

**ALASKA STATE LEGISLATURE  
HOUSE EDUCATION STANDING COMMITTEE**

March 18, 2016

8:03 a.m.

**MEMBERS PRESENT**

Representative Wes Keller, Chair  
Representative Liz Vazquez, Vice Chair  
Representative Paul Seaton  
Representative David Talerico  
Representative Harriet Drummond  
Representative Ivy Spohnholz

**MEMBERS ABSENT**

Representative Jim Colver

**OTHER MEMBERS PRESENT**

Representative Lora Reinbold

**COMMITTEE CALENDAR**

CONFIRMATION HEARINGS(S):

State Board of Education and Early Development

Rebecca Himschoot - Sitka

- CONFIRMATION(S) HEARD AND HELD

Professional Teaching Practices Commission (PTPC)

David Devaughn - North Pole

Melody Mann - Wasilla

Paul Prussing - Douglas

Frances Roberts - Homer

- CONFIRMATION(S) ADVANCED

University of Alaska Board of Regents

Dr. Deena Paramo - Palmer

Stacey Lucason - Anchorage

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 102

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

- MOVED CSHB 102(EDC) OUT OF COMMITTEE

HOUSE BILL NO. 156

"An Act relating to compliance with federal education laws; relating to public school accountability; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

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
04/10/15	(H)	Heard & Held
04/10/15	(H)	MINUTE (EDC)
04/13/15	(H)	EDC AT 8:00 AM CAPITOL 106
04/13/15	(H)	Scheduled but Not Heard
04/15/15	(H)	EDC AT 8:00 AM CAPITOL 106
04/15/15	(H)	Heard & Held
04/15/15	(H)	MINUTE (EDC)
02/01/16	(H)	EDC AT 8:00 AM CAPITOL 106
02/01/16	(H)	Heard & Held
02/01/16	(H)	MINUTE (EDC)
02/10/16	(H)	EDC AT 8:30 AM CAPITOL 106
02/10/16	(H)	<Bill Hearing Canceled>
03/16/16	(H)	EDC AT 8:00 AM CAPITOL 106
03/16/16	(H)	Heard & Held
03/16/16	(H)	MINUTE (EDC)
03/18/16	(H)	EDC AT 8:00 AM CAPITOL 106

BILL: HB 156

SHORT TITLE: SCHOOL ACCOUNTABILITY MEASURES; FED. LAW

SPONSOR(s): KELLER

03/20/15	(H)	READ THE FIRST TIME - REFERRALS
03/20/15	(H)	EDC
03/30/15	(H)	EDC AT 8:00 AM CAPITOL 106
03/30/15	(H)	Heard & Held
03/30/15	(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
04/10/15	(H)	Scheduled but Not Heard
04/13/15	(H)	EDC AT 8:00 AM CAPITOL 106
04/13/15	(H)	Heard & Held
04/13/15	(H)	MINUTE (EDC)
03/14/16	(H)	EDC AT 8:00 AM CAPITOL 106
03/14/16	(H)	Scheduled but Not Heard
03/16/16	(H)	EDC AT 8:00 AM CAPITOL 106
03/16/16	(H)	Heard & Held
03/16/16	(H)	MINUTE (EDC)
03/18/16	(H)	EDC AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

REBECCA HIMSCHOOT, Nominee

State Board of Education and Early Development  
Sitka, Alaska

**POSITION STATEMENT:** Testified as nominee to the State Board of Education and Early Development.

ED GRAY, Parent

Sitka, Alaska

**POSITION STATEMENT:** Testified with concern on the appointment of Rebecca Himschoot to the State Board of Education and Early Development.

DAVID DEVAUGHN, Appointee

Professional Teaching Practice Commission (PTPC)  
North Pole, Alaska

**POSITION STATEMENT:** Testified as nominee for the Professional Teaching Practice Commission (PTPC).

PAUL PRUSSING, Appointee

Professional Teaching Practice Commission (PTPC)  
Douglas, Alaska

**POSITION STATEMENT:** Testified as nominee for the Professional Teaching Practice Commission (PTPC).

MELODY MANN, Appointee  
Professional Teaching Practice Commission (PTPC)  
Wasilla, Alaska

**POSITION STATEMENT:** Testified as nominee for the Professional Teaching Practice Commission (PTPC).

DEENA PARAMO, PhD, Appointee  
University of Alaska (UA) Board of Regents  
Palmer, Alaska

**POSITION STATEMENT:** Testified as appointee to the University of Alaska (UA) Board of Regents.

STACEY LUCASON, Appointee  
University of Alaska (UA) Board of Regents  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the University of Alaska (UA) Board of Regents.

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

**POSITION STATEMENT:** Presented the proposed committee substitute (CS) for HB 102, on behalf of the House Education Standing Committee, chaired by Representative Keller.

SUSAN MCCAULLY, PhD, Interim Commissioner  
Department of Education and Early Development (EED)  
Juneau, Alaska

**POSITION STATEMENT:** Commented on the proposed committee substitute (CS), and responded to questions during the hearing on HB 102.

#### **ACTION NARRATIVE**

[8:03:45 AM](#)

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

#### **CONFIRMATION HEARINGS(S):**

[8:04:31 AM](#)

CHAIR KELLER announced that the first order of business would be confirmations for the State Board of Education and Early Development, the Professional Teaching Practice Commission (PTPC), and the University of Alaska Board of Regents.

**State Board of Education and Early Development**

[8:05:24 AM](#)

REBECCA HIMSCHOOT, Nominee, State Board of Education and Early Development, stated her interests and qualifications, paraphrasing from a prepared statement, which read [original punctuation provided]:

I understand the responsibility of this committee is to vet my nomination to the State Board of Education and Early Development. I appreciate the opportunity to discuss my qualifications with you. I would also like to express my gratitude for your service to the state.

It is an honor to be considered for appointment to the Alaska State Board of Education and Early Development. As a career educator in formal and informal settings, in public and independent schools, in urban and rural settings, the bulk of which has been in Alaska, I believe I bring a valuable voice to the board. I have made professionalism and quality the foundation of my career, and have earned recognition for my classroom practice. I have taught in elementary classrooms in Sand Point and Sitka, where I have been the science specialist at my elementary school for the past six years, and 11 years total. I have reached a point in my career where I can see former students graduating high school and using their education to find their life path; recently I had breakfast with a third grader from the 1990s who had looked me up, a high point of my career.

My broad professional network includes educators in both rural and urban schools, administration, university instructors and non-profit organization staff in Alaska and across the country. My colleagues are exceptional, and I value their expertise and opinions. While there is room to grow in all professions, Alaska's schools and teachers are achieving great gains, and our students are working hard to make the most of their education. It is

perhaps the single greatest responsibility of a society to raise and educate the next generation, and I firmly believe the best way to do this is in partnership with families, communities, and students.

The State Board has set three goals: modernizing education in Alaska, increasing local control, and ensuring the best quality teachers for every student in Alaska. These are admirable goals that I am eager to work toward. Educator quality has been a primary goal throughout my career: I have mentored several practicum students and a student teacher, I served on my school's educator evaluation committee, I was recognized in 2010 by Junior Achievement of Alaska as their Teacher of the Year, and I received the Presidential Award for Excellence in Math and Science Teaching in 2012. I currently serve on the Professional Teaching Practices Commission, the organization tasked with the responsibility of "policing" Alaska's educators while also protecting their due process. As my career exemplifies, I believe every student in Alaska deserves a compassionate, skilled, and knowledgeable teacher. It has been my personal practice to remain on the cutting edge of quality education and bear the highest professional standard, and there is an important role for me, as a practitioner, on the State Board as it seeks to fulfill the strategic plan goal of providing the best quality educators for Alaska's students. I know what good teaching looks like, and I am committed to ensuring it is happening in every school in Alaska.

I teach in an ideal district: a recent past superintendent in the Sitka School District often said, "If it can be done in education, it can be done in Sitka." About a decade ago that superintendent, Steve Bradshaw, worked with me as the president of the Sitka teachers' association, to transform the relationship between administration and teachers. To this day our teachers continue to work cooperatively with our administration, and in part it is because of this healthy and productive relationship that our students in Sitka enjoy an excellent learning environment with a wide range of opportunities and programs to support their education.

Statewide, I have seen many of my colleagues working with their peers to make sure every student in Alaska has a great teacher in their classroom. There are many excellent teachers around the state focused on providing the very best education to the next generation of young Alaskans, and as a classroom teacher on the State Board of Education, I would like to continue working toward finding meaningful common ground through collaborative and professional practices to reach this critical goal.

With the passage of the Every Student Succeeds Act we have the opportunity to increase local control of our schools. I welcome the shift away from high stakes testing and toward increasing the support for well-rounded education, including improved effort in science. Alaska's 53 school districts are well-positioned to navigate the shift in this new federal law, but there is much important work to do in the coming months. Adding the voice of a professional educator who is widely networked in Alaska's schools can help to inform this transition.

With many career paths to choose from early in life, I chose to become a teacher. Whether it is a phone call home to tell a family about the great progress a student has made, or working alongside professional scientists in my community to present hands-on science to a class, or meeting with colleagues to ensure we're doing everything possible to support a struggling student, or collaborating with administration to bring valuable professional development to teachers, I can't imagine a more rewarding career. I would like to bring these authentic experiences to the State Board to help ensure the important discussions about education in Alaska include the classroom perspective.

As a career educator, I have been a part of public schools in Alaska most of my life. I firmly believe Alaska's students, schools and teachers have the opportunity to be among the best in the world. Today Alaska is faced with challenges that are unprecedented in recent times, but these challenges are not insurmountable. Educating the next generation is a sacred responsibility, and more than ever before we will need to work together and to find partnerships to provide a sound, well-rounded, appropriate,

challenging and stimulating school experience for Alaska's children.

While the current fiscal situation is daunting, and ESSA presents additional challenges, in adversity there is always opportunity. Let communities, families, policy-makers and educators work with the State Board to modernize education and maximize local control. Let's agree on how we might best prepare and retain the highest quality teachers for Alaska's classrooms. If there is one thing Alaskans are good at, it is pulling together to overcome adversity. I believe my years of diverse education experience, along with my professionalism and reputation for quality within the profession uniquely qualify me to ground truth policies and decisions the State Board considers. There are many valuable and learned voices contributing to the conversation about education in Alaska, and together I believe we can keep the focus on the students and find the best ways to serve them.

I look forward to serving on the State Board of Education and Early Development, and I thank you for your time and consideration.

[8:12:45 AM](#)

CHAIR KELLER asked for her personal understanding of the description of the role of the State Board of Education and Early Development.

MS. HIMSCHOOT replied that the board oversees the Department of Education and Early Development (EED), and assists in developing, as well as guiding, educational policy for the state.

[8:14:40 AM](#)

REPRESENTATIVE DRUMMOND asked for an opinion on the direction that early education is taking, given the state's funding issues.

MS. HIMSCHOOT shared that she places a high value on early education, and the need to support bi-lingual students.

[8:16:54 AM](#)

ED GRAY, Parent, expressed concerns regarding standardized tests, data mining of students, and common core practices being applied in the Sitka public schools. He cited a comment made by the Interim Commissioner for the Department of Education and Early Development, Dr. Susan McCauley, contained in the State Board of Education and Early Development information packet, for the March 21-22, 2016, meeting, discussing the weaknesses and threats surrounding the implementation of the Every Student Succeeds Act (ESSA) in Alaska. The commissioner states parental rights as the primary concern, he reported. Parents are a child's first teachers, and they join into a partnership with the department to provide a formal education. If that is threatened or doesn't occur, an antagonistic situation arises, he opined, and asked members to solicit comments on this topic from the nominee.

[8:21:40 AM](#)

CHAIR KELLER asked the nominee to provide a written response.

MS. HIMSCHOOT acknowledged the importance for the agency to work in partnership with families, and agreed to provide further comments.

[8:24:38 AM](#)

CHAIR KELLER announced that the nomination would be set aside for further consideration. He then took up the appointees to the Professional Teaching Practice Commission (PTPC).

[8:24:54 AM](#)

DAVID DEVAUGHN, Appointee, Professional Teaching Practice Commission (PTPC), said a second term will allow him to continue serving a duty that he sees as important in endeavoring to hold teachers to a higher standard and a code of ethics.

[8:26:12 AM](#)

REPRESENTATIVE DRUMMOND asked about his experience thus far on the commission.

MR. DEVAUGHN responded that it has been an eye opening experience to the situations that exist around the state, as well as fulfilling.

[8:27:48 AM](#)

REPRESENTATIVE VAZQUEZ moved to advance the confirmation of David DeVaughn, appointee to the Professional Teaching Practice Commission, to a joint session of the House and Senate for consideration.

[8:28:23 AM](#)

REPRESENTATIVE DRUMMOND objected, and voiced concern for the non-advancement of Rebecca Himschoot to the Alaska State Board of Education and Early Development. Chair Keller provided assurance that Ms. Himschoot's appointment would be considered further, at a subsequent meeting, and the member removed her objection.

[8:29:06 AM](#)

CHAIR KELLER, hearing no further objection, the name of David DeVaughn was advanced for confirmation.

**Professional Teaching Practices Commission (PTPC)**

[8:29:17 AM](#)

PAUL PRUSSING, Appointee, Professional Teaching Practice Commission (PTPC), provided a brief biography, as a lifelong Alaskan, commercial fisherman, and father of three adult children. Recalling his experience as a father, he said children may, at times, be exposed more to a teacher than to their own parents. It is imperative, then, to ensure that classroom teachers represent the community and parents values.

[8:30:37 AM](#)

REPRESENTATIVE VAZQUEZ moved to advance the confirmation of Paul Prussing, appointee to the Professional Teaching Practice Commission, to a joint session of the House and Senate for consideration. There being no objection, the confirmation was advanced.

[8:31:18 AM](#)

MELODY MANN, Appointee, Professional Teaching Practice Commission (PTPC), expressed appreciation for the work taken up by the PTPC in upholding the ethical standards that the state has established, and opined that the commission does good work in elevating the profession.

[8:32:02 AM](#)

REPRESENTATIVE VAZQUEZ moved to advance the confirmation of Melody Mann, appointee to the Professional Teaching Practice Commission, to a joint session of the House and Senate for consideration. There being no objection, the confirmation was advanced.

**University of Alaska Board of Regents**

[8:33:04 AM](#)

CHAIR KELLER continued with the appointments to the Board of Regents.

[8:33:31 AM](#)

DEENA PARAMO, PhD, Appointee, University of Alaska (UA) Board of Regents, stated interest in serving as a regent, seeing it as an extension of her dedication to the field of education, which has been her focus for 25 years.

[8:34:52 AM](#)

REPRESENTATIVE DRUMMOND noted that the nominee received her masters of education from the UA, and asked if there was a specific reason she chose to pursue her doctorate degree in Oregon.

DR. PARAMO responded that, at that time, Alaska didn't offer a PhD program; however, UA now offers an excellent program, which she would have entered had it been available.

REPRESENTATIVE DRUMMOND asked whether she would like to see her own children attend UA.

DR. PARAMO said her daughter is a UA student, after a foray to an Outside college. She reported that her daughter incorporates a blend of on-line classes with classroom attendance at UA.

[8:38:39 AM](#)

CHAIR KELLER asked about the board of regent's approval of the UA budget.

DR. PARAMO opined that the process is similar to K-12 budgeting: addressing priorities and establishing efficiencies. Strategic pathways have been offered to the board, and the bureaucratic

process for consideration will be followed. Change is afoot, she assured, which is always a challenge, but predicted that a positive attitude will prevail to provide good results.

[8:42:42 AM](#)

REPRESENTATIVE DRUMMOND asked about the time commitment required to serve.

DR. PARAMO acknowledged the necessity for practicing good time management.

[8:43:55 AM](#)

REPRESENTATIVE VAZQUEZ moved to advance the confirmation of Dr. Deena Paramo, appointee to the University of Alaska Board of Regents, to a joint session of the House and Senate for consideration. There being no objection, the confirmation was advanced.

[8:44:44 AM](#)

STACEY LUCASON, Appointee, University of Alaska (UA) Board of Regents, indicated an understanding of the budget situation, and said the appointment is an opportunity to be involved in the direction of the university.

[8:46:42 AM](#)

REPRESENTATIVE DRUMMOND noted the appointee's interest in medical health, asked whether she plans to pursue it as a career, and solicited her thoughts on the Washington, Wyoming, Alaska, Montana, Idaho Medical Education Program (WWAMI) program.

MS. LUCASON said she expects to apply to medical school and possibly utilize the WWAMI program.

REPRESENTATIVE DRUMMOND voiced support for the candidate.

[8:48:37 AM](#)

REPRESENTATIVE VAZQUEZ moved to advance the confirmation of Stacey Lucason, appointee to the University of Alaska Board of Regents, to a joint session of the House and Senate for consideration. There being no objection, the confirmation was advanced.

[8:50:35 AM](#)

The committee took a brief at-ease at 8:50 a.m.

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

[8:50:47 AM](#)

[CHAIR KELLER announced that the next order of business would be HOUSE BILL NO. 120, "An Act relating to workers' compensation and transportation network companies; and providing for an effective date." ] [Before the committee, adopted as a work draft on 2/1/16, was the proposed committee substitute (CS) for HB 102, Version 29-LS0519\S, Glover, 2/10/16.]

REPRESENTATIVE VAZQUEZ moved to adopt the committee substitute (CS) for HB 102, version 29-LS0519\Y, Glover, 3/17/16, as the working document. Without objection, Version Y was before the committee.

[8:54:53 AM](#)

JANET OGAN, Staff, Representative Wes Keller, Alaska State Legislature, directed attention to the proposed CS, page 2, line 18, to paraphrase the language, which read:

(a) A school district may enter into a contract to provide payments to a residential psychiatric treatment center that provides an educational program for a student admitted to the center. If a school district and a residential psychiatric treatment center are unable to agree on a proposed contract on or before January 1 immediately preceding the first school year for which the residential psychiatric treatment center is seeking funding, the school board where a student who is admitted to the center is enrolled shall enter into a contract with the center as provided in (b) of this section.

MS. OGAN pointed out that the "shall" contained in the first line of this subsection, was changed to "may" and the initial date of "April 1" is now "January 1" to reflect a previously adopted amendment. The final change alters the sunset date, she said, which was "2019" and is now proposed as "2020".

[8:57:50 AM](#)

The committee took an at-ease from 8:57 a.m. to 9:02 a.m.

9:02:04 AM

CHAIR KELLER announced that public testimony was previously closed and stated intent to maintain that status.

9:02:41 AM

REPRESENTATIVE SEATON returned to the language change, page 2, line 18, the term "shall" now proposed as "may". He directed attention to the subsequent line 24 that was not changed to the permissive term, but maintains the directive "shall". Given the scenario of a Kenai student attending the North Star facility in Anchorage, he questioned how funds would be directed and the contract requirements that apply.

9:04:33 AM

CHAIR KELLER paraphrased from page 2, lines [18-19] to emphasize the intent. He said, "A district may enter into a contract to provide payments to residential psychiatric treatment centers." A conditional statement is provided, he said, and continued paraphrasing:

If a district and a [residential psychiatric treatment center] are unable to agree on a proposed contract on or before [January 1], then it becomes a mandate.

CHAIR KELLER maintained that this language makes it very clear.

REPRESENTATIVE SEATON, continuing to clarify, said:

On line 23, '... the school board where a student who is admitted to the center is enrolled ...' ... This is saying that whatever school board ... a student is enrolled in will enter a contract with the [residential psychiatric treatment center], not the Anchorage school district.

CHAIR KELLER concurred.

REPRESENTATIVE SEATON turned to the Kenai Peninsula Borough School District (KPBSD) letter, from Superintendent Sean Dusek, dated 3/11/16, to the member, which lists a number of concerns.

He paraphrased the bullet points, which read as follows [original punctuation provided]:

The funding proration is ambiguous regarding the funding types to be included in the calculation, 9i.e. does this formula include local contribution, grant funding, the BSA, and intensive needs funding?).

There are no measures in place to hold residential facilities accountable for providing a quality education.

There is no oversight to hold residential facilities accountable for implementing special education and special education legal paperwork.

There is no proof that residential facilities will adequately coordinate educational activities with school districts and provide an education that is aligned with local schools in a manner that is better than what is currently offered.

This bill will create financial uncertainty for school districts due to an inability to predictably budget for these students.

This plan may open the door for out of state residential facilities to charge significant amounts of money to local school districts for students at their facilities.

CHAIR KELLER said an amendment would be welcomed, and pointed out that funding is not stipulated in the bill.

REPRESENTATIVE SEATON asked whether the bill includes the local contribution of the base student allocation (BSA) intensive needs, and conjectured that perhaps the intent is for a combination of all three funding sources.

[9:09:13 AM](#)

DR. SUSAN MCCAULLY, PhD, Interim Commissioner, Department of Education and Early Development, said the current Version Y does not appear to specify the funding mechanism. Because it's not prescriptive, negotiations would need to be entered into to make payment determinations. She directed attention to page 2, line 26, which read:

(b) A school board shall enter into a contract to provide payments to a residential psychiatric treatment center that provides an educational program for a student ...

[9:10:43 AM](#)

REPRESENTATIVE SEATON maintained interest in understanding the source of the funding that will be used to support a student, and satisfy the concerns raised in the cited KPBSD letter, especially regarding local and state funding contributions. Additionally, the letter indicates that a door may be opened to Outside contractors, and the bill doesn't appear to limit treatment to in-state facilities. A question, he said, that needs to be answered.

[9:11:37 AM](#)

CHAIR KELLER pointed out that nothing in charter school statute specifies what is local versus state contribution, and said the North Star center is not unlike a charter school.

[9:11:53 AM](#)

REPRESENTATIVE SEATON said ASD has requested an opinion regarding state educational funds being directed to a private facility, and drew attention to the committee packet and the Legal Services memorandum, from Jean M. Mischel, dated 3/17/16, addressing the subject: Constitutionality of CSHB 102 (EDC) (Work Order No. 29-LS0519\S).

[9:12:35 AM](#)

REPRESENTATIVE SPOHNHOLZ stated opposition to the bill, and said it appears to have been created in response to a situation specific to ASD. She expressed interest in hearing further from ASD regarding strides and inroads that have been handled locally, and perhaps avoid the need to enter the statutory process.

[9:15:40 AM](#)

REPRESENTATIVE DRUMMOND directed attention to the committee packet, and the three page ASD letter, from Superintendent Ed Graff, dated 3/17/16, which describes the extensive changes that

have been implemented in an effort to remedy the situation, since HB 102 was first introduced [February 2015].

[9:16:16 AM](#)

REPRESENTATIVE SEATON moved to adopt an amendment he called "Y.1," [labeled 29-LS0519\S.5, Glover 3/16/16], on behalf of Representative Colver, which read as follows [original punctuation provided]:

Page 2, line 28, following "district":

Insert "during the student count period described under AS 14.17.600"

CHAIR KELLER objected for discussion.

[9:16:48 AM](#)

The committee took an at-ease from 9:16 a.m. to 9:24 a.m.

[9:24:16 AM](#)

CHAIR KELLER invited Representative Seaton to move an amendment that aligned with Version Y. [The previous motion to adopt Amendment "Y.1" was treated as withdrawn].

[9:25:00 AM](#)

REPRESENTATIVE SEATON moved to adopt Conceptual Amendment 1, page 3, line 3, as follows:

Page 3, line 3, following "district":

Insert "during the student count period described under AS 14.17.600"

CHAIR KELLER objected for discussion.

[9:26:01 AM](#)

CHAIR KELLER removed his objection, without further objection, Conceptual Amendment 1 was adopted.

[9:26:29 AM](#)

REPRESENTATIVE VAZQUEZ commented on the defining dates that HB 102 has been heard in committee, since the session began in

2015, and pointed out that it may be disingenuous for districts to begin weighing in at this late date. Extensive testimony has been heard and the onsite visits to the North Star facility, by committee members, occurred during the interim. She opined that the basic educational requirements, of the students who require this type of facility, have been seriously neglected.

[9:28:21 AM](#)

REPRESENTATIVE VAZQUEZ moved to report CS for HB 102, 29-LS0519\Y, Glover 3/16/16, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

[9:28:39 AM](#)

CHAIR KELLER objected for discussion.

[9:28:49 AM](#)

REPRESENTATIVE VAZQUEZ expressed additional concern for the neglect of the vulnerable students being served, that this bill addresses. A seamless situation needs to be available for this at-risk population, she stressed.

[9:31:05 AM](#)

REPRESENTATIVE SPOHNHOLZ agreed with the at-risk population, and recalled testimony received in committee from parents. However, placing statute on the books that may not be necessary is also a concern. Creating a statewide remedy to what appears to be a local problem may be using a sledge hammer when a scalpel is required, she opined.

[9:34:02 AM](#)

REPRESENTATIVE SEATON noted that the bill has undergone a number of changes, and pointed out the recent comments received from ASD, along with the legal opinion, both contained in the committee packet. The changes in the bill appear to define the facility as a school, and the legal opinion states that it will be unconstitutional for educational dollars to be directed in that manner. The thrust has gone beyond working cooperatively with a treatment facility, and now describes that facility as a school. Additionally, ASD indicates that the issues are being addressed, negating the need for legislation.

[9:37:46 AM](#)

REPRESENTATIVE TALERICO referred to the bill [Section 1, page 2, lines 2-4], which read as follows:

(3) in some instances, a residential psychiatric treatment center is able to provide more effective educational and treatment services to an admitted student than a school district can provide to the student;

REPRESENTATIVE TALERICO said it appears that the students are being sidelined during a power play of administrators exerting a tug of war. He said the bill appears to be moving in the right direction in keeping the students as the priority.

[9:40:41 AM](#)

REPRESENTATIVE DRUMMOND expressed appreciation for an instate facility, however, local school boards may be negatively impacted by passage of the bill.

[9:42:22 AM](#)

CHAIR KELLER interjected that the bill will not define the treatment center as a school.

[9:43:57 AM](#)

CHAIR KELLER removed his objection and, without further objection, ordered CSHB 102(EDC), as reported from the House Education Standing Committee.

[9:44:07 AM](#)

The committee took an at-ease from 9:44 a.m. to 9:46 a.m.

**HB 156-SCHOOL ACCOUNTABILITY MEASURES; FED. LAW**

[9:46:16 AM](#)

CHAIR KELLER announced that the final order of business would be CS FOR HOUSE BILL NO. 156(EDC), "An Act relating to the duties of the Department of Education and Early Development and school districts; relating to public school curriculum and assessments; relating to compliance with federal education laws; relating to public school accountability; relating to a statewide assessment plan and review of education laws and regulations; and providing

for an effective date." [Before the committee, adopted as a work draft on 3/16/16, was the proposed committee substitute (CS) for HB 156, Version 29-LS0566\Y, Glover, 3/11/16.]

[9:46:37 AM](#)

CHAIR KELLER stated that the intent of HB 156 is to unify around the issues currently faced by the state. Many situations are contributing factors, which include: the AMP assessment, common core, federal overreach, unfunded mandates on districts, a new commissioner and state board members, as well as the state budget. The bill asks for a break from the regimen to allow the educational system and legislature time to regroup, formulate a new assessment plan and provide recommendations on the accountability section of statute. He encouraged members to visit the EED website to review the public report card section and praised the agency for its performance regarding its fulfillment of the reporting requirements. Working together, during this brief break, the complicated issues can be appropriately addressed. The overreach of federal government continues to affect the state, he opined. The reauthorization of the No Child Left Behind Act (NCLB) has resulted in the Every Student Succeeds Act (ESSA), an extensive, 1,059 page document, effective August 2016. A primary intent for HB 156 is to delete, from state statute, language that Alaska shall implement specific federal code. The reauthorization may be fine to implement, but there needs to be an opportunity for the department to gain an understanding, incorporate changes, promulgate regulations, and implement the standards of this extensive federal act. Several items of interest are reported to be contained in ESSA, which include: Title I portability, to allow flexibility regarding the funding; a right for parents to opt their student out of high stakes tests; and a bigger emphasis on local control. At least two of these provisions were stripped out in the final version; however, local control has been retained. The proposed hiatus is not to ensure compliance with ESSA, but rather is intended to allow time to understand the financial ramifications. Federal dollars are a major source of funding for EED, he pointed out, which indicates that the agency works on behalf of the local districts, the legislature, and the federal government. The two year window should prove reasonable, he maintained, and reported that California has been allowed a three year waiver without loss of federal funding, thus, precedent does exist.

[9:55:54 AM](#)

REPRESENTATIVE SEATON directed attention to the bill, page 3, and lines 18-19, which read as follows:

(1) [IMPLEMENT 20 U.S.C. 6301 - 7941 (ELEMENTARY AND SRCONDARY EDUCATION ACT OF 19650, AS AMENDED;

REPRESENTATIVE SEATON asked about the purpose for removing this language, and will the result be the creation of a new set of Alaska standards.

CHAIR KELLER said, "It's a process that's going to put a greater emphasis on local districts." He stressed that HB 156 doesn't prescribe standards or change the current Alaska standards; however, by pulling back on the assessment schedule it allows the department the opportunity to make recommendations for possible change.

CHAIR KELLER thanked the participants.

[9:57:47 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:57 a.m.