

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

March 1, 2013
8:01 a.m.

MEMBERS PRESENT

Representative Lynn Gattis, Chair
Representative Lora Reinbold, Vice Chair
Representative Gabrielle LeDoux
Representative Paul Seaton
Representative Peggy Wilson
Representative Harriet Drummond

MEMBERS ABSENT

Representative Dan Saddler

COMMITTEE CALENDAR

HOUSE BILL NO. 138

"An Act extending the annual deadline by which employers are required to deliver layoff or nonretention notices to employees who are tenured teachers."

- MOVED HB 138 OUT OF COMMITTEE

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: HB 138

SHORT TITLE: LAYOFF NOTICES FOR TENURED TEACHERS

SPONSOR(S): REPRESENTATIVE(S) HUGHES

02/22/13	(H)	READ THE FIRST TIME - REFERRALS
02/22/13	(H)	EDC
03/01/13	(H)	EDC AT 8:00 AM CAPITOL 106

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
02/22/13 (H) Heard & Held
02/22/13 (H) MINUTE(EDC)
03/01/13 (H) EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE SHELLEY HUGHES
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 138 as sponsor of the bill.

GINGER BLAISDELL, Staff
Representative Shelley Hughes
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified on behalf of the sponsor,
Representative Shelley Hughes, of HB 138.

KATHERINE GARDNER, Director
Human Resources and Labor Relations
Matanuska-Susitna Borough School District (MSBSD)
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 138.

JOHN ALCANTRA, Lobbyist
National Education Association, Alaska (NEA-Alaska)
Palmer, Alaska

POSITION STATEMENT: Testified during the discussion of HB 138.

JOSHUA DECKER, Attorney
American Civil Liberties Union of Alaska (ACLU-Alaska)
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HJR 1.

KRISTINA JOHANNES
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

AMY WALKER
Palmer, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

JENNIE HAMMON

Nikiski, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

RICHARD KOMER, Senior Attorney

Institute for Justice (IAJ)

Arlington, Virginia

POSITION STATEMENT: Testified in support of HJR 1.

PAT MORETH

Homer, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

DAVID BOYLE

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 1.

GLENN PRAX

North Pole, Alaska

POSITION STATEMENT: Testified during the discussion of HJR 1.

PAIGE HODSON

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

COURTNEY MARCHESANI

Administrator

Bridgeway Educational Services (BES)

Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HJR 1.

KELLY WALTERS

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

TAMMY SMITH

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

WANDA LAWS

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

STEVE EVENSON, Vice President

Northwest Religious Liberty Association - Alaska (NRLA)

Douglas, Alaska

POSITION STATEMENT: Testified during the discussion of HJR 1.

LIZ DOWNING
Homer, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

CHRYA SANDERSON
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HJR 1.

ACTION NARRATIVE

[8:01:42 AM](#)

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

HB 138-LAYOFF NOTICES FOR TENURED TEACHERS

[8:02:12 AM](#)

CHAIR GATTIS announced that the first order of business would be HOUSE BILL NO. 138, "An Act extending the annual deadline by which employers are required to deliver layoff or nonretention notices to employees who are tenured teachers."

[8:02:51 AM](#)

REPRESENTATIVE SHELLEY HUGHES, Alaska State Legislature, as sponsor, presented HB 138. She explained that HB 138 pertains to a change in the nonretention date by which school districts must notify tenured teachers of layoffs. Under existing law, school districts are required to issue notices of nonretention for tenured teachers by March 15 if a district believes it may have to lay off a tenured teacher for the subsequent school year. Currently, school districts issue nonretention notice, known as "pink slips" at a time when the school districts generally don't know the level of funding the districts will receive from the legislature. In fact, the final funding is unknown until after the end of the legislative session and the governor's approval of the operating budget. This bill would change the date of nonretention notices from March 15 to May 15. This would result in less work and administrative costs to school districts she said. Currently nonretention notice has been issued based on estimates, and ironically they are issued at a time when the school districts should be looking for

efficiencies. This bill could reduce the loss of good teachers who may take other jobs after receiving "pink slips" even though "pink slips" may ultimately be withdrawn by the school districts.

REPRESENTATIVE HUGHES turned to the aspects that affect teachers and may affect children's education. She said issuance of "pink slips" may cause unnecessary tension between the teachers and the school district's administration, as well as creating stress for teachers and their families. She characterized the effect of potentially losing one's job as being very unsettling. She suggested the practice is disruptive for students since even the best teachers could become distracted when they receive "pink slips." She described observations from the experiences of having had four children attend public schools. Some people may express concern that this may adversely affect teachers since job fairs are held in April; however, this bill would not prevent teachers from attending job fairs. Additionally, she pointed out other school district employees, whether non-tenured teachers or classified employees, are not notified of potential nonretention by March 15. Certainly, this bill could level the playing field, she said.

REPRESENTATIVE HUGHES summarized that HB 138 would address a long-time issue, the "pink slip" issue, by moving the date of issuance of notices of nonretention from March 15 to May 15, which will give school districts the necessary time to make important staffing decisions without causing undue stress and harm to teachers, schools, and without disrupting the learning environment for students.

[8:07:04 AM](#)

REPRESENTATIVE SEATON related his understanding that non-tenured teachers are the ones notified by "pink slips" since it is unlikely enrollment would be reduced to the extent that it would be necessary to layoff tenured teachers. He acknowledged that this bill only addresses tenured teachers; however it doesn't prevent school districts from notifying non-tenured teachers. He asked for further clarification on whether this issue will affect tenured teachers or if issuing "pink slips" to non-tenured teachers has been more of an issue for school districts.

REPRESENTATIVE HUGHES answered that HB 138 would only address layoff notices to tenured teachers. She offered her belief that by waiting until May 15 it is likely that the school districts delay issuing "pink slips" to non-tenured teachers; however,

this bill would not prevent school districts from also issuing layoff notices to non-tenured teachers.

[8:08:45 AM](#)

REPRESENTATIVE DRUMMOND asked whether HB 138 would allow school districts to wait to issue "pink slips" to non-tenured teachers or if the statute does not apply to them.

REPRESENTATIVE HUGHES answered the bill does not apply to non-tenured teachers. She surmised that since the school districts will not have a March 15 deadline to make staffing decisions, it is not likely they will issue "pink slips" to non-tenured teachers in March either.

[8:09:26 AM](#)

GINGER BLAISDELL, Staff, Representative Shelley Hughes, Alaska State Legislature, on behalf of the sponsor, explained the statute currently states that teachers who have acquired tenure rights who will not be retained in the following school year would be notified in writing by March 16. She explained non-tenured teachers who will not be retained must be notified of the layoff on or before the last day of the school year. Thus, the non-tenured teachers could receive the layoff notice any day prior to the last day of the school year.

[8:10:15 AM](#)

REPRESENTATIVE REINBOLD asked whether there has been any resistance to HB 138. She noted members' packets contain letters of support from the North Slope Borough and the Anchorage School District.

REPRESENTATIVE HUGHES answered that no opposition has been voiced.

CHAIR GATTIS opened public testimony on HB 138.

[8:11:13 AM](#)

KATHERINE GARDNER, Director, Human Resources and Labor Relations, Matanuska-Susitna Borough School District (MSBSD), offered support for HB 138. She said that decisions regarding staff retention are not taken lightly. In fact, the MSBSD highly values the work and dedication of all its teachers who serve students on a daily basis. It is largely for this reason

that the MSBSD is so supportive of HB 138. She said the current statutes require that the MSBSD provide notice not only of "pink slips" for layoffs, but also notice of nonretention for other reasons. The deadline for giving notice to tenured teachers by March 16 of each year has presented problems. As previously mentioned, the school district's financial situation is not known by March 16 since the legislature is still in session and the local funding is also unknown in mid-March.

MS. GARDNER said that the next year's school district budget is built on assumptions, projections, and predictions. She said that to make a final determination on staff expenses, which can represent 80-90 percent of the total expenditures, without knowing the revenue allocation is not good fiscal policy. On the one hand, the MSBSD risks retaining a workforce that cannot be sustained if revenues fall short of the estimates and on the other hand, the MSBSD risks a potentially disruptive environment could be created when layoff notices are provided as early as March 16.

MS. GARDNER said that issuing the notices of nonretention or reducing staff can be detrimental if made unnecessarily. Unfortunately, the MSBSD must provide layoff notices two months before the school year finishes regardless of whether the reason is to reduce the workforce or is due to poor teacher performance. Issuing the notices so early creates a delicate problem for school administrators. She emphasized the MSBSD's priority is to ensure a healthy, productive, and engaging learning environment for each student and the potential effects of discussing layoffs is problematic and not conducive to the MSBSD's mission to provide a quality education. Finally, the administrative burden of issuing layoff notices is significant. A number of requirements must be followed even when teachers who received "pink slip" in March are brought back from layoff status in the fall. Thus the teachers and the school district suffer, she said. She said she appreciated the committee's consideration and concluded with her strong support for HB 138.

[8:14:38 AM](#)

REPRESENTATIVE SEATON asked for the MSBSD's policy on issuing "pink slips" for non-tenured teachers.

MS. GARDNER said the MSBSD has had to issue notices to non-tenured teachers; however, in the past two years the MSBSD has not qualified to reduce its workforce per statute so the district has not submitted layoff notices to any tenured

teachers. However, she noted some teachers have received nonretention letters for other reasons.

8:15:25 AM

REPRESENTATIVE SEATON understood the reason the MSBSD has not issued "pink slips" to non-tenured teachers is due to the population growth in the MSBSD.

MS. GARDNER answered that is correct. While the MSBSD has issued some notices to non-tenured teachers due to budget deficits, the school district has not had any reduction in enrollment nor has the school district's basic need been reduced by 3 percent, which are the only two criteria the MSBSD would have to issue notices of layoff to tenured teachers.

8:16:46 AM

JOHN ALCANTRA, Lobbyist, National Education Association, Alaska (NEA-Alaska), stated he provides government relations for the 13,000 NEA-Alaska members. Additionally, he is speaking as a parent of four children in Palmer in the MSBSD. He said the association has not taken an official position on HB 138 since the bill was introduced after the NEA-Alaska January assembly meeting. At the NEA assembly meeting, 400 delegates elected by their peers reviewed approximately 200 new legislative business items in about 48 hours at the assembly. He characterized the assembly meeting as the "legislature on steroids." He applauded the sponsor's efforts to improve the situation. He noted the last day of school is May 23; however, several school districts, including the Lower Kuskokwim School District and other rural school districts complete their school year prior to the May 15th deadline in the bill, which may pose a potential problem for some school districts. For example, a school district could let out May 6 after offering teacher contracts, but something could arise by May 15 that would affect their decision. While he is not testifying in opposition to the bill since it makes sense, he expressed concern that some school districts don't know their budget situation by March 16. He recalled that of the 8,500 to 9,000 teachers in the state, about 1,500 to 2,000 are non-tenured teachers. He surmised the date in HB 138 works for urban districts, although he maintained his concern about how it would affect rural school districts.

8:19:53 AM

REPRESENTATIVE DRUMMOND offered her belief that HB 138 would not prevent rural districts from issuing early notification, since the bill requires notification by May 15 at the latest. Thus the rural school districts would still have flexibility to apply the policy within their district.

MR. ALCANTRA responded that this sets his mind at ease since is familiar with Representative Drummond's school board experience.

REPRESENTATIVE DRUMMOND said she appreciated his comments, noting the [nonretention] process is unpleasant.

[8:20:49 AM](#)

REPRESENTATIVE REINBOLD asked how many years it takes for teachers to qualify for tenure.

MR. ALCANTRA answered that that teachers obtain tenure on the first day of their fourth year of teaching. He suggested that the number of non-tenured teachers is probably closer to 2,000.

REPRESENTATIVE REINBOLD asked how many tenured teachers are in the state.

MR. ALCANTRA answered that the remaining workforce would be tenured teachers, which would be about 6,500 teachers. He restated that teachers reach tenure on the first day of their fourth year of teaching.

[8:21:52 AM](#)

REPRESENTATIVE LEDOUX stated the statute clearly states the layoff notice date of May 15 or prior to that date so nothing will preclude the school districts if [the school district lets out earlier.]

[8:22:16 AM](#)

REPRESENTATIVE P. WILSON related her understanding that teachers received tenure after three years.

MR. ALCANTRA responded that teachers must start the first day of the fourth year of teaching.

REPRESENTATIVE P. WILSON asked whether a teacher who has worked for three years could receive a "pink slip" [on the last day of the school year].

MR. ALCANTRA answered yes. In further response to Representative Wilson, Mr. Alcantra explained that the potential of teachers receiving nonretention notices at the end of the third year has been a major concern.

REPRESENTATIVE P. WILSON understood the NEA "goes to bat" for teachers. She asked for clarification on whether the NEA would help a teacher who is given a "pink slip" on the last day of the school year.

MR. ALCANTRA assured the committee that NEA-Alaska represents all teachers. He reiterated that a teacher who has worked for three years could receive a "pink slip" on the last day of the school year.

[8:24:49 AM](#)

REPRESENTATIVE REINBOLD asked whether expensive recruiting efforts are attracting highly-qualified teachers.

MR. ALCANTRA recalled two years ago the recruitment cost averaged about \$12,000 per teacher, with about 700 teachers recruited each year. He was unsure if that figure has changed, but assumed it had gone up; however, using that rate if school districts recruited 500 teachers it would cost \$6 million costs. He deferred to the school districts to answer whether recruitment brings in better quality teachers.

REPRESENTATIVE REINBOLD asked whether the "pink slips" are based on seniority or if the decisions are also based on skill levels.

MR. ALCANTRA said he did not believe the decisions were based solely on seniority. Speaking as a parent, he added that has observed that the MSBSC has documented that class sizes have increased from 25.2 to 30.2 students per class. He stated that the school districts need math, science, and special education teachers so an elementary teacher would not be asked to teach advanced math at Palmer High School.

REPRESENTATIVE REINBOLD asked again for the criteria used for issuance of nonretention "pink slips."

CHAIR GATTIS pointed out the NEA-Alaska does not issue "pink slips"; instead, the school districts issue them.

[8:28:27 AM](#)

MS. GARDNER responded that the layoff or "pink slips" are issued based on seniority. She elaborated that the layoff notices are issued in order of seniority, largely due to the collective bargaining agreement. She stated that aside ensuring minimum qualifications the MSBSD does not review other criteria, such as student test scores or recent evaluations that may indicate a teacher's performance. She acknowledged that this is probably not the best practice; however, the practice is objective, even if it doesn't always mean the right teachers are retained in the right areas. In fact, she did not believe it does this. Additionally, some very significant restrictions in AS 14.21.77, limit the school district in terms of considering non-tenured teachers ahead of tenured teachers. In fact, the MSBSD would need to layoff all non-tenured teachers prior to considering nonretention of any tenured teacher, which may not benefit student learning, she said.

[8:30:47 AM](#)

REPRESENTATIVE REINBOLD expressed concern over the expenditures for recruitment with subsequent layoff actions taking place. She asked for the average number of layoffs issued each year. She wondered if there might be a better practice than spending \$6 million in recruitment only to layoff other teachers.

MS. GARDNER answered that the figures quoted do not necessarily represent what the MSBSD spends on retention since some layoffs occur in areas with too many teacher. Much of the recruitment effort is spent on special education teachers, occupational therapists, and speech pathologists, which are areas that are difficult to fill. Thus the layoff notices may occur in other areas in which the school district has too many staff. She reiterated there is a difference between where the MSBSD's recruitment funds are being spent and where the layoffs are happening.

[8:32:35 AM](#)

REPRESENTATIVE DRUMMOND asked whether teachers with three years of experience who receive "pink slips" could apply their experience towards tenure in a new school district or if they will be required to begin again at ground zero.

MS. GARDNER responded that the track to tenure would begin again in the new school district. However, when a teacher obtains tenure, the experience is transferrable to a particular level.

From a school district's perspective, it is important that tenure be handled in this manner since it would be an administrative burden to the school districts to track non-tenured time, she said.

[8:34:38 AM](#)

REPRESENTATIVE SEATON understood all non-tenured teachers would need to be laid off prior to a tenured teacher being laid-off. However, he further understood it is possible to remove a tenured teacher for cause.

MS. GARDNER answered that is correct.

CHAIR GATTIS, after first determining no one else wished to testify, closed public testimony on HB 138.

[8:35:49 AM](#)

REPRESENTATIVE REINBOLD moved to report HB 138 out of committee with individual recommendations and the accompanying fiscal note. There being no objection, HB 138 was reported from the House Education Standing Committee.

The committee took an at-ease from 8:36 a.m. to 8:41 a.m.

HJR 1-CONST. AM: EDUCATION FUNDING

[8:41:56 AM](#)

CHAIR GATTIS announced that the final 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.

[8:42:37 AM](#)

JOSHUA DECKER, Attorney, American Civil Liberties Union of Alaska (ACLU-Alaska), said he previously submitted written testimony on February 21, 2013 and did not have any additional testimony.

[8:43:04 AM](#)

KRISTINA JOHANNES, read from the following prepared statement, [original punctuation provided]:

My name is Kristina Johannes and I am in favor of HJR 1. I represent myself.

This amendment will remove a clause from our constitution that unnecessarily restricts the right of the legislature to define public purpose in view of the conditions prevailing at each time in our history. There is no good reason to keep this restriction on our legislature in place. It is not required by the federal constitution.

Our legislators should have the maximum freedom to make decisions. This is a great opportunity to effect that change. Legislators already have this freedom in regards to the other public purposes; why should education be any different? Barrie White, a constitutional convention delegate, urged the removal of this clause warning that it would lead us into trouble. I think his warning was prophetic. Because of this clause, the Alaska Supreme Court has restricted the right of the people to debate the issue of educational reform. That's why it is necessary to not only remove this clause but to also insert the clause that clarifies to the Courts that the people want their freedom back. I ask you to support this amendment.

[8:44:41 AM](#)

AMY WALKER provided a brief background, noting she has been an Alaska resident since 1969 and a property owner and Palmer resident since 1982. She said that she home schooled her children. However, during the same timeframe she and her husband paid taxes for public schools as well out of pocket expenses for home schooling their children. She offered her support for equal freedom for all parents, including ones who choose educational choices outside the public school system. All parents should have the opportunity to choose the best education for their children. Therefore, parents who wish to use private schools should receive tax credits or vouchers to enable them to enroll their children in the school of their choice without necessitating any additional financial burden. In conclusion, she offered her support for HJR 1 as well as SJR 9, which would help establish equal educational freedom in Alaska [through vouchers].

REPRESENTATIVE SEATON asked for clarification on whether she is testifying that private schools should receive vouchers or if she believes individual home school parents should receive funds to provide education at home.

MS. WALKER responded that she supports funds being distributed to parents who send their children to any type of private school, including home school parents.

[8:47:07 AM](#)

JENNIE HAMMON said she testified last week but offered her support for HJR 1. She offered her belief that she is responsible for the education of her children, but also to understand the cost of education. As the parent of a special needs child, she expressed concern over the cost to educate her daughter. She found a more effective way of educating her daughter even though this choice costs her family approximately \$8,000 in educational expenses for her special needs child and other child. Still, she and her husband decided this is the best solution to educate their children, which is one reason she supports HJR 1. She emphasized that all children and parents should have the opportunity [to choose]. She pointed out some families who also attend Cook Inlet [Academy] are not wealthy and experience a daily [financial] burden [to educate their children]. She concluded that this resolution will help other families.

[8:48:31 AM](#)

RICHARD KOMER, Senior Attorney, Institute for Justice (IAJ), stated the IAJ has been in existence for 21 years and he has been an advocate for school choice programs for 20 years, including any legal impediments to them. He said he has testified during the past several sessions in Alaska on the need to pass a resolution to remove the constitutional bar - or rather an interpretation of the bar by the Alaska Supreme Court (ASC) [for vouchers]. While there are compelling reasons to believe the ASC has misinterpreted the Alaska Constitution, it is the nature of the judicial system that the ASC's decisions are final unless their decision is reversed by the court or the people overrule the court's interpretation by amending Alaska's Constitution. He stated that HJR 1 would amend the Alaska Constitution to open up the possibility of school choice programs in the state that are currently precluded by two erroneous decisions by the ASC. On a national scale, three other states have repealed the Blaine Amendment, [which bans the

use of public funds to support sectarian private schools], similar to HJR 1, including Louisiana, North Carolina, and Arkansas. The New York's highest court also has overruled its earlier decision on a much more restrictive Blaine Amendment. In fact, this [resolution] is not unprecedented and would allow the legislature to consider whether to create school choice programs to provide additional educational opportunities for Alaskans.

CHAIR GATTIS asked if he had written testimony to submit.

MR. KOMER answered no, but offered to submit testimony he previously presented to other committees.

[8:51:35 AM](#)

REPRESENTATIVE LEDOUX asked for a percentage of states that repealed the Blaine Amendment through popular initiative who have subsequently enacted a voucher system.

MR. KOMER said only three states have repealed the Blaine Amendment and of those, two states implemented school choice legislation: Louisiana and North Carolina. North Carolina implemented a special education scholarship program funded through tax credits provided to taxpayers. Louisiana implemented a variety of programs and expanded statewide a program previously limited to New Orleans. Additionally, Louisiana has a special education program for those with certain disabilities, as well as offering a tax deduction program.

[8:53:08 AM](#)

REPRESENTATIVE LEDOUX asked how long it took for these two states to implement their programs.

MR. KOMER answered that it took some decades before school choice bills were passed, although in Louisiana it took a threat to a textbook program that provided textbooks to all Louisiana students to challenge the Blaine Amendment. In fact, fear that the program might be repealed led to the state repeal the Blaine Amendment. The Louisiana Supreme Court upheld the program, he said. He recalled the timeframe was 1920 and the newest program for school choice occurred in the 1990s.

[8:54:39 AM](#)

PAT MORETH spoke in opposition to HJR 1. She stated that she also believes in choice and attended a private school; however, she is concerned about the process. She expressed concern that this resolution has a heavy urban slant and does not consider rural areas. She explained that urban areas have choices available through neighborhood schools, local charter schools, and private schools choices, although parents may need to pay for private schools. She said that the economies of scale of larger urban communities in Alaska make those choices possible. She expressed further concern that money earmarked for education could be diverted if educational choices are offered outside the public system. Further, she expressed additional concern on the effect of reduced funding for established schools, especially in rural parts of the state. She understood the challenges schools face and the desire for additional educational choices. However, a better approach might be to promote support to help local schools meet the needs of local communities statewide. In Alaska, each school district is different so it's important to proceed carefully with a statewide outlook to ensure that Alaska's Constitution covers all education in existing schools. It's important, but also challenging to ensure the same opportunities exist in rural and urban school districts in Alaska. She emphasized that the Alaska Constitution should not be casually amended. In conclusion, she stressed the need for legislators to keep the "big picture" in mind.

[8:57:59 AM](#)

DAVID BOYLE spoke in support of HJR 1 since he believes HJR 1 will foster competition within the educational system and loosen the grip of special interests in education. He offered his belief that education is a monopoly and the Blaine Amendment has a sordid history such that it represents an anti-Catholic, anti-Irish, and anti-immigrant background and in the early 1900s it was even supported by the Ku Klux Klan. He said, "Alaska is better than that. This is a battle between those who support the best education for all Alaska's children and those who want to maintain their stranglehold on the education industry to the detriment of many Alaskans." Further, he suggested this issue is about power and control. He recalled that Bob Chanin, the general counsel for the NEA-Alaska said in his farewell speech in 2009:

It is not because of our creative ideas. It is not because of the merit of our positions. It is not because we care about children. And it is not because we have a vision of a great public school for every

child. NEA and its affiliates are effective advocates because we have power and we have power because there are more than 3.2 million people who are willing to pay us hundreds of millions of dollars in dues each year because they believe that we are the union that can more effectively represent them.

MR. BOYLE said:

Ask me about the Alaska Native grandmother who wanted to get her two daughters out of a failing neighborhood school. Ask me about the African American father who had just enrolled his son in a failing middle school. Ask me about a father who called me late at night who was being told he should enroll his daughters in a failing school. Ask me about the failing principal who stated he gets the leftover "crap" from the charter schools. These are known stories. There are hundreds of unknown stories. Some previous speakers have said that allowing Alaskans to vote on this constitutional amendment is a "lousy idea." Was the PFD a lousy idea? Was lowering the voting age to 18 a lousy idea? I don't think so. Please let Alaskans vote. Pass HJR 1 out of the committee. I thank you for the opportunity to speak on this very important resolution.

[9:00:27 AM](#)

GLENN PRAX stated he has reviewed the language in Alaska's Constitution, with respect to education, which he thinks is defective. He said it is impossible to avoid "sect" control with a central funding source, which is Alaska's current funding mechanism. He said it is pretty evident that the NEA controls the school system, which is a sect of the population. Thus a small group controls the educational funding. He suggested one way to change this is to disperse the control, which should be held by parents in order to avoid a takeover of the system. He offered his belief that the goal in creating [educational funding in] Alaska's Constitution was sensible, but he did not think it was possible to achieve [fairness] with the centralized school system. Currently, the centralized system is the public school system, which he maintained is controlled by a "sect". He expressed concern that novel ways to approach education are not being pursued, recalling ones a previous testifier found to educate her special needs child. He maintained that numerous ways to provide education are not being explored due to the

aforementioned centralized school system. He concluded that the best way to solve this is to disperse educational funds other than by using centralized sources. He thanked the committee.

9:03:03 AM

PAIGE HODSON spoke in opposition to HJR 1. She said her three children went through the Anchorage public school system and she did not think Alaska's educational system is broken. She became involved in the Parent Teacher Association (PTA) since she believes community involvement and in involvement in education. She offered her belief that if something isn't working it can be "built up", but she viewed HJR 1 as "tearing down" education. The state has shortchanged education in the budget process since it has not inflation proofed education. She expressed concern that HJR 1 would remove funds from public schools which could damage children and the community. She related a scenario in which the school district couldn't afford to fix school facilities, including a crumbling ice rink and pool which were unsafe so the PTA raised money to fix them. She suggested a better approach is to "build up" the public schools. She emphasized the importance of separation of church and state. she expressed concern that the majority of the schools [this resolution will affect are religious based schools]. She stated that public schools enroll all children, regardless of religion, disability, or language since public schools are charged to provide education. Further, she anticipated legal challenges will happen with passage of HJR 1. In conclusion, she said she did not believe most people want to amend Alaska's Constitution, recalling that voters recently rejected a constitutional amendment.

COURTNEY MARCHESANI, Administrator, Bridgeway Educational Services (BES), stated that BES targets at-risk youth with learning differences. She related that she attended public school. She suggested that education needs to be owned collectively and every family wants the best education for their children. In fact, as children are growing up, parents continually question whether they are obtaining the best education for their children. She characterized this issue as a heated topic statewide, one that is also being discussed throughout the nation. Parents "cross their fingers" when lotteries for charter schools are held, hoping that their children will be selected for the one or two slots open slots. Parents continually try to improve school processes and parental involvement equals vested interest so these parents invest

energy to provide the best education possible for their children.

MS. MARCHESANI reminded members that everyone has the same goal. She said she is honored to work at BES to support teachers, families, and students. The BES serves 18 students who have not been able to seek the traditional school setting or attend charter schools in Anchorage. In this small but effective program teachers offer language arts, math strategies and many curricula, as well as providing field trips for students. The program has taught students classroom survival skills, which are priceless for students who cannot learn in traditional ways. She cautioned that even highly intelligent students who cannot learn in conventional ways can get left behind. In fact, even Albert Einstein was dyslexic and autistic, but his solutions are created real world solutions through music and his equations are still used today.

MS. MARCHESANI said that BES exists as an ancillary support to the Anchorage School District (ASD). She explained the BES is not a stand-alone school, but provides resources, through a vendor partnership that helps exhausted parents and hopeless kids who are looking for effective learning solutions. Some of the BES parents have been desperate to find the best education for their children. She described some of the problems these educationally-challenged children face. Thus the voucher system could provide a valuable asset to these families currently being served. She offered her belief that vouchers are not the problem; instead, the real problem is that some children fall through the cracks when their parents cannot afford a private school education. The voucher system could provide an answer for some parents, but would not cripple the local school district. In fact, the voucher system has been used in other districts to serve children with special needs and allow them to thrive. She reiterated the voucher system will not hurt the local school district, but would make it stronger and more resilient. She concluded that this [resolution] could create a "win-win" situation. She thanked members for their time, commitment, and service.

REPRESENTATIVE SEATON asked her to forward her written testimony.

[9:12:04 AM](#)

KELLY WALTERS spoke in opposition to HJR 1. He offered his belief that HJR 1 is a misnomer since parents currently have

choices with respect to their children's education. Under current law, parents who wish to send their child to a private school have the right to do so but they must pay for it. He stated that the American Legislative Exchange Council (ALEC) crafts legislation that serves to put forward a radical ideology that isn't necessary. He expressed concern that the Anchorage School District (ASD) lost \$25 million in funding. He also expressed concern that the resolution, if passed, would use public funds for private religious schools, which represents political action on the part of churches. He expressed further concern that some churches and institutions don't pay taxes, which was addressed in an opinion piece by one of the authors of Alaska's Constitution, Vic Fisher. He maintained that HJR 1 is a solution for a non-existent problem and could limit funds for public schools. He suggested this issue is related to other legislative issues, including the reduction to oil taxes, which reduces state revenues, and would limit education funding. He characterized the [voucher] decisions as a "comedy of errors", which stemmed from the ALEC organization. He viewed ALEC as an organization that crafts "boiler plate" draft legislation for partisan use. He summarized that the state cannot afford to change the Alaska Constitution or deteriorate public dollars by using public funds for private, religious schools, which blurs the line of church and state.

[9:16:12 AM](#)

TAMMY SMITH stated her opposition to HJR 1. She suggested that placing a referendum on the ballot to amend the Alaska Constitution would allow public funds to be used for private schools, corporations, or church schools without the benefit of a full public discussion. She said this is unacceptable. Legislators, as stewards of the Alaska Constitution, have the responsibility to ensure entities are administered appropriately and are protected, including the public school system. Further, legislators are obligated to the state's interest. Therefore, allowing a poorly vetted bill to move to a vote of the people would be short-sighted, when little or no information regarding its impact is known.

MS. SMITH asked a series of questions, including what costs would be associated with a voucher program, if state regulations would be required, if other states' voucher programs are functioning, and whether protections exist for special education or discrimination. She further asked for the voucher program's student achievement and successes as compared to public schools or religious-based schools. She expressed concern that these

are unknowns. She agreed that the public's opinion is important, but only when Alaska's citizens are fully informed and assured that the public schools are kept from great harm. Certainly, there are many ways to improve public education, including working with educators to improve teacher education programs and creating opportunities for innovative practices. She supported the concept of a four-day week. She suggested other approaches could be taken instead of passing HJR 1, such as increasing the length of time students are learning, reinforcing family and school partnering, and delivering a rich and varied curricula, all of which are better choices for public schools than instituting a voucher system.

[9:18:25 AM](#)

REPRESENTATIVE DRUMMOND queried about the parameters for the vouchers.

MS. SMITH responded that HJR 1 doesn't place limits on the type of school that could benefit from public funds. She suggested that the parameters should be developed prior to a public vote on the resolution. In response to Representative P. Wilson, she clarified that the legislature is responsible for the protection of public education system in Alaska and to ensure adequate funding for public schools in each community.

REPRESENTATIVE REINBOLD stated numerous states have implemented voucher systems. She recommended reviewing Florida's model of reforms since children who were previously poor performers benefited the most.

CHAIR GATTIS asked her to submit written testimony.

MS. SMITH offered to do so.

[9:21:23 AM](#)

WANDA LAWS spoke in opposition to HJR 1. She stated that she has lived in Alaska since 1974, but her father was in the military for 30 years so she traveled a lot and has attended a number of other schools. She said Alaska's public school system has served her well and she was able to participate in numerous programs, including many after school programs. She offered her belief Alaska's public school system is a good system even though many programs she benefited from have since been cut. She surmised these programs would be especially beneficial to single parents. She questioned Alaska funding private schools

at a time when the public school funding is shrinking; however, she pointed out she did not object to private schools, just the concept of funding private schools with public funds. She wondered whether the private school voucher system would be affordable for low-income families in the event all costs for private schools could not be covered by vouchers. She questioned whether criteria would be developed to avoid discrimination in terms of race, special education, or religion. After all, public schools admit everyone, she said. She asked whether teacher certification for private schools would be equal to public teacher certification standards. For these reasons she questioned the wisdom of funding the voucher system. She acknowledged the benefits of giving parents some options; however, she wondered if the public understood what school choice and voucher systems actually mean or if parents will only learn this when families must provide out-of-pocket supplemental funding to cover the costs of private schools. In conclusion, she also wondered if the voucher schools actually will benefit the parents who can afford to send their children to private schools and currently choose to do so.

[9:26:24 AM](#)

REPRESENTATIVE LEDOUX asked whether she serves as an officer for the National Association for the Advancement of Colored People (NAACP) and if so, whether the NAACP has an opinion on the Blaine Amendment or voucher systems, in general.

MS. LAWS agreed she serves as the President of the NAACP [but she is speaking on behalf of herself today.] She offered her belief that the NAACP would oppose HJR 1. She explained that her personal opinion is aligned with the association's perspective on HJR 1.

[9:27:37 AM](#)

STEVE EVENSON, Vice President, Northwest Religious Liberty Association - Alaska (NRLA), expressed his concern about HJR 1. He referred to language in HJR 1 that is removed from existing statute [page 1, lines 8-10], which read [original punctuation provided]:

[NO MONEY SHALL BE PAID FROM PUBLIC FUNDS FOR THE DIRECT BENEFIT OF ANY RELIGIOUS OR OTHER PRIVATE EDUCATIONAL INSTITUTION.]

MR. EVENSON said he appreciates being an American and having the separation of church and state. He expressed concern that if public funds are channeled to private schools, especially a church-oriented school, the line between church and state would become blurred. He questioned whether the state would dictate what and how the private school must teach. He observed that private schools are often specialized with programs by funding availability. In fact, there is a distinction between private and public schools and the funding should be separated, he said. He stated he would oppose the resolution if funding for the private institutions would occur. In response to a question, Mr. Evenson responded that he lives in Alaska and his organization represents private religious schools.

[9:30:02 AM](#)

REPRESENTATIVE DRUMMOND requested additional information from his organization and the stance that he and other members hold, which she surmised is in opposition to mingling public and private funds. She suggested a resolution from the membership would be helpful to the committee.

MR. EVENSON offered to provide the information on the Northwest Religious Liberty Association. He agreed that other members of his organization also oppose HJR 1, due to the mingling of public and private funds.

CHAIR GATTIS asked him to provide information to her office for distribution to committee members.

[9:31:13 AM](#)

REPRESENTATIVE LEDOUX asked whether the membership list for the Northwest Religious Liberty Association is public.

MR. EVENSON replied that membership names could be made available.

CHAIR GATTIS clarified that Representative LeDoux is interested in the names of the schools not a list of the entire membership.

[9:32:13 AM](#)

REPRESENTATIVE SEATON asked whether private schools would be required to adhere to national standardized tests, which are based on the common core curriculum. He asked whether that

would be problematic for the Northwest Religious Liberty Association (NRLA).

MR. EVENSON answered he is most familiar with the schools he has been involved with for 30 years. These schools are accredited and are being served by accredited teachers. He said the focus has been to ensure the schools meet the standards. However, his concern about HJR 1 stems from governmental funds being provided to religious schools and blurring the separation between church and state. He outlined his primary concern is that government may ultimately impose constraints on private schools. He said he values education and his sons have attended private school systems and have earned masters' degrees. Thus he appreciated the benefits of private schools, but he also recognized the benefits of public schools and the advantages of each system. However, he maintained his concern over the blurring between the separation of church and state.

REPRESENTATIVE SEATON remarked he did not wish to imply the schools Mr. Evenson is affiliated with are not accredited. He specifically wondered how the new common core standards being adopted, with national standardized testing on these curricular standards and whether private schools would adhere to these standards.

MR. EVENSON clarified that the schools he is most familiar with administer the Iowa Basic Tests.

[9:35:56 AM](#)

REPRESENTATIVE P. WILSON understood his concern is that future state legislatures might dictate the curriculum for private schools under [the voucher system] for HJR 1. She said she did not object to teaching from the Bible so long as students learn skills. She asked him to pinpoint his fears.

MR. EVENSON responded that private schools exist for a particular reason and focus. Additionally, private schools face challenges such as financial resources and typically special education is not available. Certainly, the public funding would be advantageous; however, government may raise issues over time on how funding is spent and dictate how a school, such as a church-operated private school, must operate, he said.

[9:38:45 AM](#)

REPRESENTATIVE REINBOLD asked whether his organization is a national or Alaska-based organization.

MR. EVENSON answered that the NRLA's headquarters is in Battleground, Washington. He explained that the Capital Pastor Network operates in Montana, Idaho, Washington, Oregon and Alaska and participates in the NRLA. The NRLA participates in discussions on private schools, employment issues that pertain to religious beliefs. He related that he serves as Vice President for Alaska.

REPRESENTATIVE REINBOLD also asked for a list of schools and organizations that the NRLA represents in Alaska. She asked if he could mention any schools in Alaska.

MR. EVENSON answered that he pastors two churches in Sitka and Juneau that operate small schools. In fact, the schools each have one teacher. He offered his belief that the church sets high standards and the school functions well. His organization represents six schools in Alaska. He maintained that the reason for the private schools is to have the freedom to educate and to maintain religious freedom.

[9:41:29 AM](#)

LIZ DOWNING spoke in opposition to HJR 1. She said that vouchers are not a "win, win" situation, as previously suggested by an earlier testifier. She stated Alaska is independent and different. Alaska has experienced many years of budget cuts, including significant cuts to career technology and electives, such that students now have fewer choices. In the past five years, the state has enhanced career technology and has developed a forward thinking approach on funding, as well as considering what will best serve students, she said. Vouchers may work in some states with greater populations, but in Alaska, a ten percent reduction to public education funding could adversely impact the quality of education. Homer just approved its fifth charter school and the district offers alternative schools, home schools, and differentiated education. The public school system is diverse, supportive, and implementation for personalized education is on the rise. She just returned from the Alaska Society for Technology in Education (ASTE) meeting, where she held numerous great discussions. She cautioned against spending resources on court battles over constitutional issues [with passage of HJR 1], which would only deplete funds from the currently successful schools. Instead, she preferred an approach that would use educational resources to further

enhance the current system, which could become the best in the world. She offered her belief that Alaska has the talent and the small population to allow communities to quickly adapt. She urged members not to pass HJR 1 and to move forward with educational enhancements to the current public school system. In response to a question, she indicated she currently serves as Vice President of the Kenai Peninsula Borough School Board (KPBSB) and chairs the KPBSB's legislative committee. Additionally, she was just appointed to the ASTE Board and serves as chair of that organization's advocacy committee.

[9:46:12 AM](#)

CHRYA SANDERSON, spoke in opposition to HJR 1. She related that Governor Parnell came before the Fairbanks Chamber of Commerce recently. She had asked him why he was not in favor of increasing the base student allocation (BSA) and he responded that he did not want to fund something he did not feel would provide good returns. However, she has worked in Fairbanks since 1984 as a graduation success coach in education. She worked for the Graduation Success Program for four years until funding was cut, even though the program generated results. This program provided 24 coaches who served elementary through high school students. She described her work, noting her case load was approximately 85 students, including some children who had not been seen for 43 days. This program was designed to engage families of at-risk students to help minimize behaviors that interfered with learning, improve these children's self-esteem, and raise their grades. Further, she partnered with the Fairbanks Food Bank to ensure that her students received appropriate meals, and school supplies. Some children even needed clothes laundered and took showers at school. In fact, graduation rates improved; however, in the last three years without the program, student's rates have declined once again. She offered to provide committee members with a report that demonstrated the program's success. She described various circumstances of students and how the program used various learning styles to teach children. She emphasized the importance of ensuring that Alaska's children receive the best education and was reminded of the benefits of other programs, such as the Head Start program. She spoke in opposition to the resolution specifically since it will remove funding from the school districts that already struggle. She reiterated her offer to provide a report to demonstrate the improvements in graduation rates during the nine years the program operated in Fairbanks.

9:56:30 AM

REPRESENTATIVE P. WILSON acknowledged the passage of HJR 1 could be costly to the current state educational system. She asked whether the aforementioned students would be candidates for private schools if vouchers were available.

MS. SANDERSON surmised that the children she taught would likely remain in the public school system.

9:57:35 AM

REPRESENTATIVE DRUMMOND asked for clarification on the comment that "some children were not seen for 43 days."

MS. SANDERSON answered that several target students were not sent to her classroom. She later discovered the students had not been coming to school because they weren't able to live at home. She described some of the efforts she made to assist children in difficult circumstances.

REPRESENTATIVE DRUMMOND asked about her case load and asked whether that affected her ability to help students.

MS. SANDERSON answered that she was able to move good students to traditional classrooms to reduce her caseload and allow her to focus on the core at-risk students.

10:01:00 AM

REPRESENTATIVE REINBOLD offered her belief that decisions about graduation coach staff levels are made at the local school district level. Also, she said the cost of a voucher system would not necessarily cost the state any additional money. She expressed concern that Alaska is investing large sums of money [on education], yet student performance among the lowest in the nation. She related her understanding that the goal is to invest in education, obtain a rate of return, and review programs to ensure the state's investment is sound.

10:02:01 AM

CHAIR GATTIS announced that public testimony would remain open on HJR 1.

[HJR 1 was held over.]

10:02:26 AM

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 10:02 a.m.