated his support for proposed HJR 1, as he believed in expansion of the options for the delivery of education to better meet the needs of students, parents, and employers. He offered his belief that an increase to the competition within the education system would translate to improved education for students. He opined that school choice should be a fundamental right for every parent, although it was currently prohibited. He lamented that thousands of schools experienced low achievement and low rates of graduation, and that the only choice available for many students was a failing school. He acknowledged that it was an unknown for what the school system would look like if the public approved the proposed resolution; however, he opined that it would spark a comprehensive examination of the public education system.

[8:43:21 AM](#)

TUCKERMAN BABCOCK stated his support for HJR 1 and discussed the schooling for his eight children. He offered his belief that this was an issue of freedom, and that the current school system was a monopoly and a bureaucracy. He asked why freedom of choice for public school was denied.

[8:44:37 AM](#)

DOUG HODGES stated his support for proposed HJR 1. He voiced his desire for improvement to the quality of the schools, an end to the monopoly of public schools, and freedom of choice for schools. He endorsed competition among schools.

[8:45:20 AM](#)

TAMMY SMITH, Fairbanks Education Association (FEA), established that Alaskan parents had the opportunity to choose programs in the public schools that met their child's needs, either through public charter schools or open enrollment. She declared that it was not necessary to change the Alaska State Constitution. She pointed to data for voucher programs, which indicated that these programs were underperforming the public schools. She declared that voucher schools, in most instances, choose the students,

not the other way around, which left out the students with learning disabilities and other needs.

[8:47:45 AM](#)

TOYA SANDERSON, Fairbanks Support Staff Association (FSSA), testified during the hearing on HJR 1. She described her work in the schools as a graduation success coach, and a member of the support staff. Her position had been cut due to the flat funding, and three years later the graduation rate began to fall. She stated that parents have always had a choice to be involved and engaged in their child's education, and that choice still existed.

[8:50:13 AM](#)

ARNOLD COHEN, Pacific Northern Academy, testified in opposition to proposed HJR 1 because, as an independent school, it was necessary to set its own standards for admission and that acceptance of public funds would allow public scrutiny and public school provisions. He declared that this would result in a loss of the independence. He expressed his concern that the use of public funds for non-public education would diminish the quality of public education. He discussed the possibility of private diploma-mill companies entering the school market and having low standards. He offered his belief that it was the obligation of the state to oversee the use of public funds. He questioned the amount of the vouchers, pointing out that an independent school, with a class size of less than 15 students, cost about \$19,000 to educate a student. He asked from where this difference of cost would be provided.

[8:53:02 AM](#)

JESS ELLIS stated his support of HJR 1, declaring that all Alaskans should have the opportunity to vote on this issue. Commenting on the text which was proposed for deletion, page 1, lines 8 - 10, he announced that it had been "rooted in bigotry and for no other reason ought to be repealed." He opined that the State of Alaska had a constitutional obligation to provide for education, and that the current system "has proven to be more expensive and less effective than is the case in other states." He offered his belief that there should be the option to employ the private sector in education, "especially if the private sector can produce better results at a lesser cost." He suggested that this would be a prudent fiscal option. "Liberty, freedom, competition, and unleashing the genius of the private

sector are all fundamental American and Alaskan values," he relayed. He announced that proposed HJR 1 would lead to "more choices in education, and a better educated population. I believe it will lead to an empowering of good teachers to do their job better and to better compensation for doing so. I also believe it would allow minorities the greater potential to escape poor public schools."

[8:55:05 AM](#)

TAMMI GANGULI, Alaska Parent Teacher Association (PTA), stated that both the national and Alaska PTA were in opposition to HJR 1 and any school voucher system that would divert public funds to private or sectarian schools. She stated that the PTA believed that any home school, or other non-public school, should meet the same educational standard as public schools. Speaking as a parent, she stated that it was her responsibility to advocate for her children, and that, as every child had unique educational needs, it was necessary to have a good, quality public school system. She offered her belief that any money diverted from the public schools to schools with other social and religious preferences would deprive the general public from an enhanced education. She offered her belief that the discrimination came from the private schools. She stated her opposition to proposed HJR 1.

[8:58:13 AM](#)

WANDA LAWS, President, National Association for the Advancement of Colored People (NAACP), stated that the NAACP in Anchorage was in opposition to proposed HJR 1. She questioned where the funding would be found. She offered her belief that any voucher program would cause segregation between those who could and could not afford private schools. She questioned why private schools, if funded with public money, should not be held to the same standards, rules, and certifications as public schools. She suggested that more funding for the public schools would allow for smaller class sizes and programs. She opined that lower income and minority children would "be left out in the cold" with a voucher program.

[9:01:01 AM](#)

BOB GRIFFIN stated his support for proposed HJR 1, as it was better to fund public education and "not worry about the system so much." He reported that he was a "proud union member." He offered his belief that the school system was broken, as Alaska

spent more per capita than any other state, yet was at the bottom of many rankings. He declared that "student outcomes has to be the bottom line." In response to Representative Drummond, he stated that the cost of most voucher systems were substantially less than the base student allocation. He stated that "poor, disabled, and ethnic people have benefitted the most from these programs across the country." He declared that the public school system was currently segregated.

[9:03:52 AM](#)

JOHN TOBIA stated his support for proposed HJR 1 and offered a personal anecdote about the education of his daughter in the public schools, home school, and private school. He offered his belief that it was critical that children get "the finest of education."

[9:06:39 AM](#)

CHINH GRIFFIN stated support for proposed HJR 1, and declared that the people should have the opportunity to vote. [Indisc.] She offered her belief that parents should choose what was best for the children.

[9:08:45 AM](#)

GLEN BIEGEL, Alaska Home Educators Association, stated that he had made the choice to have a second job in order to pay for his children to attend a private school. He offered his belief that children should have access to the school of their choice, and that a voucher gave children that opportunity. He expressed his strong disagreement with the NAACP representative. He offered Mt. Edgecumbe High School as an example of a successful school. He testified in support of proposed HJR 1, and to "stop trying to control what parents have choices for."

[9:12:00 AM](#)

DAVID NEES stated his support for proposed HJR 1. Directing attention to the proposed resolution, he reflected on Day 44 of the Alaska constitutional convention in 1957, when an argument had ensued about direct and indirect aid, and support for secular schools. He pleaded for the proposed resolution to pass so that there could be public discussion and a vote on the proposed resolution. He observed that Alaska had changed and that the Alaska today was no longer the Alaska of 1947 and 1957.

[9:14:49 AM](#)

LAWRENCE WEISS described an anecdote about the struggles of his grandparents to receive an education in Russia, and that their values had included a strong opinion for no state involvement with private education. He declared that he shared these views for the necessity that religious and private schools had to be independent of state funding, which he opined was consistent with both the U.S. and Alaska State Constitution. He declared that he was against the proposed resolution.

[9:17:46 AM](#)

JANE ANVIC declared that she had previously served as a member of the Anchorage Municipal Assembly, which was tasked with the establishment of tax rates for the financing of public education. She stated her opposition to proposed HJR 1, and opined that the use of public funding for other than public education would erode the public education system. She offered her belief that it was incumbent upon the State of Alaska to ensure provision of a system of education that provided access for all students to as good an education as possible. She opined that draining financial resources from the public education system would be harmful to that system. She declared that the reduction of financial opportunities for expansion of the public education system would improve graduation and performance rates. She opined that public money needed to be devoted to public education. She declared that this [public school] was the principal fundamental methodology for students to learn to read and write. She stated that the management of the resources of the State of Alaska had to include support of the public school system.

[9:19:54 AM](#)

REPRESENTATIVE P. WILSON, pointing to the data from the Lower 48, asked if it was appropriate to use that data for comparison.

MS. ANVIC replied that it was appropriate to make this comparison.

REPRESENTATIVE P. WILSON asked if the size of Alaska contributed to the high spending per student.

MS. ANVIC replied that there were many reasons, and that size and distance were not the least of these. She pointed out that the school budget appropriation in Anchorage had been reduced by

\$25 million, and she offered her belief that the state had a responsibility to assist all the school districts in the state, declaring a need to support the public educational system.

[9:21:46 AM](#)

VICTOR FISCHER pointed out that amending the state constitution was a very serious matter, and that the burden of proof was on those who would like to make this amendment to the Alaska State Constitution. Noting that he was a member of the state constitutional convention, he offered his belief that the casual approach of allowing the people to vote was a "lousy" argument. He reported that the constitutional language, the same text proposed for deletion by HJR 1, had been unanimously accepted. He declared that education was a function of each state, so that the aforementioned text was not part of the U.S. Constitution. He declared his opposition to proposed HJR 1, stating that the public education system was funded with public money, and any program approved through passage of HJR 1, would be a direct benefit to religious and for-profit institutions. He declared that he did not support public funds being directed to religious and for-profit schools.

CHAIR GATTIS said that, as public money was already going into private and religious institutions, this was a dilemma which the legislature was attempting to reconcile.

MR. FISCHER, in response, stated that the situation was still open enough that the law allowed the opportunity for scholarship programs. He noted that this could continue until a legal challenge was brought and the Alaska Supreme Court made a ruling.

CHAIR GATTIS expressed her agreement.

[9:27:41 AM](#)

REPRESENTATIVE DRUMMOND reiterated that the burden of proof was on those who would change the constitution. Referring to her earlier question posed to the sponsor of the resolution regarding the source of funding, she pointed out that his response had been that funding was not the question with regard to HJR 1. She asked what Mr. Fischer would determine to be the burden of proof for the legislature to put this question to the voters.

MR. FISCHER replied that the basic question was whether this resolved a non-existent problem. He opined that there was not a fundamental problem with the existing constitutional language.

[9:29:21 AM](#)

LAURA BONNER stated her opposition to HJR 1 and that it "opens the door to allow discrimination for special needs students and to lower income families." She opined that it blurred the line between church and state, and did not define any direct educational benefit. She offered her belief that legislators would be negligent and fiscally irresponsible with passage of this resolution.

[9:30:45 AM](#)

DAN LORING declared that it was difficult to state whether he was for or against the resolution, and he asked the committee to consider what was best for the children, especially the students in some neighborhood schools. He declared that often lower socio-economic and minority children had been left behind. He stated that good teachers and good administrators would assist children with success "at an extremely high level." He called for a focus on the chronically underperforming neighborhood schools and the student needs.

[9:33:21 AM](#)

CARL ROSE, Executive Director, Association of Alaska School Boards (AASB), stated that AASB was opposed to proposed HJR 1. He explained that members of the AASB had taken the same oath as legislators, swearing to support and defend the Alaska State Constitution. Noting that, as nine of every ten children attended public schools, it was necessary to maintain a quality public school system. He declared the difficulty to "connect the dots" between the proposed constitutional change and improvement of the school system. He emphasized that there were unintended consequences from the proposed resolution, and that passage would make it necessary to revisit case law, statutes, regulations, and the current school structure. He stated that choice, although a good thing in and of itself, was not enough of an argument for constitutional change. He stressed that accountability was the most important issue, pointing out that acceptance of state dollars necessitated satisfaction of state outcomes.

[9:36:13 AM](#)

MARY GRAHAM stated her opposition to HJR 1, and declared that the dilution of public education funding would not result in the attainment of the stated graduation goals. She pointed to the use of vouchers in other school systems as an attempt to redirect public funds to religious education. She declared that it was necessary to focus on quality public education, that there was already choice within the public school system, and that it was not necessary to amend the state constitution.

[9:37:49 AM](#)

MR. POUND asked that questions from the committee be submitted to the bill sponsor, and that written responses would be provided. He announced that the proposed resolution was only a step toward the possibility of school choice, which would not be addressed until the 29th Legislature.

[9:38:27 AM](#)

REPRESENTATIVE SEATON, referring to the testimony by Victor Fisher, asked whether the sponsor agreed with the responsibility of the legislature for the ramifications to a constitutional amendment, or was the sponsor merely responsible for the "individual words that are on a constitutional amendment." He pointed to the necessity of a two-thirds vote for agreement by each body of the legislature for passage of a change to the constitution, and then to the subsequent passage by 51 percent of the people. He established that the questions posed regarding funding to the current 9,600 private school students had been declared by the sponsor to not be necessary for response at this time. He questioned the "firewall" by the sponsor's declaration that the legislature "should only consider the exact words, and not the ramification, of removing the prohibition for direct benefit for any religious or other private educational institution from the constitution, and what that would allow."

[9:40:23 AM](#)

REPRESENTATIVE SADDLER stated that, of the 40 attempts put forward to amend the Alaska State Constitution, 28 amendments had been successful, and included the rights to vote for 18 year olds, prohibition of sexual discrimination, creation of a limited entry fishing permit system, creation of the Alaska permanent fund, and assertion of the right to privacy.

[9:41:03 AM](#)

REPRESENTATIVE SEATON asked for the sponsor of the proposed resolution to address the question for a funding cap to the private schools similar to those on the public schools.

CHAIR GATTIS, apologizing for interrupting, interjected that the discussion was for a constitutional amendment, and that his questions were premature.

REPRESENTATIVE SEATON explained that the ramifications for a proposed constitutional amendment were important to understand, and he maintained his question.

MR. POUND, referring to the attached fiscal note, [Included in members' packets] stated that there was no funding issue attached to the resolution. He stated that discussion of funding should be "down the road."

CHAIR GATTIS expressed her agreement that the questions were premature.

REPRESENTATIVE SEATON maintained his desire for an understanding to the federal requirements that could occur with passage of the proposed resolution.

CHAIR GATTIS offered her belief that this would be a discussion after passage of the resolution by the people of Alaska.

[9:44:06 AM](#)

REPRESENTATIVE P. WILSON opined that an understanding of the ramifications from passage of a constitutional amendment was important for the voters to comprehend, and that she supported the questions proposed by committee members. She offered an analogy to a funding pie, which was limited in its size, and would result in smaller distributions should there be more allocations. She declared that it was necessary for Alaskans to understand these ramifications.

CHAIR GATTIS replied "I don't even know what it means, except for that the people will choose, and we will have grand conversation and big debate on what it truly means." She stood firm in her conviction that the people of Alaska trusted the legislature to make the right choice.

[9:47:39 AM](#)

REPRESENTATIVE DRUMMOND expressed her agreement with the comments of Representative Seaton and Representative P. Wilson. She stated that it was the fiscal responsibility of the committee to understand the possible funding for the aforementioned 9,600 students.

REPRESENTATIVE SEATON clarified that there were 9,600 students in private and religious schools who could be impacted by funding.

REPRESENTATIVE DRUMMOND asked to clarify that this number of students had been reported by the Department of Education and Early Development.

[9:49:22 AM](#)

JODIE TAYLOR stated her support for HJR 1, declaring that state and federal funding should be available for people in their choice of schools.

[9:50:47 AM](#)

REPRESENTATIVE SADDLER emphasized that the proposed resolution was simply a constitutional amendment to allow a system, and that there should not be discussion for ramifications until "consideration of that law would be made." He declared that this was a multi-step process.

CHAIR GATTIS praised his eloquence.

[9:51:33 AM](#)

REPRESENTATIVE SEATON clarified that he was not searching for specific examples, but that it was necessary to understand other laws and provisions in the Alaska State Constitution which would be affected with passage of the proposed resolution. He asked for a better understanding to the meaning of the proposed amendment. He opined that it was necessary to have a "high bar to understand and to be able to explain, when it goes to the vote of the people, why."

CHAIR GATTIS summarized that the sponsor should explain what other parts of the state constitution would be affected, with regard to education, by passage of proposed HJR 1.

CHAIR GATTIS announced that HJR 1 would be held over. She left public testimony open.

[9:53:53 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:53 a.m.