

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

April 14, 2015

3:31 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Senator Cathy Giessel

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. 84

"An Act relating to language immersion charter schools; relating to teacher certification; and relating to standards-based assessments in language immersion charter schools and language immersion programs."

- HEARD & HELD

SENATE BILL NO. 102

"An Act relating to the duties of the Department of Education and Early Development; relating to the duties of school districts; relating to course mastery requirements; relating to school funding; relating to training for school employees and mandatory reporters of child abuse or neglect; relating to layoff of tenured teachers; relating to fiscal notes prepared by the Department of Education and Early Development; relating to notification of proposed agency actions; and repealing requirements for minimum expenditures for instruction."

- 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
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)	Scheduled but Not Heard
04/09/15	(S)	EDC AT 3:30 PM BUTROVICH 205
04/09/15	(S)	Scheduled but Not Heard
04/14/15	(S)	EDC AT 3:30 PM BUTROVICH 205

BILL: SB 84

SHORT TITLE: LANG. IMMERSION SCHOOLS/TEACHER CERTS.

SPONSOR(s): SENATOR(s) OLSON

03/20/15	(S)	READ THE FIRST TIME - REFERRALS
03/20/15	(S)	EDC, FIN
04/14/15	(S)	EDC AT 3:30 PM BUTROVICH 205

BILL: SB 102

SHORT TITLE: UNFUNDED ED. MANDATES; TRAINING; TEACHERS

SPONSOR(s): SENATOR(s) DUNLEAVY

04/09/15	(S)	READ THE FIRST TIME - REFERRALS
04/09/15	(S)	EDC, FIN
04/14/15	(S)	EDC AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

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

POSITION STATEMENT: Reviewed SB 37 on behalf of the sponsor.

DR. SUSAN MCCAULEY, Director
Teacher and Learning Support
Department of Education and Early Development (DEED)
Juneau, Alaska

POSITION STATEMENT: Provided information related to SB 37.

JORDAN MARSHALL, External Affairs Manager
Rasmuson Foundation

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 37.

MAY BOLLENBACH, representing herself

Homer, Alaska

POSITION STATEMENT: Questioned some of the provisions in SB 37.

KATE FINN, representing herself

Anchor Point, Alaska

POSITION STATEMENT: Testified in support of SB 37.

SANDRA GARITY, representing herself

Homer, Alaska

POSITION STATEMENT: Testified in support of SB 37.

MIKE COONS, representing himself

Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 37.

TANYA ZOMORA-BEY, Advocate

Standing Together Against Rape (STAR)

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 37.

LYNN STUHR, representing herself

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 37.

ROBIN SMITH, representing herself

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 37.

CHELSIE MORRISON HEATH, Community Advocate

Standing Together Against Rape (STAR)

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 37.

CINDY MOORE, representing herself

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 37.

BUTCH MOORE, representing himself

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 37.

KEN LANDFIELD, representing himself

Homer, Alaska

POSITION STATEMENT: Testified in support of SB 37.

JACQUELYN BOYER, Intern
Senator Donny Olson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented information related to SB 84 on behalf of the sponsor.

DEENA PARAMO, Superintendent
Mat-Su School District
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 84.

JENNIFER SCHMIDT, Principal
Fronteras Spanish Immersion Charter School
Mat-Su School District
Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 84

PEGGY COWAN, Superintendent
North Slope Borough School District
Barrow, Alaska

POSITION STATEMENT: Testified in support of SB 84, with changes.

LANCE TWITCHELL, representing himself
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 84.

SHEILA PETERSON, Staff
Senator Mike Dunleavy
Juneau, Alaska

POSITION STATEMENT: Introduced SB 102 on behalf of the sponsor.

ELIZABETH NUDELMAN, Director
School Finance and Facilities Section
Department of Education and Early Development (DEED)
Juneau, Alaska

POSITION STATEMENT: Answered questions related to SB 102.

LES MORRIS, Deputy Commissioner
Department of Education and Early Development (DEED)
Juneau, Alaska

POSITION STATEMENT: Answered questions related to SB 102.

ACTION NARRATIVE

[3:31:59 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, Gardner, Stevens, and Chair Dunleavy. He announced that the committee would be hearing three bills: SB 37, SB 84, and SB 102.

SB 37-SEXUAL ABUSE/ASSAULT PREVENTION PROGRAMS

[3:32:49 PM](#)

CHAIR DUNLEAVY announced the consideration of SB 37.

[3:33:19 PM](#)

LAUREN RASMUSSEN, Staff, Senator Lesil McGuire, Alaska State Legislature, reviewed SB 37 on behalf of the sponsor. She described the Alaska Safe Children's Act. She read from the following sponsor statement:

Senate Bill 37, known as the Alaska Safe Children's Act, is an important piece of legislation that will require school districts to set up a policy and training program for staff, students, and parents on the topics of sexual assault and teen dating violence. ASCA will combat child abuse and teen dating violence; and add volunteer athletic coaches to the existing mandatory reporting statute.

This bill will do the following:

- Require school districts to implement age-appropriate training and curricula on sexual abuse and sexual assault awareness and prevention for students in kindergarten through 12th grade.
- Require school districts to implement age-appropriate training and curricula on dating violence and abuse policy, awareness, training, and prevention for students 7th through 12th grade.
- Adds volunteer athletic coaches to the existing mandatory reporting statute under AS 47.17.020(a)
- Repeals requirement that school districts pay for physical examinations.
- Repeals requirement that certificated preschool teachers must be fingerprinted and background checked a second time after being hired.

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 and

demonstrating to future generations that every child has a voice. In a state as resource rich as ours, it is time we turn our focus on our most precious resource: our children.

MS. RASMUSSEN addressed questions from the previous meeting. She responded to questions from Senator Huggins regarding the possible criminal history of teachers from out of state. She related that according to the Department of Education and Early Development (DEED), a person would have to apply for an Alaska license which requires a fingerprint card and a completed background check through the Department of Public Safety and the National Crime Information Center.

In response to the question regarding the backlog of processing rape kits, Ms. Rasmussen said Senator McGuire plans on working on this important issue in the interim. She also related that there are a number of colleges that offer courses on sexual abuse prevention.

MS. RASMUSSEN turned to the response for Senator Gardner's question regarding training of volunteer athletic coaches. She said the statute requires the training be completed within the first six months of hire, which could be an issue for seasonal coaches. She said the sponsor believes it is a valid concern and merits continuing attention.

[3:38:02 PM](#)

SENATOR STEVENS said the bill would remove the provision to fingerprint pre-school teachers a second time. He asked why that is required twice in the first place.

MS. RASMUSSEN offered to get back to the committee on that.

[3:38:44 PM](#)

DR. SUSAN MCCAULEY, Director, Teacher and Learning Support, Department of Education and Early Development (DEED), provided information related to SB 37. She related that there are two separate systems for fingerprinting set up for pre-school teachers; one, from DEED, is for the purpose of certification and the second system, established by the Department of Health and Social Services (DHSS), is required when one obtains a teaching position.

CHAIR STEVENS asked if she supports the repeal of fingerprinting contained in the bill.

DR. MCCAULEY said it would reduce the burden on an individual, but clarified that the systems have two different purposes. The DHSS database is a 24/7 real-time check for criminal activities; DEED's system is a check only upon initial teacher certification. The language in Section 2 of the bill requires DHSS to develop a procedure for sending over fingerprinting records for the purpose of satisfying DHSS's requirements, but is not clear about whether that procedure would result in those records being entered into a real-time, ongoing check. She suggested it is worth further inquiry with DHSS as to whether providing them with fingerprinting cards for certificated teachers no longer results in the records being in the 24/7 system. She thought the intention of the bill was to reduce duplicate requirements, when, in fact, they are somewhat different requirements.

CHAIR DUNLEAVY said it is duplicative for the individual.

DR. MCCAULEY said yes.

CHAIR DUNLEAVY summarized that the bill would reduce fingerprinting to one time and the departments are trying to figure out how that could happen.

DR. MCCAULEY agreed.

CHAIR DUNLEAVY thought the results could be shared between departments.

[3:43:01 PM](#)

SENATOR STEVENS asked who pays the cost for fingerprinting.

DR. MCCAULEY said the individual does.

SENATOR GARDNER clarified that this provision applies to only 100 certificated pre-school teachers. She said there does not seem to be any benefit by the 24/7 scanning of pre-school teachers. She could not find a single case where it was needed. She asked why real-time fingerprinting would not be important for all other teachers.

[3:45:00 PM](#)

SENATOR HUGGINS concluded that there may be a greater danger to students from those who don't have a record.

DR. MCCAULEY did not understand the question.

SENATOR HUGGINS restated the question.

DR. MCCAULEY said if a person's behavior resulted in a criminal record it would be picked up in the initial certification process.

[3:47:29 PM](#)

CHAIR DUNLEAVY asked if there is a fiscal note.

MS. RASMUSSEN said she has not seen one for the committee substitute.

[3:47:57 PM](#)

JORDAN MARSHALL, External Affairs Manager, Rasmuson Foundation, testified in support of SB 37. He stated that the Rasmuson Foundation has long been a supporter of organizations and programs that are designed to prevent child abuse and neglect. He said if SB 37 were to pass, the Rasmuson Foundation would most certainly entertain a grant application to develop curriculum and training.

SENATOR GARDNER mentioned that there is a lot of curriculum available, but the biggest training potential for school districts is a webinar. At one point the department suggested they might be able to provide that. She asked if the Rasmuson Foundation might be able to help produce a webinar.

MR. MARSHALL responded that they would entertain a grant application to develop curriculum and training, including in the form of a webinar.

[3:50:04 PM](#)

MAY BOLLENBACH, representing herself, questioned some of the provisions in SB 37. She said she agreed with the earlier version of Erin's Law, but this one is more complicated and relates more to teachers. She said it is important to educate children about sexual predators, sexual assault, and other dangers.

[3:50:41 PM](#)

KATE FINN, representing herself, testified in support of SB 37. She shared her history as a sexual assault nurse examiner who dealt with sexually abused children. She applauded many items in the bill. She spoke in favor of the opt-out provision in the bill.

[3:52:55 PM](#)

SANDRA GARITY, representing herself, testified in support of SB 37. She shared her history as a nurse who dealt with sexually abused children. She recalled the abuse within her own family and suggested that the bill be made mandatory every year due to the high rate of sexually abused victims.

[3:54:39 PM](#)

MIKE COONS, representing himself, testified in support of SB 37. He shared his experience as a paramedic who had to deal with abuse victims. He voiced concern about whether the Office of Children's Service will do their job as it relates to sexual abuse. He commented on domestic violence and the problems when victims do not tell.

[3:57:10 PM](#)

TANYA ZOMORA-BEY, Advocate, Standing Together Against Rape (STAR), testified in support of SB 37. She shared statistics about sexual abuse in Alaska. She agreed with including programs in schools to educate children. She shared a story about a boy who learned about personal safety.

[3:59:21 PM](#)

LYNN STUHR, representing herself, testified in support of SB 37. She shared statistics about child sexual abuse, domestic violence, and teen dating violence. She agreed that the training should be conducted yearly. She said it is time to educate the community, parents, schools, and youth. Twenty states have adopted similar policies. Preventions is the cheapest way to deal with child sexual abuse.

[4:02:27 PM](#)

ROBIN SMITH, representing herself, testified in support of SB 37. She noted Alaska has a big problem with sexual assault and violence. She said children who have been abused are more likely to commit crimes than other children. It increases the risks of problems in a child's life and can lead to a myriad of problems that tax many state systems. She shared statistics about abuse in Alaska. She stressed the importance of education.

[4:05:11 PM](#)

CHELSIE MORRISON HEATH, Community Advocate, Standing Together Against Rape (STAR), testified in support of SB 37. She shared statistics about child sexual abuse and teen dating violence in Alaska and suggested increasing the number of supportive adults in children's lives and having educational programs for youth in schools.

CINDY MOORE, representing herself, testified in support of SB 37. She said she is the mother of a daughter who was murdered by her boyfriend. She recommended the National Conference of State Legislators as a resource for information on teen sexual dating violence. She said mental and physical health consequences can extend into adulthood. Prevention should include early intervention. She concluded that the number one option for policymakers is to support evidence-based programs in schools and communities, such as Safe Dates and Fourth R that are proven to prevent and intervene in violent teen dating relationships.

[4:10:23 PM](#)

BUTCH MOORE, representing himself, testified in support of SB 37. He shared his family's personal story about his daughter's death. He said his daughter's friends did not tell anyone, even though they knew about the violence. He suggested the education about teen violence be mandatory. He quoted Senator Gary Stevens who said, "Who would not want their child to receive this education." He urged passage of the bill.

[4:13:13 PM](#)

KEN LANDFIELD, representing himself, testified in support of SB 37. He said if we can agree that child sexual abuse is a real problem in Alaska, then it should be clear that education and training on awareness and prevention are, at the very least, cost effective and something we should all take very seriously.

[4:13:58 PM](#)

CHAIR DUNLEAVY held SB 37 in committee.

SB 84-LANG. IMMERSION SCHOOLS/TEACHER CERTS.

[4:14:15 PM](#)

CHAIR DUNLEAVY announced the consideration of SB 84.

JACQUELYN BOYER, Intern, Senator Donny Olson, Alaska State Legislature, sponsor of SB 84, presented information related to SB 84. She read from following sponsor statement:

As a father, I know firsthand that children are not only my future, but Alaska's future. For that future to be sound, we need to encourage our children to seek a further understanding of the world around them: how it operates, different viewpoints, and how diversity makes us stronger. Having students not only learn a second language but be immersed in a second language creates a greater capacity for growth.

Some schools in Alaska have already started immersion programs. Spanish immersion is offered at Fronteras in the Mat-Su and German at Rilke Schule in Anchorage. Japanese, Russian, and Spanish immersion programs are also available in the Anchorage School District. Schools in rural Alaska, such as Ayaprun Elitnaurvik in Bethel and Nikaitchuat Ilisagvait in Kotzebue are using immersion education to revitalize endangered Alaskan Native languages.

SB 84 creates a designation for language immersion charter schools, which have the specific mission to produce bilingual students, preserve or revitalize endangered languages, or provide a learning experience consistent with a foreign culture. These language immersion schools have high statutory standards for both the teachers and the school structure. Teachers will be well qualified individuals who are both capable instructors and fluent in the language of instruction. These schools are unique in that they will have an academic policy committee that includes not just teachers, employees, and parents, but language and cultural experts.

Some of Alaska's languages have few speakers remaining, often only elders. For these languages, local governments best know who in their communities are good with children and fluent in the language. This bill allows the state to approve teacher certificates issued by local tribes to teach in local language immersion charter schools. Lastly, the bill allows children being taught in a different language to test in that language, if high quality benchmark tests exist.

More language immersion programs would be a great asset to Alaska, both helping keep indigenous languages alive and fostering greater understanding of foreign languages and cultures.

She noted the fiscal note does not reflect that the bill requires testing in the language available.

[4:18:39 PM](#)

CHAIR DUNLEAVY thanked Ms. Boyer.

SENATOR GARDNER noted that charter schools are home grown and they operate under a charter in their district, and are exempt from some requirements. She said the alternative school is set up by the district. She asked why the immersion school is a charter school and not an alternative school. She suggested having the immersion school set up by the district.

[4:20:24 PM](#)

CHAIR DUNLEAVY added that charter schools usually have a mission.

He asked if the bill is limited to native languages.

MS. BOYER said it was for all languages.

[4:21:10 PM](#)

CHAIR DUNLEAVY opened public testimony.

[4:21:39 PM](#)

DEENA PARAMO, Superintendent, Mat-Su School District, testified in support of SB 84. She said, as a district who highly values choice in educational programs and delivery, the bill will provide for specific certification and recognition of teachers at language immersion charter schools. It will allow school districts the flexibility they need to hire non-traditional teachers and the ability to retain staff in the time of shortage. She suggested that an effective date for transitioning to the new certificate would allow ample time to communicate to employees for which the certificate applies.

[4:23:51 PM](#)

SENATOR STEVENS asked Ms. Paramo if she can hire non-certificated teachers now.

MS. PARAMO said they can hire Type M certificates now in career and technical areas.

SENATOR STEVENS noted that they are similar to contracts for certificated teachers.

MS. PARAMO yes, but there is no tenure.

[4:25:00 PM](#)

JENNIFER SCHMIDT, Principal, Fronteras Spanish Immersion Charter School, Mat-Su School District, testified in support of SB 84. She concurred with the previous speaker. She described the difficulty with hiring non-certificated personnel for Fronteras.

The bill would alleviate that issue. She spoke in favor of having standardized testing in the target language, as provided in Section 8.

SENATOR GARDNER referenced Section 8 and asked if there are any comparable tests that exist other than in English.

MS. SCHMIDT replied not for high-stakes testing. Progress monitoring is done in Spanish up to third grade.

PEGGY COWAN, Superintendent, North Slope Borough School District, testified in support of SB 84, with changes. She recommended that Section 4, lines 19 - 22, contains a valuable clause and they don't want it removed. She explained how it's used in her district. The provision repeats on page 4, line 31 and page 6, line 11. She referred to page 5, line 27, which requires teachers to be fluent in their indigenous language and suggested allowing teachers that are working on fluency to be hired. She also suggested that the districts be allowed to develop their own tests, which is different than what's set forth on page 7.

[4:34:20 PM](#)

SENATOR GARDNER asked what she means by "developing your own tests."

MS. COWAN replied that it's a recommendation from their Inupiat education director. The bill doesn't prohibit it, but they'd like to develop their own language tests.

SENATOR GARDNER asked if she's just talking about a separate test for cultural understanding.

MS. COWAN replied they want to test on their own criteria.

CHAIR DUNLEAVY suggested she send the recommendation to the sponsor.

MS. COWAN agreed.

[4:36:36 PM](#)

LANCE TWITCHELL, representing himself, testified in support of SB 84. He said he is a professor of Native languages at UAS. He thanked the sponsor and others for working on this legislation. He opined that immersion schools would help take native cultures out of language and cultural loss and revitalize indigenous languages. He shared statistics related to indigenous cultures

and stressed the importance of native languages and immersion charter schools. He spoke of a number of ways to fund these schools.

[4:42:38 PM](#)

CHAIR DUNLEAVY announced he would hold SB 84 in committee.

[4:43:02 PM](#)

At ease

SB 102-UNFUNDED ED. MANDATES; TRAINING; TEACHERS

CHAIR DUNLEAVY reconvened the meeting and announced the consideration of SB 102.

[4:50:08 PM](#)

SHEILA PETERSON, Staff, Senator Mike Dunleavy, introduced SB 102 on behalf of the sponsor. She said it is a collaborative effort between many people and a response to school districts' pleas for relief from unfunded mandates.

She provided the following sectional analysis:

Section 1. Limits AS 14.03.073, which allows students to challenge courses for credit, to apply only to students in grades nine through 12.

Section 2. Clarifies that school districts do not have to establish assessment tools for all courses offered in grades nine through 12.

Section 3. Requires the state Board of Education and Early Development (the board) to adopt regulations that include a list of approved organizations that offer assessment tools meeting the requirements of AS 14.03.075(b).

SENATOR GARDNER suggested only providing a list of approved assessment tools because an organization might provide both good and poor assessments.

MS. PETERSON said they may want to look at that to see if there might be a better term to use. The intent is that school districts would not need to do independent research to find the best assessment tools, nor create their own assessment tool.

Section 4. Requires the Department of Education and Early Development (the department) to provide an annual report that includes a summary of school district revenues and estimated funding for each school district. The intent is to put the "five-pager" information on the web.

SENATOR GARDNER asked if this document already exists and the bill would require it to be published on the web.

MS. PETERSON said yes.

Section 5. Requires the board, before adopting, amending, or repealing a regulation, to prepare a fiscal note estimating the effect of the action on school district budgets for the next fiscal year.

Section 6. Requires regional school boards to establish procedures to provide required training for school employees.

Section 7. Requires borough and city school boards to establish procedures to provide required training for school employees.

Section 8. Requires the board to establish procedures for training employees of state boarding schools.

SENATOR HUGGINS asked which training programs are not included.

MS. PETERSON said the intent was to include all training programs, however, suicide training wasn't included because it sunsets in 2016; it may be put back in.

SENATOR HUGGINS said he was asking whether some school districts weren't included.

MS. PETERSON replied she didn't believe so.

SENATOR GARDNER asked for the reason behind the five-year cycle.

[4:59:11 PM](#)

MS. PETERSON said the five-year cycle was recommended by a variety of organizations and it seemed reasonable.

SENATOR STEVENS added that a district could include additional training programs if they wished to.

MS. PETERSON agreed. It allows for flexibility within the school districts.

Section 9. Allows school districts to determine how frequently to provide training related to selection of nondiscriminatory textbook and educational materials.

Section 10. Allows school districts to determine how frequently to provide employee evaluation training for certificated school employees.

Section 11. Allows a school district to implement a layoff plan for tenured teachers without a decrease in school attendance or a decrease in the school district's basic need.

SENATOR GARDNER asked if the layoff plan is needed because there isn't enough funding to retain the tenured teachers.

MS. PETERSON said this idea came from one school district that was unable to implement the layoff plan. Responding to a further question, she said it was the Mat-Su School District.

Section 12. Allows a school district to determine how frequently to provide alcohol and drug related disabilities training for school teachers, administrators, counselors, and specialists.

Section 13. Allows school districts to determine how frequently to provide school crisis response training.

Section 14. Requires continuing education related to domestic violence and sexual assault to be provided once every five years for state or local public employees.

Section 15. Requires the department to prepare a fiscal note describing the effect of a bill or resolution on each school district in the state, if the bill or resolution would affect schools.

Section 16. Requires agencies to describe the effect of a proposed action on each school district in the state, if the proposed action will affect schools.

Section 17. Modifies state agency training intervals for recognition and reporting of child abuse for mandatory reporters of child abuse and neglect and allows school districts to determine how frequently to provide the training.

Section 18. Repeals AS 14.17.520, relating to the minimum expenditure for instruction required for school districts.

[5:06:42 PM](#)

SENATOR STEVENS expressed concern with the clause in Section 18. He thought it was reasonable that 70 percent of school funds go to instruction and 30 percent to administration. It is saying the established educational goals aren't valuable.

MS. PETERSON said the waiver request is mostly due to fuel and maintenance costs.

[5:08:57 PM](#)

ELIZABETH NUDELMAN, Director, School Finance and Facilities Section, Department of Education and Early Development (DEED), answered questions related to SB 102.

CHAIR DUNLEAVY asked if the superintendent's salary is included in the 70 percent.

MS. NUDELMAN answered no. Included in the 70 percent calculation are five categories of instruction. There are three categories of non-instruction.

CHAIR DUNLEAVY asked if most schools that apply for a waiver are rural schools.

MS. NUDELMAN replied that many are rural. Responding to a further question, she explained that some have a road system and are categorized as rural.

CHAIR DUNLEAVY said the concern was that 70/30 should be a tool for funneling money to instruction. He asked for the department's opinion on the 70/30 and whether a waiver has ever been denied.

MS. NUDELMAN explained that the waivers go to the State Board of Education and zero waivers have been denied over the years. Sometimes districts have been asked to explain expenditures outside of instruction.

SENATOR STEVENS asked what controls there would be if the 70/30 split is removed.

MS. NUDELMAN replied that those decisions are made at the local level. The split provides an opportunity for the Board to hear from districts that are not able to meet those percentages.

[5:13:57 PM](#)

SENATOR HUGGINS recalled that in the five largest school districts about 90 percent is spent on salary and benefits.

MS. NUDELMAN agreed that has been a reference number.

SENATOR HUGGINS recalled that the superintendent at Adak was paid for several years after the school shut down.

CHAIR DUNLEAVY noted that in rural Alaska instructional dollars had to be used for teacher housing. He asked if they have to prove why they're asking for a waiver.

MS. NUDELMAN said even without the requirement for the waiver, the department has a statutory requirement to review the operating budgets for reasonableness. Additionally, if a waiver is requested they look at the reasons to see if they're supported by facts.

[5:17:56 PM](#)

SENATOR STEVENS suggested taking fuel oil out of the equation if it's the biggest problem and the goal is to ease the pressure on small school districts.

CHAIR DUNLEAVY asked if the department has taken a position on this section addressing the 70/30 rule.

LES MORRIS, Deputy Commissioner, Department of Education and Early Development (DEED), answered questions related to SB 102. He said several years ago the Board asked that the 70/30 rule be repealed, and then changed their minds after learning more about it. There have been varying positions over time, but the department hasn't taken a position on this recently.

CHAIR DUNLEAVY concluded that SB 102 is a result of discussions with school districts and he views it as a tool to help give school districts breathing room so they can teach kids. He used several analogies to make his point.

SENATOR GARDNER asked, in the 70/30 rule, what part of the application process would go away if schools still have to do the accounting.

MS. NUDELMAN said they would no longer need to write a letter to the Board explaining why they're below the 70 percent.

SENATOR GARDNER countered that the bookkeeping would remain the same.

MS. NUDELMAN said correct.

CHAIR DUNLEAVY noted the \$1.2 million fiscal note. He asked if there was a fiscal note to implement the mandates discussed in the bill.

MS. NUDELMAN explained that the fiscal note is related to the language in Section 4 and applies to the department, not the unfunded mandates. It relates to the department providing a tool on the website with raw data and formulas to manipulate and estimate the foundation program funding. There is a difference between providing a detailed report (the five-pager), and a calculating tool, which is not currently available.

MR. MORRIS noted there are two fiscal notes.

CHAIR DUNLEAVY said this bill will require ongoing conversations and meetings on unfunded mandates throughout the Interim.

CHAIR DUNLEAVY held SB 102 in committee.

[5:32:36 PM](#)

There being no further business to come before the committee, Chair Dunleavy adjourned the Senate Education Standing Committee meeting at 5:32 p.m.