

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

March 15, 2016

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. 191

"An Act relating to disciplinary sanctions imposed by the State Medical Board; restricting employees and representatives of abortion services providers, and affiliates of abortion services providers, from delivering instruction or distributing materials in public schools and providing civil penalties for violations; relating to revocation or suspension of teacher certificates; relating to the receipt of state funds by teachers and school board members; and providing for an effective date."

- MOVED CSSB 191(EDC) OUT OF COMMITTEE

HOUSE BILL NO. 76

"An Act relating to the Governor's Council on Disabilities and Special Education."

- MOVED HB 76 OUT OF COMMITTEE

SENATE BILL NO. 190

"An Act relating to an exemption from the regulation of postsecondary educational institutions."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 191

SHORT TITLE: LIMIT ABORTION SERV. PROVIDERS IN SCHOOLS
SPONSOR(s): SENATOR(s) DUNLEAVY

02/22/16 (S) READ THE FIRST TIME - REFERRALS
02/22/16 (S) EDC, JUD
03/01/16 (S) EDC AT 3:30 PM BUTROVICH 205
03/01/16 (S) <Above Item Removed from Agenda>
03/01/16 (S) MINUTE(EDC)
03/03/16 (S) EDC AT 3:30 PM BUTROVICH 205
03/03/16 (S) Heard & Held
03/03/16 (S) MINUTE(EDC)
03/10/16 (S) EDC AT 3:30 PM BUTROVICH 205
03/10/16 (S) Heard & Held
03/10/16 (S) MINUTE(EDC)
03/15/16 (S) EDC AT 3:30 PM BUTROVICH 205

BILL: SB 190

SHORT TITLE: EXEMPTION FROM POST-SECONDARY ED REGS
SPONSOR(s): SENATOR(s) MCGUIRE

02/22/16 (S) READ THE FIRST TIME - REFERRALS
02/22/16 (S) EDC, L&C
03/08/16 (S) EDC AT 3:30 PM BUTROVICH 205
03/08/16 (S) -- MEETING CANCELED --
03/10/16 (S) EDC AT 3:30 PM BUTROVICH 205
03/10/16 (S) Heard & Held
03/10/16 (S) MINUTE(EDC)
03/15/16 (S) EDC AT 3:30 PM BUTROVICH 205

BILL: HB 76

SHORT TITLE: GOV COUNCIL ON DISABILITIES/SPECIAL ED
SPONSOR(s): REPRESENTATIVE(s) MILLETT

01/23/15 (H) READ THE FIRST TIME - REFERRALS
01/23/15 (H) HSS
03/03/15 (H) HSS AT 3:00 PM CAPITOL 106
03/03/15 (H) Heard & Held
03/03/15 (H) MINUTE(HSS)
03/05/15 (H) HSS AT 3:00 PM CAPITOL 106
03/05/15 (H) Moved HB 76 Out of Committee
03/05/15 (H) MINUTE(HSS)
03/06/15 (H) HSS RPT 5DP
03/06/15 (H) DP: TARR, VAZQUEZ, TALERICO, WOOL,
SEATON
04/10/15 (H) TRANSMITTED TO (S)
04/10/15 (H) VERSION: HB 76
04/11/15 (S) READ THE FIRST TIME - REFERRALS

04/11/15	(S)	HSS, EDC
01/25/16	(S)	HSS AT 1:30 PM BUTROVICH 205
01/25/16	(S)	Heard & Held
01/25/16	(S)	MINUTE(HSS)
01/27/16	(S)	HSS AT 1:30 PM BUTROVICH 205
01/27/16	(S)	Moved HB 76 Out of Committee
01/27/16	(S)	MINUTE(HSS)
01/29/16	(S)	HSS RPT 4DP 1NR
01/29/16	(S)	DP: STOLTZE, GIESSEL, ELLIS, KELLY
01/29/16	(S)	NR: STEDMAN
03/08/16	(S)	EDC AT 3:30 PM BUTROVICH 205
03/08/16	(S)	-- MEETING CANCELED --
03/10/16	(S)	EDC AT 3:30 PM BUTROVICH 205
03/10/16	(S)	Heard & Held
03/10/16	(S)	MINUTE(EDC)
03/15/16	(S)	EDC AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

JOSHUA DECKER, American Civil Liberties Union (ACLU)
 Anchorage, Alaska
POSITION STATEMENT: Presented information on SB 191.

LACY MORAN, Education Manager
 Planned Parenthood of the Great Northwest and Hawaiian Islands
 Anchorage, Alaska
POSITION STATEMENT: Testified in opposition to SB 191.

SUSAN MCCAULEY, Interim Commissioner
 Department of Education and Early Development (DEED)
 Juneau, Alaska
POSITION STATEMENT: Provided information on SB 191.

MARIO BIRD, Attorney
 Ross, Miner, Bird, P.C. Attorneys at Law
 Board Member
 Alaska Right to Life
 Anchorage, Alaska
POSITION STATEMENT: Answered questions related to SB 191.

CHRISTA MCDONALD, Staff
 Senator Mike Dunleavy
 Alaska State Legislature
 Juneau, Alaska
POSITION STATEMENT: Presented information on Amendment 1 of SB 191 on behalf of the sponsor.

DIANE BARRANS, Executive Director
Alaska Commission on Postsecondary Education
Juneau, Alaska

POSITION STATEMENT: Presented information on SB 190.

DIANE BLUMER, Staff
Senator Lesil McGuire
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented information on SB 190.

ACTION NARRATIVE

[3:31:17 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 Gardner, Giessel, Huggins, and Chair Dunleavy. Senator Stevens arrived shortly thereafter.

Chair Dunleavy noted there were three bills before the committee: SB 191, SB 190, and HB 76.

SB 191-LIMIT ABORTION SERV. PROVIDERS IN SCHOOLS

[3:32:10 PM](#)

CHAIR DUNLEAVY announced the consideration of SB 191. He invited Joshua Decker to testify.

[3:33:23 PM](#)

JOSHUA DECKER, American Civil Liberties Union (ACLU), presented information on SB 191. He noted he submitted written testimony on March 3 stating that SB 191 is unconstitutional because the goal itself violates the Alaska and U.S. Constitutions. It is too broad and prohibits any person who works for, or is a representative of, any place that provides abortions from talking about any subject in a public school. It is not a carbon copy of SB 89 that prohibits abortion services providers from discussing sexual education and information about STD's. He provided examples.

He addressed the Draconian aspects in the bill. He used the example of a cardiologist from a hospital who teaches CPR would be penalized along with the hospital that would be fined \$5,000 per student, and the teacher would lose his or her job. These prohibitions violate Alaskan's right to speak and associate freely. They also violate the Alaskan protection clause, which says the government may not play favorites based on a safe,

constitutional medical procedure. The government may design curricula and determine what is taught in schools, but it cannot control how a teacher spends their free time or what they talk about outside of school. He stated that it is illegal for the government to interfere with the freedom to associate or how people spend their free time in private. This bill provides many profound problems. He said the state has spent about \$1 million of taxpayer money to support unconstitutional bills.

[3:39:00 PM](#)

CHAIR DUNLEAVY asked whether the school and the state have the right to limit outside groups from schools.

MR. DECKER said the government cannot exercise that control in a discriminatory way, such as in this bill. An individual who works for a women's center or hospital that performs abortions cannot be singled out. The government has to have a legitimate constitutional interest to act.

CHAIR DUNLEAVY asked whether the public school is an open access forum for any group to come into if they so choose.

MR. DECKER replied that schools are a limited access forum. There are censorship limits schools are able to exercise. The bill applies to every topic and discriminates against people based on who they are, what they say, and with whom they associate in their private time.

[3:42:04 PM](#)

CHAIR DUNLEAVY said he has an amendment that might address some of the issues. He used examples of the Americans for Prosperity or a Koch Brothers subsidiary wanting to come into the schools to teach economics or government. He asked if the school must allow those groups to come in.

[3:43:04 PM](#)

MR. DECKER restated the question. He replied that the school does not have to allow those groups in. However, the school cannot pass a law that forbids a person who associates with those organizations to teach a class. The school can make a decision on a case-by-case basis based on local concerns.

CHAIR DUNLEAVY asked if the state can create a law that limits certain groups from going into a school to teach.

MR. DECKER said if the state would pass a law with those limits, it would have to do so in a constitutionally neutral way and in a way that demonstrates a legitimate government interest.

CHAIR DUNLEAVY asked if the school can allow the Catholic Church to teach family values in classes.

MR. DECKER said the First Amendment - freedom of religion - would pose hurdles that would require the church to discuss secular topics.

CHAIR DUNLEAVY thanked the presenter.

[3:47:59 PM](#)

LACY MORAN, Education Manager, Planned Parenthood of the Great Northwest and Hawaiian Islands, testified in opposition to SB 191. She maintained that SB 191 limits resources to already strapped schools and does not allow schools to partner with much-needed resources. She related that she is part of the education team that has provided information, resources, and materials to several communities across Alaska using medically accurate, age appropriate, and culturally sensitive lessons. She said she works with schools and districts to ensure that these lessons are vetted and aligned with district curriculum and standards. In addition, the lessons have been approved by the Office of Adolescent Health. Parents have the opportunity to opt their students out of this education. She noted that Planned Parenthood has partnered with schools to offer parent workshops.

She said that Planned Parenthood currently offers educational services to schools in a variety of ways. It provides educational presentations, peer education programs such as Teen Council, and is a resource of health information outside of the classroom.

She concluded that districts, schools, and the youth of Alaska will suffer if SB 191 passes. She pointed out that Alaska leads the rates in STD's, child sexual abuse, and higher than average rates of teen pregnancy. Research has proven that comprehensive, medically accurate sex education is a key component in reducing these risks in teens.

[3:50:52 PM](#)

SENATOR GARDNER asked what part of the curriculum contains any discussion on abortion.

MS. MORAN said the curriculum contains no information about abortion services.

SENATOR GARDNER asked what happens if a student asks about abortion.

MS. MORAN said it is fairly rare that questions or conversations about abortion come up, but if they do, the teacher explains that it is not a part of the curriculum and refers them to their parents or a trusted adult.

SENATOR GARDNER asked for clarification of the opt-out provision.

MS. MORAN noted that every district in Alaska has a different protocol for opting out. She described the ways Planned Parenthood provide information to districts about their curriculum so districts can communicate with parents. She listed a variety of ways that is done, with a letter, a curriculum night, or information in a syllabus at the beginning of the year.

[3:52:54 PM](#)

SENATOR GARDNER asked if the district always sees the curriculum before students do.

MS. MORAN said every district is different and Planned Parenthood identifies the district person or persons they will be working with before they go into the classroom. Often it involves the teacher, the principal, and other district staff.

SENATOR GARDNER asked if it has ever happened that a district has decided not to have the lessons after seeing them.

MS. MORAN said no.

[3:54:14 PM](#)

CHAIR DUNLEAVY asked how many schools Planned Parenthood has presentations in currently.

MS. MORAN said their involvement is delivered both by lessons and by resources and materials.

CHAIR DUNLEAVY requested information on both.

MS. MORAN explained that during the past year they were involved in approximately 25 to 30 schools. Several more schools used their materials and resources.

CHAIR DUNLEAVY asked how the lessons are presented and for what time period.

MS. MORAN said every district is different. Some schools ask for one day, some want three days, some want multiple weeks.

[3:56:15 PM](#)

CHAIR DUNLEAVY asked for the minimum number of days required to effectively have a lesson.

MS. MORAN said it depends on the size of the school, the topics, and what district curriculum standards are to be addressed.

CHAIR DUNLEAVY asked in what grade levels classes take place.

MS. MORAN said mostly high schools and sometimes in middle schools, such as in 8th grade health where comprehensive sexual education is part of the district standard.

CHAIR DUNLEAVY asked if they provide lessons in elementary schools.

MS. MORAN said they do not currently. They do offer parent workshops for parents and their elementary-aged students.

[3:57:58 PM](#)

CHAIR DUNLEAVY asked how the teen outreach program works and its goals.

MS. MORAN explained that the Teen Outreach Program (TOP) is no longer offered in Alaska. It was a youth development program that was not a Planned Parenthood curriculum, but an evidence-based positive youth curriculum. It used to be offered in Anchorage but the grant ended. She noted that youth development is an important part of their curriculum.

She said Teen Council is a peer education program that is 25 years old. It takes place outside of the school day and the benefit is that teens get 80 hours of training per year. They are able to use that training in partnerships with health educators in the classroom.

[4:00:01 PM](#)

SENATOR GIESSEL asked who funded the TOP program.

MS. MORAN replied that the federal funding came from the Office of Adolescent Health.

CHAIR DUNLEAVY asked which program takes place in Juneau.

MS. MORAN said Teen Council is offered in Juneau and Anchorage.

SENATOR GARDNER asked whether Planned Parenthood offers college programs and resources.

MS. MORAN said they currently don't have a college-based program, but are a resource to several universities in Alaska and offer guest lectures.

[4:01:29 PM](#)

SENATOR GARDNER asked what Generation Action is.

MS. MORAN explained that Generation Action is a student group that sponsors events and works with Planned Parenthood but is considered a separate group outside of their education department.

CHAIR DUNLEAVY thanked Ms. Moran. He asked Dr. McCauley whether SB 191 would impact HB 44, which passed last special session.

[4:02:18 PM](#)

SUSAN MCCAULEY, Interim Commissioner, Department of Education and Early Development (DEED), provided information on SB 191.

CHAIR DUNLEAVY asked if this bill would change HB 44 - Erin's Law/Bree's Law.

DR. MCCAULEY addressed the elements of HB 44 that might be affected by other legislation: the training programs required for sexual abuse and sexual assault awareness and prevention, and for dating violence and abuse. She said in SB 191, the limitations are not content specific. The provisions in SB 191 have application for the individuals that would provide instruction for those training programs, however, there is no conflict with HB 44 because that bill speaks generally about who may or may not address topics.

SENATOR GARDNER asked if Dr. McCauley is aware of any other statute or school district policy about who may or may not address students.

DR. MCCAULEY said she is not aware of any.

4:05:44 PM

CHAIR DUNLEAVY highlighted AS 14.03.090 - Partisan Sectarian or Denominational Doctrines Prohibited. He read: "Partisan, sectarian or denominational doctrines may not be advocated in a public school during the hours a school is in session. A teacher or a school board violating this section may not receive public money." He noted he was working with Legislative Legal to obtain a definition of "partisan" that discusses what public money could be used for.

He said the Southern Poverty Law Group lists many hatred groups. He is trying to find out if a school can ask the Nation of Islam to talk about race relations or the American Nazi Party to talk about government. He maintained that districts do not have to allow all groups to come into their schools to present. Some may consider them to be partisan groups. This statute limits what can be brought into the classroom in terms of a world view.

4:07:47 PM

SENATOR STEVENS stated that he served on a school board for three years and he opined that school boards have the responsibility for deciding what is going to be taught and who is going to teach it. He asked Dr. McCauley to comment.

DR. MCCAULEY related that the statutory and primarily regulatory language regarding curricula is that those decisions are traditionally left up to school districts. It is a broad direction in regulation regarding what differentiates between the Department of Education's role and the local school district's role. For the issue of curricula, current regulatory language indicates that is it the responsibility of the local board.

SENATOR STEVENS asked if the district could decide whether they wanted Planned Parenthood in schools or not.

DR. MCCAULEY said under the current statutory and regulatory language that is true.

CHAIR DUNLEAVY asked whether a school district could refuse to implement HB 44.

Dr. MCCAULEY said they could not.

CHAIR DUNLEAVY asked Mr. Bird to discuss the legal issues related to SB 191.

[4:09:41 PM](#)

MARIO BIRD, Attorney, Ross, Miner, Bird, P.C. Attorneys at Law, and Board Member, Alaska Right to Life, answered questions related to SB 191. He said Alaska is not the first state to pass this legislation as both Louisiana and Missouri have versions of this law, both which stated that abortion providers could not teach on health topics or human sexuality. Louisiana's legislation also included the phrase "acting on behalf of an organization, individual, or any other entity that performs elective abortions shall engage in any of the following activities."

He stated that the current version of SB 191 lacks two key phrases included in Louisiana's legislation, the "acting on behalf of" phrase and one on "health topics." Mr. Decker's testimony pointed out that in the current language of SB 191, someone who is a representative of Planned Parenthood cannot teach on any topic and the inclusion of Louisiana's phrases would prevent legal challenges because it narrows what a representative of an abortion provider can instruct.

CHAIR DUNLEAVY asked if there were constitutional challenges to Louisiana and Missouri's laws.

MR. BIRD said he does not know of any challenges. He referred to a memo on the Education Committee's website from Mr. Norton of the Colorado Freedom Institute, which he agrees with, that states that there have been no legal challenges in any court.

CHAIR DUNLEAVY asked if a Supreme Court is the only body that can make a decision about the constitutionality of any law.

MR. BIRD related that the Alaska Supreme Court and the U.S. Supreme Court have jurisdiction to determine the constitutionality of laws. He is aware of no federal or state ruling that has declared this law unconstitutional.

CHAIR DUNLEAVY wanted to ensure Supreme Courts determine the constitutionality of laws.

MR. BIRD agreed, as it applies to all laws and to SB 191.

[4:15:57 PM](#)

SENATOR GARDNER brought up the bill of attainder - a law that is targeted against only one entity or person. She asked how many abortion providers are in Louisiana and Missouri.

MR. BIRD did not know, but assumed there were more than one.

SENATOR GARDNER said Alaska's Constitution is often held up as a model. She asked why Alaska's Constitution is different from Louisiana and Missouri's in issues impacted by SB 191.

MR. BIRD explained that the bill of attainder generally means you can't specify that a person can be jailed or penalized without due process. He said he saw the memo drafted by Kate Glover from Legislative Counsel for Senator Gardner that cites a federal case in North Carolina where there was an injunction granted for bill of attainder purposes. He said the whole lawsuit was dropped because the North Carolina Legislature revised their budget and did not single out Planned Parenthood. He did not see the same situation in Alaska.

He addressed how Alaska's Constitution applies to SB 191. He said Amendment 1 that narrows the scope of the bill would take care of concerns about free speech and association rights for teachers. Regarding the equal protection concerns, he pointed out that the public classroom is not a forum with unlimited free speech rights. The proposed language that directs abortion providers, their employees and representatives, to have no access to students in the classroom is already required of religious, denominational, or partisan instructors per Alaska law. He did not see constitutional concerns.

He added that there is another provision in education statutes - AS 14.20.095 - the right to comment and criticize not to be restricted. It allows teachers to engage in comments and criticism outside of school hours regarding their employers. A teacher has rights to associate or speak on topics outside of school hours. This was mentioned in Ms. Glover's memo as well pursuant to Article I, Section 5, of Alaska's Constitution.

[4:22:49 PM](#)

SENATOR GARDNER asked if the bill of attainder applies if Planned Parenthood is the only elective abortion provider in Alaska.

MR. BIRD opined that it does not because it does not single out a particular person. He referred to the Employment Division vs. Smith case where the statute of neutral or general applicability

was found to be insufficient due to the Religious Freedom Restoration Act.

SENATOR GARDNER concluded that the courts will have to decide eventually should SB 191 become law.

She referred to a statement Mr. Bird made that no religious groups would have access to children in the classroom. She countered that is not what the statute says. It states that partisan, sectarian, or denominational "doctrines" may not be advocated during school hours, not that proponents of doctrines would have not access to schools.

She referred to a case that ruled on restrictions that can't be based on content or subject matter of restricted speech.

MR. BIRD said that case was mentioned in Mr. Horton's memo.

She withdrew the question.

[4:27:18 PM](#)

CHAIR DUNLEAVY thanked Mr. Bird.

[4:27:28 PM](#)

CHAIR DUNLEAVY said he would offer Amendment 1, labeled 29-LS1269\A.1.

SENATOR GIESSEL moved to adopt Amendment 1:

Page 3, line 26, following "representative":
Insert "acting on behalf"

Page 3, lines 28-29:
Delete "any topic to students at a public school"
Insert "any health topic, including human sexuality or family planning, to students at a public school during the hours the school is in session"

Page 4, line 12, following "representative":
Insert "acting on behalf of the abortion services provider or affiliate"

CHAIR DUNLEAVY objected for discussion.

CHRISTA MCDONALD, Staff, Senator Mike Dunleavy, Alaska State Legislature, presented information on Amendment 1 of SB 191 on

behalf of the sponsor. She described the changes made by the amendment:

With the clarifications in this amendment, Senate Bill 191 maintains that a captive audience of students should not be subject to presentations by abortion services providers during school hours.

1) Page 3, line 26, following "representative":

Insert "acting on behalf"

Previously the language stated that any employee or representative of an abortion services provider may not deliver material or instruction to students. This change will clarify that a representative must be acting on behalf of an abortion services provider to violate the law. This should resolve concerns that the language was too broad and would reach beyond a teachers professional duties.

[4:29:12 PM](#)

SENATOR GARDNER asked if the amendment refers to version A of the bill.

MS. MCDONALD said yes.

SENATOR GARDNER asked about an omission of the words "an affiliate." She asked if that was intentional.

MS. MCDONALD thought that was in the third change.

SENATOR GARDNER said "an affiliate" is omitted on page 3, line 26.

MS. MCDONALD said that was correct.

MS. MCDONALD highlighted the second change:

2) Page 3, lines 28 - 29:

Delete "any topic to students at a public school"
Insert "any health topic, including human sexuality or family planning, to students at a public school during the hours the school is in session"

This change will narrow the prohibition on topics that an abortion provider or affiliate may teach to health

and human sexuality. With the proposed amendment the language would be in line with law in both Louisiana and Missouri. Neither of the laws in these states have resulted in a lawsuit as it is well settled that States have the authority to govern public schools. In addition, this amendment will address the concerns we have heard regarding an individual's associations outside the school by clearly stating that the language in the bill relates only to the hours that a school is in session.

[4:31:09 PM](#)

MS. MCDONALD explained the third change:

3) Page 4, line 12, following "representative":

Insert "acting on behalf of the abortion services provider or affiliate"

This portion of the amendment again brings clarity that an individual must be acting on behalf of the abortion services provider or affiliate to be in violation of the proposed law.

SENATOR GARDNER asked whether, in the second part of Amendment 1 regarding the limitation of hours when school is in session, the prohibition about distributing materials applies only during school hours.

MS. MCDONALD said it applies during school hours.

CHAIR DUNLEAVY withdrew his objection. There being no further objection, Amendment 1 was adopted.

[4:32:59 PM](#)

SENATOR GIESSEL moved to report CSSB 191(EDC), labeled 29-LS1269\A, as amended, from committee with individual recommendations and attached zero fiscal notes.

SENATOR GARDNER objected. She said she needed time to reflect on the amendment.

CHAIR DUNLEAVY said they were moving the bill.

[4:34:08 PM](#)

SENATOR STEVENS objected. He said he also has concerns about the bill. He highlighted the part of the bill where a school board

member may violate the law and cause the district to not receive state funds. He maintained that there are a lot of protections in the current system. If a parent does not want their child to receive sex education classes they can opt out. The school district can decide to opt out of sex education as well. He opined that SB 191 is state overreach into school boards and parents.

[4:35:09 PM](#)

SENATOR GARDNER stated that she did not see what problem the bill solves. She said, "If you don't want any talk of abortion in schools, just say so and be done with it." She pointed out that any school district can say that and make it clear in contracts with providers. She maintained that if the issue is abortion, one very effective way to reduce abortion is to reduce unplanned pregnancies and provide information. Parents do not approve of teenagers being sexually active, but the fact is that it happens.

She mentioned testimony about students not being comfortable talking to parents and teachers. She said, "The notion that children won't do the things we tell them not to do is just a fallacy." She concluded that the goals of sex education is to prevent unwanted pregnancies, reduce STI's, and identify unhealthy relationships. SB 191 "pulls us backwards from those efforts."

[4:38:00 PM](#)

CHAIR DUNLEAVY stated that the bill does not prevent the state or school districts from teaching sex education. He said HB 44 passed last year over the objections of some school districts. It is not unheard of for a legislature to pass laws about what is taught in schools. The bill does not prevent any teacher from providing sex education. The issue is much broader and others need to be brought into the conversation.

A roll call vote was taken. Senators Huggins, Giessel, and Dunleavy voted in favor of the motion and Senators Stevens and Gardner voted against it. Therefore, the motion passed by a 3:2 vote. SB 191 moved on to the next committee.

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[4:40:11 PM](#)

At ease

HB 76-GOV COUNCIL ON DISABILITIES/SPECIAL ED

[4:42:18 PM](#)

CHAIR DUNLEAVY announced the consideration of HB 76. He opened public testimony then closed it again.

CHAIR DUNLEAVY said the committee has heard the bill. It is a simple bill that updates language.

[4:43:12 PM](#)

SENATOR HUGGINS moved to report HB 76 from committee with individual recommendations and attached zero fiscal note. There being no objection, the motion carried.

[4:43:22 PM](#)

At ease

SB 190-EXEMPTION FROM POST-SECONDARY ED REGS

[4:45:12 PM](#)

CHAIR DUNLEAVY announced the consideration of SB 190. He said public testimony was open.

[4:45:37 PM](#)

DIANE BARRANS, Executive Director, Alaska Commission on Postsecondary Education, presented information on SB 190. She said she wanted to add to the written testimony she previously provided. She related that though the objective of the bill is narrow in scope, the structure of the bill creates a new category of exemption that could be wide in scope. She explained that the objective of authorizing institutions to operate is to ensure that those fields that are vocational in nature have standards in place that are reviewed and that they ensure the health and safety of the consumer. They must also be fiscally sound and the personnel delivering the training must meet standards and the student must be appropriately advised of the likelihood of the training leading to gainful employment. She explained that exempting a category of schools where the state does not regulate the occupation or profession, leaves a wide swatch of programs that receive no oversight or regulation.

[4:48:26 PM](#)

MS. BARRANS addressed the types of programs that might fall into this exempt category due to the proposed legislation. Programs that are currently authorized, but that would no longer be under this legislation, would be certificated programs such as computer technician, media, medical office, administrative assistant, medical assistant, hospitality, heating, air conditioning, paralegal, welding, business administration,

phlebotomists, insurance coding and billing, and aircraft dispatching. If those programs were not regulated it would be an opportunity for individuals to come in and charge tuition for programs that do not lead to employment.

4:50:20 PM

SENATOR GIESSEL asked about the certified medical assistance programs.

MS. BARRANS clarified that medical office administrative assistant, medical assistant, and phlebotomists are currently regulated as occupations or professions.

SENATOR GIESSEL noted that medical assistants staff offices and often administer vaccines to children.

4:51:22 PM

SENATOR STEVENS asked if currently phlebotomists are regulated.

MS. BARRANS said yes.

SENATOR STEVENS summarized that the concern is that the bill would unregulate them.

MS. BARRANS said yes.

SENATOR STEVENS asked what the solution might be. It makes sense not to have yoga teachers included.

MS. BARRANS related that there are four yoga teacher training programs that are authorized in the state. One is a program at Alaska Pacific University. Yoga teacher training programs are a relatively new vocational area in Alaska. The concern is that if there are individuals that are taking the program in order to have a profession they are a vocational program. However, Yoga Alliance does not intend their program to result in an occupation. If they don't title the course "Yoga Teacher Training" or if they disclosure to students that the class will not prepare them for professional teaching, then it is not a vocational program. But, those were considerations Yoga Alliance did not feel they could make in order to be exempt from regulations. She suggested yoga teachers could be singled out for exemption or there might be a way of describing conditions that would apply. She said she has not developed any language to that effect.

SENATOR STEVENS did not think yoga was a career.

MS. BARRANS said yoga is a profession and the teacher is usually a sole practitioner or with a practice of multiple types of training in a gym or studio. It is a small business operation, as is the case with the yoga programs already authorized in Alaska. They have yoga studios and yoga teacher training.

[4:55:21 PM](#)

SENATOR STEVENS suggested coming up with wording that makes sense.

SENATOR GARDNER agreed.

[4:55:57 PM](#)

DIANE BLUMER, Staff, Senator Lesil McGuire, Alaska State Legislature, presented information on SB 190. She offered to provide new language in discussion with ACPE. She noted that she had originally thought yoga teachers were already covered under the exemption and said it was an interpretation issue.

CHAIR DUNLEAVY held SB 190 in committee.

SENATOR HUGGINS complimented Ms. Barrans for her work.

[4:58:39 PM](#)

There being no further business to come before the committee, Chair Dunleavy adjourned the Senate Education Standing Committee at 4:58 p.m.