

HOUSE FINANCE COMMITTEE

March 25, 2014

8:33 a.m.

8:33:08 AM

CALL TO ORDER

Co-Chair Stoltze called the House Finance Committee meeting to order at 8:33 a.m.

MEMBERS PRESENT

Representative Alan Austerman, Co-Chair
Representative Bill Stoltze, Co-Chair
Representative Mia Costello
Representative Bryce Edgmon
Representative Les Gara
Representative David Guttenberg
Representative Lindsey Holmes
Representative Cathy Munoz
Representative Steve Thompson
Representative Tammie Wilson

MEMBERS ABSENT

Representative Mark Neuman, Vice-Chair

ALSO PRESENT

Representative Charisse Millet, Sponsor; Representative Shelley Hughes, Sponsor; Ginger Blaisdell, Staff, Representative Shelly Hughes; Vasilios Gialopsos, Staff, Representative Charisse Millet; Michael Hanley, Commissioner, Department of Education and Early Development.

PRESENT VIA TELECONFERENCE

Steve Colligan, Alaska President of Academy of Model Aeronautics; Ro Bailey, University of Alaska Fairbanks; John Binder, Department of Transportation and Public Facilities, Anchorage; Clayton Holland, Kenai Peninsula Rural School District, Soldotna; Jeanne Gerhardt-Cyrus, Self, Kiana; Ivory Gerhardt-Cyrus, Kiana; Eugene Avey, Superintendent of Annette Island School District, Metlakatla; Ron Cowan, Disability Law Center of Alaska,

Anchorage; Ashley Dunks, Self, Mat-Su; Cassie Wells, President of the Alaska Case, Barrow; Kendra Stea, Crisis Prevention Institute, Chicago Illinois; Christie Reinhardt, Governor's Council on Disabilities and Special Education; Lucy Hope, Special Education Director, Matanuska-Susitna Borough School District.

SUMMARY

HB 210 STUDENT RESTRAINT, SECLUSION, PSYC DRUGS

HB 210 was HEARD and HELD in committee for further consideration.

HB 278 EDUCATION: FUNDING/TAX CREDITS/PROGRAMS

HB 278 was POSTPONED

HCR 15 TASK FORCE ON UNMANNED AIRCRAFT SYSTEMS

HCR 15 was HEARD and HELD in committee for further consideration.

#hcr15

HOUSE CONCURRENT RESOLUTION NO. 15

Relating to the continuation of the Task Force on Unmanned Aircraft Systems.

8:33:57 AM

GINGER BLAISDELL, STAFF, REPRESENTATIVE SHELLY HUGHES, reported that HCR 15 extended the Unmanned Aircraft Systems (UAS) for an additional three years. The extension coincided with the University of Alaska Fairbanks (UAF) campus selected as a UAS test site. She described the composition of the task force. The task force was comprised of seven members; state employees, legislators, one member from the Aviation Advisory Board, and one member from the Academy of Model Aeronautics [Alaska Chapter]. She detailed that the sponsor added the commissioner [or designee] of the Department of Transportation and Public Facilities (DOT) because of the departments role as the liaison between the state and the Federal Aviation Administration (FAA), and one additional public member. In addition, an amendment that was adopted in the House Labor and Commerce Committee added three seats; two industry professionals

from unmanned aircraft systems, and the commissioner or designee from Department of Commerce, Community and Economic Development.

Ms. Blaisdell elaborated that the legislation expanded the duties of the task force to include investigating complaints and concerns regarding unmanned aircraft and identification of potential privacy problems. She relayed that safeguarding Alaskans privacy was a main focus of the task force. Public education regarding unmanned aircraft was another expanded role hoped to allay the public's fears of the new technology. Part of the university's role as a test site would be to hold public hearings as per agreement with the federal government. The task force previously held meetings two that included public testimony.

Co-Chair Stoltze expressed concern that the two additional industry members were considered public members. He wanted to avoid public misperception about their role in the industry.

REPRESENTATIVE SHELLEY HUGHES, SPONSOR, agreed. She voiced that the amendment was made in the House Labor and Commerce Committee. She suggested that one member could be designated as a public member and the other member could be chosen from industry.

Co-Chair Austerman revealed that he flew model airplanes. He asked how the legislation would affect the public's use of model aircraft.

Representative Hughes answered that different rules applied to the flying of model aircraft which fly under 400 feet. The task force was concerned with the integration of unmanned aircraft allowed into national airspace by 2016. She noted that an unmanned aircraft can also fly under 400 feet but would be differentiated for public or commercial purposes where model aircraft was considered recreational. The same UAS technology could be used by hobbyist.

Co-Chair Austerman expressed additional concern about the legislation affecting recreational users.

Representative Hughes stated that the legislative task force would have no jurisdiction over hobby aircraft.

Representative Costello asked about the fiscal note, FN1 (LEG). She cited the analysis that listed numerous commission meetings and public hearings in addition to new members. She wondered whether the fiscal note appropriation was sufficient to cover expenses and member's travel.

Representative Hughes replied that last year's task force costs were absorbed by the members. She mentioned that her legislative account covered the refreshments. The members of the task force were willing to continue to serve and absorb the costs.

Ms. Blaisdell stated that the only costs incurred last year were two mileage tickets used for staff participation. The current legislation costs were calculated based on last year and additional funds were added for a potential bush or Fairbanks member. Most members were from the Anchorage area. The sponsor anticipated holding only two or three in-person meetings, which involved travel.

Representative Costello expressed additional concern. She wondered whether new public members would be aware of accepting the financial costs of travel and expenses. She thought that the fiscal note was inadequate for the potential costs of the task force expansion and the public hearing. She wished to further address the costs and fiscal note.

Co-Chair Stoltze applauded the task force for cutting the corners and saving money.

Representative Hughes stated that last year she intentionally kept costs low.

[8:45:13 AM](#)

Co-Chair Stoltze OPENED public testimony.

STEVE COLLIGAN, ALASKA PRESIDENT OF ACADEMY OF MODEL AERONAUTICS (via teleconference), supported the legislation. He stated that he was a member of the task force. The academy was in existence for 78 years and guided self-regulation of recreational model aeronautics. Over the years many technological changes had taken place. His mission was to separate recreational and commercial use and protect model aeronautics. The academy fostered youth and student interest in technology, science, and math. He noted

that little distinguished a model from a commercial unmanned aerial. The intent or operation of the unmanned aircraft typically differentiated recreational unmanned aircraft. He related that unmanned autonomous systems were once very expensive but currently could be built for several thousand dollars. The academy was on a mission to provide the instruction and self-regulation of unmanned aircraft. The academy wanted to ensure that "best practices" were being followed responsibly by the user. He noted that the organization was proactive in helping the recreational operator know the airspace rules and FCC regulations.

Mr. Colligan voiced that last year the task force addressed public safety and privacy. The task force examined the state's laws related to privacy concerns over unmanned aircraft and felt the laws were adequate except for a few minor administrative issues. He qualified that the unmanned aircraft technology would continue to evolve. He saw the task force as a common sense approach to filter new information and coordinate the activities at the university. He discussed that new small unmanned aircraft were used to develop three dimensional models used for surveying and mapping and augmented aerial photography and satellite imagery. The use of unmanned aircraft in mapping was cost effective but was currently illegal for profit. He mentioned the use of unmanned aircraft equipped with cameras for commercial film or sports use. The academy established rules for personal use of unmanned aerial cameras within a controlled line of sight. He thought that the task force would monitor evolving technology and develop parameters in the same way as the academy. He reported that the technology had evolved beyond the point that the FAA could keep pace. Adding industry members to the task force that had current experience was a responsible approach. He reported that he had a mapping company and was also performing testing and research and development and hoped he was operation under legal parameters. He felt that as the technology evolved it was important to have a forum like the task force to "communicate and address" privacy and public safety issues.

Mr. Colligan replied, in response to a question by Co-Chair Stoltze, that the FAA was concerned with regulating 7,500 large unmanned drones in the airspace. He expressed concern about the safety of general aviation. He also expressed concern regarding the large number of small unmanned

aircraft from one vendor that was selling 15,000 UAS per month in the United States (US) market at a cost of \$450. He anticipated rapid growth in the number of UAS coming into private use.

Co-Chair Austerman agreed with the privacy issues involved. He wished to avoid overregulation for recreational use.

8:55:24 AM

Mr. Colligan agreed. He explained that under new rules, the academy was preparing to receive certification from the FAA through a provision called community based organization (CBO) for the self-regulation of recreational use.

Representative Edgmon appreciated the testimony. He supported the bill. He thought that the task force was needed in the formative stages of unmanned aircraft use to sift through the issues and make recommendations. He wondered how a person with questions on unmanned aircraft use would get answers.

Mr. Colligan replied that the issue was not clear and rules needed to be outlined. The task force first addressed public use and required each state agency involved to find a lead contact to field public inquiry. The university was becoming a resource for UAS operational standards. He was not sure that the issue was fully defined.

RO BAILEY, ALASKA CENTER FOR UNMANNED AIRCRAFT SYSTEMS INTEGRATION, UNIVERSITY OF ALASKA FAIRBANKS (via teleconference), expressed support for the legislation. She reported that she was a member of the task force. She relayed the importance of the formation of the task force. She related that the public appreciated the task force for sharing citizens' concerns. The tasks force's ability to resolve concerns and complaints presented a "valuable bridging" to a future where unmanned aircraft systems were understood, properly managed, and controlled through regulation. She noted that the task force's outreach was appreciated by the public and organizations that fear government overreach. She recalled an article stating that Alaska had the most progressive laws in the country for UAS use. She stated that as the industry grew the potential for complaints grew. She noted much interest from outside companies and agencies who want to test systems in Alaska. A growing group of inexperienced people were also

purchasing drones that were unaware of the rules. Separating inappropriate behavior from responsible, professional operation was the key to establishing "common sense" rules. She supported the expansion of the task force to include members of the public, industry and the commissioner of DCCED.

JOHN BINDER, DEPUTY COMMISSIONER, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, ANCHORAGE (via teleconference), testified in support of the legislation and the expansion of the task force. He remarked that the task force was primarily focused on privacy and law enforcement concerns but that the matter was rapidly expanding beyond those concerns. He reminded the committee that DOT only dealt with the ground aspects of unmanned vehicles but was the primary liaison between the agencies and the FAA, who was responsible for the airspace coordination. The department was concerned about the growing use of UAS and how they interact with the public and general aviation around airports. The department was "very interested" in developing an integrated and collaborative role in the task force as UAS capabilities expanded. He applauded the efforts of the task force especially as more issues would impact the public and state owned airports.

Representative Holmes asked whether the travel costs would be absorbed by the department.

Mr. Binder replied in the affirmative. Most meetings would take place in Anchorage and costs would be minimal.

Co-Chair Stoltze CLOSED public testimony.

Representative Hughes responded to Representative Edgmon's prior question. She stated that the task force meetings were publicly noticed and her office was acting as a point of contact. She expressed the need for the task force to become a central point of contact. She noted that the next issue the taskforce would address was the integration of commercial UAS users related to first amendment rights. She thanked her staff and the members of the task force for their efficiency and achievement in establishing the legislation related to law enforcement and HCR 15. She remarked that the state's approach to UAS regulation fixed a problem as it arose. The industry viewed Alaska as a

place to "set up shop" which was a reason for the task force to continue to address new issues as they arise.

9:07:38 AM

Co-Chair Stoltze recently heard about a Board of Game regulatory process regarding UAS. He requested additional information.

Representative Hughes replied that the Board of Game had added the following proposed regulations to exclude:

" any devise that has been airborne controlled remotely and used to spot or locate game with the use of a camera or a video devise..."

Representative Hughes reported that the Department of Fish and Game (DFG) was aware of use of a drone during a moose hunt in 2012 and wanted to prevent a reoccurrence. She added that if the prohibition was not specified in the regulations the practice would be allowed.

Representative Gara mentioned another aspect of unmanned aircraft. Sometimes the planes crash and injure people. He wished to address the need for public safety in the resolution.

Representative Hughes replied that the FAA addressed the safety aspects of UAS and the issue was outside of the task force's purview.

Representative Gara requested language that the task force could address minimizing public safety risks.

Representative Hughes replied that the task force reviewed FAA regulations as part of its duties and would continue the practice.

Co-Chair Stoltze wanted to change the language regarding public members to include their role in industry. He stressed the importance of accuracy when communicating to the public.

HCR 15 was HEARD and HELD in committee for further consideration.

9:13:57 AM

AT EASE

9:15:20 AM

RECONVENED

#hb210

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."

REPRESENTATIVE CHARISSE MILLET, SPONSOR, presented the bill. She related that she was appointed to the governor's Council on Special Education and Disabilities and HB 210 was one of the council's three priority bills. The bill dealt with seclusion and restraint in schools. Alaska was one of ten states with "vague" regulations regarding seclusion and restraint in schools. There were currently no requirements to report or notify parents when a child was secluded or restrained in school. The issue was brought to the public's attention last year when a case in the Iliamna School in Anchorage received media attention; although the issue had been ongoing for some time. The goal was to ensure that the schools were not causing more harm and increasing liability. The bill laid out guidelines about how, when, and where a student could be restrained, reporting to the Department of Education and Early Development (DEED), and notification requirements for parents. The provisions enabled the state to track the use of seclusion or restraint to gauge whether the practice was overused or misused. Parent notification alerted the parents and allowed them to prepare for the resulting consequences in the child's behavior. If a parent had an autistic child and was not notified that a child had been restrained they could have no idea why a child's behavior had changed drastically from earlier in the day. She believed that the bill offered a better process for the state and for those that are "most vulnerable." Seclusion and restraint should be an action of last resort. She had worked with the Council, DEED, and the Disability Law Center to craft the legislation. She mentioned that the \$14 thousand fiscal note FN1 (EED) was appropriated for school district training in the proper application of seclusion and restraint. Students with intensive needs or with Independent Educational Programs (IEP) were the majority of recipients of the practice.

VASILIOS GIALOPSOS, STAFF, REPRESENTATIVE CHARISSE MILLET, provided a sectional analysis. He detailed that Section 1 required that the a school districts safety and disciplinary plan included standards for the use of restraint and seclusion required under Section 3 of the bill and were made available to students, parents and the public. Section 2 required a 24 hour notification period for a restraint or seclusion incident to the parent or guardian. He offered that Section 3 was the "core" of the bill. The section described the specific terms, conditions, and prohibitions for use of restraint and seclusion in public schools. The provision included the follow up requirements for school personnel and parent notification. The section required that DEED approve the school districts training programs for the safe, last resort use seclusion and restraint and de-escalation techniques. Section 3 required that school districts report yearly to the DEED the number and details of the incidents in order to analyze the effectiveness of the program. Reporting must ensure the students privacy. He noted that Section 4 cross-referenced an exemption in Section 5 for private schools from the provisions of the bill. He explained that the exemption was provided because no mechanism allowed for enforcement in private schools. He believed that the majority of instances happened in the most vulnerable populations (students with IEP's) in public schools.

MICHAEL HANLEY, COMMISSIONER, DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT, supported the legislation. He reported that he worked diligently with the sponsor. He recognized the need for protection of Alaska's student's. He reiterated that the bill clarified current vague regulations.

Co-Chair Stoltze noted that he had not heard from the school districts.

Representative Millet replied that most major school districts enacted policies and procedures without the requirement to report to the department. The bill required the extra step of reporting to the department. She thought that most schools supported the legislation and welcomed the de-escalation techniques and parameters established in the legislation. She stated there was no opposition from school districts.

[9:26:06 AM](#)

Representative Wilson cited page 2, line 23 which specified the 24 hour time period for parent notification. She asked for a rationale for a 24 hour notification requirement instead of a much shorter time period to help prepare the parent for the student's post incident arrival home from school.

Mr. Gialopsos replied that the decision to adopt a 24 hour notification period was made in consultation with legal services and after assessing the laws passed in other states. He relayed that some states chose immediate notification but noted that "immediate" was a vague term. He declared that if the bill were to pass, the 24 hour notification period would be the most restrictive in the country. The legislation did not restrict a local district to require an even shorter notification period. He believed in many instances school's provided immediate notification but "exigent" circumstances took place that could not be accommodated for therefore, the drafters choose less restrictive language.

Representative Wilson voiced that same day notification could be inserted in the bill. She believed that there was "absolutely no reason" why the parents could not be notified of an occurrence in the same day. She referred to page 3, lines 29 through 31 and read:

"(d) School personnel who restrain or seclude a student shall provide a written report of the incident to the school administrator. A school shall provide a copy of the report to the student's parents or legal guardians on request."

Representative Wilson wanted the incident report mandatorily provided to the parents or legal guardian. She stressed that restraint or seclusion occurred with any student, not only those designated as special needs. She expressed concerns over the delay in notification due to the the 24 hour time period and the repercussions it would cause parents and the child and over the lack of mandatory reporting to the parents. She wondered what the costs to smaller school districts were.

Representative Costello appreciated the legislation. She thought that the legislation was balanced and necessary for the protection of all students. She asked whether the sponsors discussed incorporating trauma informed care.

Mr. Gialopsos cited page 5, lines 15 through 25 of the bill which delineated the crisis intervention training. He ascertained that trauma informed care would be involved in the training. He stated that one of the institutes' representatives that offered the training was better qualified to answer the question.

Co-Chair Stoltze OPENED public testimony.

CLAYTON HOLLAND, DIRECTOR PUPIL SERVICES, KENAI PENINSULA RURAL SCHOOL DISTRICT, SOLDOTNA (via teleconference), supported the legislation. The bill provided the safeguards necessary to protect all students in Alaska. His school district employed the MANDT system. Two paraprofessionals were utilized as trainers in the district. The Kenai district was large and diverse in school sizes. The district required that staff was trained in de-escalation and restraint. In the current year, the district trained a total of 140 staff members at a cost of \$164. per person. The district discovered that the costs was "well worth" the results and valued the de-escalation techniques. He noted that actual restrains were now a rare occurrence and the training helped the overall culture of the district and performance of the schools. He reported that his district already required reporting and same day parent notification. He supported the 24 hour notification period which offered the district flexibility in case parents can't be reached but felt that same day notification was a "best practice."

Representative Guttenberg asked about school reporting. He wondered if the incident reports travel with the child to another school.

Mr. Holland stated that the form remained in the district office but a district wide system for student reporting that included any type of intervention, IEP, or disciplinary action was transferred.

Representative Thompson assumed that the report followed the student within the district. He wondered if a student's records transferred to a new district.

Mr. Holland replied that the IEP plan was indicative of the student's history and transferred to a new district. All of the restraints in his district happened to students with an

IEP. The district experienced approximately one dozen restraints last year out of 9000 students.

[9:38:24 AM](#)

JEANNE GERHARDT-CYRUS, SELF, KIANA (via teleconference), testified herself and on behalf of her daughter. She related that her child was inappropriately restrained in grades one through eight multiple times beginning at age 6. Her daughter was exposed to prenatal alcohol. Her husband witnessed her daughter being inappropriately restrained in school. She believed restraint was a form of abuse and unnecessary. She explained that her daughter suffered from high anxiety and self-accommodated by hiding under a desk or removing herself from visual or verbal overload. Her teacher viewed the behavior as non-compliant and the situation would escalate. Her daughter was subsequently diagnosed with post-traumatic stress disorder from the repeated inappropriate response and restraints that she experienced at school. She stated that she removed her child from school multiple times. She recalled an incident where the school staff went to the clinic after a restraint, but her child who was bruised and injured was not taken for medial assessment. She felt that the school only wanted to expel her child. She mentioned that in village attending school was the ultimate and only social experience for children. Her daughter missed all of her middle school years. She shared that her daughter was presently on the honor roll in ninth grade due to new trained staff at school who understood de-escalation skills. The family was guided under the complex behavior collaborative for teachers and with the support of the new principle the school allowed the daughter to self-accommodate and her anxiety is much reduced. The daughter now excelled in school. She strongly advocated for staff training.

Ms. Gerhardt-Cyrus proceeded to read her daughters testimony.

IVORY GERHARDT-CYRUS, THROUGH HER MOTHER (via teleconference), supported the legislation. She testified about her experience. She related that due to her past history of repeated restraints she had no friends. She was performing much better in school this year with the right services and without restraint or seclusion incidents. She

was allowed to go for a walk to calm down. She thought back on her elementary school years as traumatic.

Co-Chair Stoltze appreciated the personal nature of the testimony.

EUGENE AVEY, SUPERINTENDENT OF ANNETTE ISLAND SCHOOL DISTRICT, METLAKATLA (via teleconference), testified in support of the legislation. He specifically supported Section 3 of the bill that dealt with restraint. He pointed out that his school district had an increase of special needs students and at times restraint was necessary for the safety of students and staff in certain situations. The district implemented the MANDT training along with principles of positive behavior to minimize the use of force. The district believed that teachers should treat the students with respect and dignity and minimize the use of restraint use in order to increase productive instructional time. The district chose a staff member to attend a five day training in order to become the staff trainer for the district. He noted that before the training the oppositional defiant children were difficult for the staff. Since the staff trainings, restraints were much diminished and the severely disruptive behavior was reduced with no incidents in the last two months. The district felt that the training funding was well spent, and the benefit was readily seen. He remarked that the reporting requirements were not burdensome.

9:51:00 AM

RON COWAN, DISABILITY LAW CENTER OF ALASKA, ANCHORAGE (via teleconference), testified in support of the legislation. He reported that he was the primary abuse and neglect investigator for the center. A number of cases of injury and death were due to the use of restraint and seclusion. Studies revealed the inappropriate use or misuse of restraint and seclusion methods in schools. The federal government and some states were developing or adopting regulations delineating the conditions of use. He noted the frequent use of inappropriate and unsafe seclusion methods in school districts in Alaska. Frequently a staff member was present during an inappropriate seclusion therefore, the parents weren't notified nor were any reporting, follow up, or assessment performed that could be used to develop interventions or positive behavioral supports to prevent future unsafe behavior. The legislation would allow for

consistent policies and practices across the state. The bill offered protection to students who may be subjected to restraint or seclusion; a large number of whom have a disability. He listed the safeguards included in the legislation: parental notification, reporting requirements, mandating use of restraint and seclusion only in emergency circumstances as a last resort, termination of the restraints or seclusion as soon as the unsafe behavior subsided, staff training, continuous monitoring of a secluded student, review of the analysis of plans and assessments following use of restraint and seclusion, and annual reporting to the state. He voiced that the "use of restraint and seclusion was indicative of failure of other therapeutic interventions" and should only be used under rare circumstances. The use of restraint and seclusion should only be used when a child was engaged in unsafe behaviors for themselves or others and never employed for convenience, compliance, or punishment. Assessment and re-evaluation of the students plan with recommended changes should be carried out immediately after an incident. The use of restraint and seclusion can lead to a traumatic experience for a child whose behavior stemmed from other traumatic experience or a disability. The legislation ensured added protection to students and parental notification provided an opportunity for the parents to work with school staff to develop interventions that enhanced student learning.

[9:56:27 AM](#)

ASHLEY DUNKS, SELF, MAT-SU (via teleconference), supported the legislation. She explained that she was the parent of an autistic child. Her son developed progressive behavior problems at the age of five. The school placed him on an IEP. She reported that her child returned home from school bruised. He was secluded and strapped down to a chair and placed in a room with the lights off for hours. He did not want to attend school. She was unaware of the treatment her child received at school. Her son's behavior and anxiety worsened. His psychiatrist admitted that the actions at school led to his anxiety and the necessary medication. Since moving to the Mat-Su school district her son is off medication and loves school. The school participated in MANDT training. The techniques contributed to his success at school. He will be placed in a general education classroom when entering third grade.

CASSIE WELLS, PRESIDENT OF THE ALASKA COUNCIL OF ADMINISTRATORS OF SPECIAL EDUCATION, BARROW (via teleconference), supported the bill. She believed that crisis intervention training for schools and de-escalation and was a major preemptive step to minimize the need for restraint or seclusion. She supported the parental notification requirement.

KENDRA STEA, CRISIS PREVENTION INSTITUTE, CHICAGO ILLINOIS (via teleconference), testified in support of the legislation. She echoed the sentiments from prior testifiers. She discussed the fiscal implications of providing training for school districts. A large number of school districts have already engaged in training in the various systems available such as, Crisis Prevention Institute's (CPI) Non-Violent Crisis Intervention or the MANDT System. Most district's employ the train the trainer model as the most cost effective approach. She suggested that any school district concerned with the fiscal implications for training examine the workman compensation claims associated with instances of restraint and seclusion in school districts. She mentioned that the Syracuse, New York district reduced the worker's compensation claims by \$500 thousand when implementing the training. The cost savings balanced against the training costs was significant. District's also reduced litigation. The costs associated with districts employing evidence based, nationally recognized training was worth the expense. She added that the other cost associated with training involved the time commitment. She recommended programs that offered a blended learning option with "front-loaded" teaching options along with the in-class component to reduce the in-class time, which reduced the cost.

Representative Costello asked whether she supported a 24 hour parental notification period. She stated instances why the notification period might be too long.

Ms. Stea replied that she supported same day notification but understood that a 24 hour period was the most restrictive. The institute felt that any student restrained or secluded should be monitored for side effects over a 24 hour period. If the parents were unaware of the situation they cannot properly monitor the child. She reiterated the institutes support for same day notification but qualified that the provision was "rarely written into policy."

Representative Wilson asked whether the Council advocated for same day or 24 hour parental notification.

CHRISTIE REINHARDT, GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL EDUCATION (via teleconference), replied that same day notice was appropriate. Data showed that parents were not notified 70 percent of the time. The largest portion of students that experienced restraint or seclusion had "significant disabilities often with communication disorders." The students weren't able or believed to be credible enough to communicate the incident. She stated that the council chose the 24 hour period as a low level option in order to set a definitive time frame. The other reason for a 24 hours timeframe was that a child might be removed from a classroom multiple times. The necessity of notifying a parent multiple times was a burden. She supported making the requirement "more beneficial for parents and more protective for children."

Co-Chair Stoltze deduced that the committee supported same day notification.

Representative Wilson believed that if the school was restraining a child multiple times in one day the parent should be notified. The same day notification was essential and might make things better for the child if the parent was aware of the incident. She reiterated that seclusion or restraint was not exclusive to special needs students.

Representative Guttenberg expressed concern about the therapeutic impact of seclusion or restraint incidents. He asked whether not notifying parents could prove "detrimental to everyone."

Ms. Reinhardt replied in the affirmative. She explained that especially in situations where the children return home to non-family care givers.

LUCY HOPE, SPECIAL EDUCATION DIRECTOR, MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT (via teleconference), testified in support of the legislation. She concurred with the previous testimony. The legislation mirrored the policies the school district already adopted. In addition a school nurse or designee monitored the student during and after any incident. The district policy was 24 hour notification, but in practice the parent was notified on the same day. The district employed a part-time certified MANDT Systems

trainer and trained 350 staff members each year. The district participated in training other school districts and would continue to do so. She elaborated that the most effective way to change a child's disruptive or dangerous behavior was through relationships. The district implemented a positive behavior support model between students, staff, and parents and was the preferred method. The district chose the MANDT System because of its emphasis on relationships.

Co-Chair Stoltze asked whether the Matanuska-Susitna school district favored the 24 hour parental notification period over the same day option.

Ms. Hope replied that she believed that it was not always practicable to reach the parents within the same day of the incident. She believed the intent of any staff member should be same day notification.

Co-Chair Stoltze CLOSED public testimony.

Representative Millet stated she would accept a friendly amendment relating to Section B, page 3 of the bill changing the language to "same day notification if possible but no later than 24 hours after the incident."

Co-Chair Stoltze replied that he preferred making the change as a committee substitute instead of an amendment. He alluded to reviewing the overall cost of the program.

Representative Wilson cited page 3, lines 30 through 31:

A school shall provide a copy of the report to the student's parents or legal guardians on request.

Representative Wilson requested that the words "on request" should be deleted. She asserted that parents had the right to receive the report without requesting a copy.

Co-Chair Stoltze clarified that parents included caregivers. A child's parent may have forgone rights and including "caregiver" might be more relevant.

Representative Millet replied that the legislation already included "legal guardian."

Co-Chair Stoltze wanted to ensure that the language reflected the intent of any changes to the bill.

Representative Edgmon asked whether the language regarding the crisis intervention training in HB 210 was sufficient to allow the department to address the disparity in rural schools.

Commissioner Hanley replied in the affirmative.

HB 210 was HEARD and HELD in committee for further consideration.

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ADJOURNMENT

[10:20:17 AM](#)

The meeting was adjourned at 10:20 a.m.