

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

April 13, 2016

6:30 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

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 156(EDC) AM

"An Act relating to the duties of the State Board of Education and Early Development, the Department of Education and Early Development, school boards, and school districts; relating to public school curriculum and assessments; relating to compliance with federal education laws; relating to public school accountability; relating to a statewide assessment plan and review of education laws and regulations; and providing for an effective date."

- MOVED SCS CSHB 156(EDC) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 156

SHORT TITLE: SCHOOL ACCOUNTABILITY MEASURES; FED. LAW

SPONSOR(S): REPRESENTATIVE(S) KELLER

03/20/15	(H)	READ THE FIRST TIME - REFERRALS
03/20/15	(H)	EDC
03/30/15	(H)	EDC AT 8:00 AM CAPITOL 106
03/30/15	(H)	Heard & Held
03/30/15	(H)	MINUTE(EDC)
04/08/15	(H)	EDC AT 8:00 AM CAPITOL 106
04/08/15	(H)	Heard & Held
04/08/15	(H)	MINUTE(EDC)
04/10/15	(H)	EDC AT 8:00 AM CAPITOL 106

04/10/15	(H)	Scheduled but Not Heard
04/13/15	(H)	EDC AT 8:00 AM CAPITOL 106
04/13/15	(H)	Heard & Held
04/13/15	(H)	MINUTE(EDC)
03/14/16	(H)	EDC AT 8:00 AM CAPITOL 106
03/14/16	(H)	Scheduled but Not Heard
03/16/16	(H)	EDC AT 8:00 AM CAPITOL 106
03/16/16	(H)	Heard & Held
03/16/16	(H)	MINUTE(EDC)
03/18/16	(H)	EDC AT 8:00 AM CAPITOL 106
03/18/16	(H)	Heard & Held
03/18/16	(H)	MINUTE(EDC)
03/21/16	(H)	EDC AT 8:00 AM CAPITOL 106
03/21/16	(H)	<Bill Hearing Rescheduled to 3/23/16>
03/23/16	(H)	EDC AT 8:00 AM CAPITOL 106
03/23/16	(H)	Moved CSHB 156(EDC) Out of Committee
03/23/16	(H)	MINUTE(EDC)
03/24/16	(H)	EDC RPT CS(EDC) NT 5DP 2NR
03/24/16	(H)	DP: KELLER, TALERICO, COLVER, SPOHNHOLZ, VAZQUEZ
03/24/16	(H)	NR: DRUMMOND, SEATON
03/25/16	(H)	FIN REFERRAL ADDED AFTER EDC
04/04/16	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
04/04/16	(H)	Moved CSHB 156(EDC) Out of Committee
04/04/16	(H)	MINUTE(FIN)
04/05/16	(H)	FIN RPT CS(EDC) NT 3DP 1DNP 4NR 1AM
04/05/16	(H)	DP: WILSON, GATTIS, THOMPSON
04/05/16	(H)	DNP: KAWASAKI
04/05/16	(H)	NR: SADDLER, PRUITT, EDGMON, MUNOZ
04/05/16	(H)	AM: GUTTENBERG
04/10/16	(H)	TRANSMITTED TO (S)
04/10/16	(H)	VERSION: CSHB 156(EDC) AM
04/11/16	(S)	READ THE FIRST TIME - REFERRALS
04/11/16	(S)	EDC, FIN
04/12/16	(S)	EDC AT 6:00 PM BUTROVICH 205
04/12/16	(S)	Heard & Held
04/12/16	(S)	MINUTE(EDC)
04/13/16	(S)	EDC AT 6:30 PM BUTROVICH 205

WITNESS REGISTER

CHRISTA MCDONALD, Staff
 Senator Mike Dunleavy
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented information on HB 156.

ALYSE GALVIN, Member
Great Alaska Schools
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to Amendment 1 of HB 156.

DAVID BOYLE, representing himself
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 156.

BUTCH MOORE, representing himself
Big Lake, Alaska

POSITION STATEMENT: Testified in opposition to HB 156.

ACTION NARRATIVE

[6:30:49 PM](#)

CHAIR MIKE DUNLEAVY called the Senate Education Standing Committee meeting to order at 6:30 p.m. Present at the call to order were Senators Huggins, Giessel, and Chair Dunleavy. Senator Gardner arrived shortly thereafter. He noted that HB 156 was before the committee.

HB 156-SCHOOL ACCOUNTABILITY MEASURES; FED. LAW

[6:31:36 PM](#)

CHAIR DUNLEAVY announced the consideration of HB 156.

[6:31:48 PM](#)

SENATOR HUGGINS moved to adopt the SCS for CS for HB 156(EDC), labeled 29-LS0566\U, as the working document before the committee.

CHAIR DUNLEAVY objected for discussion.

[6:31:59 PM](#)

CHRISTA MCDONALD, Staff, Senator Mike Dunleavy, Alaska State Legislature, presented information on HB 156. She said version U enrolls the six amendments that were passed yesterday; parental rights, physical examinations for teachers, questionnaires and surveys, technical corrections to HB 44 training, Department of Education and Early Development (DEED) procurement exemption for standardized assessment, and the repeal of the 70 percent rule.

CHAIR DUNLEAVY withdrew his objection and version U was adopted.

[6:33:15 PM](#)

At ease

[6:34:34 PM](#)

CHAIR DUNLEAVY brought the committee back to order.

SENATOR HUGGINS moved to adopt Amendment 1, labeled 29-LS0566\U.1:

Page 1, line 7, following "**districts;**":

Insert "**relating to sex education, human reproductive education, and human sexuality education;**"

Page 16, following line 4:

Insert a new bill section to read:

"* **Sec. 18.** AS 14.30 is amended by adding a new section to read:

Sec. 14.30.361. Sex education, human reproductive education, and human sexuality education. (a) A person may only teach a class or program in sex education, human reproduction education, or human sexuality education if the person

(1) possesses a valid teacher certificate issued under AS 14.20.020; and

(2) teaches the class or program under a contract with the school.

(b) Before curriculum, literature, or materials related to sex education, human reproduction education, or human sexuality education may be used in a class or program or distributed in a school, the curriculum, literature, or materials must be

(1) approved by the school board; and

(2) available for parents to review."

Renumber the following bill sections accordingly.

Page 16, line 24:

Delete "Section 23"

Insert "Section 24"

Page 16, line 27:

Delete "Section 18"

Insert "Section 19"

Page 16, line 30:

Delete "secs. 24 - 27"

Insert "secs. 25 - 28"

CHAIR DUNLEAVY objected for discussion.

[6:35:01 PM](#)

MS. MCDONALD explained Amendment 1 would add a new section, AS 14.30.361 - Sex education, human reproductive education, and human sexuality education. It would establish that only a person with a valid teacher certificate and under contract with the school, may teach a class or program in sex education, human reproduction, and human sexuality education. In addition, it would require that before the curriculum, literature, or materials related to sex education, human reproduction, and human sexuality education may be used in a class or program, the materials must be approved by the school board and available for parents to review.

[6:35:53 PM](#)

CHAIR DUNLEAVY commented that there has been much discussion about sex education in public schools. He said SB 89 was an attempt to decide who would be in the schools teaching this topic. The amendment does not block any group or sub group. The class must be taught by a teacher with a Type A certificate, and the curriculum must be adopted by the school board and available to parents to review. It does not prohibit sex education.

He opined that all curriculum should be adopted by a school district. The amendment does not tell the school board what curriculum to adopt.

[6:37:50 PM](#)

CHAIR DUNLEAVY removed his objection.

SENATOR GARDNER objected.

SENATOR GARDNER said yesterday in committee there was discussion of endorsing the concept of local control. Alaska has a system where local communities elect and have a relationship with their school boards which makes decisions for schools. She maintained that Amendment 1 is absolutely a contradiction to that concept.

CHAIR DUNLEAVY said the amendment is exactly what state law calls for and it is already in statute and affirms what should be done. The public process for school boards is to vet in public what they're going to be teaching so the public could have input.

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

[6:39:32 PM](#)

SENATOR HUGGINS moved to report SCS for CS for HB 156(EDC), from committee, as amended, with individual recommendations and attached indeterminate fiscal note.

CHAIR DUNLEAVY turned to public testimony.

[6:40:01 PM](#)

ALYSE GALVIN, Member, Great Alaska Schools, testified in opposition to Amendment 1 of HB 156. She said Great Alaska Schools has more than 2,500 grassroots members who are deeply concerned about this bill. She supports not blocking anyone from teaching sex education, but the Type A requirement is a barrier. It used to be that a Type A teacher had to be in the room. She has heard so many students and teachers say that they would like to have someone who is from a group, and is not a certified teacher, teaching sex education.

She requested that the state not overreach when it comes to local decision making. She asked the committee not to create any barrier to sex education and let the local government make the decisions.

[6:41:57 PM](#)

SENATOR GIESSEL said the words "approved by the school board" mean it is locally controlled.

MS. GALVIN said the school board should be able to decide what it needs to approve or not approve. Up until this point it has been working fine. This new provision feels like extra government.

[6:42:49 PM](#)

CHAIR DUNLEAVY said they approved a bill on physical education which was an imposition on school districts to teach PE. This amendment is in line with state statute.

MS. GALVIN asked if the bill has already been passed.

CHAIR DUNLEAVY countered that the bill has not been moved out of committee, but Amendment 1 has been adopted. He reiterated what is being done in state statutes regarding curriculum selection.

MS. GALVIN asked about Type A endorsement.

CHAIR DUNLEAVY said it is in law that Type A teachers teach in classrooms.

MS. GALVIN questioned whether they have to be doing the teaching or if they can have guest speakers come in.

CHAIR DUNLEAVY said in this particular case, in order to make sure what is vetted by the school board is taught by Type A teachers, guest speakers cannot teach.

MS. GALVIN stated that feels like a barrier and will require extra money to train teachers, which the state does not have.

[6:45:06 PM](#)

DAVID BOYLE, representing himself, testified in support of HB 156. He maintained that education is in a conundrum as far as providing transparency to parents and students about how their students are doing. He said he likes the bill and it holds the state, the department, and local school districts, as well as parents and students, accountable. He suggested that the focus should be on the students.

He spoke of low state test scores in the past. He noted the challenges with doing away with the AMP test, which did not provide information for parents or students. He suggested the state look at other states' tests. He concluded that the focus should be on the kids.

[6:48:44 PM](#)

BUTCH MOORE, representing himself, testified in opposition to HB 156. He said he has not had time to review the new draft. He inquired if Type A is specifically required for sex education.

CHAIR DUNLEAVY explained that Type A is the overall definition of a classroom teacher.

MR. MOORE asked if someone from Providence Hospital could come in to a school to teach CPR, or someone from the fire department could come in to teach fire safety, or someone from archery could come in to teach archery - as long as there is a Type A teacher present supervising the class.

CHAIR DUNLEAVY said that issue is not being addressed in the bill. The hope would be that there would be a Type A teacher in the classroom.

[6:51:07 PM](#)

MR. MOORE asked if the amendment specifically singles out sex education, versus any other kind of education. He questioned whether it should be the same for all education.

CHAIR DUNLEAVY said in this particular amendment Mr. Moore is correct. Folks can bring forth any bills that they want during session.

MR. MOORE asked if the primary difference between this bill and SB 89 is that it does not have an opt-out or opt-in provision.

CHAIR DUNLEAVY said it has an opt-out provision; students enrolled would be in the class unless their parents signed an opt-out form.

MR. MOORE agreed with taking the opt-in provision out of the bill, but concluded that Amendment 1 limits the education of students by not using the sources and volunteer services provided for free for sex education classes.

CHAIR DUNLEAVY said the bill moves to Senate Finance for a further hearing.

[6:52:51 PM](#)

He closed public testimony.

SENATOR GARDNER asked if there are any other topics that require that a certificated teacher teach them, rather than be in a room with a guest instructor.

CHAIR DUNLEAVY opined that all certificated teachers should be the primary teacher in the classroom teaching the primary subject. He used math teachers as examples.

He said he does not want to privatize education by having non-certificated teachers teaching. He concluded the best way to solve the issue for all parents, in light of SB 89, is to allow the school district to vet certified teachers and the curriculum. He said he aims to serve kids and to deal with sex education the same as other subjects.

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SENATOR GARDNER related that she has been asked many times to talk to schools about government and the bill process in a classroom with a certificated teacher, even though she does not have a teaching credential. Under Amendment 1, she could not go into science or health class to talk about sex education. She asked why single out sex education.

CHAIR DUNLEAVY said he talked to superintendents about what the process was for outsiders, such as abortion groups, to come before the school board to vet their curriculum. He said one individual in a large district said they don't have them in their schools. Parents have reported that abortion providers come in and have discussions via the classroom. By law, they shouldn't be doing that. There is a confusing mix of who is allowed to teach or not. He believed the public should have the chance to vet curriculum that is taught and professional teachers should teach it.

SENATOR GARDNER said she is not trying to do away with certificated teachers, but to allow the public to be involved in schools as part of public outreach, such as parent experts. She gave examples of areas of expertise. She questioned why the subject of sex education should be treated differently.

CHAIR DUNLEAVY said because it is very divisive and needs to be approved by the school board. The state should impose when it wants. He agreed that sex education should be taught, but the right people need to teach it.

[7:01:26 PM](#)

SENATOR HUGGINS restated his motion to report the SCS for CS for HB 156(EDC), from committee, as amended, with individual recommendations and attached indeterminate fiscal note.

SENATOR GARDNER objected.

A roll call vote was taken. Senators Huggins, Giessel, and Dunleavy voted in favor of reporting the bill and Senator Gardner voted against it. Therefore, the motion to report SCS CSHB 156(EDC) from committee passed by a 3:1 vote.

[7:02:53 PM](#)

There being no further business to come before the committee, Chair adjourned the Senate Education Standing Committee at 7:02 p.m.