

**ALASKA STATE LEGISLATURE  
HOUSE EDUCATION STANDING COMMITTEE**

March 28, 2014  
8:02 a.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Representative Harriet Drummond

**COMMITTEE CALENDAR**

HOUSE BILL NO. 233

"An Act relating to sexual abuse and sexual assault awareness and prevention efforts in public schools."

- MOVED HB 233 OUT OF COMMITTEE

HOUSE BILL NO. 93

"An Act relating to the authorization, monitoring, and operation of charter schools."

- MOVED CSHB 93(EDC) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 233

SHORT TITLE: SEXUAL ABUSE/ASSAULT PREVENTION PROGRAMS

SPONSOR(S): REPRESENTATIVE(S) TARR, GARA, DRUMMOND, JOSEPHSON

01/21/14	(H)	PREFILE RELEASED 1/10/14
01/21/14	(H)	READ THE FIRST TIME - REFERRALS
01/21/14	(H)	EDC, FIN
03/28/14	(H)	EDC AT 8:00 AM CAPITOL 106

BILL: HB 93

SHORT TITLE: CHARTER SCHOOLS

SPONSOR(S): REPRESENTATIVE(S) GATTIS

01/30/13	(H)	READ THE FIRST TIME - REFERRALS
01/30/13	(H)	EDC, FIN
03/15/13	(H)	EDC AT 8:00 AM CAPITOL 106
03/15/13	(H)	Heard & Held
03/15/13	(H)	MINUTE(EDC)
03/20/13	(H)	EDC AT 8:00 AM CAPITOL 106
03/20/13	(H)	Heard & Held
03/20/13	(H)	MINUTE(EDC)
03/05/14	(H)	EDC AT 8:00 AM CAPITOL 106
03/05/14	(H)	Heard & Held
03/05/14	(H)	MINUTE(EDC)
03/26/14	(H)	EDC AT 8:00 AM CAPITOL 106
03/26/14	(H)	Scheduled But Not Heard
03/28/14	(H)	EDC AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

REPRESENTATIVE GERAN TARR  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** Testified and answered questions as a joint prime sponsor of HB 233.

ERIN MERRY, Erin's Law [Namesake]  
 Chicago, Illinois

**POSITION STATEMENT:** Testified and responded to questions during the hearing on HB 233, which bears her name.

SUSAN MCCAULEY, Director  
 Teaching and Learning Support  
 Department of Education and Early Development (EED)  
 Juneau, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 233.

RACHEL GERNAT  
 Palmer, Alaska

**POSITION STATEMENT:** Testified in support of HB 233.

TREVOR STORRS, State Director  
 Alaska Children's Trust  
 Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 233.

MIKE COONS  
 Palmer, Alaska

**POSITION STATEMENT:** Testified in support of HB 233.

MATTHEW HIRSHFIELD, MD, Pediatrician  
All Alaska Pediatric Partnership  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 233.

VIVIAN BENSON  
Women in Safe Homes  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified in support of HB 233.

DIANE GUBATAYAO  
Women in Safe Homes  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified in support of HB 233.

RON FUHRER, President  
NEA-Alaska (NEA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 233.

CAREN ROBINSON, Lobbyist  
Alaska Woman's Lobby  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 233.

ALISON CURRY, Regional Field Organizer  
Planned Parenthood  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 233.

CRYSTAL KENNEDY, Staff  
Representative Lynn Gattis  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided a sectional of the committee substitute (CS) for HB 93, Version R, on behalf of Representative Lynn Gattis, prime sponsor.

SUSAN MCCAULEY, Director  
Teaching and Learning Support  
Department of Education and Early Development (EED)  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 93.

ELIZABETH SWEENEY NUDELMAN, Director  
School Finance and Facilities Section

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

**POSITION STATEMENT:** Answered questions during the discussion of HB 93.

SUSAN MCCAULEY, Director  
Teaching and Learning Support  
Department of Education and Early Development (EED)  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the discussion on HB 233.

#### **ACTION NARRATIVE**

[8:02:39 AM](#)

**CHAIR LYNN GATTIS** called the House Education Standing Committee meeting to order at 8:02 a.m. Representatives Seaton, LeDoux, Reinbold, Kito III, and Gattis were present at the call to order. Representatives P. Wilson and Saddler arrived as the meeting was in progress.

#### **HB 233-SEXUAL ABUSE/ASSAULT PREVENTION PROGRAMS**

[8:03:08 AM](#)

CHAIR GATTIS announced that the first order of business would be HOUSE BILL NO. 233, "An Act relating to sexual abuse and sexual assault awareness and prevention efforts in public schools."

[8:03:41 AM](#)

REPRESENTATIVE GERAN TARR, Alaska State Legislature, as a joint prime sponsor of HB 233, stated this bill is a measure to address child abuse prevention in Alaska. She relayed that a constituent raised Erin's Law so she researched child sexual abuse in Alaska. She reported that she reviewed Office of Children Services (OCS) and the Legislative Research Services, Alaska State Legislature, report dated February 17, 2014, in members' packets, reported that of the 2,296 total allegations involving [1,817] alleged child victims, over 40 percent were Alaska Native children. Those figures were alarming to her and she wanted to take action. She discovered that [1,817] victims represents four times the number of students attending a Homer high school, or three times more than those attending a Juneau high school, or more than the total number attending Bartlett High School in Anchorage. She said the figures gave her a different perspective on the number of children affected by sexual child abuse in Alaska. She cited national statistics,

relating that one in four girls and one in six boys will be sexually assaulted before the ages of 18, but only one in ten will report to adults. This illustrates why this is a silent epidemic and how conducting a program such as this one to empower children to have a voice and speak up can be effective and could prevent the next generation of children from being abused.

REPRESENTATIVE TARR related that after introducing this bill she has heard from Alaskans all over the state describing sexual abuse that has affected their families and their communities. She related a scenario to illustrate the prevalence is much higher in some smaller communities.

REPRESENTATIVE TARR said this bill would mandate teaching age appropriate child sexual prevention curriculum to students in all public schools. She described specific language that could help children identify threats that perpetrators make to young children. She offered her belief that this program could empower those children and add training to the mandatory training teachers currently have to recognize signs, appropriately intervene, and report suspected sexual abuse to keep children safe.

[8:08:21 AM](#)

ERIN MERRYIN, Erin's Law [Namesake], stated she is traveling to states in hopes of passing Erin's Law. She described child sexual abuse as the silent epidemic without visible scars. One in four girls and one in six boys will be sexually abused in today's society by the age of 18. Her personal experience began with the first sleep over as a six-year-old and being abused by her friend's uncle. She said that secrecy surrounds the issue and the perpetrator will continue and control the victim with threats of injury. The abuse manifested itself by her acting out in school. She did not learn about safe and unsafe touch and safe and unsafe secrets in school.

[8:10:39 AM](#)

MS. MERRYIN continued to say that she had no language to expose the activity that was being imposed on her throughout her childhood. Although "Stranger Danger" was taught in the classroom and provided to parents for instructing their children, 90 percent of the time sexual abuse occurs by someone the child knows and trusts. When her older cousin began to abuse her as a preteen and through her early teen years, she

kept silent due to threats that this would destroy the family and no one would believe her. She continued to be instructed on safety techniques, but not for sexual abuse. Her behavior problems were evident in school but were not being addressed on a level beyond discipline and an IEP. She read from her diary a passage that caused her to begin the crusade she is on today, as follows:

I sobbed the whole way home. Over and over in my head I thought about what just happened. In school, a guy called "Officer Friendly" teaches us about strangers. Never answered the door when my parents [were] gone. I thought people, like Brian, jumped out of bushes and attacked you at night. They don't teach you in school about your own family.

MS. MERRYNN related a story to illustrate perpetrators will victimize as many kids as they can, noting the average sex offender has 114 victims. She said 3 of 42 million survivors of sexual abuse in America alone are children. She asked to put a face and name to the silent epidemic by testifying and giving children the voice she didn't have as a child.

[8:16:01 AM](#)

MS. MERRYNN emphasized the importance to provide a voice to children who are sexually abused. She found her voice when she discovered her younger sister was also being sexually abused by the same family member. She reported that Tennessee was the 12th state to pass this law. She maintained it is an epidemic that will not end until sexual assault is addressed on a level to empower children to speak out. She indicated that the schools have an effective network of salaried positions that can teach children to speak out. In Illinois, social workers and psychologists have been going to classrooms to teach students. Reports indicate that children are beginning to report abuse and have referred to Erin's Law as giving them the courage to report incidents. She urged members to support HB 233. She also said that the governor has offered his support.

[8:20:11 AM](#)

REPRESENTATIVE P. WILSON commented that as a school nurse in North Carolina she has experienced the difficulty in dealing with this type of situation. She asked whether she obtained counseling.

MS. MERRYLN answered yes; counseling is important and a less destructive path can be taken.

[8:21:50 AM](#)

SUSAN MCCAULEY, Director, Teaching and Learning Support, Department of Education and Early Development (EED), mentioned that regulation requirements are in place for annual training for staff regarding sexual assault and abuse reporting; however, language does not stipulate teaching children what is appropriate. She commented that some broad language regarding "safe touch" exists, but not to the degree that this bill addresses.

[8:22:42 AM](#)

CHAIR GATTIS asked for an opinion on the bill.

MS. MCCAULEY, regarding the well-established statistics, related that the problem of sexual abuse of children is recognized as a serious problem. The department supports measures that help ensure that students are safe. The department has language in regulation that is consistent with this bill regarding local control over the development of curricula. The bill does not prescribe a specific curriculum although it mentions the language "age appropriate" and would prescribe to districts, consistent with department regulation, the responsibility for development of the curriculum at the local level.

[8:23:43 AM](#)

REPRESENTATIVE P. WILSON expressed concern that smaller schools in the rural locations may not have enough staff. She suggested the department might consider providing additional training, perhaps web-based training to ensure the rural schools have access to the sexual assault training.

REPRESENTATIVE LEDOUX asked for further clarification, noting she assumed that the department supports HB 233.

MS. MCCAULEY responded that the department supports measures to ensure safety of students in Alaska's schools. She clarified what she means is that the established practice in Alaska regarding curriculum development rests at the local level, unlike other states in the country. Clearly, on page 1, line 10 of HB 233, reads, "(a) The governing body of each school district shall ...." Thus, the approach taken in HB 233 is

consistent with the department's approach in general regarding curriculum in Alaska. Again, the department supports measures to ensure student safety.

8:26:16 AM

REPRESENTATIVE SEATON asked for further clarification regarding the curriculum development and if materials are readily available.

MS. MCCAULEY anticipated that established curricula exist, but acknowledged that the sponsor and Ms. Merryn would be more knowledgeable on Erin's Law.

REPRESENTATIVE P. WILSON asked to have Ms. Merryn respond.

REPRESENTATIVE SADDLER asked for further clarification on the estimated costs involved for training and development.

MS. MCCAULEY responded that the staff training component already exists. The department has training materials available through an e-learning module so it appears there would not be additional costs at the department's level to implement the bill.

REPRESENTATIVE SADDLER asked about associated costs for staff time.

MS. MCCAULEY, from the department's perspective, answered that she did not anticipate any costs.

8:28:18 AM

REPRESENTATIVE LEDOUX understood the administration supports measures like this, but said she is seeking a "yes" or "no" on whether the department supports HB 233.

MS. MCCAULEY answered yes; the administration supports HB 233.

8:29:06 AM

REPRESENTATIVE P. WILSON asked whether any curriculum exists that could easily be adopted by the districts throughout Alaska.

MS. MERRYN answered yes; noting that many models are available on Erin's website, [<http://www.erinmerryn.net/prevention-programs.html>]. She stressed that many recognized programs exist, noting that the Anchorage district has materials since

the district has had programs in existence for 15 years. She mentioned other programs including ones in Canada, New Jersey, and Washington State.

[8:30:26 AM](#)

REPRESENTATIVE KITO III mentioned an amendment to the bill would establish a task force within the Department of Public Safety to help districts identify specific curriculum for the training programs.

[8:31:17 AM](#)

RACHEL GERNAT, speaking on behalf of herself, related she is a former prosecutor for the state and spent most of her time in the Matanuska-Susitna valley, but also worked in Kotzebue, Glennallen, Cordova, Valdez, and Anchorage. She currently owns a business related to training in the area of sexual assault and domestic violence. She stated support for HB 233 and recounted some of her experience as a prosecutor for the state, handling child sexual abuse. She said a child never reports the first abuse and most of the cases she worked on related to long-term sexual abuse that occurred in the home or a home the family frequented. Often children thought they told an adult, and it may have been hinted at, but the children often felt that adults did not believe them. Many of the victims have maintained contact with her as adults and some have disclosed more information that has allowed her to learn about the nuances of child sexual assault. Further, through her work in classrooms she has found that if children had a means for reporting it can only help. It is important for teachers to be able to recognize the symptoms, as well, and be trained and supported in the effort. She stated support for HB 233.

[8:35:51 AM](#)

TREVOR STORRS, State Director, Alaska Children's Trust, stated that the Alaska Children's Trust is the lead statewide organization focused on prevention of child abuse and neglect. For nearly two decades, the organization has been striving to ensure all Alaskan children are raised in safe and secure in their communities. He read from prepared notes, as follows:

Children are one of the greatest resources in Alaska. Each year, nearly 12,000 babies are born in Alaska - approximately 25 [percent] of Alaska's population is under the age of 18. Unfortunately, not all of these

children live in a safe, supportive and nurturing environment.

8:36:38 AM

Alaska has one of the highest rates of child abuse and neglect in the nation. In 2012, the Office of Children Services completed over 10,000 initial assessments of children. It is estimated that 65 percent of infants and toddlers in Alaska have at least one risk factor known to increase the chance of poor health, school, and developmental outcomes. Nearly 30 percent of the children maltreated are under the age of three and 37 percent of children entering foster care are also under the age of three. This is a sign that we have an epidemic in our state and the Adverse Childhood Experiences Study shows children who experience trauma like child abuse and neglect have a greater risk of experiencing some of the social, behavioral, and physical ills that plague our communities like obesity, diabetes, domestic violence, substance abuse, not graduating from high school, or entering the correctional systems - many issues we've all been struggling with.

We know that Alaska's in the top five in the nation for many of these health issues. Erin's law is one step closer to helping us achieve two critical components to ensure all of Alaska's children are safe. One, reduce trauma and build resiliency. This year that silence that Erin was talking about was definitely broken here in Alaska. Children at the elder and youth conference at AFN [Alaska Federation of Natives] spoke out about the abuse they were experiencing in their village, Tanana, including sexual abuse. They had state troopers follow in with them to ensure that the audience family members, other leaders of their community did not storm the stage and [to] ensure their safety.

One child was even told, "Don't bother coming home if you speak out against your family." In their honor, let's look and pass this law. If they can break the silence so can you, so can we. We support Erin's Law. We specifically support the task force being adopted and as a funding agent we would consider looking at a proposal to assist with that task force in the sense

of cost. No dollar amount can be determined and it needs to go before the board of directors, but we would strongly encourage an application for such support.

The reason we support the task force is there are curricula[a] that are out there that are outdated and are actually no longer good, i.e., Safe Touch doesn't always teach everything that the children need to know so to ensure that this law is not just something on the books and people just do something to meet that requirement, that they truly take it for what it is, of changing the culture within their system and ensuring the safety of the children, the task force is critical. I thank you all for hearing my testimony, but most importantly for listening to Erin today. It is unfortunate that we don't have an Alaskan sitting before you to share [his/her] experiences and we have many, many Alaskans that could share that story but are scared to still break that silence. Help us today to shatter that silence.

[8:40:41 AM](#)

REPRESENTATIVE REINBOLD asked to focus on the perpetrator. She offered her belief there needs to be serious consequences for the perpetrator. She asked what kind of message the legislature could put forward to criminalize this behavior and not make Alaska a safe haven for these individuals.

MS. GERNAT responded that in March 2006, the legislature passed legislation establishing higher penalties for sex offenders. In that way the momentum is moving forward. Until a conviction occurs, bail is often granted to a third-party person who is supposed to watch the person 24 hours a day, but the perpetrator is back in the community in which the victim lives. She advocated for changes to this practice and to increase awareness in communities, which could provide support for victims.

[8:43:56 AM](#)

REPRESENTATIVE REINBOLD asked her to pass on any suggestions to close legal loopholes.

CHAIR GATTIS asked her to pass on any suggestions to her office for dissemination to the committee.

[8:44:53 AM](#)

MIKE COONS stated support for HB 233, speaking as a retired paramedic, recalled incidents as a paramedic in Ohio, including poor treatment from health and social services. He stressed how difficult it is for children to overcome the trauma and also the difficulty in rehabilitating the perpetrators. Many of the perpetrators are pedophiles who victimize many children. He said he was sad to hear the department need to be questioned several times before the testifier would offer support for HB 233. He offered strong support for HB 233.

[8:48:02 AM](#)

MATTHEW HIRSHFIELD, M.D.; Pediatrician, All Alaska Pediatric Partnership (AAPP), stated that his group is one of the major organizations that represent health care professionals and health care organizations focusing on children's issues. The AAPP fully supports HB 233 and the amendment to help people get trained to provide age appropriate awareness of sexual touch. He related that his group is focused on the first 1,000 days of life. One thing the AAPP has been looking at is teaching resiliency and trying to minimize trauma in this age group and nothing introduces trauma to kids like sexual abuse - it is a life-long issue. He found Erin's testimony compelling. As a pediatrician, he sees lots of kids who have been abused and the life-long health issues that result from it. The AAPP fully supports this bill and the amendment. He appreciated the opportunity to testify.

[8:49:51 AM](#)

VIVIAN BENSON, Women in Safe Homes, stated support for HB 233 and deferred to Diane Gubatayao.

[8:50:24 AM](#)

DIANE GUBATAYAO, Women in Safe Homes (WISH), stated the WISH operates the emergency shelter in Ketchikan for victims and survivors of domestic violence and sexual assault. She said that WISH highly supports HB 233. She provided a local story to underscore the need for this measure, the need to give children a voice.

[8:51:55 AM](#)

RON FUHRER, President, NEA-Alaska, stated support for HB 233, paraphrasing from a prepared statement, which read [original punctuation provided]:

On behalf of NEA-Alaska's 13,000 teachers and education support professionals, as well as Alaska's 130,000 public school students, I am voicing support for HB 233, "Erin's Law."

As education professionals, student safety is of the highest concern. From the moment students step onto the school bus in the morning until the time they finish their extracurricular activities in the evening, Alaska's most precious and valuable resources is in our care. It is our job to make sure their learning environment is safe, and to prepare them to protect themselves in the wider world.

Sexual assault and abuse prevention and awareness programs are a key component of keeping Alaska's children safe. Such programs allow Alaskan educators to recognize the signs of such violence more quickly, and provide an immediate and direct route of aid for students. It is important that every Alaskan child knows that he or she can speak out to find safety from sexual assault and abuse.

As educators, our students' safety always comes first. We wholeheartedly urge the passage of HB 233, which would mandate sexual assault and abuse awareness and prevention in Alaska's schools. Thank you to [Representative] Lynn Gattis and the House Education Committee for taking the time to address this most important issue.

[8:53:59 AM](#)

CAREN ROBINSON, Lobbyist, Alaska Woman's Lobby, stated support for HB 233, read from a prepared statement, as follows:

The mission of the lobby is to defend and advance the rights and needs of women, children, and families in Alaska. We strongly support preventing sexual and domestic violence against children. Many of the Lobby's Steering Committee members are grandmothers today, but were young women in the 70s and 80s and

helped design some of the early programs used in our schools today.

Many of us were also victims. We appreciate the efforts of Representative Tarr to assure that all children benefit from these prevention efforts.

Today with the support of Governor Parnell, the Council on Domestic Violence and Sexual Assault (DV&SA), and most important with the leadership of Lauree Morton, you have a vibrant council and competent staff to help carry out this policy. I'm sure most of you know it is their statutory authority. Their leadership has already advanced prevention efforts. Important programs like "Alaska Men Choose Respect," "Stand up, Speak Up," and the "Alaska Fourth R." This should obviously give you some comfort.

I think most of us share the same vision when it comes to domestic violence and sexual assault and that vision [has been] stopping it. We've come a long way, but it's taken a long time and we have a long way to go.

Alaska from the start was unique. We insisted that a new statewide Council on Domestic Violence and Sexual Assault be under the Department of Public Safety. This put Alaska years ahead of the nation in recognizing that women and children victims are not sick and in need of mental health treatment. They are victims, needing medical assistance and police support, just like any other crime victim. We recognized that stopping domestic and sexual violence begins with education.

[8:56:02 AM](#)

MS. ROBINSON continued reading from a prepared statement, as follows:

Many communities from across the state continue to lead the nation by offering comprehensive services in our schools, educating parents, teachers, and kids with a K-12 curriculum. For example, as I understand it, we have strong programs in Bethel, Kenai, Anchorage, Fairbanks, and Juneau. But we must do more. There is a glaring need for additional

statewide education, identification, and treatment services for children experiencing problems with domestic violence and abuse in their families.

School prevention programs are necessary to effect a major change in the next generation's attitudes and to give information to the many children who are experiencing or witnessing physical or sexual abuse.

In the beginning, the number of children who came forward after hearing the presentation was overwhelming. But we weren't prepared for who would be amongst the perpetrators: directors of youth programs, an assistant attorney general who helped rewrite child abuse laws, the president of a school board, ministers, fathers, brothers, and other family members and friends, and a lead sexual assault investigator in Juneau. At that point we didn't have the great law we have today regarding the statute of limitations. The person was let off "scot-free" because it wasn't in place and [previously] was within five years.

[8:57:29 AM](#)

MS. ROBINSON said that there is no longer any statute of limitations due to the legislature, the governor, and others. Further, due to all the work in the past 30 years, physicians routinely ask children if they are safe at home, teachers are required to report suspected abuses, many children learn early on about the difference between good touch and bad touch, reports of domestic violence result in arrest, offenders are locked up, shelters exist throughout Alaska and the nation, and women are still telling their stories. The governor, the legislature, law enforcement, schools, and health providers have responded. Victims in this state are really no longer alone. However, it's time for passage of HB 233 to fill the gaps and make sure all our children, no matter what school they attend, get this important information that could change their lives forever.

[8:58:27 AM](#)

MS. ROBINSON held up two publications as examples of curriculum that the state has developed, "Preventing Sexual Abuse of Children - A Curriculum for K-6 and 7-12 Grades by Marcia K. Morgan, Council on Domestic Violence and Sexual Assault, Juneau,

Alaska" (No Date) and "The Youth Education Treatment Network, Juneau, Alaska." She thanked Bruce Johnson, who was the superintendent of the Juneau School District in the 1980s who had the vision to develop the youth network curriculum using a three-pronged approach by educating the teachers, parents, and talking to all the kids in the schools. Over 80 cases were reported in two years. The investigator was also the perpetrator. She remains haunted by the experience, noting several committed suicide, some ended up in jail, and others in alcohol treatment programs. She hoped that the pattern could be changed and asked members to support Erin's Law and HB 233.

[9:00:27 AM](#)

ALISON CURRY, Regional Field Organizer, Planned Parenthood Votes Northwest, Planned Parenthood, stated support for HB 233, paraphrasing from a prepared statement, which read:

As a health care provider and sex educator, we at Planned Parenthood know that healthy sexuality education is an integral part of violence prevention.

The more information a student or teacher has about sexual violence, the more likely they are to identify sexual abuse or assault when it occurs. Teachers need the skills to recognize victims of abuse, and students need tools of their own to evaluate potential risks for sexual violence in their relationships. Discussing sexuality can also make those experiencing sexual abuse or assault feel more comfortable about speaking up and getting help. With programmatic training, teachers can also be better equipped to offer their support and resources to students in need.

Additionally, we strongly believe that sexual violence prevention efforts should take the extra step beyond discussions of abuse and assault, and explain what safe, consensual and respectful relationships look like. Evidence-based curricula in this area are essential to teaching students and educators the differences between healthy and unhealthy sexual behaviors.

Eradicating something as culturally pervasive as sexual violence starts with dialogue and awareness. [This bill] HB 233 takes a great first step by educating both students and teachers about the warning

signs of sexual abuse and assault. I urge you all to support this bill.

[9:02:12 AM](#)

CHAIR GATTIS closed public testimony on HB 233.

[9:02:24 AM](#)

REPRESENTATIVE SEATON offered his belief that everyone knows this is a problem. He related when children know it's appropriate to speak out and not be silent, the state will be on a good path towards prevention. It could also send the message to the community that victims won't be silent which could further cut down on sexual abuse. He stated support for HB 233.

CHAIR GATTIS remarked that some of the acting out in schools can now be identified as a possible symptom. She pointed out that this goes hand in hand with the "Choose Respect" that is currently being celebrated in Alaska.

REPRESENTATIVE P. WILSON expressed excitement that this may be a means for helping Alaska be a leader.

REPRESENTATIVE LEDOUX expressed support for HB 233. She said this is important. She agreed that children are not taught how to handle the situation and that abuse may often come from family or friends.

REPRESENTATIVE KITO III stated support for HB 233.

REPRESENTATIVE REINBOLD stated support for HB 233 and expressed concern for protection to anyone who speaks out.

[9:07:31 AM](#)

REPRESENTATIVE REINBOLD moved to report HB 233 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 233 was reported from the House Education Standing Committee.

[9:07:53 AM](#)

The committee took an at-ease from 9:07 a.m. to 9:15 a.m.

**HB 93-CHARTER SCHOOLS**

[9:15:59 AM](#)

CHAIR GATTIS announced that the final order of business would be HOUSE BILL NO. 93, "An Act relating to the authorization, monitoring, and operation of charter schools." [Version O was before the committee, adopted as a work draft on 3/15/13.]

[9:17:34 AM](#)

REPRESENTATIVE KITO III moved to adopt the proposed committee substitute (CS) for HB 93, Version R, labeled 28-LS0354\R, Mischel, 3/20/14 as the working document. There being no objection, Version R was before the committee.

[9:18:10 AM](#)

The committee took a brief at-ease.

[9:19:15 AM](#)

CRYSTAL KENNEDY, Staff, Representative Lynn Gattis, Alaska State Legislature, on behalf of Representative Lynn Gattis, prime sponsor of HB 93, presented the committee substitute (CS) for HB 93, Version R, paraphrasing from a prepared statement, which read [original punctuation provided]:

All of the changes made in this CS incorporate the portion of the Governor's bill, HB 278, regarding charter schools and the amendments that this committee made to HB 278 so that this bill now is the stand alone bill that mirrors the charter school portion of the CS to HB 278.

The first section requires that a district make its decision to deny or approve a charter school application within 60 days of that application being submitted. This section also allows the Commissioner of the Department of Education and Early Development to approve a charter school that was initially denied by a local district and provides for the State Board of Education to become the operator of the charter school.

The second section lays out the appeal process through the Commissioner's office.

Section Three is the Committee amendment on securing a charter school right of first refusal for leasing of available space of school district facilities and that the district can charge a reasonable fee that reflects the true operational costs of that facility.

9:20:35 AM

MS. KENNEDY, paraphrasing from a prepared statement, continued to read [original punctuation provided]:

Section 4 limits the amount that a district can charge in indirect cost fees to 4% and includes language that state funding that is generated for special needs, vocational and technical instruction and construction or major maintenance should be part of the funding directed to charter schools.

Section 5 requires that school districts formulate policies and thoughtfully address the transportation challenges of their charter school students. Districts would be charged with coordinating transportation routes and transportation availability as best they can within their current transportation plan to provide transportation where and when feasible. If not, the districts will have to forfeit the portion of their transportation funds generated by the number of students attending the charter school and hand that money over to the charter school. It does not require the district to specifically provide transportation for students but they do have to allow charter school students to take advantage of normal bus routes whenever reasonably possible.

Section 6 addresses bonding by a municipality or borough for construction, additions and major rehabilitation projects for charter schools. This will allow for a 70% debt reimbursement of bonds for charter school projects.

9:22:00 AM

MS. KENNEDY, paraphrasing from a prepared statement, continued to read [original punctuation provided]:

Section 7 decreases the minimum number of students required for establishing the funding rate for a

charter school within its first three years, and allowing the adjusted student count to be counted at the same rate as for 150 students.

Section 8 speaks of the repeal of the HSGQE and Section [9] provides for an effective date of Sept. 1, 2014.

CHAIR GATTIS, in response to a question, reminded members that the committee is working from Version R.

9:23:30 AM

REPRESENTATIVE KITO III added clarification that Section 8 will repeal the sunset for the charter school facilities program and not the HSGQE [Section 3, ch. 91, SLA 2010].

MS. KENNEDY offered to provide the information.

9:24:10 AM

REPRESENTATIVE SEATON referred to page 9, line 21 of Version R, to paragraph (18) relating to the 70 percent reimbursement for schools. He expressed concern from two districts that this language creates a differential between the alternative schools and the charter schools since the charter schools can obtain bond reimbursement rates at a higher rate. Under certain circumstances, alternative schools may need to be eligible for the same bond reimbursement rate as charter schools.

CHAIR GATTIS asked Representative Kito III to respond.

9:26:00 AM

REPRESENTATIVE KITO III clarified the issue he had intended to address is that charter schools are often located in leased facilities, but alternative schools are typically located in district facilities. The amendment for the 70 percent [reimbursement of payments on tax-exempt bond] provision was to allow for a pathway to charter schools to be built and incorporated as a district facility to avoid onerous lease costs.

CHAIR GATTIS agreed and said in her district the charter schools are in leased buildings.

REPRESENTATIVE SEATON acknowledged that he had supported the amendment. He pointed out that alternative schools are often focused on recapturing student attendance and are separate from charter schools. If a school district chose to bond and build an alternative school the bonding would be at the 60 percent reimbursement level and not the 70 percent reimbursement ratio. A specialized mission may need to be defined to include other alternative facilities, along with charter schools. It was not considered previously.

CHAIR GATTIS disagreed, and said the Matanuska-Susitna Borough School District's (MSBSDs) alternative school, Valley Pathways, is being built and bonded under the 70:30 bonding structure.

REPRESENTATIVE SEATON acknowledged that the MSBSD is the only area that is expanding and allowed to operate under the 70:30 percent bonding structure but no other district would be able to obtain that bond structure.

[9:30:37 AM](#)

CHAIR GATTIS stated her understanding that schools could obtain the 70:30 bonding structure if the charter school had sufficient students, but if not, one option would be to offer alternative school, but it wouldn't be eligible for the reimbursement at 70:30.

[9:31:05 AM](#)

REPRESENTATIVE SADDLER suggested this measure will be appropriate, particularly if districts are shrinking and space is becoming available in the current facilities.

[9:31:38 AM](#)

REPRESENTATIVE KITO III reiterated the difference is that many charter schools are leasing existing space. He offered his belief that with declining enrollment the school could still use the 70:30 bonding reimbursement provision to renovate an existing building to accommodate an alternative program. If the school is overbuilt for the district, the charter school wouldn't qualify to build a small alternative school using the 70:30 bonding; however, the bill was written to assist charter schools paying lease payments to be placed in a district facility.

[9:32:43 AM](#)

REPRESENTATIVE SEATON agreed with the goal to equalize the opportunity for charter schools. However, it might disenfranchise some alternative schools who can't qualify for the reimbursement at 70 percent, except in some districts such as the MSBSD, since the overall vacancy space in a district might be due to vacancies in a number of communities.

[9:34:04 AM](#)

REPRESENTATIVE P. WILSON turned to the charter school denial process in Section 1 that allows the Alaska State School Board to authorize and become the school board for that school. She suggested that statute would need to be amended to allow for that action.

[9:35:50 AM](#)

MS. KENNEDY offered her belief that she might be referring to page 2, line 17, of HB 93, Version R. which read:

(f) Except as provided in (g) of this section, the state board shall operate a charter school that has been approved by the state board on appeal of a denial of the charter school applications by the local school board under the laws governing the operation and maintenance of a charter school, as if the state board were a school district.

[9:37:02 AM](#)

REPRESENTATIVE P. WILSON asked whether AS 14.03.255 has been amended since it doesn't currently allow them to operate.

MS. KENNEDY deferred to the EED to answer.

CHAIR GATTIS preferred to hold the question.

[9:37:40 AM](#)

REPRESENTATIVE KITO III said EED operates the Mt. Edgecombe boarding school as a public school. In addition, the department has the ability to take over operations of schools that are underperforming. He indicated the department could expand on this but he believed the department has the ability to operate as a school.

[9:38:14 AM](#)

REPRESENTATIVE P. WILSON referred to proposed Sec. 7, [beginning on page 9, line 31 through page 10, line 2 of Version R], which read, "(d) If a charter school has a student count of more than 74 [120] but less than 150 for the current year and is in the first three years [YEAR] of operation or had a student count of at least 75 [150 OR MORE] in the previous year of operation,". She interpreted this to mean the school could use a count for three years if under 75 students. She explained that in small districts it is difficult to begin a charter school given the demographics of the classroom such that some K-6 charter schools wouldn't ever be able to reach 150 students. She suggested reducing the figures to allow smaller charter schools to operate.

[9:40:04 AM](#)

CHAIR GATTIS restated the question is whether to change the count that a charter school needs to a lower number than the bill indicates. Although she didn't object, she acknowledged that there are usually financial implications.

REPRESENTATIVE KITO III deferred to the department, but expressed concern that the operating cost for charter schools being established with too few students would be excessive in comparison to the number of students being served. Further, it would be difficult to operate with the amount of money received in the BSA although he was unsure of the dividing line for the minimum number of students.

CHAIR GATTIS remarked that if a school can't afford to operate it may be self-limiting.

[9:41:27 AM](#)

REPRESENTATIVE SEATON related the effect that changes for charter school size has had on the Kenai Peninsula School District (KPSD). In one instance, the district needed to transfer \$200,000 more per year than anticipated due to the small size of the charter school, which is less efficient to operate. He said that reducing the size means the districts will face more per student costs due to the inefficiencies.

The committee took an at-ease from 9:41 a.m. to 9:49 a.m.

[9:49:30 AM](#)

REPRESENTATIVE P. WILSON moved to adopt Conceptual Amendment 1, on page 10, line 1, to delete "three years" [YEAR] of operation" and to delete "150" and replace it with "75." She said this would assist small charter schools working to grow to K-6.

CHAIR GATTIS objected for discussion purposes.

[9:50:55 AM](#)

SUSAN MCCAULEY, Director, Teaching and Learning Support, Department of Education and Early Development (EED), answered that this is not her area of expertise, but it is a school finance consideration with a potential fiscal note implication. She understood the intent of Conceptual Amendment 1, to remove a potential barrier that charter schools face. She reported that four charter schools have been operating under the 150 attendance requirement that affect the districts. She was unsure of the fiscal implications of the Conceptual Amendment 1.

[9:52:17 AM](#)

REPRESENTATIVE KITO III stated he was also unsure of the fiscal impact. He offered that the fiscal formulas being impacted are shown in AS 14.17.440. He said that student population base numbers between 75 and 150 equals a base amount of \$122.85 and with student size range of 150-250, that the base amount is \$218.00.

[9:53:41 AM](#)

REPRESENTATIVE P. WILSON asked for ramifications to Conceptual Amendment 1 that would change the number of students required in a charter school from 150 to 75 since the smaller school districts have difficulty reaching 150.

[9:54:47 AM](#)

ELIZABETH SWEENEY NUDELMAN, Director, School Finance and Facilities Section, Department of Education and Early Development (EED), stated her understanding the average daily membership of 75 is for charter schools to receive increased funding and have an opportunity to grow.

[9:56:06 AM](#)

REPRESENTATIVE P. WILSON clarified that it would be limited to the first three years of operation.

MS. NUDELMAN read, "... in the first three years or had a student count of at least 75 [150 OR MORE] in the previous year of operation. She related her understanding that once the charter school attains and maintains a student count of 75, the charter school would be funded at a higher level than currently established in law.

[9:57:15 AM](#)

REPRESENTATIVE P. WILSON withdrew Conceptual Amendment 1.

[9:57:27 AM](#)

REPRESENTATIVE LEDOUX asked whether funds would be made available if the founders intentionally want to have a small school.

MS. NUDELMAN answered yes; that charter schools of any size are supported through a number of opportunities allowed under the funding chart. The lowest funding for the charter school would be an increase of 1.18 per average daily membership (ADM), she said.

REPRESENTATIVE LEDOUX asked whether a charter school of 25-50 could exist.

MS. NUDELMAN answered yes; that the formula for the ADM would be adjusted by a 1.18 increment. She acknowledged some practical considerations would come into play.

[9:59:30 AM](#)

CHAIR GATTIS closed public testimony on HB 93.

[10:00:17 AM](#)

REPRESENTATIVE REINBOLD moved to adopt [Conceptual] Amendment 2 to change the effective date from September 1, 2014 to July 1, 2014.

REPRESENTATIVE P. WILSON objected for discussion.

[10:01:18 AM](#)

MS. KENNEDY explained that [Conceptual] Amendment 2 is necessary since certain dates work better for school districts. It would align the district with the budget year on July 1 of a given year instead of September 1, 2014, since at that point the school year would already have started.

[10:02:12 AM](#)

REPRESENTATIVE P. WILSON asked whether [Conceptual] Amendment 2 would allow the department much time to write regulations to comply with statute. She referred to page 10, line 19, to the effective date clause.

MS. KENNEDY referred to language on page 10, proposed Sec. 10, which read, "This Act takes affect September 1, 2014." The proposed Amendment 2 would change the effective date to July 1, 2014.

[10:03:28 AM](#)

The committee took a brief at-ease.

CHAIR GATTIS acknowledged concerns were raised on the date.

[10:05:56 AM](#)

REPRESENTATIVE REINBOLD moved to withdraw [Conceptual] Amendment 2.

REPRESENTATIVE SEATON objected for discussion purposes. He asked whether the change is an application to the formula and may not require separate regulations.

REPRESENTATIVE SEATON withdrew his objection.

There being no further objection, [Conceptual] Amendment 2 was withdrawn.

[10:07:30 AM](#)

REPRESENTATIVE REINBOLD moved to report HB 93, Version R, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 93(EDC) was reported from the House Education Standing Committee.

[10:07:53 AM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 10:07 a.m.