

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

April 9, 2015

3:31 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

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."

- MOVED CSSB 89(EDC) OUT OF COMMITTEE

SENATE BILL NO. 37

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

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

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
04/02/15	(S)	Heard & Held
04/02/15	(S)	MINUTE(EDC)
04/07/15	(S)	EDC AT 3:30 PM BUTROVICH 205
04/07/15	(S)	Heard & Held

04/07/15 (S) MINUTE(EDC)
04/09/15 (S) STA AT 9:00 AM BUTROVICH 205
04/09/15 (S) EDC AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

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

POSITION STATEMENT: Explained Amendment 3 on behalf of the sponsor.

CAYLEA COLLUM, Student
Juneau Douglas High School
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

IZABELLA POWERS, Student
University of Alaska-Southeast
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

CALVIN ZUELOW, Student
Juneau Douglas High School
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

LAURA POWERS, representing herself
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

COURTNEY POWERS, representing herself
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

ANN YOUNG, representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

SUE SCHRADER, representing herself
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

DEANNA HOBBS, representing herself
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

PAULA TERREL, representing herself
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

ESTHER SMITH, representing herself
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

JULIE STROEMER, representing herself
Sitka, Alaska

POSITION STATEMENT: Testified in support of SB 89.

LYNN ESCOLA, representing herself
Petersburg, Alaska

POSITION STATEMENT: Testified in opposition to SB 89, as amended.

KAITLYN ROBERTS, representing herself
Eagle River, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

AMMIE TREMBLAY, representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

JENNIFER WOOLY, representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

JUDY MILLER, representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

JOHN LEVY, representing himself
Board Member, Planned Parenthood
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

THEUIA PETERSON, representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

MICHELLE DAML, Curriculum Coordinator
Fairbanks North Star Borough School District
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

LINDA FILE, representing herself
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

PATSY BEHNER, representing herself
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

CHANDA FILE, representing herself
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

PETE HOEPFNER, Cordova School Board
Cordova School District
Cordova, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

KATE FINN, representing herself
Homer, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

AMY BOLLENBACH, representing herself
Homer, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

GINA CARPENTER, representing herself
Dillingham, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

JOAN DIAMOND, representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

ROBIN SMITH, representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

JULIE BAIRD, representing herself
Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 89.

LISA EGAN LAGERQUIST, representing herself
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 89.

REPRESENTATIVE LAURA REINBOLD
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 89.

MIKE HANLEY, Commissioner
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Testified on SB 89.

ACTION NARRATIVE

[3:31:44 PM](#)

CHAIR MIKE DUNLEAVY called the Senate Education Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Huggins, Giessel, Gardner, and Chair Dunleavy. Senator Stevens arrived shortly thereafter. He noted two bills were before the committee.

SB 89-PARENT RIGHTS: EDUCATION; SCHOOL ABSENCE

[3:32:29 PM](#)

CHAIR DUNLEAVY announced the consideration of SB 89. He said a committee substitute (CS) was adopted, two amendments were adopted on 4/2/15 and public testimony is open. He asked if there were further amendments for the committee to consider.

[3:33:03 PM](#)

SENATOR HUGGINS moved to adopt Amendment 3, labeled 29-LS0735\p.6.

AMENDMENT 3

Page 1, line 10:
Delete "department"
Insert "state"

Page 2, line 10:
Delete "department"
Insert "state"

Page 2, line 12, following "standard,"
Insert "or"

Page 2, lines 12 - 13:
Delete ", or standards-based assessment or test
required by the department"

Page 2, line 16:
Delete "department"
Insert "state"

Page 2, line 21:
Delete "department"
Insert "state"

Page 2, line 23:
Delete "department"
Insert "state"

CHAIR DUNLEAVY objected for discussion.

BETHANY MARCUM, Staff, Senator Mike Dunleavy, Alaska State Legislature, explained Amendment 3 on behalf of the sponsor.

Page 2, lines 12 and 13: remove the words "or standards-based assessment or test required by the department" to retain the validity of assessments.

Throughout the CS, the language used is "standards-based assessment or test required by the department." This amendment would change the word "department" and would be replaced with the work "state" in all five instances.

CHAIR DUNLEAVY noted the changes were as a result of a discussion with Legislative Legal.

CHAIR DUNLEAVY removed his objection. There being no further objection, Amendment 3 was adopted.

[3:35:04 PM](#)

At ease

[3:35:40 PM](#)

CHAIR DUNLEAVY said he intends to move the bill out of committee today. He opened public testimony.

[3:36:23 PM](#)

CAYLEA COLLUM, Student, Juneau Douglas High School (JDHS), testified in opposition to SB 89. She said she is a member of Teen Council at JDHS, a program that provides youth with the opportunity to teach peers about things such as ways to keep one's sexuality healthy and other information about growing up.

She stated that SB 89 will take away her right to a complete and thorough education. She reported that every student she talked to was in favor of sex education. She concluded that they want to receive a good education, be well informed, and fix some of the issues they are facing.

3:38:30 PM

CHAIR DUNLEAVY asked if Ms. Collum believes the bill would stop sex education in schools.

MS. COLLUM said yes.

3:39:02 PM

IZABELLA POWERS, Student, University of Alaska-Southeast, testified in opposition to SB 89. She said she is a representative of student government at UAS. She opined that youth should have access to comprehensive sex education. She shared statistics about the high rates of STD's and rape in Alaska. She said sex education is important to all youth.

3:40:08 PM

CALVIN ZUELOW, Student, Juneau Douglas High School, testified in opposition to SB 89. He said he respects the intent of the bill to have parental control of their student's education, but the bill is damaging to the quality of sex education students receive in school. As a member of the Teen Council, he said he wants to ensure that schools have quality sex education, and share that information with his peers. He noted the positive results toward lowering statistics due to sex education, which the bill would not allow due to Teen Council's connection to Planned Parenthood.

SENATOR GARDNER asked for information about Teen Council.

MR. ZUELOW explained that Teen Council is by invitation to classrooms at the request of teachers on a subject requested by the teacher, such as values.

CHAIR DUNLEAVY asked if the Teen Council uses a Planned Parenthood curriculum.

MR. ZUELOW said yes.

3:42:34 PM

LAURA POWERS, representing herself, testified in opposition to SB 89. She shared statistics about STD's, rape, and sexual abuse in Alaska. She demanded that lawmakers stand up for women,

children and Alaskans by supporting medically accurate sex education in schools.

CORBIN POWERS, representing herself, testified in opposition to SB 89. She shared statistics about STD's, rape, and sexual abuse in Alaska. She demanded that lawmakers stand up for women, children and Alaskans by supporting medically accurate sex education in schools.

[MS. LAURA POWERS AND MS. CORBIN POWERS testified together.]

ANN YOUNG, representing herself, testified in opposition to SB 89. The bill limits the rights of children to get the knowledge they need to make decisions in their lives. She voiced concern about the lack of safety for women in Alaska. She commented on the repercussions of teen pregnancy. She said people have a right to pursue happiness and need information to do so.

[3:46:03 PM](#)

SUE SCHRADER, representing herself, testified in opposition to SB 89. She shared statistics of the high amount of STI's in Alaska. She opined that the facts are irrelevant when talking to politicians. She said SB 89 substantiates that comment.

[3:47:40 PM](#)

DEANNA HOBBS, representing herself, testified in opposition to SB 89. She shared her experience as a peer educator in Teen Council and the need to communicate information about sex education to teens. She said she has seen the positive impacts from such education.

SENATOR GARDNER asked if her peers have accurate information and where they get it.

MS. HOBBS said a lot of teens go to websites for information. She did not think that health classes taught very much about sexuality. Also, some teens obtain information from their parents, but most just listen to their friends or find information on the internet.

[3:50:22 PM](#)

SENATOR HUGGINS talked about teen suicide due to alcohol and drugs.

MS. HOBBS asked for clarification of his question.

SENATOR HUGGINS asked how they relate to sexual abuse and STD's.

MS. HOBBS said drugs and alcohol do relate to these issues.

SENATOR HUGGINS asked how Juneau statistics compare to other places in the state.

MS. HOBBS said she is not aware of that.

[3:53:04 PM](#)

PAULA TERREL, representing herself, testified in opposition to SB 89. She commented on limiting testimony to one minute on such an important topic. She said she finds the bill to be prohibitive; it puts a clamp on school districts. She maintained that schools are open to parents who wish their children to opt out of programs. She read Fairbanks' opt out policy and said that is the way it should be, not to have to have permission before they participate.

In response to a question from Senator Gardner regarding the accuracy of Planned Parenthood's information, she understood that Planned Parenthood can be invited into the schools and they strive for and are vetted for medical accuracy.

CHAIR DUNLEAVY noted the presence of Senator Stevens.

[3:56:05 PM](#)

ESTHER SMITH, representing herself, testified in opposition to SB 89. She stated that everyone knows that schools have an obligation to provide education to students that is comprehensive, and age appropriate. She stressed that healthy sexuality should be taught accurately throughout the state. It is appropriate for schools to decide that certain mandates supersede parental opinions.

[3:57:35 PM](#)

JULIE STROEMER, representing herself, testified in support of SB 89. She stated that she has enormous concern about her parental rights in the school district. She said she is opposed to people from Planned Parenthood talking to students.

[3:59:23 PM](#)

LYNN ESCOLA, representing herself, testified in opposition to SB 89, as amended. She said that the bill is an attempt to destroy Planned Parenthood, which is the best provider of sex education. She opined that Alaska's young people are not being well-served in SB 89.

[4:01:05 PM](#)

KAITLYN ROBERTS, representing herself, testified in opposition to SB 89. She cited the high rates of STI's and teen pregnancy in Alaska and the need for education in order to lower those rates. She shared a personal story about her own experience in a sex education class that did not negatively affect her family's values.

[4:02:34 PM](#)

AMMIE TREMBLAY, representing herself, testified in opposition to SB 89. She said she is a supporter of comprehensive sex education. SB 89 creates barriers to comprehensive, engaging, and science-based health education and community organizations that provide it. Students need sex education that addresses social responsibly and the science of reproductive health.

[4:03:46 PM](#)

JENNIFER WOOLY, representing herself, testified in opposition to SB 89. She commented on the high rate of STI's and sexual assault. She said her background includes sexual health education and her future career is in medicine. She sees the direct connection between education and health. She spoke of the children who do not have involved parents and may not access the information they need. She stressed the importance of medically accurate, age-appropriate education about their bodies and relationships. She asked that the committee not force parents to opt in.

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JUDY MILLER, representing herself, testified in opposition to SB 89. She opined that the bill is damaging to student's gaining access to vetted, objective, medically accurate sex education information, as provided by Planned Parenthood. An opt-out provisions for parents already exists, but the bill is requiring an opt-in provision. She thought Section 2 was especially confusing regarding opting in for any test or survey and would be impossible to manage.

[4:06:25 PM](#)

JOHN LEVY, representing himself, Board Member, Planned Parenthood, testified in opposition to SB 89, especially Amendment 2. He recalled how important sex education was for his children. He noted misinformation his children's friends had about sexual relations, pregnancy, and disease. He pointed out that Planned Parenthood has developed an accurate, broad, and excellent information program for teaching responsibility to kids of many ages. It is up to the local school district whether

or not to include these programs. Sex education reduces STD's, and teen pregnancies, and delays intercourse.

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THEUIA PETERSON, representing herself, testified in opposition to SB 89. She said as a student at the University of Alaska-Anchorage she has found that many of her peers do not know about sexual health or where to go for help. She hoped that a comprehensive sex education program would lower the high statistics regarding STI's and sexual assault in Alaska.

[4:09:13 PM](#)

MICHELLE DAML, Curriculum Coordinator, Fairbanks North Star Borough School District, testified in opposition to SB 89. She stated that the district's opt-out process works and is more realistic than an opt-in policy. The district has developed brochures and documents for internal and external research guidelines and are found on the website. This legislation implies that districts are not currently protecting student data and takes the decision about surveys and questionnaires away from local control.

SENATOR GARDNER asked if there would be a fiscal impact of an opt-in policy.

MS. DAML said it would require many more hours to track students for each activity.

SENATOR GARDNER asked what happens to the kids who opt out.

MS. DAML said parents can keep the student home or make arrangements within school with another teacher or adult in the building.

SENATOR HUGGINS asked if students need a permission slip for field trips.

MS. DAML said field trips require permission slips and relevance to academic lessons.

SENATOR HUGGINS concluded that they opt in for the field trip.

MS. DAML said yes, but if the trip is related to the curriculum, permission slips are not required, but it is good practice to have them.

[4:13:30 PM](#)

LINDA FILE, representing herself, testified in opposition to SB 89. She said she has been a volunteer for Planned Parenthood and stated that Alaska is in extreme crisis concerning STI's and sexual assault. Quality reproductive health information is desperately needed by Alaska's youth and parents. She said the amendment disallows and demonizes Planned Parenthood as abortion services providers. This betrays a serious lack of knowledge about the full range of reproductive health education and care provided through Planned Parenthood. As public policy, it is misleading and misinformed and demeaning to women.

4:15:30 PM

PATSY BEHNER, representing herself, testified in opposition to SB 89. She spoke as a former teacher who believes that teens want to be responsible and look to the institutions in their lives, such as school, family, and Planned Parenthood for essential information. She stressed the need for quality information for students and the consequences without it. She spoke highly of Planned Parenthood education.

4:16:44 PM

CHANDA FILE, representing herself, testified in opposition to SB 89. She said she is a college student and has volunteered for Planned Parenthood and knows of its positive impacts. She said teens deserve to have accurate information about sex education.

PETE HOEPFNER, Cordova School Board, Cordova School District, testified in opposition to SB 89. He voiced concerns about the validity of test scores should many students be allowed to opt out of taking them. School districts have been asked to be accountable and teacher evaluations now include 50 percent of their evaluation based on student growth. Testing scores help address areas where student education is lacking.

SENATOR GARDNER asked about the cost of time and effort to gather necessary signatures for test taking.

MR. HOEPFNER spoke as a parent about the difficulty of keeping track of papers from school. The data the school receives for the Youth Risk Survey is not enough to be relevant. He opined that tests provide valuable information the schools need to have.

4:20:10 PM

SENATOR STEVENS voiced concern about opting out of testing and how it affects the child who is not allowed to take college or vocational training tests.

MR. HOEPFNER had a concern about the more involved parents opting out and that higher achieving student don't take the tests. That sets the schools up for failure. Also, students won't be prepared for testing in college.

[4:22:40 PM](#)

KATE FINN, representing herself, testified in opposition to SB 89. She said she was a sexual assault nurse examiner and she strongly opposes the bill as it is currently written. The bill is not just about sex education, but should be a safety net for kids. Kids should learn in school how to recognize predatory behavior. She stressed that kids need the information provided by sex education. She suggested just allowing parents to opt out.

[4:24:04 PM](#)

AMY BOLLENBACH, representing herself, testified in opposition to SB 89. She said she agrees with the previous speakers in opposition to the bill. She shared her experience as a teacher of human sexuality and stressed the need for the information.

[4:25:25 PM](#)

GINA CARPENTER, representing herself, testified in opposition to SB 89. She said she is a registered nurse who has worked in the area of sex education for over 30 years. She found Planned Parenthood very supportive of abstinence and birth control methods and not pushing abortion. They are trained and good educators. She concluded that girls with access to sex education have lower pregnancies.

[4:26:52 PM](#)

JOAN DIAMOND, representing herself, testified in opposition to SB 89. She spoke as a former public health nurse about the sex education she provided in schools. She stressed the need for accurate information for students.

[4:28:14 PM](#)

ROBIN SMITH, representing herself, testified in opposition to SB 89. She said parental support for school-based sex education is overwhelmingly positive as information that supplements conversations at home. Planned Parenthood helps fill an important gap left by the state's inaction of ensuring students have access to this important information. She spoke of a Planned Parent workshop for parents, which encourages parents to pass on their values to their children.

[4:30:15 PM](#)

JULIE BAIRD, representing herself, testified in support of SB 89. She said she believes in protecting parental rights and in sexual education and is teaching her children about it. She pointed out that there are many programs available for sex education.

[4:32:06 PM](#)

LISA EGAN LAGERQUIST, representing herself, testified in opposition to SB 89. She understood that Amendment 2 would prevent Planned Parenthood from providing material or instruction on sexually transmitted diseases and sexuality in public schools. She spoke of an excellent Planned Parenthood workshop on sexuality for parents. She concluded that she wants to have the program in her kids' school for other parents.

[4:33:34 PM](#)

REPRESENTATIVE LAURA REINBOLD, Alaska State Legislature, testified in support of SB 89. She said parental involvement is the key to student success. She said parents should be able to opt out of programs like Planned Parenthood. She spoke in favor of parental rights.

[4:35:09 PM](#)

MIKE HANLEY, Commissioner, Department of Health and Social Services (DHSS), testified on SB 89. He said the opt-out language is problematic for school districts because they are required to provide state assessments and it puts the \$96.7 million in Title funds at risk. It forces districts to make a choice between complying with state law or with federal law. He said he has talked to the Assistant Secretary of Education, who made it clear districts would be out of compliance under SB 89. He said currently the state has the opportunity to have the data that will show how schools are doing. It provides personal data to parents and to students and provides group data to schools. Losing that data, especially in small communities, might make the data invalid.

[4:38:57 PM](#)

SENATOR STEVENS voiced concern about the language that allows parents to opt out of taking standards-based assessments, tests required by the state. He asked what happens to those kids who don't take those tests. They would not be able to get into college or into a training program. Also, the department would not know how Alaska's students are doing.

COMMISSIONER HANLEY said standards-based tests are not high stakes tests and will have no impact on grades, or employment, but they do provide information to students and parents about how districts are doing. He used the example of the Performance Scholarship to make his point. He provided an example of students that could not score well on SAT, ACT, or WorkKeys tests in several districts, leading to an adjustment of the curriculum. He said he is not afraid of accountability and looks forward to making informed decisions, but does not want to lose the data from test results.

[4:41:34 PM](#)

SENATOR GARDNER said as a parent of three kids in public schools, she was very involved and made it her business to know how things were going and to look at the work her kids were doing. She said she felt empowered to opt her kids out of programs and situations. She asked if parents can still do that now.

COMMISSIONER HANLEY said yes; parents currently have the right to opt out. He described his experience as an educator.

[4:43:17 PM](#)

CHAIR DUNLEAVY asked if parents have inherent parental rights.

COMMISSIONER HANLEY agreed.

CHAIR DUNLEAVY said there should be no issue with having that provision in SB 89.

COMMISSIONER HANLEY said there is a difference: By codifying it in SB 89 the bill states that "basically school districts are going to encourage the 'opt out,'" which is problematic.

CHAIR DUNLEAVY maintained that the bill does not encourage school districts, it states that parents have the right.

COMMISSIONER HANLEY countered that he interprets "shall implement the policy to allow parents to opt out" as opting out, as opposed to current state and federal law where the state has the responsibility to assess all students so that there is an understanding of how schools are doing.

CHAIR DUNLEAVY asked if the issue is the assessment part.

COMMISSIONER HANLEY said that is what he is addressing. He said he does not have an issue with the other opt-out topics.

[4:45:16 PM](#)

SENATOR GARDNER read in Section 1, "a local school board shall, in consultation with parents, teachers, and school administrators, adopt policies to promote the involvement of parents in the school district's education program." She maintained that schools are always trying to involve parents. She asked if there currently are regulations or statutes that encourage and require districts and schools to get parent involvement.

COMMISSIONER HANLEY replied that one of the teacher standards is the engagement of parents. He said is it absolutely a Best Practice to engage parents.

SENATOR GARDNER noted that she and the commissioner had a conversation about the attendance requirement with the existing statute being a tool to let schools take a child off the rolls if they have unexcused absences for a long period where the school believes a family has moved.

COMMISSIONER HANLEY clarified that the language speaks to withdrawing a student after 10 absences. It is not designed for a student who is sick or on vacation, nor to punish a student. The purpose was to ensure that districts did not have students who were not attending on their rolls during the October funding count.

CHAIR DUNLEAVY agreed.

[4:48:24 PM](#)

SENATOR GIESSEL understood that opting out of standards-based assessments was deleted, as was withdrawing from a performance standard.

MS. MARCUM clarified that only opting out of performance standards has been removed.

SENATOR STEVENS asked where that was done.

MS. MARCUM said page 1, line 12. She continued to say on page 2, lines 12 and 13, it refers to the content the parent is allowed to review, not the test or assessment.

CHAIR DUNLEAVY stated the standardized test cannot be opened and reviewed.

SENATOR GIESSEL said parents are not given the option of opting out of performance standards.

COMMISSIONER HANLEY agreed.

SENATOR GIESSEL referred to page 1, lines 9 and 10, where it allows a parent to withdraw his or her child from a standards-based assessment. She noted leading questions and values contained in those tests. She asked whether the testing has an impact on jobs or college applications.

COMMISSIONER HANLEY replied that they are not high-stake tests.

SENATOR GIESSEL asked if the national tests provide the same data as the SAT, ACT, and WorkKeys.

COMMISSIONER HANLEY replied that they do. They provide data based on performance standards for comparison to other students around the state. He explained that ACE and SAT allow comparison with students around the country, a larger benchmark.

[4:53:32 PM](#)

SENATOR GIESSEL concluded that the standards-based test may or may not be needed to determine if a school is achieving excellence.

CHAIR DUNLEAVY clarified that there are home school students, exchange students, and private school students who go to college. He said they don't need to take college entry tests. He said tests are tools that help the practitioners. He said parents have rights. He questioned what the purpose of schools is. The bill states that parents have inherent rights. He questioned if it is federal law telling the state what to do. Parents are questioning what the tests do. It has changed from a state focus to a federal focus.

[4:57:44 PM](#)

He reiterated the role of parents and their right to decide what tests their kids should take. The bill illustrates that parents have parental rights and abortion providers do not belong in schools. He questioned the role of the federal government in schools and if there is school choice.

[5:03:09 PM](#)

SENATOR HUGGINS supported Chair Dunleavy's comments. He voiced concern about the government versus parents. He stressed parents' rights.

CHAIR DUNLEAVY thanked Commissioner Hanley. He closed public testimony.

[5:07:36 PM](#)

SENATOR GARDNER said she has three amendments. She moved conceptual Amendment 4.

AMENDMENT 4

On page 1, beginning on line 12, to say "allowing a parent to object and withdraw their child from an activity, class, performance standard, or program."

CHAIR DUNLEAVY noted the bill would be heard in another committee.

SENATOR GARDNER said she does not sit on that committee. She continued to explain that she proposes to remove the language "because of concern regarding" without listing the concerns because there are a number of reasons why a parent would want to withdraw a child.

SENATOR HUGGINS objected. He suggested saying "at parental discretion." He wanted to keep the menu of reasons in the bill.

CHAIR DUNLEAVY asked Senator Gardner to repeat the amendment.

SENATOR GARDNER repeated the amendment. She did not want to see an itemized list because if a parent's reason was not listed, they could not remove their child.

A roll call vote was taken. Senators Gardner voted in favor of conceptual Amendment 4 and Senators Huggins, Giessel, and Dunleavy voted against it. Therefore, Amendment 4 failed by a 1:3 vote.

SENATOR GARDNER moved conceptual Amendment 5. She said on page 2, line 14, it says "ensuring that when a child is absent from an activity, class, performance standard, program, or standards-based assessment or test required by the department under this section, the absence is not considered an unlawful absence." She said she is concerned about kids that leave school without the school knowing where they are. She suggested that there be a trigger that the absence is the parent's choice. The parent has to let the school know what they are doing.

CHAIR DUNLEAVY asked for the wording of the conceptual amendment.

AMENDMENT 5

SENATOR GARDNER said "ensuring that when a parent removes a child from an activity, class, performance standard, program, or standards-based assessment or test, if the parent notifies the school, the absence is not considered unlawful." There is a problem with truancy in some places and the school does not know the difference unless notified by the parent.

CHAIR DUNLEAVY objected for discussion.

SENATOR HUGGINS asked for the amendment to be restated.

SENATOR GARDNER said she simply wants a way for the school to make a distinction between a parent choice to remove a child and an absence a parent may or may not know about.

SENATOR GIESSEL thought that it was already established under the title - "a parent's right to direct the education."

[5:13:35 PM](#)

CHAIR DUNLEAVY commented that if a child is AWOL it is unexcused.

SENATOR GARDNER questioned how the school would know.

[5:14:11 PM](#)

MS. MARCUM responded that there are two sections that apply. On page 2, line 16, "under AS 14.30.020" was added by Legislative Legal to indicate that it only includes the absences and withdrawals covered under the section. Also, on page 1, lines 7 and 8, it says it is up to the school district to develop the policies for this.

[5:15:16 PM](#)

SENATOR GARDNER opined that (6) does not give the school any way to know that when a child is missing it is due to the parent's intent.

CHAIR DUNLEAVY asked if the intent is notification.

SENATOR GARDNER said she wants the school to be able to know when a child is absent due to the parent's action.

SENATOR HUGGINS offered to carry the amendment to the next committee of referral.

SENATOR GARDNER agreed; she withdrew Amendment 5.

[5:17:01 PM](#)

SENATOR GARDNER moved the committee recede from the passage of Amendment 2, labeled 29-LS0735\P.2, on the grounds that it is unconstitutional. She noted there is a legal opinion on it.

CHAIR DUNLEAVY countered that the legal opinion says it "raises equal protection and may implicate First Amendment rights". He said many legal opinions are written this way, because it is not certain until tested by a legal case.

SENATOR GARDNER declined to proceed with her motion to recede from the passage of Amendment 2.

CHAIR DUNLEAVY noted a zero fiscal note.

[5:18:24 PM](#)

SENATOR HUGGINS moved to report CS for SB 89, version P as amended, from committee with individual recommendations and attached fiscal note(s).

CHAIR DUNLEAVY announced that without objection, CSSB 89(EDC) is reported from the Senate Education Standing Committee.

CHAIR DUNLEAVY noted that he supports Senator Huggins in carrying conceptual Amendment 5 to the next committee of referral and wishes to discuss conceptual Amendment 4 further with Senator Gardner and possibly include that as well.

[5:19:06 PM](#)

At ease

[5:20:51 PM](#)

CHAIR DUNLEAVY noted that SB 37 would be heard at the next Education Committee meeting.

[5:21:31 PM](#)

There being nothing further to come before the committee, Chair Dunleavy adjourned the Senate Education Standing Committee at 5:21 p.m.