

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

March 17, 2014
8:03 a.m.

MEMBERS PRESENT

Representative Lynn Gattis, Chair
Representative Lora Reinbold, Vice Chair
Representative Dan Saddler
Representative Paul Seaton
Representative Peggy Wilson
Representative Sam Kito III (Alternate)

MEMBERS ABSENT

Representative Harriet Drummond
Representative Gabrielle LeDoux

COMMITTEE CALENDAR

HOUSE BILL NO. 210

"An Act relating to the administration of psychiatric medication to a student; relating to crisis intervention training for school personnel; and relating to restraint, escort, and seclusion of students in public and private schools."

- MOVED CSHB 210(EDC) OUT OF COMMITTEE

HOUSE BILL NO. 318

"An Act relating to public school reports of students whose parents are members of the active duty military service."

- MOVED CSHB 318(EDC) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 210

SHORT TITLE: STUDENT RESTRAINT, SECLUSION, PSYC DRUGS

SPONSOR(s): REPRESENTATIVE(s) MILLETT, AUSTERMAN

01/21/14	(H)	PREFILE RELEASED 1/10/14
01/21/14	(H)	READ THE FIRST TIME - REFERRALS
01/21/14	(H)	EDC, FIN
02/12/14	(H)	EDC AT 8:00 AM CAPITOL 106
02/12/14	(H)	Heard & Held
02/12/14	(H)	MINUTE(EDC)

03/17/14 (H) EDC AT 8:00 AM CAPITOL 106

BILL: HB 318

SHORT TITLE: ANNUAL SCHOOL REPORT: MILITARY FAMILIES

SPONSOR(S): REPRESENTATIVE(S) SADDLER

02/21/14 (H) READ THE FIRST TIME - REFERRALS
02/21/14 (H) MLV, EDC
03/11/14 (H) MLV AT 1:00 PM CAPITOL 120
03/11/14 (H) Moved Out of Committee
03/11/14 (H) MINUTE(MLV)
03/12/14 (H) MLV RPT 4DP 2NR
03/12/14 (H) DP: GRUENBERG, SADDLER, REINBOLD,
LEDOUX
03/12/14 (H) NR: HIGGINS, HUGHES
03/17/14 (H) EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

VASILIOS GIALOPSOS, Staff
Representative Charisse Millett
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided the changes in Version T, on behalf of one of the joint prime sponsors of HB 210, Representative Charisse Millett.

LUCY HOPE, Director
Student Support Services
Matanuska-Susitna Borough School District (MSBSD)
Palmer, Alaska

POSITION STATEMENT: Testified during the discussion of HB 210.

CLAYTON HOLLAND, Director
Pupil Services
Kenai Peninsula Borough School District (KPBSD)
Soldotna, Alaska

POSITION STATEMENT: Testified in support of HB 210.

JEANNE GERHARDT-CYRUS, Parent
Kiana, Alaska

POSITION STATEMENT: Testified in support of HB 210.

MIKE COONS
Palmer, Alaska

POSITION STATEMENT: Testified during the discussion of HB 210.

PAM RONCONE

Crisis Prevention Institute
Milwaukee, Wisconsin

POSITION STATEMENT: Testified during the discussion of HB 210.

RON COWAN, Legal Rights Advocate/Investigator
Disability Law Center of Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in favor of HB 210.

CASSIE WELLS, Director
Student Services
North Slope Borough School District (NSBSD);
President, Council of Administrators of Special Education
Barrow, Alaska

POSITION STATEMENT: Testified in support of HB 210.

MIKE HANLEY, Commissioner
Department of Education and Early Development (EED)
Juneau, Alaska

POSITION STATEMENT: Answered questions during the discussion of
HB 210.

MARK SAN SOUCI, Regional Liaison
State Liaison Office
U.S. Department of Defense (DOD)
Tacoma, Washington

POSITION STATEMENT: Testified during the discussion of HB 318.

PAUL PRUSSING, Deputy Director
Teaching and Learning Support
Department of Education and Early Development (EED)
Juneau, Alaska

POSITION STATEMENT: Testified on the fiscal notes during the
discussion of HB 318.

ACTION NARRATIVE

[8:03:40 AM](#)

CHAIR GATTIS called the House Education Standing Committee meeting to order at 8:03 a.m. Representatives, Reinbold, Saddler, Kito III, Seaton, and Gattis were present at the call to order. Representative P. Wilson arrived as the meeting was in progress.

HB 210-STUDENT RESTRAINT, SECLUSION, PSYC DRUGS

8:04:01 AM

CHAIR GATTIS announced that the first order of business would be HOUSE BILL NO. 210, "An Act relating to the administration of psychiatric medication to a student; relating to crisis intervention training for school personnel; and relating to restraint, escort, and seclusion of students in public and private schools." [Before the committee was Version I, adopted as a working draft on 2/12/14.]

8:04:48 AM

REPRESENTATIVE REINBOLD moved to adopt the proposed committee substitute (CS) for HB 210, Version T, labeled 28-LS0852\T, Mischel, 2/25/14, as the working document.

REPRESENTATIVE SEATON objected for discussion purposes.

8:05:21 AM

VASILIOS GIALOPSOS, Staff, Representative Charisse Millett, Alaska State Legislature, explained the four changes in the new version, Version T as compared to Version I. He said the section that dealt with the conditions of the dispensation of medication was removed since the purpose was to identify drugs for chemical restraint, but the committee and the stakeholders raised issues. He indicated that the definition of chemical restraint was changed reflect the definition used by the federal Medicaid and Medicare Services program. [On page 4, line 31, and page 5, lines 1-2, subsection (g), which read, "chemical restraint" means a psychopharmacologic drug that is used on a student for discipline or convenience and that is not required to treat a medical symptom;".

MR. GIALOPSOS said the sponsor felt that the definition gives a succinct and clear scope of the intent of the medication and something that no parent or educator would want seen performed without having any of the encumbrances seen in [Version I].

MR. GIALOPSOS stated secondly, the term "physically escort" is removed entirely from Version T. The commissioner and educators suggested these changes, since the original intent was to ban physically escorting a child in a manner that restricted their breathing. He indicated that would have been a redundancy since that person would have been physically restrained in a manner to restrict their breathing, but it could have had a "chilling"

effect at a time when school personnel have necessary physical contact with a student "having a meltdown." He said this is especially helpful for high school and middle school students and the schools need compassionate teachers.

MR. GIALOPSOS reported that private and religious schools were also explicitly exempted for two reasons. First, those schools were exempted due to an absence of enforcement mechanisms. Secondly, having a legal framework in place in public schools allows parents in private and religious schools to seek redress, which is what has happened in many other states.

[8:08:30 AM](#)

REPRESENTATIVE SEATON referred to page 6, lines 4-6, Sec. 4, which states a private or religious school is "exempt from other provisions of law and regulations relating to education except law and regulations relating to physical health, fire safety, sanitation, immunization, and physical examinations." The stated purpose is students' physical health. He wanted to ensure this language doesn't exempt these schools from potential criminal restraint and is limited to laws and regulations relating to education.

MR. GIALOPSOS answered that he is correct. He referred to lines 2-6, which is language that currently exists in statute that talks about existing exemptions. This would not allow any school to break the law. He reported that a 20-year old Department of Law opinion on corporal punishment advised that private and religious schools can use corporal punishment but cannot violate the laws in terms of assaulting students. He concluded the same rationale would apply in this instance.

REPRESENTATIVE SEATON removed his objection. There being no further objection, Version T as before the committee.

[8:11:09 AM](#)

LUCY HOPE, Director, Student Support Services, Matanuska-Susitna Borough School District (MSBSD), said the district has had policies and procedures regarding the use of restraint and seclusion in place since 2008. The administrative regulations adopted by the MSB School Board state that restraint and seclusion may only be used if the student's behavior poses an imminent danger of physical injury to the student or to another person. She said seclusion is also specifically defined in that regulation as is the need for constant supervision,

documentation, and parent notification. The process of implementation of restraint is described in the certification course by David Mandt and Associates, taught by a district employee and must be reviewed annually by staff members needing certification. The MSBSD's trainer works about 62 days per year providing training to 350 staff.

8:12:38 AM

MS. HOPE related the MSBSD has in the past worked with smaller districts and is willing to provide training needs for training fees. She stated that the documentation, parent contact, and review of these incidents are specified in the MSBSD's policy, similar to those outlined in the bill. In addition, the MSBSD requires a school nurse or designee check the student during and following any restraint or seclusion. She said that changing behavior is best accomplished by strong and healthy relationships between adults and children and adults build on these relationships to teach skills, including skills to manage anger and frustration. She related that the Mandt [System, Inc.] training is based on developing those relationships with students. The training teaches students replacement behaviors and helps the child deescalate behavior. She emphasized that it also focuses on how to avoid using restraint with students. She noted that not all staff are trained due to cost and time constraints; however, appropriate personnel is trained to address the potential to use restraint or seclusion. She concluded that this would not add additional burden and would underline and underscore the MSBSD's policy for student safety. She highlighted one portion of the bill that the MSBSD does not have to currently report to the EED, and the MSBSD collects the data so it could be reported, but it might result in additional costs to the EED.

8:14:00 AM

REPRESENTATIVE REINBOLD asked for the district's current policy if a child acts out in a class. She related her understanding that it typically means isolating the child. She asked whether the new policy would cause the removal of all children from a classroom to allow staff to handle the child.

MS. HOPE answered that seclusion would only be used when a child poses a danger to self or others and would not be used with students who were acting up. She stated that seclusion is clearly defined in statute and is not a "time out" or part of the hierarchy of discipline or positive behavior support.

REPRESENTATIVE REINBOLD described an incident involving scissors she encountered as a substitute teacher.

MS. HOPE responded that in that type of situation trained staff should be available to deal with escalating behavior. She acknowledged it can be difficult for substitute teachers, but there should be procedures in place.

REPRESENTATIVE REINBOLD said the "big picture" includes the other students in the classroom who should be least interrupted. She wanted to ensure that the students who want to learn are not being disenfranchised.

MS. HOPE understood her concern.

[8:17:35 AM](#)

CHAIR GATTIS asked how long she has been working in the district as a policymaker.

MS. HOPE answered this is her seventh year as a director, but she has taught in the district since the 1980s. She received training on de-escalation techniques as a teacher, but the training has improved over the years.

CHAIR GATTIS lauded Ms. Hope's expertise. She shared the concern about the reporting aspect. She asked for further clarification on whether the bill outlines proper statewide policy.

MS. HOPE agreed.

[8:19:06 AM](#)

REPRESENTATIVE SADDLER said he appreciated the training component in HB 210. He stated that applied behavioral analysis (ABA) is a philosophy and principle that is wonderful in modifying behavior of special needs and regular students. He hoped that the techniques embrace these principles.

MS. HOPE answered that it does work on the theory of reinforcing good behavior and addresses misbehavior with teaching replacement behaviors and clear-cut consequences. She agreed it provides the backbone of the ABA, which reduces unwanted behaviors.

[8:21:43 AM](#)

REPRESENTATIVE P. WILSON expressed concern about notification procedures and asked for further clarification on the MSBSD's guidelines for notifying parents.

MS. HOPE answered that the district tries to notify parents on the same day although it isn't always possible; however, the policy is to notify parents within 24-hours. The district incident form captures the time and who contacted the parent.

REPRESENTATIVE P. WILSON asked for further clarification on behaviors that require notification.

MS. HOPE responded that students are often sent to the office, which may or may not result in parental notification; however, each time a student is taken out using physical action or for seclusion, notification does occur.

[8:22:32 AM](#)

REPRESENTATIVE P. WILSON asked about procedures that include individualized education programs (IEPs).

MS. HOPE said the techniques and use of seclusion are laid out in an IEP team meeting and documented in the IEP.

[8:23:47 AM](#)

REPRESENTATIVE SADDLER referred to the student restraint and seclusion requirements in Section 3 [page 2-3] of HB 210. He asked whether these requirements ask too much of teachers or aides.

MS. HOPE answered no; the teachers and aides in these programs have a tremendous amount of training and background as well as insight into students and which tools to use. She acknowledged asking someone without training to do so would be asking for too much.

REPRESENTATIVE SADDLER agreed.

[8:25:06 AM](#)

REPRESENTATIVE KITO III asked whether including a written report that is maintained in a student's record raises any concern for

that information becoming public or if the student's record is confidential in perpetuity.

MS. HOPE answered it would never be made public and is kept confidential but parents may give written permission upfront.

[8:26:39 AM](#)

CLAYTON HOLLAND, Director, Pupil Services, Kenai Peninsula Borough School District (KPBSD), testified in support of HB 210. He said Ms. Hope's testimony covered much of what he wanted to say. The KPBSD has followed most of what is proposed in HB 210 for several years, including a reporting system. The district already reports to the state on the number of restraints. The district hasn't had any seclusion incidents to report. Every school has a minimum of two trained staff and their trainers are classified staff in the district. He offered that how schools look at students and student behavior has been better addressed and has moved to focus on how to help students become successful in school, including ABA, or other techniques. He characterized it as a cultural shift that appears to be happening and restraint is rarely used. He supported other districts using these techniques and trends.

[8:28:57 AM](#)

CHAIR GATTIS asked whether the bill is a clarification of what is already occurring in the district.

MR. HOLLAND answered yes.

[8:29:43 AM](#)

JEANNE GERHARDT-CYRUS, Parent, stated support for HB 210, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

My husband was called to school to witness a 250 pound principal lying on top of our 9 year old daughter, who was crying and screaming, "Get off of me, I can't breathe, you're breaking my arm."

This is not Education!

I am a parent of a child who was restrained multiple times in grades 1-8. My daughter experiences prenatal

exposure to alcohol and is one of the few in rural areas to have received a diagnosis.

My daughter experienced high anxiety in school. She would self-accommodate by hiding under her desk or removing herself from the classroom situation which caused visual/verbal overload.

Unfortunately, the teacher's reaction to this "non-compliance" was usually to get closer to her face, use more words and talk louder. Far from encouraging "compliance", this caused increased anxiety and my daughter would attempt to leave the classroom.

When prevented from self-accommodating, i.e., boxed in a corner; my daughter would act out physically. Additionally harmful-staff restraining was untrained, non-certified and multiple. We had reports of two adults carrying my daughter down the hall held by arms and legs towards seclusion.

My daughter was subsequently diagnosed with PTSD.

This year, my daughter is on the honor roll as a freshman in high school. We are working with the Complex Behavioral Collaborative [(CBC)] and the teachers allow her to self-accommodate. Her anxiety is much reduced and she able to excel in school. Between her efforts, those of the CBC, staff, and parents in collaboration, everyone is safer, and she is reaching towards her potential.

This is Education!

Our students AND staff need training in approved de-escalation techniques. Inappropriate and unnecessary restraint and seclusion needs to stop. The physical psychological damage is too high a price to pay.

[8:32:44 AM](#)

MS. GERHARDT-CYRUS paraphrased her daughter's testimony, as follows:

My history with restraint and seclusion is bad if not worse with all the people that got hurt because of me. I have no friends cause everyone [Indisc.]. It was so bad that when I was in 8th grade I went to a treatment

facility. This year with the right services and no restraints or seclusion I am doing much better and have been on the honor roll since the beginning of the year, due to the fact that I can walk out and sign out when I need to and go for a walk and clear my head. Thank you.

[8:33:38 AM](#)

REPRESENTATIVE P. WILSON appreciated the testimony. She acknowledged the progress within the school district for meeting Ms. Gerhardt-Cyrus's daughter. She asked if Ms. Gerhardt-Cyrus supports the bill.

MS. GERHARDT-CYRUS emphasized that the bill is important. She related that she had once encouraged her daughter to leave school and obtain a GED, but now her daughter is hoping to be on the honor roll for four years.

[8:34:58 AM](#)

MIKE COONS stated he is retired but that he has worked in the area of rescue and life support for over 22 years as a paramedic, including training others in life support. He praised the Mandt [System, Inc.] training, which is effective and important. First, Mandt [System, Inc.] is used when the person is completely out of control and needs to be restrained to protect the person or others. Second, it's important to protect the teacher and students. He referred to Representative Reinbold's example and stressed the importance of removing the other students from any situation with scissors, knives, or other sharp implements. He offered suggestions to avoid asphyxia, including putting the person on his/her side. He offered that local fire districts are able to host Mandt [System, Inc.] training for a nominal fee. In closing, he encouraged the more people who have the training the better off a school will be.

[8:39:06 AM](#)

REPRESENTATIVE SADDLER asked for clarification on the Mandt [System, Inc.].

MR. COONS suggested that crisis intervention training for the responders after a major incident includes post action debriefing.

[8:40:29 AM](#)

PAM RONCONE, Crisis Prevention Institute, introduced herself and said she is available for questions.

REPRESENTATIVE P. WILSON asked for further clarification on the acronym "MANDT."

MS. RONCONE pointed out the acronym is "MANDT" but she did not see it spelled out on the website.

[8:41:42 AM](#)

RON COWAN, Legal Rights Advocate/Investigator, Disability Law Center of Alaska, stated support for HB 210, and clarified that Mandt is not an acronym but rather the name of the man, David Mandt, who created the technique. He continued his testimony, paraphrasing from a prepared statement, which read [original punctuation provided]:

I'd like to thank you for the opportunity to comment on this proposed legislation on behalf of the Disability Law Center of Alaska, the State's designated Protection & Advocacy system for people who experience a disability. I am the primary abuse and neglect investigator for our agency, and have previously served as the State's Long-Term Care Ombudsman and as a regulator.

As many of you already know, the use of restraint and seclusion in schools has become a much talked about issue over the past 10 or more years. The main reasons for this are the number of injuries and even deaths that have been linked to the use of restraint and seclusion in schools. So too, some studies and investigations have revealed the inappropriate or misuse of restraint and seclusion in schools. Legislation to address these concerns has been introduced in Congress and many states have adopted or are developing statutes and regulations to provide rules and conditions for the use of restraints and seclusion.

[8:43:17 AM](#)

MR. COWAN continued reading from a prepared statement, which read [original punctuation provided]:

In our own State, we have received complaints about students as young as 3 years old being held in physical restraints by school staff or being picked up and carried to rooms they can't leave because the door is locked or someone holds the door handle or puts a foot or body against the door. In some schools, utility closets have been used that have no windows or means to monitor the student for safety. In other schools make-shift cubicles or large box-like devices have been built out of plywood. In yet other schools, padded mats like those used in physical education classes have been stood up and held by staff as they surround a student so that he or she is unable to leave. Frequently, these interventions might not be viewed by school staff as "seclusion" because a staff member is present. As a result, even though the student was subjected to the same potential risks for injury and trauma as if he or she had been in seclusion alone, the parents would not necessarily be notified. In these cases, the parents would not be alerted to observe for possible trauma, nor was there a requirement for school staff to conduct additional assessments of the behaviors, review interventions, or develop positive behavioral supports with the participation of the parents, that might preclude future unsafe behavior. Given the language and safeguards of HB 210, the above scenario is less likely to occur and it would create consistent policies and practices throughout the State.

[8:44:42 AM](#)

MR. COWAN continued reading from a prepared statement, as follows [original punctuation provided]:

The current language of HB 210 provides numerous protections to those students who may be subjected to the use of restraint or seclusion, a large percentage of whom experience a disability. These required safeguards include notice to parents; written reports; the use of restraint and seclusion only in emergent circumstances where other interventions are not successful; termination of the restraint or seclusion as soon as the unsafe behavior has subsided; staff training of an approved program; continuous monitoring of a student in seclusion; review and analysis of

plans and assessments following the use of restraint and seclusion; and finally, annual reporting to the State.

[8:45:17 AM](#)

MR. COWAN continued reading from a prepared statement, as follows [original punctuation provided]:

Restraint and seclusion are not evidence-based educational, therapeutic or behavioral program interventions. The use of restraint and seclusion is indicative of the failure of other therapeutic interventions, not success and therefore should only be used in rare circumstance. Under the best circumstances, restraint and seclusion are used only when a student is displaying behaviors that are unsafe for the student or others, or where those behaviors are deemed to be imminent, and where other interventions are not or have not been successful in ameliorating the behavior that is unsafe. The restraint and seclusion is terminated as soon as the unsafe behavior has stopped. The circumstances surrounding the unsafe behavior, the unsafe behavior itself, and the interventions attempted or considered are re-evaluated, with changes in the student's plan or additional staff training occurring as necessary.

Under the worst of circumstances, restraint and seclusion are used when less aggressive, less restrictive interventions may have been successful in preventing or mitigating the unsafe behavior or when they are used for convenience, punishment or to bring about compliance. As stated earlier, the use of restraint and seclusion may result in injury or death; they may also result in creating a traumatic experience, often to a child whose behavior stems from other traumatic experiences or a disability.

HB 210 provides needed added protections to students, while ensuring parents are consistently made aware of circumstances that may be taking away students' opportunities for learning, placing their child at risk, and giving parents the opportunity to work with school staff to develop interventions that enhance rather than restrict student learning. Thank you very much.

8:46:58 AM

REPRESENTATIVE SEATON noted a previous testifier suggested post action training. He asked whether he has any recommendation on this.

MR. COWAN answered that many of the interventions that are used include the debriefing aspect and is an important element in programs that might be reviewed by the EED.

CHAIR GATTIS asked for the sponsor's comments.

8:48:13 AM

MR. GIALOPSOS, on behalf of Representative Millett, directed attention to page 4, lines [10-18, subsection (e)], which read:

(e) A school district shall ensure that a review process is established and conducted for each incident that involves restraint or seclusion of a student. The review must include

- (1) staff review of the incident;
- (2) follow-up communication with the student and the student's parent or legal guardian;
- (3) review of and recommendations for adjusting or amending procedures, strategies, accommodations, individualized education plans, or other student behavior plans, or for additional staff training.

8:49:10 AM

REPRESENTATIVE SADDLER asked whether the post-incident review could result in no additional recommendations.

MR. GIALOPSOS deferred to the Disability Law Center of Alaska for comment.

REPRESENTATIVE SADDLER said he couldn't conceive of a system that would require additional changes for the sake of obliging the statutory directional changes.

8:50:17 AM

REPRESENTATIVE P. WILSON referred to page 4, line 13 of Version T, which requires staff review of the incident. She offered her belief that should happen fairly soon after the incident since it also benefits staff.

MR. GIALOPSOS did not believe the sponsor would object to an amendment to include an expeditious staff review so long as it doesn't impede the function of the school.

CHAIR GATTIS agreed.

[8:51:46 AM](#)

REPRESENTATIVE SADDLER moved to adopt Conceptual Amendment 1, on page 4, line 11, after "conducted" insert "as soon as practicable after" and delete "for".

REPRESENTATIVE P. WILSON objected for discussion purposes.

REPRESENTATIVE P. WILSON suggested Conceptual Amendment 1 should be on line 13, which read, "staff review of the incident; perhaps adding "as soon as possible."

REPRESENTATIVE SADDLER asked to change Conceptual Amendment 1, on page 4, line 12 of Version T, after, "review" add, "must take place as soon as practicable after the incident, and"

REPRESENTATIVE P. WILSON removed her objection. There being no further objection, Conceptual Amendment 1 was adopted.

REPRESENTATIVE SADDLER, upon request read Conceptual Amendment 1, which read, "on page 4, line 12 of Version T, after, "review" add, "must take place as soon as practicable after the incident, and"

[8:54:15 AM](#)

CASSIE WELLS, Director, Student Services, North Slope Borough School District (NSBSD); President, Council of Administrators of Special Education, offered support for HB 210. She supported the testimony given by Ms. Hope, MSBSD and Mr. Holland, KPBSD. She also supported crisis intervention and de-escalation as proactive and preventative. Although the NSBSD does not employ Mandt [System, Inc.], the district does use the Crisis Prevention Institute (CPI) training, although not all staff is currently trained to use CPI the district is moving in that direction.

8:55:18 AM

CHAIR GATTIS asked for comments on the language the committee adopted in Conceptual Amendment 1, with respect to debriefing.

MS. WELLS answered that she thought it was appropriate. She agreed it was important to have staff review their actions for compliance.

8:56:01 AM

CHAIR GATTIS, after first determining no one else wished to testify, closed public testimony on HB 210.

8:56:09 AM

REPRESENTATIVE P. WILSON acknowledged that there may only be two teachers in a school and the need to have both trained. Of course, every teacher should have training and this type of training should be incorporated as part of teacher education in the University of Alaska system, she said.

CHAIR GATTIS agreed.

8:58:18 AM

REPRESENTATIVE SEATON pointed out the fiscal note indicates \$7,000 per year for approving crisis intervention programs, such as Mandt Systems, Inc. and CPI. He asked for further clarification on the number of programs that would be approved and whether the commissioner envisioned this would be a continual process.

MIKE HANLEY, Commissioner, Department of Education and Early Development (EED), said it is an evolving situation; however, he anticipated an annual review will occur to evaluate the programs being implemented and to ensure that the current program is used and the districts are not using outdated programs.

REPRESENTATIVE SEATON noted the first section of the fiscal note indicates data collection but not analysis by the EED. He expressed concern the data will not be used.

COMMISSIONER HANLEY answered that thus far the data has been collected. He related that this would address a perceived shortcoming and data will be accessible and available in one

place. The department will know how many incidents occur in the state and can provide information to the public, without providing student information.

9:01:54 AM

REPRESENTATIVE P. WILSON suggested that the department should develop a standard form to be submitted to the department. The EMT does something similar, and she touted the uniformity for collection of this information. Otherwise schools may submit information on an independent basis.

COMMISSIONER HANLEY clarified that the department will not analyze or review the data, but will organize it. The sponsor has made it clear that analysis is not part of the statute, thus the low fiscal note.

9:04:15 AM

REPRESENTATIVE SADDLER commented that he is pleased with the small fiscal note.

REPRESENTATIVE P. WILSON maintained her concern that organizing data alone would not satisfy the need and the need for a standardized form.

CHAIR GATTIS acknowledged that often information is organized and put in a pile. She suggested that is a bigger question.

9:05:18 AM

REPRESENTATIVE SEATON referred to page 2 of the fiscal note. The last sentence of the narrative on paragraph (1) reads, "The design of a data collection notebook and technical assistance to support districts in completing the data collection yearly at \$7.0." He asked whether this should include that the data will be collected on a form acceptable to the department. Otherwise, it could become an effort.

9:06:01 AM

COMMISSIONER HANLEY answered that this addresses data collection and speaks to Representative Wilson's concern about having a uniform method for collecting the data.

REPRESENTATIVE KITO III added that in his experience the department collected data on asbestos surveys done on facilities

and organized it. This information was not collated or reported but was available for districts to review.

9:07:42 AM

REPRESENTATIVE SEATON asked to clarify the fiscal note with the bill. He suggested a possible amendment, on page 4, line 9, to include the language, "on a form acceptable to the department."

MR. GIALOPSOS said that would clarify the department's intent and the sponsor would be very open to a conceptual amendment to that effect.

9:08:35 AM

REPRESENTATIVE SEATON moved to adopt Conceptual Amendment 2, on page 4, line 9, after "taken" to add the language, "on a form acceptable to the department."

REPRESENTATIVE P. WILSON objected for discussion purposes. She directed attention to page 3, line 29, subsection (d), which read, "School personnel who restrain or seclude a student shall provide a written report of the incident to the school administrator."

CHAIR GATTIS cautioned against constraining the department.

COMMISSIONER HANLEY suggested in page 4, line 19 refers to each school district reporting to the department and may meet the intent.

9:10:35 AM

REPRESENTATIVE SEATON withdrew Conceptual Amendment 2. He moved to adopt Conceptual Amendment 3, on page 4, line 19, following "report" to insert "on a form acceptable".

CHAIR GATTIS agreed.

REPRESENTATIVE P. WILSON removed her objection. There being no further objection, Conceptual Amendment 3 was adopted.

REPRESENTATIVE SADDLER thanked the sponsor for the bill and suggested that the testimony that has been received in committee will be well served by the implementation of this type of policy. He has had personal experience with his son and he

believed that everyone could have benefited from this. He thanked the sponsor for bringing this forward.

[9:12:34 AM](#)

REPRESENTATIVE SADDLER moved to report the proposed committee substitute (CS) for HB 210, Version T, labeled 28-LS0852\T, Mischel, 2/25/14, as amended, out of committee with individual recommendations and the accompanying fiscal note. There being no objection, CSHB 210(EDC) was reported from the House Education Standing Committee.

The committee took an at-ease from 9:13 a.m. to 9:15 a.m.

[9:15:18 AM](#)

HB 318-ANNUAL SCHOOL REPORT: MILITARY FAMILIES

CHAIR GATTIS announced that the final order of business would be HOUSE BILL NO. 318, "An Act relating to public school reports of students whose parents are members of the active duty military service."

[9:15:44 AM](#)

REPRESENTATIVE SADDLER, speaking as prime sponsor of HB 318, paraphrased from his sponsor statement. He said that military families in Alaska face special challenges. Many parents move every three or four years in and out of Alaska, noting the state's moving rates are three times the national average. One or more parents may deploy for up to a year or more on overseas duty. Students must transfer into and out of school districts from different states or even different nations. Students must adjust to different graduation curriculum requirements and face the social dislocations and the necessity of making new friends. All these factors can make it difficult and challenging for students to make normal progress toward graduation.

REPRESENTATIVE SADDLER stated that while the impacts of these stresses on a military child's educational progress may be clear to the parents and the students, they are hidden from our local school districts, the state, and the federal government. He indicated that AS 14.03.120 already requires annual reports on school and student performance, including factors such as accreditation, achievement test scores, exit exam, retention, drop out and graduation rates, and enrollment changes due to transfers and other purposes. These are subdivided by gender,

ethnicity, parents' economic status, the students' English language status, and whether the students are migrants.

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REPRESENTATIVE SADDLER reported that the state Department of Education and Early Development (EED) does not specifically count or track military students so there isn't any way of linking these important metrics with the students of military family status. He related that 37,000 military dependents live in Alaska, which means many are students that fall in the K-12 system. Currently the U.S. Department of Education Impact Aid Program collects data on military-connected students by school district with the primary purpose of helping the district qualify for impact aid. However, the DOE data does not include the academic performance of the students or the specific schools they attend, which reduces the utility of the information.

REPRESENTATIVE SADDLER said that HB 318 seeks to capture information on the academic performance statistics of students of active-duty military families. It would require local school districts to gather information on the number, attendance and performance of students enrolled in the school. It would also require the department to post this information on the website along with its published information. The families affected are those whose parents and guardians are on active duty in the armed forces of the United States - Army, Navy, Air Force, and Marines, the United States Coast Guard, the Alaska National Guard, the Alaska Naval Militia, or the Alaska State Defense Force.

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REPRESENTATIVE SADDLER related that having the information on the number, attendance, and specific performance could have a number of benefits. This could help local districts see how well they do to assist military families, and help the department design programs to help address the challenges these students face. This should help improve the count of military students for the purpose of calculating impact aid and potentially increase the federal flow of funds to local school districts. It would also provide guidance to incoming Alaskans as military families consider where to live and which school their children will attend. It would also help the Department of Defense develop policies of its own to better prioritize funding to identify and provide necessary resources to help military families achieve better educational outcomes.

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REPRESENTATIVE SADDLER added some programs have aides for students in schools in which parents frequently deploy. He said this bill would also help the state fulfill its commitment to military children when the state signed on in 2009 to the Interstate Compact on the Education of Military Children, which he helped set up for the Boards and Commission's Office. He reported that Alaska and 38 other states are committed to help military students transition properly and the data is necessary.

REPRESENTATIVE SADDLER said that many organizations nationally connected with military students' education support endorse identifying and tracking military student performance and are working on successful practices that can be replicated. He recalled a similar element was adopted in HB 278. He hoped that the committee would help get this important provision in law adopted and implemented.

[9:20:31 AM](#)

REPRESENTATIVE KITO III related his understanding that the State of Alaska collects specific information during the student count period. He asked whether this bill will correlate information to the specific collection time or if the data collected would be continuously collected.

REPRESENTATIVE SADDLER answered yes to both. He was unsure how the department will gather information, but the fiscal note reflects the department's interest in spending time and resources in developing data collection techniques. He was unsure whether a "data dump" could occur between the personnel office of the Air National Guard to the EED or if it will need to be accomplished through questionnaires. He anticipated that it would be a combination, but the fiscal note spans three years of working on data collection techniques.

[9:21:58 AM](#)

REPRESENTATIVE KITO III asked whether the intent of the legislation is to track performance on each individual or the overall performance of the military student as he/she moves through Alaska's system.

REPRESENTATIVE SADDLER answered that it would be more of a statistical aggregate report versus individual information to determine trends.

[9:22:51 AM](#)

CHAIR GATTIS pointed out it could be helpful to have information follow the students as they transfer between states.

REPRESENTATIVE SADDLER said Nevada and Texas are the two states requiring this data collection and five states collect information. He directed attention to state report cards that do not include statistics on schools with less than five of a cohort in attendance to avoid identifying a single individual student.

[9:24:35 AM](#)

REPRESENTATIVE SEATON referred to page 1, to the existing law which indicates that the information will be provided in a public meeting of parents, students, and community members. He pointed out the new language in paragraph 11, reads, "(11) information on the number, attendance, and performance of students enrolled in the school whose parents or guardians are" He asked how a report on the ten U.S. Coast Guard students attending a school in Homer would be made public. He questioned reporting this subset when the other categories speak to summary and evaluation of the curriculum and that type of information. He anticipated the department would be able to clarify this.

REPRESENTATIVE SADDLER referred to page 1 line 8, which requires reporting on the school's performance and the performance of the school's students. He deferred to the department to more fully respond.

[9:27:32 AM](#)

REPRESENTATIVE SEATON pointed out the federal and state military are included in the bill.

REPRESENTATIVE SADDLER clarified that the legislative legal drafters included the Alaska State Defense Force in the bill. He said he would be amenable to an amendment since this branch is not a military force that is subject to deployment plus it has limited numbers. He would also be amendable to removing the Alaska Naval Militia from the bill.

[9:28:51 AM](#)

REPRESENTATIVE P. WILSON asked whether the armed forces are separate from the US Coast Guard and the Alaska National Guard.

CHAIR GATTIS requested a breakdown of the agencies.

[9:29:25 AM](#)

REPRESENTATIVE SADDLER responded that the department would report on the agencies for the various military families.

REPRESENTATIVE P. WILSON asked whether they could be included in as it creates a group as a whole.

CHAIR GATTIS acknowledged that she didn't object to viewing it as a group.

[9:30:27 AM](#)

REPRESENTATIVE SEATON referred to page 2, line 26, to the language "**parents or guardians are on active duty**" if the family is in reserves versus active duty that the children would not be reported.

REPRESENTATIVE SADDLER deferred to the department to respond.

[9:31:55 AM](#)

REPRESENTATIVE SEATON asked for sponsor's intent.

REPRESENTATIVE SADDLER said the intent would be to collect the data, even for families whose parents are in the reserves. Some states may differentiate, but that is not the intent in HB 318.

[9:32:53 AM](#)

MARK SAN SOUCI, Regional Liaison, State Liaison Office, U.S. Department of Defense (DOD), in response to Representative Seaton, said that the office seeks to distinguish between active duty and Alaska National Guard (ANG). He deferred to the sponsor, but his goal is to differentiate between students from active duty military families and the ANG. He reported that 17 school districts in Alaska receive impact aid for 11,000 students. He was aware of nearly 19,000 military connected

active duty kids between the ages of 5-17, but the DOD doesn't know the specific location.

MR. SAN SOUCI reported that DOD's Impact Aid Program contributed \$1.6 million to Alaska's EED in the Delta Greely district in FY 2013. He acknowledged that the goal is to attempt to help facilitate data-driven decisions and improve the DOD's distribution of resources to schools that help and to help commanders. For example, in San Diego, it wasn't possible to compare the absentee rate for U.S. Navy families to other San Diego families due to lack of data. In North Carolina, questions arose as to the higher incidence of special education students in the military, which is conjecture without data. The DOD put \$25 million in the FY 2014 budget to provide support to districts. In addition, reports would be important in all instances to help provide district support from the federal government. A school with fewer than five students in the aggregate may be collected but not reported, as the data could become useful for specific support. He named a number of associations, boards, and teacher organizations who support the collection of this information. Several other states are adopting codes to provide this information although it is too early to determine trends. He thanked the committee for taking up HB 318.

[9:38:30 AM](#)

REPRESENTATIVE REINBOLD related that some students have military advisors. She asked whether the military advisors currently in the school will be the ones who will collect the data.

MR. SAN SOUCI answered that the DOD has a sub-agency, the DOD Education Activity, who are the "drivers" in the states. This agency will work to collect the data, but he was unsure of how it will be collected in the schools.

REPRESENTATIVE REINBOLD acknowledged tight budget constraints which would require using current staff. She offered her belief the small fiscal note won't add more staff. She hoped the military advisors would be sustainable and that the state uses resources it already has in place.

[9:40:34 AM](#)

REPRESENTATIVE P. WILSON asked about the 17,000 students receiving federal impact aid in Alaska. She asked for further clarification on the \$1.6 million and if that is only to

Delta/Greely School District or for the entire population of students.

MR. SAN SOUCI answered that the EED received \$1.57 million in federal Impact Aid in FY 13 and Delta/Greely School District received \$48,000. He clarified the numbers previously stated. He reported that of 80,000 students 11,336 military students are in 17 school districts impacted by the military. He clarified that these districts are considered DOD Impact Aid for Military. The U.S. Department of Education has specific information on federal funding totaling \$106 million from the EED and districts.

REPRESENTATIVE SADDLER detailed that federal funding arrives in Alaska via DOD Impact Aid to compensate communities for the loss of property taxes for students who live on tax-exempt military property but attend public schools. In addition, it helps to compensate the local economy for the loss of sales or taxes since military families shop at the commissary, which explains the \$106 million. In addition, the DOD also provides federal Supplemental Impact Aid, which is additional funding to school districts with more than 20 percent military students.

[9:43:37 AM](#)

CHAIR GATTIS asked whether the district provided any feedback, particularly since additional work may be imposed on existing staff.

REPRESENTATIVE SADDLER answered no.

CHAIR GATTIS noted the importance of collecting data but as to where it is stored, how it is accessed and how it is disseminated for, the state has "a ways to go." The state needs to rise to the challenge.

[9:44:33 AM](#)

REPRESENTATIVE SADDLER commented that Marty Lang, principal at Eagle River High School reported he received a federal grant to help him pay for accounting students for military families. He noted that it's been hard to get statewide information.

[9:45:11 AM](#)

REPRESENTATIVE SEATON referred to the portion of the bill requiring open reporting, and asked if the U.S. DOD intends to

have the data reported in this manner. For example, would every school have a public meeting and identify the five students.

MR. SAN SOUCI referred to [page 2, lines 25-28 to paragraph (11)] of HB 318. He indicated the DOD agrees with the reporting language. He stated the intention is to have access to data to develop trends. He deferred to the sponsor to comment on the remainder of the bill, which is current statute, noting that he doesn't wish to create any additional burden. He envisioned the data collection would be part of the routine information schools gather on students at the beginning of the year to capture the military connection.

[9:47:33 AM](#)

REPRESENTATIVE SEATON clarified that the DOD's intention is to have access to the data and information, without publically broadcasting the data.

MR. SAN SOUCI agreed. He said it is not the DOD's intent to expose individual students or subject military children to scrutiny.

[9:48:16 AM](#)

REPRESENTATIVE SEATON asked for further clarification on the Alaska National Guard, the Alaska Naval Militia, and the Alaska State Defense Force agencies.

MR. SAN SOUCI answered that the DOD is most concerned with active duty military, including the U.S. Coast Guard, the Alaska National Guard, and any reserves, but not the Alaska Naval Militia and the Alaska State Defense Force, although he deferred to the sponsor.

[9:49:36 AM](#)

CHAIR GATTIS asked for further clarification on the public meeting and disseminating information on less than five military students in a school.

PAUL PRUSSING, Deputy Director, Teaching and Learning Support, Department of Education and Early Development (EED), explained that this would amend the report card to the public on the department's website. A person could click on a school and acquire information, such as how many Alaska Native and Caucasians or special education students are in a school. This

bill would add a category in the subgroups listed to include military personnel. He described the data collection and indicated the source of information for the student report is the Online Alaska Student Information System (OASIS) and the complexity of the fiscal note is because it's more than a simple Excel spreadsheet being sent to the department, such as in HB 210.

[9:50:58 AM](#)

CHAIR GATTIS asked for further clarification that if the information is uploaded in July it relates to the prior year data. She questioned the reasons parents fill out paperwork twice a year for schools.

MR. PRUSSING answered that the fall and spring testing results and other information from the past year is reported.

CHAIR GATTIS remarked that the information gathered could be used to allow parents to obtain tutoring for their children; however, she admitted it's just one of her pet peeves.

[9:52:38 AM](#)

REPRESENTATIVE KITO III understood the data is collected via OASIS and published in July. He asked for further clarification on whether information on students of military families is collected and if it is time critical.

MR. PRUSSING answered that data collection will be considered as part of fiscal note. He envisioned the department will need to reflect on the best way to collect data. It is envisioned currently to compile it via OASIS, the main data collection for all districts, but it's something that could evolve.

[9:54:13 AM](#)

REPRESENTATIVE SEATON referred to page 1, lines 12-14, [paragraphs (2) and (3), which is the only place results of norm-referenced achievement tests and results of state standards-based assessments in reading, writing, and mathematics, is reported. Everything else in this section seems to relate to broader reporting on drop-out rates, achievement, or graduation rates. He expressed concern that this seems to require detailed performance reporting for the military subgroup, which would be different than other subgroup reporting.

MR. PRUSSING answered that information is being gathered on the military students regarding attendance and performance, but having the confirmation that they are students of military families will not occur. He offered his belief that paragraph (11) just gathers one piece of information.

[9:56:41 AM](#)

REPRESENTATIVE SEATON maintained concern that the data collection is for a subcategory for students of military families as a statutory requirement in HB 318, but the statutes don't indicate a parallel reporting standard for other student groups.

CHAIR GATTIS asked whether the other subgroups reported on in this manner.

MR. PRUSSING answered yes; part of the accountability system requires annual measureable objectives for each subgroup and each school reports this information. He said the department has not expressed concern.

[9:58:46 AM](#)

REPRESENTATIVE P. WILSON recalled the "No Child Left Behind" (NCLB) program required this information, that it a source of pride for some schools and is included in their public website postings. She acknowledged that for certain small districts may have an issue but other areas find it helpful.

[10:00:06 AM](#)

CHAIR GATTIS closed public testimony on HB 318.

[10:00:16 AM](#)

REPRESENTATIVE SEATON moved to adopt Conceptual Amendment 4, on page 2, line 28, after "Guard," to delete "the Alaska Naval Militia, or the Alaska State Defense Force."

REPRESENTATIVE REINBOLD objected for discussion purposes.

REPRESENTATIVE SEATON deferred to the sponsor but said the DOD indicated interest in active duty military members. He offered his belief that including the state entities will detract from the target information.

REPRESENTATIVE SADDLER, as sponsor, agreed with Conceptual Amendment 4.

[10:01:39 AM](#)

REPRESENTATIVE KITO III asked whether the amendment before the committee was Amendment 4 or if it should be Amendment 1.

[10:01:53 AM](#)

REPRESENTATIVE SEATON withdrew Conceptual Amendment 4.

REPRESENTATIVE REINBOLD removed her objection to Conceptual Amendment 4.

REPRESENTATIVE SEATON moved to adopt Conceptual Amendment 1, on page 2, line 28, after "Guard," to delete "the Alaska Naval Militia, or the Alaska State Defense Force."

REPRESENTATIVE REINBOLD objected for discussion purposes.

REPRESENTATIVE SADDLER, as sponsor, agreed with Conceptual Amendment 1.

[10:02:28 AM](#)

REPRESENTATIVE REINBOLD removed her objection. There being no further objection, Conceptual Amendment 1 was adopted.

[10:02:39 AM](#)

REPRESENTATIVE REINBOLD moved to report HB 318, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 318(EDC) was reported from the House Education Standing Committee.

[10:03:29 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 10:03 a.m.