

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

April 2, 2015

3:33 p.m.

MEMBERS PRESENT

Senator Charlie Huggins, Vice Chair
Senator Cathy Giessel
Senator Gary Stevens
Senator Berta Gardner

MEMBERS ABSENT

Senator Mike Dunleavy, Chair

COMMITTEE CALENDAR

SENATE BILL NO. 37

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

- HEARD & HELD

SENATE BILL NO. 89

"An Act relating to a parent's right to direct the education of a child; and relating to questionnaires administered in schools."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 37

SHORT TITLE: SEXUAL ABUSE/ASSAULT PREVENTION PROGRAMS

SPONSOR(s): SENATOR(s) MCGUIRE

02/04/15	(S)	READ THE FIRST TIME - REFERRALS
02/04/15	(S)	EDC, FIN
04/02/15	(S)	EDC AT 3:30 PM BUTROVICH 205

BILL: SB 89

SHORT TITLE: PARENT RIGHTS: EDUCATION; SCHOOL ABSENCE

SPONSOR(s): SENATOR(s) DUNLEAVY

03/25/15	(S)	READ THE FIRST TIME - REFERRALS
03/25/15	(S)	EDC, STA

03/31/15 (S) EDC AT 3:30 PM BUTROVICH 205
03/31/15 (S) Scheduled but Not Heard
04/02/15 (S) EDC AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR LESIL MCGUIRE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 37.

LAUREN RASMUSSEN, Staff
Senator Lesil McGuire
Alaska State Legislature
Juneau, Anchorage

POSITION STATEMENT: Presented information related to SB 37.

CINDY MOORE, representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in favor of SB 37.

BUTCH MOORE, representing himself
Anchorage, Alaska

POSITION STATEMENT: Testified in favor of SB 37.

DAVID HOLTHOUSE, representing himself
Anchorage, Alaska

POSITION STATEMENT: Testified in favor of SB 37.

ROBERT BOYLE, Superintendent
Ketchikan School District
Ketchikan, Alaska

POSITION STATEMENT: Testified against the mandated training required in SB 37.

KEVIN SHIPLEY, Superintendent
Kake City Schools
Kake, Alaska

POSITION STATEMENT: Testified in support of SB 37, but against the unfunded mandate.

LAURIE MORTEN, Executive Director
State Council on Domestic Violence and Sexual Assault

POSITION STATEMENT: Testified on SB 37.

LISA SKILES-PARADY, Executive Director
Alaska Superintendent Association

POSITION STATEMENT: Testified against SB 37.

BETHANY MARKUM, Staff
Senator Mike Dunleavy
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 89 on behalf of the sponsor.

SCOTT MACMANNUS, Assistant Superintendent
Gateway School District
Tok, Alaska

POSITION STATEMENT: Testified against the requirement in SB 89 to get permission from parents.

ACTION NARRATIVE

[3:33:13 PM](#)

VICE CHAIR HUGGINS called the Senate Education Standing Committee meeting to order at 3:33 p.m. Present at the call to order were Senators Huggins, Giessel, Gardner, Stevens.

SB 37-SEXUAL ABUSE/ASSAULT PREVENTION PROGRAMS

[3:33:58 PM](#)

VICE CHAIR HUGGINS announced the consideration of SB 37.

SENATOR GIESSEL moved to adopt the CS for SB 37, labeled 29-LS0488\N, as the working document.

[3:34:27 PM](#)

SENATOR LESIL MCGUIRE, Alaska State Legislature, sponsor of SB 37, introduced her staff, Lauren Rasmussen.

SENATOR MCGUIRE related that SB 37 is known as the Alaska Safe Children's Act and the main part of the bill is from what is known as Erin's Law. She said that sexual assault victims requested that the bill's name be changed to the Alaska Safe Children's Act. She related that the root of the bill is to institute a policy and a training program for teachers, administrative staff, students, and parents on the topic of sexual assault.

She pointed out that Alaska still leads the nation in numbers of sexual assault on children in every age group, across both genders, and in every economic level, in all parts of the state. She related that the main point expressed by sexual assault victims is that they were not able to tell anyone about the

assault or bad things would happen to their family. They said they felt that if they had had a class in sexual abuse prevention it would have helped them. She shared that the experience was an isolating experience and knowing it had happened to other people would have helped.

SENATOR MCGUIRE said the other part of the bill is from a request of a mother of a girl who was killed by her boyfriend - a victim of dating violence. The girl's mother, Ms. Moore, is on line and will testify about her experience with dating violence, stalking and harassment. The bill requires school districts to implement age-appropriated training and curricula on teen violence, stalking, and abuse. She shared that girls between the ages of 16 and 24 are four times more likely than the general population to be victims of partner violence. Only 33 percent of those teens have ever told another person about their abuse.

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SENATOR MCGUIRE said the bill would require school districts to implement age appropriate training on sexual abuse and sexual assault K - 12. There is a provision in the bill that allows parents to opt out of the training. The training is age appropriate and is borne out of requests by abused young people who felt that if they would have been told about some of the tools they could have used, their lives would have been vastly improved.

She said another section of the bill adds volunteer athletic coaches to the existing mandatory reporting statute under AS 47.17.020(a). The bill would provide for four hours in a four consecutive week period, or twenty hours in a one-month period, of training for volunteer coaches. She shared that there were examples of abuse situations that could have been stopped at an earlier point had there been training available.

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SENATOR MCGUIRE noted there are some controversial aspects of the bill. School districts are being asked to do more with respect to children. She asked the committee to think about how the bill's provisions can be gradually added to the districts, whether as a voluntary policy now or included in existing curriculum.

SENATOR MCGUIRE noted some additions to the bill. The bill repeals a requirement that school districts pay for physical examinations for teachers and repeals a requirement that certificated preschool teachers are fingerprinted a second time.

It also repeals AS 14.30.070(a), which says that school districts shall provide for and require a physical examination of every child attending a school in the district. However, AS 14.30.070(b), which says the Department of Health and Social Services (DHSS) may require school districts to conduct additional examinations it considers necessary, remains in the bill, but provides that DHSS will reimburse the districts for those costs.

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CHAIR MCGUIRE concluded that Alaska Safe Children's Act will empower children, parents, and teachers by providing a structure for pulling the stories of abuse out of the shadows. She recalled her work on this issue. The bill shows Alaskans that the legislature is a leader in prevention. She hoped to see Alaska go to last place for numbers of sexual assault. She used an example of changing the culture surrounding drunk driving as a comparison to changing the culture around sexual abuse. She spoke of "soul death" when children are abused. She also addressed the cost of abuse to the state.

She asked the committee to consider creative, alternative solutions to financing this curriculum in schools.

[3:52:17 PM](#)

VICE CHAIR HUGGINS asked for questions.

SENATOR STEVENS questioned who would not want their child to have this education or inquiries into personal family information.

SENATOR MCGUIRE said she agreed with Senator Steven's concern, but does not want to see the rights of parents eroded. She said she has accepted it as a compromise in the bill. She hoped that the level of awareness will rise and the societal norm will be changed.

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SENATOR GARDNER gave an example of a student who was behaving sexually inappropriately and the school called her parents instead of reporting it. There is a concern about parent rights, but also a concern about kids that most need the help.

She questioned adding volunteer coaches to the program. The statutory requirement for training says to train employees in the first six months of employment and coaches often do not

follow that schedule. She did not know if it was practical to train volunteer coaches.

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SENATOR MCGUIRE said she has tried to make the training less onerous. She commented on the appropriateness of the requirements of volunteer coaches. She said she has been compelled by testimony that said this training could help. In this case, the devastation to children is so great that the training is needed.

[4:02:02 PM](#)

LAUREN RASMUSSEN, Staff, Senator Lesil McGuire, Alaska State Legislature, presented information related to SB 37. She assumed the training was done within the first six months of employment. She said she would check on it.

SENATOR GARDNER pointed out that the training for coaches applies to those in a public or private school, or with teams sponsored by the state, municipality or other local government or a sports team that receives public funding. She said there are also private sport clubs and those coaches would not be covered by the bill. She said athletic teams share a lot and are very close and the coach/team relationship might reveal information.

[4:04:23 PM](#)

SENATOR MCGUIRE said the bill does include a broader definition of volunteer coaches. She said it is a discussion for the committee. She agreed with the description of a close coaching relationship. She said it is a question, culturally, of how we want to deal with this issue.

She said, as the bill is worded on page 3, she agreed a coach might miss out on the training. She was open to suggestions.

SENATOR GARDNER related that she used to be a mandated reporter and the training took much longer than an hour. She cautioned not to make the training onerous.

SENATOR MCGUIRE agreed it was a fair point. A volunteer might not want to go through the training. She said if there was no training, a child might be missed. It is an additional burden on schools and on society. She stressed that it is important to proceed for the right reason and to save lives.

[4:08:46 PM](#)

SENATOR GIESSEL related that she has examined children who have suffered this abuse. She said government can't protect everyone from everything. She said parents are sometimes afraid of reporting due to the ramifications that could happen to the family. She stressed that she has sometimes been afraid of reporting and that it is a huge responsibility to be a reporter. She did not oppose teachers and coaches being trained because it would prevent frivolous claims. She concluded it is a very difficult issue.

SENATOR MCGUIRE thanked Senator Giessel. She reiterated that even having a committee hearing is an improvement from the past. She agreed it is a very serious issue.

MS. RASMUSSEN stated that the language that deals with Erin's Law and dating violence has been clarified. It clarifies that notices are sent to parents instead of student/parent/teacher notifications. It replaces "employees" and clarifies that training is required for mandated reporters; teachers, administrators, and athletic coaches. It clarifies the frequency of training.

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VICE CHAIR HUGGINS questioned how to address liability. He asked about the backlog of rape kits. He wondered if date rape in college should be included in the bill. He stressed the importance of taking time on the bill.

VICE CHAIR HUGGINS told how he heard the story of Ms. Moore.

CINDY MOORE, representing herself, testified in favor of SB 37. She thanked the sponsor of the bill for adding dating violence education language to the bill. She noted that 21 states now include this in their curriculum. She spoke of the cycle of dating violence and the need to change the social norms surrounding it. She described how dating violence has affected her family when her daughter was killed by a boyfriend. She questioned why her daughter did not seek help. She hoped that with her story she could inspire leaders of the state to help.

[4:19:38 PM](#)

MS. MOORE shared dating violence statistics. She related that Alaska is the most dangerous state in the country for women. Alaska needs to educate youth about healthy relationships. She said prevention holds the promise for improvement and dating violence is a preventable epidemic.

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BUTCH MOORE, representing himself, testified in favor of SB 37. He noted that his daughter's friends all knew about the abuse. He suggested adding to the list, "knowing who to tell" as a measure of stopping abuse. He hoped that the program would be instituted in schools. He asked what the cost is to not have the program. He thanked the committee for considering the bill and adding dating violence.

VICE CHAIR HUGGINS noted the bill would be before the committee again.

[4:26:45 PM](#)

DAVID HOLTHOUSE, representing himself, testified in favor of SB 37. He stressed the importance of including the curriculum in schools. He shared a personal experience about others who experienced abuse by the same person as he did. He suggested removing another unfunded mandate and replacing it with this one. He compared sexual abuse of children to murder.

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ROBERT BOYLE, Superintendent, Ketchikan School District, testified against the mandated training required in SB 37. He noted that public schools are the "go to agency" when it comes to efficiency, quality, and creating massive changes in society. It is unfair for districts to have to foot the cost for another mandated training. He said including volunteer coaches protects them legally as mandated reporters.

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KEVIN SHIPLEY, Superintendent, Kake City Schools, testified in support of SB 37, but against the unfunded mandate. He shared how the district works with other agencies to provide the training on Domestic Violence. He said domestic and dating violence should be high on the list and the state or other agencies should bear the cost of funding it. He encouraged the legislature to do it right.

[4:35:05 PM](#)

VICE CHAIR HUGGINS listed the number of people on line to answer questions.

[4:35:37 PM](#)

LAURIE MORTEN, Executive Director, State Council on Domestic Violence and Sexual Assault, testified on SB 37. She shared information about various programs the Council provides on preventing teen dating violence. She referred to a handout

called "Start the Conversation," which is for parents. She discussed suggestions by teens on how to address prevention.

She said the Council did a three-year evaluation of the "Fourth R," a healthy relationships curriculum, and found promising practices proven to work in Alaska to reduce dating violence among teens.

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LISA SKILES-PARADY, Executive Director, Alaska Superintendent Association, testified against SB 37. She spoke of the stress on teachers' instructional time and the unfunded mandates. She noted a resolution by ASA opposing unfunded mandates.

VICE CHAIR HUGGINS closed public testimony, but noted it would open again next Tuesday.

VICE CHAIR HUGGINS held SB 37 in committee.

SB 89-PARENT RIGHTS: EDUCATION; SCHOOL ABSENCE

[4:42:36 PM](#)

VICE-CHAIR HUGGINS announced the consideration of SB 89.

SENATOR GIESSEL moved to adopt the CS for SB 89, labeled 29-LS0735/P, as the working document.

VICE CHAIR HUGGINS objected for discussion.

[4:43:16 PM](#)

BETHANY MARKUM, Staff, Senator Mike Dunleavy, Alaska State Legislature, presented SB 89 on behalf of the sponsor. She read from the sponsor statement:

The purpose of SB 89 Parental Rights in Education, is to codify in state statute the inherent rights of parents to direct the upbringing and education of their children. As parents are the ultimate authority regarding their children, this bill requires local school boards to adopt policies which promote the involvement of parents.

A child's parents (be they biological or not) are, in most cases, best suited to understand what is in their child's best interest. It may seem unnecessary that this would need to be re-stated in law. However, too often we see parents pitted against government in

decisions regarding children's education and upbringing. I am thus sponsoring this bill to re-balance that relationship. I feel it essential to ensure that our educational system acknowledges the essential rights of parents, and that schools adopt policies to encourage parental involvement.

These policies must accommodate the following:

Parents will be given the chance to review content of any activity, class, performance standard, program, or standards-based assessment or test required by the department.

Parents can object to and withdraw children from any standards-based assessment or test required by the department, and the absence cannot be counted as unlawful.

If parents have a concern about any activity, class, performance standard, or program that covers human reproduction or sexual matters, or which inquiries into personal or private family affairs, they can object and keep their child out of that particular activity, and the absence cannot be counted as unlawful.

Parents will be allowed to withdraw children for religious holidays, and the absence cannot be counted as unlawful.

Parents must provide written permission before children may attend each human reproduction or sex education instruction or presentation.

Existing law requires parents to provide written permission before students take part in certain questionnaires and surveys administered by schools. This bill extends that requirement to all questionnaires and surveys administered by schools.

As the stewards of their children, parents must be guaranteed the right to make the decisions they feel are best for their children's education. I request your support for SB 89.

She described changes in the bill found in Section 1:

Modifies language to use existing statute language for "tests and assessments".

Removes references to Health education.

Adds language to allow objection and withdrawal due to concern regarding "inquiries into personal and private family matters".

Adds language to clarify the timeframe within which permission must be obtained.

Adds language to require separate permission or objection for each event.

4:46:42 PM

VICE CHAIR HUGGINS noted parents have rights and legislators need to be sensitive to that. He shared a personal story about taking his own kids out of school for Veterans Day events.

MS. MARKUM said the sponsor has strong feelings about the bill and parents' rights, as does she.

VICE CHAIR HUGGINS shared his support for the bill.

MS. MARKUM thought parents should be reminded of their rights.

4:50:07 PM

SENATOR GIESSEL shared a personal story about parents attending classes with their children as an important strategy.

SENATOR GARDNER recalled the testimony on child abuse and who the children talked to about it. She questioned how teachers and parents can gather vital information about abuse without being able to get that information anonymously. She questioned the need to get permission every time.

MS. MARKUM said it is a concern, but parents should make the choice of who best to reveal that information to. She did not think the data would be invalidated by parents who chose not to participate.

VICE CHAIR HUGGINS shared a story of people not wanting to get involved with abuse. He spoke of the duty to not rat on peers.

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At ease

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VICE CHAIR HUGGINS withdrew his objection to adopting version P. There being no further objection, version P was adopted.

SCOTT MACMANNUS, Assistant Superintendent, Gateway School District, testified against the requirement in SB 89 to get

permission from parents, in terms of time and money. Parents are always allowed to participate in the content of the curriculum and can exclude their children if they wish. He suggested there needs to be a balance struck.

[VICE CHAIR HUGGINS held SB 89 in committee.]

[4:57:02 PM](#)

There being nothing further to come before the committee, Vice Chair Huggins adjourned the Senate Education Standing Committee at 4:57 p.m.