

**ALASKA STATE LEGISLATURE**  
**SENATE EDUCATION STANDING COMMITTEE**

Anchorage, Alaska

May 19, 2015

11:03 a.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Senator Berta Gardner

**COMMITTEE CALENDAR**

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 44(FIN)

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

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 44

SHORT TITLE: SEX ABUSE/ASSAULT/DATING VIOL PREV. PROGS

SPONSOR(S): REPRESENTATIVE(S) MILLETT

01/21/15	(H)	PREFILE RELEASED 1/9/15
01/21/15	(H)	READ THE FIRST TIME - REFERRALS
01/21/15	(H)	EDC, FIN
04/06/15	(H)	EDC AT 8:00 AM CAPITOL 106
04/06/15	(H)	Heard & Held
04/06/15	(H)	MINUTE(EDC)
04/17/15	(H)	EDC REFERRAL WAIVED
04/18/15	(H)	FIN AT 8:30 AM HOUSE FINANCE 519
04/18/15	(H)	Moved CSHB 44(FIN) Out of Committee
04/18/15	(H)	MINUTE(FIN)
04/18/15	(H)	RULES TO CALENDAR PENDING RPT
04/18/15	(H)	FIN RPT CS(FIN) NT 6DP 5NR
04/18/15	(H)	DP: GARA, KAWASAKI, GUTTENBERG, EDGMON, MUNOZ, NEUMAN

04/18/15 (H) NR: SADDLER, PRUITT, WILSON, GATTIS,  
THOMPSON  
04/18/15 (H) TRANSMITTED TO (S)  
04/18/15 (H) VERSION: CSHB 44(FIN)  
04/19/15 (S) READ THE FIRST TIME - REFERRALS  
04/19/15 (S) EDC, FIN  
04/28/15 (S) FIRST SPECIAL SESSION BILL  
04/28/15 (H) FIRST SPECIAL SESSION BILL  
04/30/15 (S) EDC AT 3:30 PM BUTROVICH 205  
04/30/15 (S) -- MEETING CANCELED --  
05/19/15 (S) EDC AT 11:00 AM Anch LIO Auditorium

**WITNESS REGISTER**

REPRESENTATIVE CHARISSE MILLETT  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As the sponsor, presented HB 44.

GRACE ABBOTT, Staff  
Representative Charisse Millett  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** On behalf the sponsor, Representative Millett, assisted with the presentation of HB 44.

CINDY MOORE  
Anchorage, Alaska

**POSITION STATEMENT:** Expressed favor with CSHB 44(FIN), and disfavor with the proposed Senate committee substitute, Version G.

BUTCH MOORE  
Anchorage, Alaska

**POSITION STATEMENT:** Indicated a preference for CSHB 44(FIN) over the proposed Senate committee substitute, Version G.

LES MORSE, Deputy Commissioner  
Office of the Commissioner  
Department of Education and Early Development (EED)  
Juneau, Alaska

**POSITION STATEMENT:** Responded to questions during discussion of HB 44.

SHEILA PETERSON, Staff  
Senator Mike Dunleavy  
Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** During discussion of HB 44, explained the changes incorporated into the proposed Senate committee substitute, Version G.

REPRESENTATIVE LYNN GATTIS

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** During discussion of HB 44, and as the sponsor of HB 80, explained the provisions of HB 80 that were incorporated into the proposed Senate committee substitute for HB 44, Version G.

NORM WOOTEN, Executive Director

Association of Alaska School Boards (AASB)

Kodiak, Alaska

**POSITION STATEMENT:** During discussion of the proposed Senate committee substitute for HB 44, Version G, expressed concern with Section 6 of the bill.

JANE URBANOVSKY, Certification & Licensing Administrator

Certification & Licensing & Background Check Program

Division of Health Care Services

Department of Health and Social Services (DHSS)

Anchorage, Alaska

**POSITION STATEMENT:** During discussion of the proposed Senate committee substitute for HB 44, Version G, responded to questions regarding Section 21.

LISA SKILES PARADY, Ph.D., Executive Director

Alaska Council of School Administrators (ACSA);

Alaska Superintendents Association (ASA)

Juneau, Alaska

**POSITION STATEMENT:** Provided comments during discussion of HB 44.

#### **ACTION NARRATIVE**

[11:03:18 AM](#)

**CHAIR MIKE DUNLEAVY** called the Senate Education Standing Committee meeting to order at 11:03 a.m. Present at the call to order were Senators Giessel, Stevens, Huggins, and Chair Dunleavy.

#### **HB 44-SEX ABUSE/ASSAULT/DATING VIOL PREV. PROGS**

[Includes discussion outlining that language from HB 80, SB 89, and SB 102 has been incorporated into a proposed Senate committee substitute (SCS) for HB 44.]

11:04:01 AM

CHAIR DUNLEAVY announced that the only order of business would be CS FOR HOUSE BILL NO. 44(FIN), "An Act relating to sexual abuse and sexual assault awareness and prevention efforts in public schools; and relating to dating violence and abuse awareness and prevention efforts in public schools." Included in members' packets was a proposed Senate committee substitute (SCS) for HB 44, labeled 29-LS0258\G, Glover, 5/18/15.

11:05:33 AM

REPRESENTATIVE CHARISSE MILLETT, Alaska State Legislature, sponsor, remarking upon the high rate of sexual abuse of a minor crimes occurring in Alaska, posited that HB 44 would help educate Alaska's children about such crimes and how to get help if they become a victim. Currently, only 21 of Alaska's school districts provide any such training. Mentioning that no such training was provided to her when she was a child, she relayed that HB 44 attempts to remedy this lack of training in Alaska's schools, thereby further raising public awareness of such crimes, and positively impacting the lives of every child in Alaska. She offered her understanding that such training would come at no cost to the State, and that preventing sexual abuse of a minor crimes in Alaska would reduce future costs.

SENATOR STEVENS characterized CSHB 44(FIN) as a good bill that makes a lot of sense. He expressed concern, however, with the proposed Senate committee substitute (SCS) for HB 44 - labeled 29-LS0258\G, Glover, 5/18/15 - included in members' packets, due to the fact that it now contains language from [three unrelated] bills.

REPRESENTATIVE MILLETT also expressed concern with the proposed SCS, remarking that CSHB 44(FIN) addresses a stand-alone issue and is focused on requiring that Alaska's youth be educated about sexual abuse/assault prevention. Under the proposed SCS, however, providing such training would no longer be mandatory and this, she opined, essentially guts the bill passed by the House. This makes her uncomfortable, she added, expressing a preference for the language in CSHB 44(FIN).

11:14:16 AM

GRACE ABBOTT, Staff, Representative Charisse Millett, Alaska State Legislature, on behalf the sponsor, Representative

Millett, explained that Section 1 of CSHB 44(FIN) would stipulate that the bill may be known as the "Alaska Safe Children's Act". Section 2's proposed new AS 14.30.355 would require the governing body of each school district to establish a training program for staff and students regarding sexual abuse/assault awareness/prevention, and provide parental notification. Section 2's proposed new AS 14.30.356 would require the governing body of each school district to establish a training program for staff and students regarding dating violence/abuse awareness/prevention, and provide parental notification. The awareness/prevention training programs must include age-appropriate information, warning signs, and [referral] information; furthermore, a procedure allowing a student to be excused from such training must be provided. Section 2's proposed new AS 14.30.355 pertains to students enrolled in grades K-12, and Section 2's proposed new AS 14.30.356 pertains to students enrolled in grades [7] through 12.

At ease from 11:16 a.m. to 11:25 a.m.

11:25:56 AM

CINDY MOORE, mentioning that her daughter Breanna Moore was killed last summer by her boyfriend in what Ms. Moore referred to as an incidence of dating violence, expressed favor with CSHB 44(FIN). She noted that AS 14.03.015 reads:

Sec. 14.03.015. State education policy.

It is the policy of this state that the purpose of education is to help ensure that all students will succeed in their education and work, shape worthwhile and satisfying lives for themselves, exemplify the best values of society, and be effective in improving the character and quality of the world about them.

MS. MOORE offered her belief that that statute reflects the intention of CSHB 44(FIN), which, she opined, addresses a public safety issue. Referring to Alaska's high crime statistics, she proffered that [a training program] about dating violence could be implemented in the schools at low or no cost, and noted that such training programs already exist. She characterized the proposed SCS as turning a well-manicured bill into a "junk yard"; specifically, replacing the phrase "shall adopt" - in the bill's proposed new AS 14.30.355 and AS 14.30.356 - with the phrase "may adopt", would completely change the purpose of HB 44, which, she opined, is to protect all of Alaska's children, to provide them with all the information they need to

protect themselves. In conclusion, she opined that it is not appropriate for only certain school districts to be providing such training, and asked that CSHB 44(FIN) be the version of the bill that moves from committee.

11:30:01 AM

BUTCH MOORE, mentioning that he is Breanna Moore's father, asked that CSHB 44(FIN) be passed rather than the proposed SCS; ventured that passage of the bill would save lives; and provided some statistics regarding sexual assault, sexual abuse of a minor, and domestic violence crimes in Alaska.

SENATOR STEVENS referred to CSHB 44(FIN)'s proposed new [AS 14.30.355(b)(7) and] AS 14.30.356(b)(7) - providing that upon written request, a student may be excused from the aforementioned training and from receiving notifications - and questioned why such provisions were included in the bill.

MR. MOORE expressed disfavor with those provisions, offering his belief that they could be misused by a parent who is abusing his/her child or knows that his/her child is being abused by someone else in the family.

11:43:03 AM

LES MORSE, Deputy Commissioner, Office of the Commissioner, Department of Education and Early Development (EED), explained that those provisions of the bill were included in order to address the rights of parents to determine what their children are being taught. In response to questions regarding the language in proposed new AS 14.30.355(b)(7) and AS 14.30.356(b)(7) stipulating that the written request must be made by the student's parent or guardian, or by the student himself/herself if he/she is either 18 years of age or emancipated, Mr. Morse explained that it is the courts that determine whether to emancipate a particular minor. Expressing disfavor with those provisions of the bill, he acknowledged, however, that their inclusion is a policy decision for the legislature to make.

REPRESENTATIVE MILLETT concurred that those provisions were included in order to address the rights of parents; for example, she's heard from some parents who say they would prefer to provide such training themselves. However, sexual assault, sexual abuse of a minor, and domestic violence crimes are continuing to occur in Alaska, and so something new must be done to address the problem, and more students will receive the necessary training if it becomes mandatory.

At ease from 11:53 a.m. to 11:55 a.m.

11:56:01 AM

SENATOR HUGGINS moved to adopt the proposed Senate committee substitute (SCS) for HB 44, labeled 29-LS0258\G, Glover, 5/18/15, as the working document.

CHAIR DUNLEAVY objected.

11:56:36 AM

SHEILA PETERSON, Staff, Senator Mike Dunleavy, Alaska State Legislature, on behalf of Senator Dunleavy, Chair, explained that the proposed Senate committee substitute (SCS) for HB 44 now contains language from HB 80, SB 89, and SB 102. Section 1 of the proposed SCS stipulates that Section 16 of the bill may be known as the "Alaska Safe Children's Act". Section 2, containing language from SB 89, would provide for the right of a parent to withdraw his/her child from a state-required standards-based assessment, or from a class, activity, or program pertaining to human reproduction, sexual matters, or personal or private affairs, or for religious holidays; and would provide for parental notification of a class, activity, or program addressing human reproduction or sexual matters not less than two weeks but not more than six weeks before such class, activity, or program occurs. Absences based on withdrawals under this section shall not be considered unlawful, but each withdrawal must be requested by the parent. Section 3, containing language from SB 102, would limit who may challenge a course and, if successful, obtain credit for it, to only students enrolled in grades 9 through 12. Referring to Section 4, she said a school district would not be required to establish an assessment tool for every course offered, and that the school district itself could decide which courses to allow a student to challenge.

12:01:49 PM

MS. PETERSON explained that Sections 5, 6, and 7 contain language from SB 89. Section 5 would prohibit school districts, and educational services organizations that have a contract with a school district, from contracting with an abortion services provider. Section 6 would prohibit a school district from administering a questionnaire or survey without written permission from a student's parent. Referring to Section 7, she explained that it stipulates a parent shall know where the results of a survey will reside and what the distribution system will be for the results. She also offered that Sections 8, 9,

and 10 - containing language from SB 102 - would allow required training to be provided once every five years rather than every year. Required training, however, may be provided more often if the governing body of a school determines that the number of new employees warrants more frequent training. Section 8 pertains to regional school boards, Section 9 pertains to city/borough school boards, and Section 10 pertains to the State Board of Education and Early Development as the administrator of Alaska's state boarding schools.

[12:05:52 PM](#)

MS. PETERSON explained that Section 11 addresses the frequency of training pertaining to [identifying sex-biased materials], Section 12 addresses the frequency of training pertaining to employee evaluations, and Section 13 addresses the frequency of training pertaining to alcohol- and drug-related awareness and prevention. Section 14 - together with a provision of Section 23, proposing to repeal certain statutes - would remove the requirement that school districts provide for and require students starting school to undergo a physical examination, and would instead make any physical examinations of students, and any cost reimbursement thereof, discretionary on the part of the Department of Health and Social Services (DHSS); these proposed changes - initially included in SB 89 - address a concern raised by school districts. Section 15 stipulates that a school district may require teachers to undergo a physical examination as a condition of employment, but will not pay for the cost of such examinations. Section 16 states school districts "may" elect to offer sexual abuse and sexual assault/dating violence and abuse awareness and prevention programs. The previous version of HB 44 required school districts to offer the programs. Ms. Peterson mentioned that even without passage of the bill, school districts can already choose to address such crimes, and some school districts are.

[12:10:27 PM](#)

MS. PETERSON explained that Section 17, containing language from SB 89, would prohibit school districts from allowing an abortion services provider to offer, sponsor, furnish course materials, or provide instruction relating to human sexuality or sexually transmitted disease. Section 18 provides a conforming change related to Section 23's proposed repeal of certain statutes. Section 19, containing language from SB 102, addresses the frequency of crisis response training. Section 20 addresses the frequency of training pertaining to domestic violence. She said that Section 21, containing language from SB 89, allows certified teachers applying to work in a child care facility to

use their background check conducted by the Department of Education to satisfy background-check requirements for the Department of Health and Social Services. Section 22 addresses the frequency of training for mandatory reporters of child abuse/neglect; new staff shall receive training within 45 days, and existing staff shall receive training at least once every five years, or more frequently if necessary. Referring to Section 23, she explained that the proposed repeal of AS 14.03.075(a)-(c) and (e)(1) and AS 14.07.165(a)(5) and (b) comes from HB 80, and would eliminate the statutory requirement passed in 2014 that students undergo a college and career readiness assessment in order to obtain a high school diploma; and that the proposed repeal of AS 14.30.070(a) and AS 14.20.120 comes from SB 89, and would eliminate the requirement that school districts provide for and require students starting school to undergo a physical examination.

MS. PETERSON additionally offered that requiring college and career readiness assessments did not seem to meet the intended goal, and yet providing for the assessments cost the State \$525,000.

12:16:31 PM

REPRESENTATIVE LYNN GATTIS, Alaska State Legislature, as the sponsor of HB 80, concurred that Section 23 of the proposed SCS for HB 44 would repeal the requirement - established via passage of House Bill 278 during the Twenty-eighth Alaska State Legislature - that all students undergo a college and career readiness assessment in order to obtain a high school diploma. She mentioned that testimony from school districts indicates that administering and preparing for such assessments uses up teacher/student time and creates an administrative burden. Repealing the requirement will save teachers and students time, and the State both time and money, but will not preclude students from undergoing college and career readiness assessments at their own expense should they so choose. In response to comments and questions, she offered her understanding that assessment-fee waivers are available for students meeting certain criteria; and that because "exit" exams are no longer required, once the bill passes and a college and career readiness assessment is no longer required, a student will be able to obtain a diploma simply by meeting the graduation criteria established by his/her high school.

MR. MORSE added that for purposes of ensuring that the State's education dollars are being spent wisely, "accountability assessments" will still be required and conducted.

REPRESENTATIVE GATTIS noted that requiring students to undergo a college and career readiness assessment does nothing to ensure that Alaska's schools are doing a good job.

MR. MORSE offered his belief that the intent behind requiring students to undergo a college and career readiness assessment was to get students to start thinking about and planning for what they wanted to do after high school. He, too, offered his understanding that assessment-fee waivers are available for students meeting certain criteria.

12:35:10 PM

NORM WOOTEN, Executive Director, Association of Alaska School Boards (AASB), referring to the proposed SCS for HB 44, expressed concern with Section 6, which would prohibit a school district from administering any questionnaire or survey without written permission from parents and legal guardians. He explained that currently the AASB administers the School Climate and Connectedness Survey (SCCS), an evidence-based tool that helps school districts eliminate unhealthy behavior and instead promote positive behavior and the success of students. Results of a school's SCCS are directly linked to academic achievement; for example, the higher a school's "climate and connectedness" ratings are, the higher also are its rates of student-proficiency in reading, writing, and mathematics. If school districts had to obtain written permission from parents before administering a survey such as the SCCS, it is likely, he predicted, that school districts would simply forgo administering it because obtaining and maintaining written permission from every parent would be too labor intensive. In 2014 the SCCS was administered to 32,600 students.

MR. WOOTEN, in response to comments and questions, predicted that if schools choose not to administer the SCCS as a result of passage of Section 6 as currently written, then they couldn't take steps to correct problems such as bullying and alcohol/drug abuse; concurred that as currently written, Section 2 might also be problematic for similar reasons - it would be too labor intensive to obtain and maintain written permission from every parent; and pointed out that parents already have the right to prevent their children from engaging in certain activities at school. He ventured that school districts could simply provide parents with notice of upcoming assessments, tests, activities, classes, programs, questionnaires, and surveys at the beginning of the school year, along with information regarding how to withdraw their children from any they choose to. This would be

much less onerous than having to obtain written permission for all such things from all parents.

12:46:00 PM

SENATOR HUGGINS pointed out, however, that school districts already obtain written permission from parents for things like engaging in extracurricular activities, going on field trips, or being administered medication.

MR. WOOTEN countered that the numbers involved are far less, and thus, from an administrative standpoint, require far less effort. In response to comments and questions regarding surveys, he pointed out that it's important to have enough students taking a particular survey to ensure that the results and the assumptions based thereon are valid for a given population; again predicted that under the SCS as currently written school districts would simply forgo administering surveys like the SCCS because obtaining and maintaining written permission from every parent would be too onerous. He explained that of the two types of parental permission sought by schools, "active" permission requires parents to specify that they do give permission, whereas "passive" permission requires parents to specify that they do not give permission. Currently, administering the SCCS involves the use of passive permission.

SENATOR STEVENS, noting how important testing can be in terms of determining whether a school is succeeding in educating students, questioned whether federal funding would be impacted if too many parents refused to let their children take a particular test.

MR. WOOTEN surmised that the Department of Education and Early Development (EED) could better address that issue. He noted, though, that a lack of sufficient data on each and every student could have a detrimental effect on the decisions a school district makes for its students.

SENATOR STEVENS surmised, then, that if too many parents refuse to let their children take a particular test or assessment, it could jeopardize a school district's education efforts.

CHAIR DUNLEAVY disagreed and cautioned that the approach was coercive. He provided an example of a parent who was against testing for their child and maintained that a school district could make use of the data of students who did take the tests. He spoke of problems with schools "gaming the numbers. He stressed that the purpose of school is to educate, not

indoctrinate. He questioned the value of over-regulating public schools. He emphasized that kids belong to parents, not the state.

SENATOR STEVENS pointed out that testing and assessing students is the only way to determine whether a school district is succeeding in educating its students - whether public funds are being well spent. He again asked whether federal funding would be impacted by low participation rates.

MR. MORSE concurred that tests and assessments can provide accountability if the results are valid due to a high participation rate. He explained that although low participation rates could result in a decrease in federal funds, it is not yet known whether this will be the case in Alaska.

1:12:36 PM

SENATOR STEVENS expressed concern with Section 16 of the proposed SCS due to the fact that under it, the bill's proposed new AS 14.30.355 and AS 14.30.356 are discretionary rather than mandatory. He expressed a preference for requiring all school district to establish training programs addressing sexual abuse/assault awareness/prevention.

MR. MORSE concurred that under both current law and the proposed SCS, each school district can decide whether to provide teacher training programs to address sexual assault, sexual abuse of a minor, and dating violence crimes. Many school districts currently choose not to, and nothing under either current law or any version of the bill would require school districts to hold public meetings to address the issue. He expressed a preference for using the word "shall", surmising that it would do more to eradicate the problem. In response to a question about the fiscal note submitted by the EED for HB 44, he indicated that school districts themselves would be responsible for funding any training programs addressing sexual abuse/assault awareness/prevention. In response to a question regarding Section 15 of the proposed SCS, he said he would research whether school districts are currently required to pay for teachers' physical exams.

1:21:50 PM

JANE URBANOVSKY, Certification & Licensing Administrator, Certification & Licensing & Background Check Program, Division of Health Care Services, Department of Health and Social Services (DHSS), in response to questions, explained that Section 21 of the proposed SCS for HB 44 was included in order

to allow the EED to share the background-check information of its certified teachers with the DHSS.

MS. PETERSON indicated concurrence.

1:26:40 PM

LISA SKILES PARADY, Ph.D., Executive Director, Alaska Council of School Administrators (ACSA); Alaska Superintendents Association (ASA), referring to Section 16 of the proposed SCS for HB 44, said that students must be kept safe, and that educators share in that responsibility. She characterized that section of the bill as originally written was unfair to the public school system because training programs were to be implemented without any support. The original proposal added one more thing to the already-enormous list of items educators must provide instruction for without taking into account the staff time lost from the regular curriculum. School districts will have to absorb the cost of creating and evaluating a new policy, and writing or purchasing a curriculum and related materials for the teachers. And given the very sensitive nature of the topics addressed by Section 16, any curriculum chosen would need to be fully examined by qualified professionals, and not just chosen because it's short or can be obtained for free from the Internet. School districts will have to provide training for the teachers themselves, and this too comes at cost, as will the curriculum materials for students and teachers, and the notifications to students, parents, and teachers.

DR. PARADY, noting that the proposed SCS for HB 44 contains language from SB 102, expressed the ACSA/ASA's support for the provisions that eliminate what she termed "unfunded mandates." She also expressed support for the fact that under Section 16 as currently written, it would no longer be mandatory for school districts to provide students with sexual abuse/assault awareness/prevention training - this is a welcome change from the original language. In some ways, HB 44 is trying to use schools to fix the problems with families, law enforcement, and child protective services throughout Alaska. Schools are a part of that solution, and they will embrace it. But a legitimate question is whether "this partial effort" is the right solution to the underlying problems, she remarked, particularly given anticipated forthcoming budget cuts. Adding more to the plates of school districts, when they are already faced with making deep cuts to existing programs, isn't right. If legislators are going to pass legislation providing sexual abuse/assault awareness/prevention training to students, then they should also

provide sufficient resources to ensure that such training programs can be successfully implemented.

SENATOR STEVENS indicated a belief that since some school districts are absorbing the cost of providing sexual abuse/assault awareness/prevention training, that all school districts should do so.

CSHB 44(FIN) was held over, with the motion to adopt the proposed Senate committee substitute (SCS) for HB 44 - labeled 29-LS0258\G, Glover, 5/18/15 - pending.

[1:36:44 PM](#)

There being no further business to come before the committee, Chair Dunleavy adjourned the Senate Education Standing Committee at 1:36 p.m.