

**ALASKA STATE LEGISLATURE  
HOUSE EDUCATION STANDING COMMITTEE**

March 21, 2014

8:04 a.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Representative Peggy Wilson  
Representative Harriet Drummond

**COMMITTEE CALENDAR**

HOUSE BILL NO. 45

"An Act relating to harassment, intimidation, or bullying by students attending a public school in the state."

- HEARD & HELD

HOUSE BILL NO. 365

"An Act relating to the Alaska performance scholarship."

- HEARD & HELD

Confirmation Hearings

- REMOVED FROM AGENDA

**PREVIOUS COMMITTEE ACTION**

BILL: HB 45

SHORT TITLE: ELECTRONIC BULLYING IN SCHOOLS

SPONSOR(S): REPRESENTATIVE(S) COSTELLO, GATTIS, HUGHES,  
JOSEPHSON

01/16/13	(H)	PREFILE RELEASED 1/7/13
01/16/13	(H)	READ THE FIRST TIME - REFERRALS
01/16/13	(H)	EDC, JUD
03/21/14	(H)	EDC AT 8:00 AM CAPITOL 106

BILL: HB 365

SHORT TITLE: PERFORMANCE SCHOLARSHIP: QUALIFYING EXAM

SPONSOR(S): REPRESENTATIVE(S) SEATON

02/26/14 (H) READ THE FIRST TIME - REFERRALS  
02/26/14 (H) EDC  
03/21/14 (H) EDC AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

REPRESENTATIVE MIA COSTELLO

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Testified as prime sponsor of HB 45.

SARAH PAGE, Staff

Representative Mia Costello

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Provided a section-by-section analysis of HB 45, on behalf of the prime sponsor, Representative Mia Costello.

AMELIA VAZQUEZ-DAVIS, Student

AJ Dimond High School

Anchorage, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 45.

RON FUHRER, President

NEA - Alaska (NEA)

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 45.

MIKE COONS

Palmer, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 45.

DIANE BARRANS, Executive Director

Postsecondary Education Commission

Department of Education and Early Development (EED)

Juneau, Alaska

**POSITION STATEMENT:** Testified and answered questions during the discussion of HB 365.

LADAWN DRUCE, School Counselor

Ninilchik School

Ninilchik, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 365.

LES MORSE, Deputy Commissioner

Office of the Commissioner

Department of Education and Early Development (EED)

Juneau, Alaska

**POSITION STATEMENT:** Testified and answered questions during the discussion of HB 365.

ROBERT DELGADO, Student

Ninilchik School

Ninilchik Alaska

**POSITION STATEMENT:** Testified in support of HB 365.

#### **ACTION NARRATIVE**

[8:04:15 AM](#)

**CHAIR LYNN GATTIS** called the House Education Standing Committee meeting to order at 8:04 a.m. Representatives Seaton, LeDoux, Saddler, Reinbold, and Gattis were present at the call to order. Representative Kito III arrived as the meeting was in progress.

#### **HB 45-ELECTRONIC BULLYING IN SCHOOLS**

#### **HB 45-ELECTRONIC BULLYING IN SCHOOLS**

[8:04:49 AM](#)

CHAIR GATTIS announced that the first order of business would be HOUSE BILL NO. 45, "An Act relating to harassment, intimidation, or bullying by students attending a public school in the state."

[8:05:11 AM](#)

REPRESENTATIVE MIA COSTELLO, Alaska State Legislature, as sponsor, stated that HB 45 would provide a definition change to add "electronic" to bullying and harassment in schools. As a mother, former teacher, and elected official, she has noticed our society has a huge dependence on electronic devices. This bill would acknowledge that electronic communication occurs among students.

[8:06:24 AM](#)

SARAH PAGE, Staff, Representative Mia Costello, Alaska State Legislature, on behalf of the prime sponsor, provided a section-

by-section analysis of HB 45. She stated Section 1 will remove "whether verbal or physical" from AS 14.33.220(b) and not specifying those actions would mean "bullying" would apply to any type of bullying action, including cyberbullying. Section 2 would add "electronic communication" as a possible form of harassment.

[8:07:25 AM](#)

REPRESENTATIVE LEDOUX asked whether this bill will specifically cover Facebook.

REPRESENTATIVE COSTELLO answered that HB 45 does not specifically identify Facebook and does not address student use of Facebook.

REPRESENTATIVE LEDOUX, with respect to electronic bullying, asked whether the bill attempts to make conduct by a student punishable that is not otherwise illegal, such as making disparaging remarks via electronic media. She clarified she was referring to non-threatening comments students might make, such as continued disparaging comments calling someone ugly and fat. She maintained concern about the school district regulating electronic off campus remarks by students.

[8:10:20 AM](#)

REPRESENTATIVE COSTELLO directed attention to Section 1 that requires a school employee, student, or volunteer who has reliable information or who witnesses student harassment to report it.

[8:11:13 AM](#)

REPRESENTATIVE SADDLER asked whether an expression of dislike constitutes bullying.

REPRESENTATIVE COSTELLO referred to proposed Sec. 2, which read "(2) " harassment, intimidation, or bullying" means an intentional written, electronic, or oral communication, or physical act, when the communication or act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student."

REPRESENTATIVE SADDLER asked whether a statement that "I don't like Suzy," could constitute bullying.

REPRESENTATIVE COSTELLO responded that if HB 45 passed, that a person would need to use his/her judgment and would need to report behavior to school authorities if he/she thought the behavior fit the definition and the administration would subsequently decide if the behavior warrants action. She noted some schools have bullying policies.

[8:13:06 AM](#)

CHAIR GATTIS remarked that this bill raises a good conversation about bullying. She noted how bullying can have lasting effects and the importance for others to become involved.

REPRESENTATIVE KITO III acknowledged the importance of the issue. He asked if her research identified other ways parents can get support to stem bullying that happens outside of the school.

MS. PAGE suggested that if the bill passed parents could report electronic communication to the school as a means of providing evidence of bullying.

[8:16:12 AM](#)

REPRESENTATIVE LEDOUX acknowledged that serious consequences can occur when someone is bullied; however, the First Amendment [under the U.S. Constitution] rights related to freedom of speech allows people to be "pretty mean to people" so long as the person doesn't step over a certain line. The schools have the leeway to be more restrictive; however, attempting to curb behavior outside of the school realm may not be plausible. She said she has some problems with this type of restriction.

REPRESENTATIVE COSTELLO appreciated her taking this seriously. She said she does, too. However, not recognizing electronic devices in statute ignores that society uses electronic communication. She pointed out that oral or written communication is addressed in existing statute. She maintained that it is important for adults in schools noticing bullying to have the responsibility to report it to the school. The intent of HB 45 is to encourage a positive culture in the school system. Legal remedies exist if behavior rises to that level and the bill acknowledges that if oral and written behavior that harasses and intimidates people must be reported, then similar behavior using modern devices should also be reported.

[8:19:00 AM](#)

REPRESENTATIVE SEATON related his understanding that the bill addresses a student being harassed, not the person harassing the student. Thus, the bill would require a person report that a student has been harassed. He asked whether this interpretation is accurate.

MS. PAGE answered that the final aspect of Section 1 states "shall report the incident" so she offered her belief that actions on both sides would be considered.

8:21:09 AM

AMELIA VAZQUEZ-DAVIS, Student, AJ Dimond High School, stated she is a sophomore at Dimond High School. She said a loophole related to social media exists and needs to be closed and until it is people will continue to be harassed. Other states have also recognized this problem and have taken action. She provided a number of statistics that demonstrated increased occurrence of on-line bullying and highlights cyberbullying as a problem. She has observed students being hurt and noted depression as one outcome. She suggested that students see the cyberbullying so it can enter the school and affect learning.

8:24:13 AM

REPRESENTATIVE SADDLER asked about the policy at Dimond High School for smart phones and how that might affect cyberbullying at school.

MS. VAZQUEZ-DAVIS answered that cell phone use is at the discretion of the class teacher and some allow cell phone use and others don't. She noted some students are text messaging throughout the day so cyberbullying could certainly escalate. In response to a question, she reiterated cell phone use is at the discretion of each teacher.

CHAIR GATTIS pointed out modern cell phones are multi-use devices that offer internet access.

8:26:46 AM

REPRESENTATIVE KITO III suggested that if someone has been adversely impacted by a communication that is evidence of bullying. He related his understanding that this bill would just add that students can be negatively impacted by "electronic media" and not just oral and written communication.

8:27:29 AM

REPRESENTATIVE SADDLER said the statute clearly covers oral and written, or physical acts, when the acts are undertaken with intent. He inquired why the drafting doesn't just add "electronic" instead of adding communication since "oral" is also communication.

MS. PAGE answered that an electronic act could be a post, not a direct communication. She suggested that an offensive blog post would be different than a directed comment.

REPRESENTATIVE SADDLER suggested that a Facebook post would be general versus a direct comment and asked whether it would be covered under this provision.

MS. PAGE deferred to the drafter.

CHAIR GATTIS suggested that question could be answered later.

REPRESENTATIVE SADDLER aligned with the previously comments regarding the First Amendment rights, which allows a certain amount of offensive comments.

8:30:10 AM

CHAIR GATTIS offered her belief that cyberbullying exists and it is important to recognize the issue.

8:30:53 AM

RON FUHRER, President, National Education Association of Alaska (NEA), testified in support of HB 45, paraphrasing from a prepared statement, which read, as follows:

Cyberbullying occurs in the shadows, whether on-line, on Facebook, by text message, or some other means. It can be more difficult to detect and prevent than more conventional forms of bullying. Teachers and educational support professionals are the first lines of defense in stopping cyberbullying in schools. Cyberbullying carries over to the classroom. Only one in ten victims will inform a parent or trusted adult of their abuse. The consequences of cyberbullying are significant and cause significant emotional and psychological distress. Like other forms of bullying

cyberbullied kids experience fear, low self-esteem, depression and anxiety.

Cyberbullying victims also experience some unique consequences such as feeling overwhelmed, vulnerable, powerless, exposed, humiliated, isolated, and even disinterested in life. Bullied victims are two to nine times likely to consider suicide. According to Pew Research, one-third of all teenagers who have used the Internet have been the target of some form of cyberbullying. Some research shows that nearly 43 percent of kids have been bullied on-line and one in four more than once. Seventy percent of students report seeing frequent bullying on-line.

Cyberbullying is unacceptable. The only way to bring cyberbullying out of the shadows is a community effort by teachers, parents, administrators, and other students to send a clear message that cyberbullying will not be tolerated. This bill, HB 45, is a first step towards ensuring that Alaska's students can attend school in a safe-learning environment, free from the threats of cyberbullying. Please support HB 45.

[8:33:25 AM](#)

MIKE COONS testified in opposition to HB 45, paraphrasing from a prepared statement, which read [original punctuation provided]:

I oppose HB 45. Let me talk first on Sections 1 and 2.

Section 1, do you mean to tell me that school staff don't intervene now? Why should a student have to report? What happens if a student doesn't and if any "discipline" and why? Then at what "level" is this talking about? What is the objective definition of harassment, intimidation or bullying? Very subjective depending on the viewer and when they see it.

Heck it could be the intended "victim" intimidating back to stop the "[bully's]" behavior. It could be the "victim" fighting back and winning over the bully! Then of course, with this as a "guideline" the bully becomes the "victim" and the intended "victim" gets the punishment!

Section 2 (2), again determination depends on the viewer as I just stated.

In reading the proposed text, I am not impressed. If this is being proposed because of the cyber bullying in the Lower 48 that made national headlines, this does little to nothing to deter such actions that lead to death of the victim. This is why we have kids that are bullied who have no skills turn to [have] ramped up violence disproportionately over the problem. This is why we have kids with low esteem, who have nowhere to go that really matters to them!

In reviewing the wording, it is subjective at best and with the history of the courts, I don't believe a person on trial in a juvenile court would be found guilty for "fear of physical injury, severe mental or emotional injury, or damage to the person's property".

[8:35:02 AM](#)

MR. COONS continued to read from prepared remarks, [original punctuation provided]:

How to prove the "victim" had that level of fear or if they suffered "mental or emotional injury"? I'm sure any number of psychiatrists could come up with differing views as the "victims" level of "fear, or mental or emotional injury", both for the defense and prosecutor.

Based on the above, this is one more law that will be either misused or ignored; we have enough of those already and I'd love to see time spent to repeal such laws that don't work and done for "emotion".

Let me end with this. Why don't we at the community level, not legislative level, do something that makes a real difference? Why don't we teach not to be a victim? The NRA has a course "Refuse to be a Victim", this is about 95% on mental attitude, verbal options or "verbal judo", situational awareness, simple methods of defense then upping defense with non-lethal to lethal. This is mostly taught to women and has a huge impact and high success rate. When I was a kid, I was 6 months younger and quite a bit smaller than my

peers. My Dad always told me to never throw the first punch, if I could, walk away, but if I had to fight, fight to the finish and don't come home crying, then I would get his discipline, a boot on my rear end. I walked away many times, and called a coward for it. I also stood up to bully's and got the second swing in. I lost more than I won over the years, but no bully, bullied me more than once after we got into it. For [bullies] don't like to get hurt! They can dish it out, but can't take it. Plus they know that they may have won this time, they might not be so lucky the second time. My last fight was in the 11th grade, that one I won and won big and my PE teacher let it go on to the end. He told me years later he did that because he had never seen me win! What did this do for me as an adult? It taught me to stand for myself and not be a "victim" and to be in control of my life.

Legislation like this and others is so much fluff and makes the progressives feel good that we are "doing something", when we are really doing what progressives really want, a public dependent on the government and others, vs a public that takes personal responsibility for themselves.

Do not pass this bill.

[8:37:41 AM](#)

CHAIR GATTIS closed public testimony on HB 45.

[8:38:00 AM](#)

REPRESENTATIVE SEATON commented that the bill has brought an important clarification to be able to take effect if a student's education is being interrupted or threatening happens in the learning environment. He pointed out the statute is in AS 14.33, which is public schools and the bill does not mean the crime warrants police action, but it is important for district action in terms of school policy.

CHAIR GATTIS recognized that some districts currently have specific policy in place.

REPRESENTATIVE SADDLER referred to page 1, line 5 to the requirement that bullying policy currently addresses someone must report bullying happening or a victim being bullied. He

pointed out current law requires reports of bullying so this just expands it to include electronic bullying.

REPRESENTATIVE LEDOUX asked to have a representative from the Department of Law available to clarify First Amendment issues.

[HB 45 was held over.]

**HB 365-PERFORMANCE SCHOLARSHIP: QUALIFYING EXAM**  
**HB 365-PERFORMANCE SCHOLARSHIP: QUALIFYING EXAM**

[8:41:00 AM](#)

CHAIR GATTIS announced that the final order of business would be HOUSE BILL NO. 365, "An Act relating to the Alaska performance scholarship."

[8:41:21 AM](#)

REPRESENTATIVE SEATON, speaking as prime sponsor, presented HB 365, paraphrasing from the sponsor statement, which read [original punctuation provided]:

The Alaska Performance Scholarship (APS) was created in 2010 through Senate Bill 221 and represents a recurring investment in Alaska's future through post-secondary education scholarships. The Legislature also supported a long-term plan to fund APS in perpetuity, demonstrating commitment to make higher education more affordable to residents.

Students are currently eligible to receive a scholarship if they meet the criteria in one of three tiers of awards laid out in 4 AAC 43.020. Criteria for awards include completion of a rigorous curriculum, standardized examination, and grade point average requirements. Standardized examinations used in all three award levels are the ACT, SAT or WorkKeys. The WorkKeys examination is designed for entry into career and technical fields. However, if qualifying for the APS through the WorkKeys examination, students may only apply their scholarship to a career or technical program that results in the award of a certificate. It cannot be applied to a two-year Associate's degree, which is often the degree needed to advance in a career or technical field.

[HB] 365 will expand the application of an Alaska Performance Scholarship earned through WorkKeys examination to include degree programs. Students who have demonstrated the necessary requirements to obtain an Alaska Performance Scholarship should not be limited to using it only towards a certificate program when an Associate's degree or other degree may best launch them into a vocation most appropriate for their skills and experience. Current statute impedes students' pursuit of career paths, especially those offered through a two-year degree.

REPRESENTATIVE SEATON recapped that this bill would allow students who use the technical career pathway and take the WorkKeys to be able to pursue their technical career goal through certificate or an Associate of Art's Degree and be eligible to use the APS. Currently some students qualify for the APS, but if they attend the university seeking an associate's degree they cannot use it. He related his understanding that the purpose of APS is to encourage students to further their education and qualify in technical fields. He referred to the handout in members' packets entitled "Certificate and Associate's Degree Programs Offered by University of Alaska" that lists numerous degrees offered, including Industrial Technology or Air Traffic Control. He concluded that the intent is to recognize the Associate of Art's Degree as a pathway for career and technical fields.

CHAIR GATTIS agreed parents and students want career and technical options.

[8:45:46 AM](#)

REPRESENTATIVE LEDOUX asked whether taking an exam to enter a technical school could be considered a college entrance exam.

REPRESENTATIVE SEATON explained the use of placement tests, including the Acuplacer used by the University of Alaska System. He said it is important to understand that the SAT, ACT, and WorkKeys assessment as an examination was necessary since the state doesn't have control over the grade point averages (GPA) across the state. Students still must demonstrate the skill level on the exams. He said the SAT and ACT are not used by many schools. The UA uses the Acuplacer to place students in the appropriate classes.

[8:48:39 AM](#)

DIANE BARRANS, Executive Director, Postsecondary Education Commission, Department of Education and Early Development (EED), explained that WorkKeys assessment is not a college entrance exam, but is designed to assess an individual's readiness to enter the workforce.

CHAIR GATTIS asked for a briefing on the Alaska Performance Scholarship (APS) in terms of four year college degrees and vocational education and she understood HB 365 would fill a gap.

MS. BARRANS answered that the APS currently has two tracks, one for attaining a degree related to the college entrance exam scores. She explained the scores and award levels that can be achieved. The state Board of Education (BOE) in setting the standards for career track focused on a minimum benchmark for all award levels, which is currently a WorkKeys assessment score of 13 of 20 WorkKeys components. Thus, the GPA governs the award level, but in order to give wide access to students the APS went with a single scoring benchmark and limited the program to certificate programs. The rationale was that components to Associate Degree programs that are general education and need to be assessed for academic preparedness into a degree program. She related that the Associate Degree programs really combine the general education and technical educational requirements without assessing the student's ability to succeed directed the students to certificate programs.

[8:51:36 AM](#)

REPRESENTATIVE REINBOLD asked whether the award levels are set appropriately.

MS. BARRANS responded the award levels were designed for tuition for full-time students at the University of Alaska. She said the program could range from 10 weeks to one year in length. The student can obtain up to the amount of the award but the award may not exceed the cost of the program.

REPRESENTATIVE REINBOLD asked for further clarification on the fiscal note set at \$1-2 million.

MS. BARRANS answered that is difficult to pinpoint a cost analysis for this program. She derived the figure by using the actual students in the class of 2013 who qualified for a WorkKeys APS, but enrolled in an Associate's Degree program and couldn't use the scholarship.

CHAIR GATTIS remarked that she became informed about the WorkKeys assessment policies during the House Finance subcommittee work. She acknowledged that Representative Seaton has had more experience with the APS.

[8:54:31 AM](#)

REPRESENTATIVE REINBOLD asked for further clarification on the number of students and how many more could be served.

MS. BARRANS reiterated that it is a difficult number to estimate since she was unsure of how many students qualified for an APS but elected not to go to school. The agency looked at the number of students who were unable to use the APS but enrolled in a degree program at the UA. In response to a question, Ms. Barrans recalled that 202 students enrolled. In addition, keep in mind those students qualified with WorkKeys assessment scores based on the current minimal level. If the bill were to pass, the state Board of Education would need to reconsider the award requirements. One question is whether there is a means compare WorkKeys scores to ACT and SATs, which could be challenging since one assesses college readiness whereas the other is not designed to do so.

[8:56:29 AM](#)

CHAIR GATTIS asked whether there might be more students who consider the career portion if HB 365 passes.

MS. BARRANS disagreed. She suggested the students might aspire to it, which is good; however, the cut scores may be increased and the effect could be that fewer qualify.

CHAIR GATTIS understood.

[8:57:15 AM](#)

REPRESENTATIVE SADDLER said he had been inclined to think that if APS was extended to cover vocational or two year certificates that more students would take advantage of it. He noted that it is unclear what assessments will be required of students in Alaska since it is still being discussed in the legislature. He asked whether this bill is consistent with the intent of the APS.

MS. BARRANS answered that these are the granular details that were not originally discussed between a certificate and an associate degree program. The commitment made was options for a collegiate track and a career technical education track. She offered her belief that it was in that spirit; however, she wasn't privy to the discussions the BOE engaged in on setting the cut score.

REPRESENTATIVE SADDLER asked whether she supports HB 365.

MS. BARRANS expressed concern about the bill as currently drafted. She explained that it appears to be a wide broadening to include any degree track. She suggested it might be more finely tooled to focus on those that the WorkKeys score ensures preparedness, perhaps a subset of the list of associate degree programs. She pointed out there may be a wide variance of academic requirements within the degree programs.

[8:59:58 AM](#)

CHAIR GATTIS surmised that the APS would be for either an associate's degree or a bachelor's degree, but more importantly more of a college track versus the certificate.

MS. BARRANS agreed, but said within the context of the training structure, it has gotten a little blurry. She explained that the structures aren't as clear-cut since interest has been expressed to create pathways for some students to begin with a certificate, move on to an associate's degree (AA), and build on the AA degree by moving into a baccalaureate program.

[9:01:10 AM](#)

REPRESENTATIVE KITO III asked for further clarification on existing statute regarding the minimum scores. He asked whether these scores are defined by the state Board of Education.

MS. BARRANS answered yes; the scores are set by regulation.

[9:01:48 AM](#)

REPRESENTATIVE SEATON recognized that 30 percent of the students prepare for college. The goal would be to increase post-secondary education and an entire curriculum exists to support this. Students on the career path must still take rigorous courses to qualify for the APS. He related that many degree programs are aligned to furthering career technical education.

CHAIR GATTIS admitted she struggles with the prior and current intent of the APS. She offered her belief that the state has failed to maintain pace throughout districts to provide vocational opportunities. She wasn't sure if the APS is the appropriate place to address this. She understood the APS had a particular mission and possibly this bill "piggybacks" on that mission. She wondered whether the committee wants to "blur those lines" and have vocational education on board.

REPRESENTATIVE SEATON suggested hearing from school counselors.

[9:05:49 AM](#)

LADAWN DRUCE, School Counselor, Ninilchik School, asked to clarify the bill. She related her misunderstanding that the WorkKeys assessment could be used toward a collegiate path of a bachelor's program, which apparently was not the intent. If the WorkKeys assessment could be used towards collegiate bachelor's degrees, it seems they could be used toward the associate's degree, more along the career technical education track. She hoped the committee would not dismiss their testimony. She pointed out the associate's applied science degree is quite popular on the Kenai Peninsula, noting the Kenai Peninsula College campus offering a two-year degree in Process Technology and instrument technology [Industrial Process Instrumentation], which several students are looking at, the WorkKeys option would be much appreciated. She indicated the curriculum is fairly rigorous for the track, noting the GPA must be a certain level. She pointed out that the SAT and ACT throws up barriers for them in accessibility in taking the test, opportunities to study and take the test.

CHAIR GATTIS indicated the testifier teleconference connection experienced difficulty and was disconnected.

[9:08:39 AM](#)

REPRESENTATIVE SADDLER asked whether the proposed change in HB 365 is consistent with the original intent of the APS.

LES MORSE, Deputy Commissioner, Office of the Commissioner, Department of Education and Early Development (EED), answered that significant discussion was held on certificate and degree seeking programs during the APS. He suggested the record may need to be consulted for a definitive answer. However, there was interest in advancing degree-seeking programs and students

moving into careers. He recalled one aspect of the intent was to encourage more rigorous preparation at the secondary level before students took either route to ensure student success, regardless of the track and reduction of the need for remediation. He offered his belief that the governor originally developed the APS to encourage degrees, but significant discussion was held on the value of certificates, as well, to go into career programs.

REPRESENTATIVE SADDLER supported raising the rigor of curriculum, which is a positive way to reinforce for students taking on bigger challenges in high school, regardless of their eventual academic or vocational track.

[9:10:53 AM](#)

CHAIR GATTIS asked whether the bill continues to allow for the intended level of rigor for either path.

MR. MORSE expressed concern that the language does not completely match the intent. He stated the current language in HB 365 would open it up to baccalaureate degrees; however, he didn't hear this as the intent nor does it provide sufficient information on whether students are prepared. Regarding whether it helps to advance, he offered his belief that the focus is associate degree programs at the university that are primarily career oriented, but not toward baccalaureate degrees. He offered his belief that it deserves deeper examination. Some of the associate programs have a rigorous math, language arts, and literature background. The WorkKeys doesn't give enough information to know whether the student can make it through the program, whereas the ACT and SAT provide better information to assess success. Lastly, one goal is to reduce the remediation rate. He suggested that perhaps the associate degrees should be examined to determine if a subset or the whole set is appropriate. He said the true requirements need to be understood so the state doesn't move students into programs they are not prepared to undertake. He acknowledged that the course requirement provides some of that but the SAT or ACT provides the crosscheck.

[9:13:33 AM](#)

CHAIR GATTIS noted that uniformity in high school curriculum may be the biggest challenge.

[9:13:58 AM](#)

REPRESENTATIVE SEATON said the GPA and a rigorous curriculum in high school is the best predictor of student success. He said both tracks require rigor and rely on the GPA. The intent is to ensure that students are not being penalized for taking a rigorous curriculum but being denied the APS for career technical fields. He acknowledged the bill needs to be honed, for example, to change "degree" to "associate's degree;" however, he was unsure that WorkKeys means developmental courses won't be necessary. For example, 40 percent of the SAT students must take remedial courses. He understood that it could be difficult for some students, but the opportunity to pursue postsecondary education is the goal of the legislation and to obtain a more highly-qualified workforce. He offered a willingness to take amendments.

[9:17:12 AM](#)

CHAIR GATTIS noted that one challenge is considering GPA and assessment scores and which can be trusted.

MS. DRUCE said the students are available. She agreed that the GPA and the curriculum is a better indicator of success, which has been proven over time.

[9:19:04 AM](#)

REPRESENTATIVE SADDLER asked how the student letters were generated.

MS. DRUCE responded that students taking the government class reviewed the bill and were encouraged to voice an opinion.

[9:20:53 AM](#)

ROBERT DELGADO, Student, Ninilchik School, speaking in support of HB 365, offered his belief that the goal of the APS is to help students stay in Alaska to obtain an education. He said using WorkKeys for the career technical education for an associate's degree instead of the ACT or SAT score will help those students who are not good test takers to obtain the scholarship in keeping with the main purpose of the scholarship program.

[9:21:57 AM](#)

REPRESENTATIVE SADDLER asked whether the students are aware of individual students taking the more rigorous courses.

MR. DEGADO answered yes; that all the students are pursuing the APS.

[9:22:31 AM](#)

CHAIR GATTIS closed public testimony on HB 365.

[9:22:41 AM](#)

REPRESENTATIVE SADDLER asked whether the department supports HB 365.

[9:22:59 AM](#)

MR. MORSE reiterated concern that the intent of HB 365 and the department's analysis of the bill are different. He suggested the need to clarify the language. He further suggested that an in-depth discussion would be in order to ensure that students receive appropriate rigor in mathematics, language arts, and literature. His biggest concern is having students move forward without being adequately prepared to be successful in completing the program. He related that the WorkKeys provides an assessment on job skills and doesn't indicate preparedness for college mathematics, language arts, and English. He cautioned against hasty decisions.

[9:24:42 AM](#)

REPRESENTATIVE SADDLER asked for further clarification on the fiscal notes.

MR. MORSE pointed out that two fiscal notes were provided. One fiscal note was prepared by EED and the EED provided the student data and test scores to the Alaska Commission on Postsecondary Education. The department's fiscal note for \$35,000 would provide analysis and correlation study to provide the BOE with appropriate, relative information regarding cut scores.

[9:26:38 AM](#)

REPRESENTATIVE SEATON agreed that aligning the intent of the bill with what will work within the department is important. He pointed out that the department has the SAT and WorkKeys

assessment scores. He acknowledged it was appropriate for the department and BOE to set the cut scores.

9:28:11 AM

REPRESENTATIVE KITO III wanted to better understand whether the rigorous curriculum required to qualify for the APS is also appropriate for those students pursuing certificates or associate degree programs. It might provide an opportunity to separate out those programs from the APS program. He suggested identifying specific standards for the curriculum for certificate or associate degree programs.

CHAIR GATTIS acknowledged the sponsor's willingness to work with the department.

9:29:56 AM

REPRESENTATIVE SADDLER asked for further clarification on the WorkKeys assessment.

MR. MORSE offered to provide a brochure on the WorkKeys assessment.

CHAIR GATTIS asked whether the committee could take the WorkKeys assessment in order to gain a better understanding.

MR. MORSE recalled the committee may have taken practice tests or the WorkKeys assessment about five years ago. He agreed the committee could take a practice test at the committee's pleasure. He explained that WorkKeys assessment provides students with a good understanding of career opportunities, and what a student may need to undertake in order to be successful in a given area. He pointed out the WorkKeys assessment is aligned to thousands of workforce career opportunities.

CHAIR GATTIS expressed interest in taking the WorkKeys assessment.

9:33:20 AM

REPRESENTATIVE SEATON recalled taking the WorkKeys assessment previously in committee and provided a description of a typical math question that addresses an actual workplace application such as calculating chlorine needed for a sewage treatment plant.

CHAIR GATTIS looked forward to viewing the WorkKeys assessment.

[9:35:03 AM](#)

REPRESENTATIVE SEATON related his understanding that the difference between the career and technical track is the curriculum involved for four-year programs include classes such as calculus, whereas the career and technical track may involve other mathematics that is more related to real world applications.

CHAIR GATTIS agreed that many courses taken in school may not serve everyone and this bill might serve as a gap between academic and practical application.

[HB 365 was held over.]

[9:37:08 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:37 a.m.