

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

April 10, 2015

8:03 a.m.

MEMBERS PRESENT

Representative Wes Keller, Chair
Representative Liz Vazquez, Vice Chair
Representative Jim Colver
Representative Paul Seaton
Representative David Talerico
Representative Harriet Drummond
Representative Jonathan Kreiss-Tomkins

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 82

"An Act relating to funding for Internet services for schools."

- MOVED CSHB 82(EDC) OUT OF COMMITTEE

HOUSE BILL NO. 102

"An Act providing for funding of educational services for students in residential psychiatric treatment centers."

- HEARD & HELD

HOUSE BILL NO. 85

"An Act relating to college and career readiness assessments for secondary students; and relating to restrictions on the collection, storage, and handling of student data."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 82

SHORT TITLE: INTERNET SERVICES FUNDING FOR SCHOOLS

SPONSOR(s): REPRESENTATIVE(s) FOSTER

01/28/15	(H)	READ THE FIRST TIME - REFERRALS
01/28/15	(H)	EDC, FIN

04/10/15 (H) EDC AT 8:00 AM CAPITOL 106

BILL: HB 102

SHORT TITLE: RESIDENTIAL PSYCH CTR; EDUC. STDRS/FUNDS

SPONSOR(s): EDUCATION

02/11/15 (H) READ THE FIRST TIME - REFERRALS
02/11/15 (H) EDC, FIN
03/20/15 (H) EDC AT 8:00 AM CAPITOL 106
03/20/15 (H) Heard & Held
03/20/15 (H) MINUTE(EDC)
04/08/15 (H) EDC AT 8:00 AM CAPITOL 106
04/08/15 (H) <Bill Hearing Rescheduled to 4/10/15>
04/10/15 (H) EDC AT 8:00 AM CAPITOL 106

BILL: HB 85

SHORT TITLE: STUDENT DATA & ASSESSMENTS

SPONSOR(s): REINBOLD

01/28/15 (H) READ THE FIRST TIME - REFERRALS
01/28/15 (H) EDC, FIN
04/06/15 (H) EDC AT 8:00 AM CAPITOL 106
04/06/15 (H) Heard & Held
04/06/15 (H) MINUTE(EDC)
04/08/15 (H) EDC AT 8:00 AM CAPITOL 106
04/08/15 (H) Heard & Held
04/08/15 (H) MINUTE(EDC)
04/10/15 (H) EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE NEAL FOSTER

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented CSHB 82, as prime sponsor.

PAUL LABOLLE, Staff

Representative Neal Foster

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis, on behalf of Representative Foster, prime sponsor on CSHB 82.

LINDA THIBODEAU, Director

Division of Libraries, Archives & Museums

Department of Education and Early Development

Juneau, Alaska

POSITION STATEMENT: During the hearing on CSHB 82, answered questions.

ROBIN JOHNSON, Technology Representative
Nome Public Schools
Nome, Alaska

POSITION STATEMENT: Testified that the Nome Public Schools support passage of CSHB 82.

POSIE BOGGS
Non-Profit Literacy Programs
Anchorage, Alaska

POSITION STATEMENT: Testified in support of CSHB 82.

JANET OGAN, Staff
Representative Wes Keller
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented CS for HB 102, on behalf of Representative Keller, sponsored by the House Education Standing Committee, which he chairs.

EVELYN ALSUP, Director
Education
North Star Behavioral Health
Anchorage, Alaska

POSITION STATEMENT: During the hearing on CSHB 102, testified and answered questions.

MICHAEL LYONS, Vice President
Specialty Education
Universal Health Services of Delaware
Brookhaven, Pennsylvania

POSITION STATEMENT: During the hearing on CSHB 102, testified in support and responded to questions.

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

POSITION STATEMENT: Testified with concerns for CS HB 102.

DAVID BOYLE
Alaska Policy Forum
Anchorage, Alaska

POSITION STATEMENT: During the hearing on CSHB 102, offered concerns.

REPRESENTATIVE LORA REINBOLD
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Speaking as the sponsor, presented a change to CSHB 85, Version F.

ACTION NARRATIVE

[8:03:05 AM](#)

CHAIR WES KELLER called the House Education Standing Committee meeting to order at 8:03 a.m. Representatives Seaton, Vazquez, Drummond, Talerico, and Keller, were present at the call to order. Representatives Colver and Kreiss-Tomkins arrived as the meeting was in progress.

HB 82-INTERNET SERVICES FUNDING FOR SCHOOLS

[8:04:08 AM](#)

CHAIR KELLER announced that the first order of business would be HOUSE BILL NO. 82, "An Act relating to funding for Internet services for schools."

[8:04:22 AM](#)

REPRESENTATIVE VAZQUEZ moved CSHB 82, Version 29-LS0307\W as the working document. There being no objection, Version W was before the committee.

[8:05:05 AM](#)

REPRESENTATIVE NEAL FOSTER, Alaska State Legislature, paraphrased from a prepared statement, which read as follows [original punctuation provided]:

Last year when the legislature passed its omnibus education bill a program was created to help schools improve their internet service. The main driver for the need for increased internet speed and capacity was the implementation of the Department of Education's online testing. With the implementation of this program two groups were created, those who had 10megbits of service in 2014 and those who didn't. This bright line poses a problem in that school districts' internet contracts don't run on a yearly

basis. They tend to run for periods of 3, 4, or 5 years. The Nome Public Schools for example had a contract that expired in 2013. While renewing that contract they were informed by the department that they would need to increase their internet capacity in order to comply with requirements for online testing. The school district did the right thing and took money from other places in their budget to fund that requirement. Because of the timing of that action they are not eligible for the program established last year. This bill seeks to correct this problem.

[8:07:23 AM](#)

PAUL LABOLLE, Staff, Representative Neal Foster, Alaska State Legislature, presented the sectional analysis on the CS for HB 82, stating Section 1, reaches back in time for the service level that is the keystone for qualification for the program. He advised that when House Bill 278 was passed, the key driver for qualification for this internet program was to be part of the Federal E-Rate Program and have less than 10mgbits of service as of the effective date of the bill in 2014. He reiterated that HB 82 goes back in time to the qualification requiring schools to be part of the Federal E-Rate Program but the internet service level had to be below 10mgbits in 2013, and acknowledged that school district contracts work through multi-year cycles, not single year cycles. He referred to Sec. 2, and advised it prepares for additional funding in the supplemental budget allowing schools to qualify for funding if supplemental funding is available. He offered that this irrelevant section could be eliminated or remain. He noted that currently the program is funded at \$3.6 million and is in both the House of Representative and the Senate side of the operating budget so it is a "non-conferenceable" item. Implementation of this legislation, he explained, will allow the same amount of money to be spread across more school districts, and the amount of money it will cost the state won't change.

[8:10:01 AM](#)

CHAIR KELLER clarified that if Section 2 remains and generates a fiscal note, the Finance Committee would be involved, or this committee could calculate a zero fiscal note or determine the section is not necessary and the bill could go to the floor and be a factor in the end game.

MR. LABOLLE responded that "maybe" Chair Keller is correct as the bill has a Finance Committee referral, but if there is a zero fiscal note it is possible the House Finance Committee would waive that referral.

[8:11:08 AM](#)

REPRESENTATIVE SEATON asked how many schools would be affected.

MR. LABOLLE deferred to the Department of Education and Early Development (EED), but opined the number is approximately seven school districts.

[8:11:49 AM](#)

REPRESENTATIVE DRUMMOND stated that she is confused by this chart as it shows an approximate \$6.2 million cost to upgrade to 10megabits per second, and the FY2015 total award to each school district is just under \$5 million. She asked whether that is the annual cost of this program.

MR. LABOLLE answered that last year, with the passage of House Bill 278, \$5 million was appropriated to the program and that is the amount awarded to the schools. He noted it has been reduced in this year's budget to \$3.6 million, which is the amount to be distributed to the participating school districts.

[8:12:48 AM](#)

REPRESENTATIVE DRUMMOND commented that hopefully it will come up in conference committee as Broadband is one of the topics for conversation.

MR. LABOLLE advised that both the House of Representatives and the Senate passed \$3.6 million in the Broadband grant so it is a "non-conferenceable" item.

REPRESENTATIVE DRUMMOND responded "That is unfortunate." She advised she has traveled to Nome on several occasions and has been disturbed by the lack of adequate internet access for the public schools. She opined it is critical with testing and curriculum only available via Broadband to provide this to schools and stated she is completely in support of this bill.

[8:13:41 AM](#)

LINDA THIBODEAU, Director, Division of Libraries, Archives & Museums, Department of Education and Early Development, advised that the division distributed the funding this current fiscal year.

REPRESENTATIVE SEATON asked Ms. Thibodeau to explain the charge and how much reduction, or additional schools would be added, and what proportional reduction among those would receive a portion of the \$3.69 million.

MS. THIBODEAU responded that if the supplemental funding was not included, the fiscal note would change. She was uncertain whether Representative Seaton was asking whether the supplemental funding is necessary.

REPRESENTATIVE SEATON clarified that she should assume Sec. 2, of the bill is deleted. He said he is referring to Section 1, and the \$3.6 million distribution among districts for the discounted E-Rate, and asked how many more school districts would there be, and how much of prorated discount would be to the other districts that are receiving funds under the program. He offered that he may be confused on the application of this, and to correct him.

MS. THIBODEAU replied that EED did not collect information on how many districts, or how many extra schools ... how many schools in FY2014 would want this internet, or need this internet upgrade because it collected the amount they were paying and not bandwidth information. She advised the department did not have the information as to who needed upgrade bandwidth until it received the applications for this year's funding. At that point, she explained, what is shown in the chart for the funding is who applied and qualified for the program which was 28 districts, 122 schools. She mentioned that Representative Foster advised that seven more districts might qualify, but the department would have to wait and see when that happens. The department doesn't know how many districts have applied or schools, what their costs would be, what level of bandwidth they would need to upgrade to get to 10, who their vendor is, and what their fiber is or their mode of delivery of interest because bandwidth costs are different for every location. She said that during the application time the department would have to collect and perform the pro rata distribution with the funding available.

[8:17:44 AM](#)

REPRESENTATIVE SEATON opined that the seven districts have already upgraded to 10, but were looking at moving back the date so they can qualify for the discounted program.

MS. THIBODEAU answered that is her understanding as well.

REPRESENTATIVE SEATON offered that it is unknown within the seven districts how many schools it includes and it won't be known until the distribution is made.

MS. THIBODEAU said "That is correct." The numbers in the fiscal note relate only to the schools and school districts currently in the program.

[8:19:00 AM](#)

CHAIR KELLER referred to the department's fiscal note Ms. Thibodeau provided of \$4,064,000 is the total cost, of which \$3.[6] has been allocated as it stands right now, and acknowledged it hasn't passed.

MS. THIBODEAU agreed.

[8:19:48 AM](#)

The committee took an at-ease from 8:19 to 8:20 a.m.

[8:20:37 AM](#)

REPRESENTATIVE DRUMMOND reviewed the fiscal note and said the costs are just over \$4 million and the proposal is to reduce it to \$3.6 million. She asked whether each school will be proportionately reduced depending upon the available funds.

MS. THIBODEAU responded that the districts may or may not decide to reduce their bandwidth, and what they'll get is a percentage of the costs they applied for, approximately 75-80 percent of their costs. She indicated they could find the remainder of the costs somewhere else in their budget.

CHAIR KELLER opened public testimony.

[8: 21:53 AM](#)

ROBIN JOHNSON, Nome Public Schools, stated she is representing Nome Public Schools, and paraphrased from a prepared statement, which read as follows [original punctuation provided]:

In 2013 Nome Public Schools was in a contract renewal year for our internet services. In order to acquire E-Rate funding for our services we are tied to the contract renewal timelines set forth by the E Rate program. At this time EED had made it clear that State online testing would be a reality during our next year internet contract cycle, and we knew we did not have the bandwidth we would need to meet be able to test one at this time. We increased our bandwidth from 3Mbps to 11Mbps in 2013, in anticipation of the new testing requirements. This increase required that an additional 76K come from our general fund to cover just 20% of our annual internet expense. I ask that you pass HB 82, making the program retroactive to June 30, 2013 so that we receive the same funding opportunities as other districts in our situation. When speaking about broadband we should not be left out because of our contract renewal dates and the E-Rate application timeline.

[8:23:51 AM](#)

REPRESENTATIVE SEATON asked how many schools are in the Nome school district.

MS. JOHNSON replied there are four schools in the district, which are all based upon one internet connection.

[8:24:12 AM](#)

REPRESENTATIVE VAZQUEZ asked the amount of their total school budget.

MS. JOHNSON said she is a technology representative and doesn't have that information.

REPRESENTATIVE VAZQUEZ surmised that within Ms. Johnson's division there is a budget, or does she not know about the budget.

MS. JOHNSON responded she has a budget for the technology department and the internet services are under Communication. She advised the total internet amount the vendor receives is \$381,000 for the annual internet service, with public schools paying 20 percent of that bill, and the E-Rate program paying the remainder.

MS. JOHNSON, in response to Representative Vazquez, answered that GCI is their internet provider.

REPRESENTATIVE VAZQUEZ surmised that the schools pay 20 percent and the rest is paid through the E-Rate.

MS. JOHNSON said she was correct, and it is for the 2014-2015 school year. Next year their E-Rate eligibility has increased and they will be refunded 85 percent making their costs 15 percent, she explained.

REPRESENTATIVE VAZQUEZ queried what the increase is attributed to.

MS. JOHNSON responded that the percentage they are eligible for is based upon the (indisc.) reduced lunch count of students in the district, so it changes every year.

[8:26:31 AM](#)

REPRESENTATIVE DRUMMOND asked the source of the GCI signal, satellite or microwave from Southcentral Alaska.

MS. JOHNSON replied that it is microwave from Southcentral Alaska.

REPRESENTATIVE DRUMMOND recalled a fiber networks coming out of Ireland across the top of Canada and the United States heading for Japan. She opined they were going to drop internet service on the Northern and Northwest coast of Alaska. She asked Ms. Johnson whether she was aware of its existence and how soon it will arrive in the Nome area.

MS. JOHNSON responded that she is aware of the Quintillion Network and opined there are "rumblings" that it will not happen at this point due to the expense of bringing that hub into the community. She remarked that if it were to happen it would be a year or two out before it would take place.

[8:28:10 AM](#)

REPRESENTATIVE COLVER clarified that the terrace system is a fiber optic system across the tundra and when it gets closer to the coast it is relayed microwave tower to microwave tower, and is being extended all through the North and past Nome. He explained the microwave speed is almost as fast as fiber but a

more economical system. He said the "over the top route" ... would have cheaper internet because it would be going to a place such as Japan, but he did not know whether it was capitalized for the over the top portion.

[8:28:55 AM](#)

POSIE BOGGS, Non-Profit Literacy Programs, said she is testifying on behalf of Literate Nation, Alaska Coalition, Alaska Branch of the International Dyslexia Association, Decoding Dyslexia, and herself. She referred to the fact Alaska's literacy rates have not moved significantly in 10 years, that Alaska is last in reading, and related that literacy is a concern. She advised she has been tracking technology in literacy since 1994, when children were being "tortured" with the first version of "Dragon Naturally Speaking 7." During conferences she has attended, technology solutions have emerged to assist the literacy problems in Alaska. She conveyed that her business has been teaching students that school districts have failed to teach to read, and she could be put out of business with the new technology, and is "thrilled." She explained that the new technology offers the potential to move Alaska's reading levels significantly higher, but it requires good solid broadband. There are virtual reading coaches and internet based interventions, that Alaska could put into all of the resource classes and move the students out of special education. She described it as the best scientific research regarding reading instruction Alaska has ever had, and noted she is not selling any of the products. She asked the committee to fund as much broadband as possible because adult illiteracy in Alaska increases the per capita health care costs by \$8,173.

REPRESENTATIVE DRUMMOND noted Ms. Boggs excitement and believes she has the packet of information she gave her in February.

MS. BOGGS answered in the affirmative and noted that every child in this state can be taught to read.

REPRESENTATIVE DRUMMOND said she would share the packet with the committee.

[8:34:35 AM](#)

CHAIR KELLER closed public testimony.

[8:34:45 AM](#)

REPRESENTATIVE SEATON described the discussion as the financial distribution of an offset amount and opined it is a financial question that is looking at a distribution between those that qualify and how many qualify. The distribution rate may be in question, due to the e-rate discount, and the preparation of a chart may be helpful information for the committee. However, he said, it is a financial distribution question and stated support for the bill.

[8:36:09 AM](#)

REPRESENTATIVE VAZQUEZ expressed hesitancy to support the bill, lacking clarity for how the funding is working and why the school district has a fiscal note of slightly over \$4 million for this fiscal year, which continues to 2020.

MR. LABOLLE responded that he had detailed conversations with the Department of Education and Early Development (EED) about the fiscal notes, and advised that the fiscal note isn't the cost to the state as it is the total need. He explained that if the legislature were to fully fund the program and need, this is the cost anticipated. He noted a grant funds the program and that grant program is the \$3.6 million mention earlier, which is what is funded in the FY2016 budget. He stated that \$3.6 million is going out to the program regardless of implementation of CSHB 82.

REPRESENTATIVE VAZQUEZ asked whether it is a state or federal grant.

MR. LABOLLE replied that the \$3.6 million is a state grant, with a Federal E-rate Internet program involved, and in order to participate in this state program a participant must be a qualified recipient of the E-rate program.

[8:38:49 AM](#)

REPRESENTATIVE VAZQUEZ requested the name of the department administering the state grant.

MR. LABOLLE answered the Department of Education and Early Development.

[8:39:00 AM](#)

REPRESENTATIVE TALERICO thanked the sponsor for bringing the bill as it is "really" appropriate, he said.

CHAIR KELLER remarked that he agrees with Representative Vazquez but is willing to move the bill and let the House Finance Committee review the bill.

[8:39:56 AM](#)

REPRESENTATIVE VAZQUEZ moved to report CS for HB 82, labeled 29-LS0307\W, Glover, 4/9/15, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 82(EDC) moved from the House Education Standing Committee.

REPRESENTATIVE COLVER echoed Chair Keller's comments to let the House Finance Committee determine allocation of funds and future liabilities.

[8:41:01 AM](#)

The committee took an at-ease from 8:41 p.m. to 8:44 a.m.

[8:44:48 AM](#)

HB 102-RESIDENTIAL PSYCH CTR; EDUC. STDRS/FUNDS

[8:45:29 AM](#)

CHAIR KELLER announced that the next order of business would be HOUSE BILL NO. 102, "An Act providing for funding of educational services for students in residential psychiatric treatment centers."

REPRESENTATIVE VAZQUEZ moved CS for HB 102, labeled 29-LS0519\P, as the working document. There being no objection, Version P was before the committee.

[8:46:29 AM](#)

JANET OGAN, Staff, Representative Wes Keller, Alaska State Legislature, presented the CS for HB 102 and advised the intent is to make it equitable for those in psychiatric residential treatment centers for education, and to bring a collaboration that when students are out of their home school district whether they are in Anchorage or another part of Alaska, that their home school's curriculum is considered in the process.

The intent is also to establish where the money comes from and the bill states that wherever the student is enrolled, that the money follows the student to the residential treatment center. She noted that probably most of the students in the residential psychiatric treatment centers are from Anchorage as very few come in from other areas. She referred to Version P, and explained it establishes, in coordination with the Department of Health and Social Services, a program for the continuing education of children admitted to residential psychiatric treatment centers in the state, and approval of educational programs provided at residential psychiatric treatment centers. She said the bill includes the application process for approval of educational programs, specifies the content of the application including accountability standards similar to charter schools, and educational funding to be provided to residential treatment facilities similar to charter school funding.

[8:50:11 AM](#)

EVELYN ALSUP, Director, Education, North Star Behavioral Health, deferred to Mike Lyons.

[8:50:35 AM](#)

MICHAEL LYONS, Vice President, Specialty Education, Universal Health Services of Delaware, advised that Universal Health Services of Delaware is the parent company of North Star Behavioral Health System in Anchorage. He said they appreciate the awareness this bill has generated within the disability community and various stakeholders throughout the state. He explained that this committee substitute adds substantial accountability measures to assist children residing in psychiatric treatment facilities earn the educational credits they need to move to the next grade level. He referred to the existing statute AS 14.03.083, "Contracting for services," and read "a school district may contract for educational services provided to students in the district by an agency that is accredited by the department under AS 14.07.020, and (b) of this section. (b) states the department shall adopt regulations and establish program standards for educational services that may be contracted for by a school district." He explained that the goal is to allow residential psychiatric treatment providers to become the educational services providers, and existing statute sets the framework for this.

[8:52:45 AM](#)

MR. LYONS referred to CSHB 102, Version P, and advised it expands upon AS 14.07.0[20]. He referred to the first change, [AS 14.07.020(a)(18), Section 1,] page 3, lines 29-31, which read:

(18) establish, in coordination with the Department of Health and Social Services, a program for the continuing education of children who are admitted to residential psychiatric treatment centers in the state;

MR. LYONS surmised there is agreement that the ultimate goal is to strengthen the service delivery model in the state to ensure that not only will students' mental illness issues be addressed, but educational opportunities strengthened. Mr. Lyons referred to the second part of that [[AS 14.07.020(a)(19), Section 1,] page 4, lines 1-2, which read:

(19) approve educational programs provided at residential psychiatric treatment centers
[REPEALED].

MR. LYONS referred to new language that would strengthen that approval process by EED, page 4, beginning line 6, Sec. 14.16.300 "Approval process for educational programs at residential treatment centers," and explained it specifically refers to over 22 accountability provision that a residential psychiatric center must demonstrate to EED for approval of their application. He referred to AS 14.16.300(a)(20), page 5, lines 24-26, which read:

(20) a commitment that, as a condition of funding, the center shall only expend funds received under AS 14.16.310 for educational services provided at the center;

MR. LYONS said that all funds generated by the students must be spent on their education, and education only, and it would be audited by EED.

[8:55:14 AM](#)

MR. LYONS referred to a new section, AS 14.16.310, "Education funding for students in residential psychiatric treatment centers," page 6, beginning line 9, which specifically outlines how the funding would be distributed to the residential

psychiatric treatment center. The intent, he advised, was to have a majority stay with the child's resident school district so when that child returns, that school district still has funds to serve that child. Under the existing model, those funds go to the school district where the facility is located and when the child goes home, that school district is left to serve that child. He opined this committee substitute gets the committee closer to allow for this unique population of students and environment to have the flexibility to deliver an education program that best sets them up for transitioning home.

CHAIR KELLER advised that the committee's intent and goal is to ascertain that these students are served appropriately according to the intent of the legislature.

[8:57:33 AM](#)

MS. ALSUP referred the committee to a chart offered on the screen, entitled "Comparison of Services," in order to explain how this is being handled now at the Anchorage School District in North Star Behavioral Health. She pointed out that one school administrator is shared with several different facilities, an administrative assistant shared with many facilities, and a counselor that is .5 shared with many facilities. She offered that six teachers are provided, two teacher assistants, and only two-four hours of online instruction. She said in the RPTC there are approximately four to four and one half hours for middle and high school, and elementary approximately five hours. She proposed that there would be one on-site administrator, one on-site administrative assistant, a part-time counselor - an ESE specialist which is a special education administrator, 12 teachers, cross-train 10 mental health technicians to be the aides in the classroom, 5 hours of a hybrid model including direct instruction, online instruction, direct teacher support, and video instruction that can include the school of residence when appropriate.

REPRESENTATIVE DRUMMOND asked the acronym for ESE.

MS. ALSUP responded that it is an education specialist, and could not answer in full detail.

REPRESENTATIVE DRUMMOND noted that the education system uses many acronyms and opined it is critical to keep the acronyms straight. She said that counselors in the Anchorage School District deal with hundreds of children and children are going

without graduation and work readiness counseling because their funds are being cut.

MS. ALSUP responded that ESE means an exceptional child specialist, which is a special education exceptional child specialist.

MR. LYONS replied that ESE mean exceptional student education specialist.

[9:02:28 AM](#)

CHAIR KELLER, with regard to the chart, noted that with the school administrator there are no on-site services quantified, and asked, from her experience, how often the school administrator shows up on-site.

MS. ALSUP answered that this is the first school year that (indisc.) has allowed North Star Behavioral Health to have vice principals and the vice principals have been on-site five-six times for the entire school year.

MS. ALSUP, in response to Chair Keller, answered that the vice principals were on-site approximately one-two hours at a time.

[9:03:11 AM](#)

REPRESENTATIVE SEATON referred to page 4, line 29-31, and page 5, lines 1-3, and noted it was discussed within a previous committee meeting, wherein the discussion was regarding a valid teacher's certificate. He advised it was thought that the AS 14.30.250 was responsive to that, and included that it had to be an Alaska teacher's certificate. Although, AS 14.32.250, is teacher qualifications and a valid teacher's certificate is required, and part of it is recognition of out-of-state certificates. He advised, "I would like to at some point whenever you feel it is appropriate to insert 'valid' before 'valid Alaska' ... after 'valid Alaska teacher's certificate,' and on the next page on line 1 the same thing so that we're ..." He advised he was bringing the issue up now because the representation was that it was to be a valid Alaska teacher's certificate, but the reference doesn't lead to that conclusion.

CHAIR KELLER stated that would lead the committee to a policy decision and asked whether Representative Seaton prefers it to be Alaska certification, and asked the reason. He said he would have to ask EED what the meaning of it is, and whether there are

other teachers in Alaska operating with certification from out-of-state.

[9:05:14 AM](#)

REPRESENTATIVE SEATON noted that sometimes there is a preliminary recognition of a teacher's certificate until they can [obtain an Alaska certificate], but the bill is not requiring it to be an Alaska teacher certificate and he wants to include the sponsor's intent.

MS. ALSUP stated it would not be a problem to add "Alaska" valid teacher's certificate as the intent was that the statute is there but it can be clarified.

[9:06:25 AM](#)

REPRESENTATIVE SEATON advised that the Kenai Peninsula School District has questions regarding how the funding is handled and the aggregate allocation. He suggested that clarity could be brought to how this will be handled.

CHAIR KELLER opined the model was used from charter schools.

MS. ALSUP said it was addressed because there is a differential rate depending upon where the school districts are located. She said it was addressed by saying the amount appropriated to the school district for the student enrolled is reduced under AS 14.17.400.

CHAIR KELLER asked where she was reading.

MS. ALSUP referred to [AS 14.16.310(d)], page 7, lines 14-16, which read:

(d) If the amount appropriated to the school district where the student is enrolled is reduced under AS 14.17.400(b), the school district shall reduce the funding provided to the residential psychiatric treatment facility as necessary.

MS. ALSUP advised that North Star Behavioral Health is proposing to take the funding from wherever the facility is located, that would be the funding rate they would use, or it would take the less of the two.

[9:08:43 AM](#)

REPRESENTATIVE SEATON said he understands that portion of it, but the school district itself is funded on all of the large and small schools put together. He advised it is not clear as to whether the bill is saying "Okay, if you came from Seldovia or Tyonek, you know, how do we calculate that amount that goes ... or Soldotna High School, whether it's there." He opined that the funding model used deals with districts, and school size factors are a factor, but it is unclear exactly when the money is being transferred ... the money from a district will go for a student to make sure it has been aligned. He asked whether it is the average of all students in a district without the geographic cost differential and whether that is the number, or whether reaching back to an individual school within the district.

CHAIR KELLER said that EED may be able to provide assistance.

[9:10:24 AM](#)

REPRESENTATIVE VAZQUEZ opined that EED will need to confirm, but there is a basic allocation for each individual student and special needs students receive additional funding per student.

REPRESENTATIVE SEATON noted the separation of the Anchorage School District that has been providing this service. He asked about the students enrolled in private schools and home schools, without any input of money from the education system, whether North Star Behavioral Health will absorb that in supplying these educational services.

MS. ALSUP pointed out that last year, four percent of the children were not attached to a school district in the state. North Star Behavioral Health's intent is to educate those children and work with the home schooling parents and align those transcripts.

REPRESENTATIVE SEATON indicated it is important to determine how a home school student, without money from the state, whether this system will have North Star Behavioral Health providing the educational services without a reimbursement from the state or school districts.

[9:13:47 AM](#)

LUCY HOPE, Director, Student Support Services, Matanuska-Susitna Borough School District, testified with concern for the proposed

language, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

In looking further at this bill's committee substitute (P), we do not see anything referencing where a student would actually be enrolled, whether this is the district of the families' residence, or the district where the RPTC is located. This has a bearing on where high school credits or a diploma would come from. Graduation requirements vary between districts. As you know, teachers are required to be highly qualified in each subject area, in order to earn high school credits that lead to a diploma. If the students remain enrolled in the school district they came from, or in the district where the facility is located, those districts cannot ignore the regulations that address these teacher qualifications, and yet they may be asked to issue credits or diplomas.

In reference to the funding to the RPTCs coming from the school district where a student is enrolled, we remain concerned about a district turning over implementation of an existing IEP to a private entity without parent participation. According to IDEA (Individuals with Disabilities Education Act), placement of a student is an IEP (Individual Education Program) team decision, and that student's IEP remains the responsibility of that school district. The parent is an integral part of that IEP team. We do not see a way to legally give away this responsibility under federal law. In fact, we do not see parents mentioned anywhere in this legislation. It concerns us that this statute does not address a fundamental requirement of federal law, which specifies that a school district in which a private school is located is responsible for special education services for that child.

It seems that in the Committee Substitute, with the addition of the adoption of regulations, approval process to review and approve applications of an educational program by the Department of Education and Early Development, and then an appeal process to the state Board of Education and Early Development, there is now a cost to the state. We have already raised concerns about fiscal impact to districts as a result

of this bill, and now see that there will also be a fiscal impact to the state, as well.

In summary, we respectfully ask that these private entities work with school districts in a collaborative process to ensure educational services for students. We do not believe this bill will assist in that effort.

[9:16:40 AM](#)

CHAIR KELLER asked Mr. Lyons or Ms. Alsup to address Ms. Hope's concern regarding enrollment as his understanding is that it is clarified in the committee substitute.

MS. ALSUP responded that North Star Behavioral Health would leave the child enrolled in the home school district.

MR. LYONS reiterated that the child would remain enrolled in their district of residence, which allows them to open communication between the facility and the resident school district, which is an important piece to this legislation. He referred to Ms. Hope's concern regarding parental participation within the IEP, and advised that the facility is a supporter of parental participation and understands the obligations of the IEP team. He pointed to a collaborative process happening across the country wherein school districts work with educational services providers in allowing them to deliver services. He then referred to Ms. Hope's concern regarding the fiscal impact to the state and school districts, and reiterated that the district of residence actually is better served because when the child returns home funds are available to continue serving that child as opposed to the current model where the funding remains in residential facility location.

CHAIR KELLER advised Ms. Hope that the committee will continue to work with her and the policy decisions that must be made clear by the committee before it presses on.

[9:19:44 AM](#)

REPRESENTATIVE KREISS-TOMKINS asked Ms. Hope to restate her concern regarding IEP teams and placements of students.

MS. HOPE advised that currently under the Individuals with Disabilities Education Act (IDEA), which is federal law, is the requirement that placement be an IEP team's decision. She

offered that the placement decision and responsibility for implementation of an IEP in this bill would fall outside of the IEP process. She opined that North Star Behavioral Health is stating it will follow the IEP process, but the placement and IEP process is a large part of that.

REPRESENTATIVE KREISS-TOMKINS questioned what language gives her pause that placement decisions would circumvent the existing process for placement decisions.

MS. HOPE stated the concern regarding the placement is basically turning over the IEP responsibility to a private entity as currently the school districts have the ability to do that if it is an IEP team placement decision. She said, in this case, she would be turning over that responsibility along with the funds to the private entity as a matter of course.

REPRESENTATIVE KREISS-TOMKINS requested the page and line number.

MS. HOPE advised page 6, lines 9-31, and page 7, "where it basically says a school district 'shall' provide funding and it goes through which students it would provide it for, and then it speaks to 'within five days of admission' the center notifies the district, and then the district turns funding over to the residential psychiatric facility."

[9:22:45 AM](#)

REPRESENTATIVE KREISS-TOMKINS replied that it broadens the criteria significantly for how a student can be placed into a RPTC and receive state education funding. He questioned whether Ms. Hope anticipates that the additional four points listed in statute that, from her professional perspective, there would be a significantly greater number of student that would have that placement decision made that the district's IEP team might not concur with.

MS. HOPE said "I can't say," as her concern is more that this does not follow federal IBEA law and that the state turning responsibility over to another entity to provide special education services for a child with an IEP is currently spoken to in IBEA, and it specifically states that the school district where a private school is located is responsible for the education of that child.

[9:23:52 AM](#)

REPRESENTATIVE VAZQUEZ asked the definition of IEP and walk the committee through the process of how the team determines an IEP.

MS. HOPE explained that an IEP is an individual education program developed by a team including the parents, and specific members of a school district that work with the student, which is governed by federal law. She offered that an IEP is developed after a multi-disciplinary evaluation occurs, which is also governed by federal law. The IEP team meet annually and reviews the child's needs based upon the evaluation that had been done and the child's current progress and present levels of performance, and develops a program for that child for the next year.

[9:25:13 AM](#)

REPRESENTATIVE DRUMMOND asked the percentage of students in the Matanuska-Susitna Borough School District with IEPs.

MS. HOPE responded 14.3 percent.

REPRESENTATIVE DRUMMOND queried the North Star Behavioral Health people how many of the students placed in their facility have IEPs and assumed that the Anchorage School District has a similar number of students.

MS. ALSUP answered that the facility's number fluctuates and currently it is below 30 percent for special education IEP students.

REPRESENTATIVE DRUMMOND estimated twice as many children with IEPs have psychiatric issues that cause them to be hospitalized in long term care facilities.

MS. ALSUP reiterated that the number fluctuates and it could run lower than that number.

[9:27:04 AM](#)

REPRESENTATIVE VAZQUEZ questioned that once a student attends the facility, what current coordination occurs with regard to their IEP.

MS. ALSUP related that currently once a child starts attending the school they become an Anchorage School District child and the Anchorage School District takes over implementation and

coordination of their IEP with the parent or guardian, and the district the child came from is no longer involved in the IEP process.

[9:28:07 AM](#)

DAVID BOYLE, Alaska Policy Forum, said he has experience with residential treatment centers in that one of his children spent time there. He noted that the discussion highlights the problem, specifically within the Anchorage School District, that the intensive needs money the legislature appropriates does not follow the child as it goes into the general fund of the Anchorage School District. He opined that statute could be changed such that the money would follow the child and be earmarked for the child with intensive needs. He addressed the constitutionality of the bill and pointed to the Alaska State Constitution, Article VII, Section 1, which read:

The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

MR. BOYLE referred to "no money shall be paid from public funds for the direct benefit of any religious or other private educational institution," and he asked the committee to turn to page 6, line 7, which read: "A school district shall provide funding under this section to a residential psychiatric center for educational services provided to a student." He opined this may be indirect funding of another educational institution and reminded the committee of the Sheldon Jackson's case in the mid-1970s, which also included indirect funding and was interpreted to mean it could not occur as the funding must stay within the actual public school system. He suggested addressing the constitutionality of this particular bill.

CHAIR KELLER responded that he appreciates him pointing this out for the record and part of the committee consideration.

[9:31:27 AM](#)

REPRESENTATIVE DRUMMOND referred to his comment "intensive needs" and asked for a witness to explain the difference between

intensive needs special education and where that falls in the grand scheme of things. She asked whether Mr. Boyle's child had intensive needs required to be served by the school district, or a regular IEP.

MR. BOYLE explained that his child was not intensive needs and did not have an IEP through the school district, but was provided some educational services by the Anchorage School District within the residential facility.

MS. ALSUP replied that an intensive needs child is a child deemed to need more services that require extensive specialties and specialists, such as children who go beyond just needing an IEP that does not serve ... She deferred to Mr. Lyons.

MR. LYONS explained that intensive needs are children who need more intensive services delivered by a variety of different professionals, such as a child on the autism spectrum that needs a small class size possibly with one-to-one assistance with intensive speech and occupational therapy. In that regard, the IEP team meets and determines that this child's needs are above and beyond services, the district identifies those and ...

[9:34:21 AM](#)

CHAIR KELLER offered that these terms are defined in statute and the funding issue is the BSA times 13 for intensive needs in special education which is "general 20 percent over in the process of the formula and that all has to be calculated out as part of the process in figuring out what the district should pass forward."

MS. ALSUP added that for an intensive needs child to be classified as intensive needs it must go through the district to EED to be classified as an intensive needs student.

[9:35:05 AM](#)

REPRESENTATIVE SEATON referred to [AS 14.16.310(b)] page 7, line 5-7, which read:

(b) ...includes federal impact aid, the required local contribution under AS 14.178.420(b)(2), the local contribution under AS 14.17.410(c), special needs funding under AS 14.17.420(a)(1), intensive services funding under AS 14.17.420(a)(2), ...

REPRESENTATIVE SEATON questioned the funding wherein a small district has an intensive needs student and that student remains in the district and is not transferred to a residential psychiatric treatment center for education. He asked whether a portion of the intensive needs funding to the district goes to the residential psychiatric treatment center for education. He stated he brought it up for clarification at the next meeting.

CHAIR KELLER announced CSHB 82 is held in committee.

[9:36:58 AM](#)

The committee took an at-ease from 9:36 to 9:43 a.m.

HB 85-STUDENT DATA & ASSESSMENTS

[9:43:49 AM](#)

CHAIR KELLER announced that the final order of business would be HOUSE BILL NO. 85, "An Act relating to college and career readiness assessments for secondary students; and relating to restrictions on the collection, storage, and handling of student data."

[9:44:03 AM](#)

REPRESENTATIVE TALERICO moved to adopt CSHB 85, labeled 29-LS0301\F as the working document. There being no objection Version F was before the committee.

[9:44:33 AM](#)

REPRESENTATIVE LORA REINBOLD, Alaska State Legislature, advised that Legislative Legal and Research, while working on Version P, Sec 7, page 7, unintentionally included "criminal records and delinquent records," which has been deleted in Version F and people have access to delinquent and criminal records.

[9:45:34 AM](#)

The committee took an at-ease from 9:45 to 9:48 a.m.

[9:48:09 AM](#)

REPRESENTATIVE REINBOLD repeated the technical change by Legislative Legal and Research Services.

9:48:52 AM

REPRESENTATIVE SEATON moved to adopt Amendment 1, labeled 29-LS0301\F.1, which read:

Page 1, line 1:

Delete "**and career readiness**"

Page 1, following line 3:

Insert new bill sections to read:

"* **Section 1.** AS 14.03.075(a) is amended to read:

(a) A school may not issue a secondary school diploma to a student unless the student takes a [COLLEGE AND] career readiness assessment or receives a waiver from the governing body.

* **Sec. 2.** AS 14.03.075(c) is amended to read:

(c) The department shall provide funding for the fee for a single administration of a [COLLEGE AND] career readiness assessment for each secondary student within two years of the student's expected graduation.

* **Sec. 3.** AS 14.03.075(e)(1) is amended to read:

(1) "[COLLEGE AND] career readiness assessment" means the [SAT, ACT, OR] WorkKeys assessment;"

Page 1, line 4:

Delete "**Section 1**"

Insert "**Sec. 4**"

Renumber the following bill sections accordingly.

Page 6, line 7, through page 7, line 28:

Delete all material and insert:

"* **Sec. 10.** AS 14.07.165 is amended to read:

Sec. 14.07.165. Duties. (a) The board shall adopt

(1) statewide goals and require each governing body to adopt written goals that are consistent with local needs;

(2) regulations regarding the application for and award of grants under AS 14.03.125;

(3) regulations implementing provisions of AS 14.11.014(b);

(4) regulations requiring approval by the board before a charter school, state boarding school, or a public school may provide domiciliary services;

(5) regulations implementing the [COLLEGE AND] career readiness assessment provisions of

AS 14.03.075, providing for the needs of a student who is a child with a disability, and setting standards for a waiver under AS 14.03.075; the regulations may address the conditions, criteria, procedure, and scheduling of the assessment;

(6) policies and procedures consistent with relevant state and federal privacy laws that

(A) limit access to individual and redacted student data to

(i) persons who require access to perform duties assigned by the department, a school district, or the administrator of a public school;

(ii) the student who is the subject of the data and the student's parent, foster parent, or guardian;

(iii) authorized agencies as provided in state or federal law or by an interagency agreement;

(B) restrict student data transfer except as necessary to

(i) fulfill student requests;

(ii) carry out a school transfer or student location request; or

(iii) compare multistate assessment data;

(C) prohibit collecting and reporting student data pertaining to

(i) medical and health records without the written consent of the student's parent, foster parent, or guardian or of a student who is 18 years of age or older or is emancipated under AS 09.55.590;

(ii) biometric information;

(iii) political or religious affiliation;

(iv) items in a student's home;

(D) provide for a detailed data security plan for collecting, maintaining, and sharing student data that addresses

(i) privacy;

(ii) authentication;

(iii) breaches in security;

(iv) training;

(v) encryption; and

(vi) other data retention and disposition practices;

(E) prohibit the sharing of student data, including electronic mail addresses and other electronically stored information, for a commercial purpose, including marketing or advertising purposes;

(F) provide for other security measures.

(b) In this section,
(1) "child with a disability" has the meaning given in AS 14.30.350;
(2) "student data" has the meaning given in AS 14.03.200."

Page 7, line 29:

Delete "AS 14.03.075(a), 14.03.075(b),
14.03.075(c), 14.03.075(e)(1), and 14.03.078(a) are"
Insert "AS 14.03.078(a) is"

CHAIR KELLER objected for discussion.

REPRESENTATIVE SEATON explained that the WorkKeys exam being administered to the 11th grade students provides a comparison of student performance across the state and within a school, and last year House Bill 278 changed the requirement. He advised that this amendment takes that exemption out of the bill and the state would require WorkKeys of all students across the state, and it removes the SAT or ACT option. He commented that the sponsor drafted the amendment subsequent to Representative Seaton's concerns expressed during the last meeting.

[9:50:55 AM](#)

REPRESENTATIVE REINBOLD advised that House Bill 278 required the WorkKeys, SAT, and ACT, and Version F does not require those. She explained that this amendment requires WorkKeys, and within Version F, students can take WorkKeys but the state is not required to pay for it, and students can also take it at a state job center. She stated the amendment was prepared based upon Representative Seaton's concerns.

REPRESENTATIVE SEATON reminded the committee that for several years the state required that WorkKeys be taken in the 11th grade and allowed it to be upgraded during a student's senior year, until House Bill 278 wherein comparisons of districts and schools across the state couldn't be compared. The purpose of WorkKeys, he advised, is to provide a comparison, and an incentive for students to be career ready as their skill level scores were provided on student transcripts and available for employers. Thereby, he pointed out, students were actually work ready and employers across the state were aware of the applicant's necessary work skills. He stated WorkKeys assists 70 percent of Alaska's students to have a document stating the student is career ready when they graduate.

[9:54:07 AM](#)

CHAIR KELLER asked Representatives Seaton and Reinbold whether they recall the previous bill before the committee this year that discussed WorkKeys, and stated that an individual could refer back to that bill for additional information. Chair Keller withdrew the question.

[9:54:34 AM](#)

REPRESENTATIVE VAZQUEZ advised she does not recall the specific house bill number Chair Keller was referring to, but she was bothered by the testimony on that bill that if the legislature did away with the requirement of the WorkKeys exam, it would not be easily accessible. She pointed out that students would have to go to the local Department of Labor office, which does not exist in every village. She expressed that she was tremendously bothered by that fact as WorkKeys is an exam that can be taken by students in the workforce arena. She stated she wholeheartedly supports this amendment for reasons stated by Representative Seaton, and that the exam would be provided in every school.

[9:56:30 AM](#)

REPRESENTATIVE COLVER advised he was co-sponsor of another bill removing the WorkKeys, SAT, and ACT requirement and is opposed to Amendment 1.

CHAIR KELLER removed his objection.

REPRESENTATIVE COLVER objected.

[9:56:53 AM](#)

A roll call vote was taken. Representatives Drummond, Seaton, and Vazquez voted in favor of Amendment 1. Representatives Colver, Kreiss-Tomkins, Talerico, and Keller voted against it. Therefore, Amendment 1 failed by a vote of 3-4.

REPRESENTATIVE REINBOLD reviewed the fiscal note, stating that it is a positive for the budget.

[9:58:44 AM](#)

REPRESENTATIVE SEATON offered Conceptual Amendment 2, page 6, subsection 18, and delete lines 4-6.

REPRESENTATIVE COLVER objected.

REPRESENTATIVE SEATON referred to an April 6, 2015 handout with regard to a summary depicting the same situation across other states. He referred to Kentucky in that students are not allowed to opt out of the assessments as Kentucky gives its standardized assessments to be certain it does not have underperforming schools, gaps in students not receiving their appropriate education, and teacher evaluation. He related that when students opt out, the teacher evaluation system doesn't work. He advised that opting out destroys the accountability system. He further advised that parents can opt out of public education completely, but they cannot stay in the public system and choose which provisions to follow and disregard.

10:01:06 AM

REPRESENTATIVE COLVER stated that Alaska's current teacher and student evaluation process is a work in progress. He said the AMP is currently being conducted and feedback is not good. He expressed concern for the vehicle being used and said a more meaningful system needs to be developed and until that occurs an opt-out option needs to be available. Parents expect to have certain freedoms in Alaska and the opportunity to make choices. He said he is in opposition to Amendment 2.

CHAIR KELLER announced CSHB 85, is held in committee with Conceptual Amendment 2 on the floor for the next meeting.

10:03:32 AM

ADJOURNMENT

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