

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

February 12, 2018

7:59 a.m.

MEMBERS PRESENT

Senator Gary Stevens, Chair
Senator Cathy Giessel
Senator John Coghill
Senator Tom Begich
Senator Shelley Hughes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 171

"An Act renaming portions of the Alaska Safe Children's Act as Bree's Law; relating to the practice of marital and family therapy; relating to persons required to report child abuse and neglect; relating to training in crisis response; relating to civil immunity for disclosure of substantiated allegations of sexual abuse of a minor or sexual misconduct against a school district employee; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 171

SHORT TITLE: CHILD ABUSE; TRAINING PROGRAMS; BREE'S LAW

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/02/18	(S)	READ THE FIRST TIME - REFERRALS
02/02/18	(S)	EDC, HSS, JUD
02/12/18	(S)	EDC AT 8:00 AM BUTROVICH 205

WITNESS REGISTER

MICHAEL JOHNSON, Ph.D., Commissioner
Department of Education and Early Development (DEED)
Juneau, Alaska

POSITION STATEMENT: Presented information on SB 171.

KAREN FORREST, Deputy Commissioner
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Presented information on SB 171.

BOB WILLIAMS, Director of Educator and School Excellence
Department of Education and Early Development (DEED)
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for SB 171.

TODD BROCIOS, Education Administrator
School Health and Safety
Department of Education and Early Development (DEED)
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for SB 171.

STACIE KRALY, Chief Assistant Attorney General
Department of Law
Juneau, Alaska

POSITION STATEMENT: Provided information on SB 171.

TRACY SPARTZ CAMPBELL, Deputy Director
Office of Children's Services
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Presented information on SB 171.

LISA SKILES PARADY, Ph.D., Executive Director
Alaska Council of School Administrators
Juneau, Alaska

POSITION STATEMENT: Commented on SB 171.

ACTION NARRATIVE

[7:59:51 AM](#)

CHAIR GARY STEVENS called the Senate Education Standing Committee meeting to order at 7:59 a.m. Present at the call to order were Senators Hughes, Begich, Giessel, Coghill, and Chair Stevens.

SB 171-CHILD ABUSE; TRAINING PROGRAMS; BREE'S LAW

[8:00:08 AM](#)

CHAIR STEVENS announced the consideration of SB 171. [SB 171, version 30-GS2847\A, was before the committee.]

CHAIR STEVENS announced his intent to hear and hold the bill.

8:00:56 AM

MICHAEL JOHNSON, Ph.D., Commissioner, Department of Education and Early Development (DEED), presented information on SB 171. He said that over the past year he has heard from hundreds of Alaskans that one of their prominent concern is the safety and well-being of children. Parents, educators, community members, and students sense the evolving threat that faces children as they mature. SB 171 recognizes that Alaskans must be vigilant in their awareness of those threats and must be equipped to defeat them. The bill connects mandatory reporting with mandatory training and updates training to include information about grooming behavior. The bill recognizes that crisis response training saves lives and returns to mandating annual training for crisis response training.

8:03:43 AM

KAREN FORREST, Deputy Commissioner, Department of Health and Social Services (DHSS), presented information on SB 171. She said practitioners of the healing arts (such as mental health counselors, nurses, doctors, dentists, etc.), child care providers and others, including peace officers, are already mandatory reporters of child abuse and neglect under Alaska law. Under SB 171, those who are mandatory reporters would have training about signs of child abuse and neglect and procedures about reporting. The more Adverse Childhood Experiences (ACES) children have, the greater their chances of having health, mental health, and substance abuse problems as they grow up. The state needs to id those children and families who need help and connect them to resources. SB 171 would require all mandatory reporters, not just state staff and educators, to have access to and receive training so they fully understand their obligation to report and know how to report. DHSS would make online training and curriculum available to the public at no cost. DHSS would maintain a database of utilization of training. Training participants could print a certificate of completion. DHSS would annually notify licensed child care providers how to access training by posting information on its website and the Alaska Online Public Notice System. The bill would have a minimal impact on DHSS. It already offers training on child neglect and abuse reporting on the Office of Children Service's website. The bill would require minimal changes to the training platform. Keeping children safe is an important public concern and

ensuring that all mandatory reporters have training is a step toward that endeavor.

[8:06:57 AM](#)

CHAIR STEVENS said the introduction references "substantiated allegations" of abuse. He asked Ms. Forrest to explain that. He also wondered whether suspicions can be reported.

[8:07:27 AM](#)

MS. FORREST replied that anyone with a suspicion that child abuse or neglect has occurred must report it. Then the Office of Children's Services (OCS) investigates and decides what action to take.

[8:08:27 AM](#)

CHAIR STEVENS asked about the phrase "grooming" and how to differentiate legitimate people working with youth.

[8:08:37 AM](#)

MS. FORREST said grooming refers to someone trying to engage a youth or child in an inappropriate, sexual or romantic, relationship. Grooming is trying to get youth to want to be in the relationship

SENATOR BEGICH said a school district asked over the weekend if this is mandating something new for parents. He asked whether he was correct when he answered that no, it mandates some very specific training pieces for what the state already does and changes the frequency of that.

[8:09:53 AM](#)

COMMISSIONER JOHNSON said he agreed with Senator Begich because DEED already offers training about child abuse prevention. This would add what is known about grooming behavior.

SENATOR BEGICH asked him to draw the connection to DEED's Alaska Education Challenge.

[8:10:35 AM](#)

COMMISSIONER JOHNSON said one of the repeated narratives of all the input about the Alaska Education Challenge and the state's Every Student Succeeds Act accountability plan is that parents want to know their children are safe and well at school. This bill addresses that the state must always be vigilant and update training to address current needs.

SENATOR HUGHES said the fourth paragraph of the sponsor statement talks about expanding existing training for parents and teachers, but not all parents are required to receive training. She asked for clarification about who the mandatory reporters are.

[8:12:12 AM](#)

MS. FORREST responded that state statute requires training for state staff and educators. SB 171 expands the training requirement to other mandatory reporters. They are practitioners of the healing arts (a broad group of people that includes athletic trainers, chiropractors, social workers, dental hygienists, psychologists, physicians, etc.), peace officers, child care providers, paid employees of domestic violence and sexual assault programs, etc. There is a long list of mandatory reporters, but only state staff and educators are required to have training. This bill expands the required training of mandatory reporters.

SENATOR HUGHES said then a lot of Alaskans would be required to have training. The bill states that an employer can provide training if it is up to par with what the department provides. She asked if the department would be reviewing that training to approve it.

MS. FORREST said that is not a requirement of the legislation.

SENATOR HUGHES asked if an employer states that adequate training is being provided, would the department check the quality of the training.

[8:14:38 AM](#)

MS. FORREST said not that she is aware of.

SENATOR GIESSEL said section 9 appears to annually mandate continuing education credits for clinicians. On page 8, beginning on line 5, the bill would allow substitutions of these credits for other continuing education credits that are required under AS 08. Using herself as an example, she said she renews her license every two years. She asked how DHSS will enforce or evaluate compliance with an annual mandatory continuing education.

[8:15:58 AM](#)

MS. FORREST said the bill does not require DHSS to monitor compliance.

SENATOR GIESSEL responded that since the Department of Commerce, Community and Economic Development (DCCED) must do that, perhaps she should ask that department.

SENATOR BEGICH said that although he liked the idea of the bill, he questioned whether there is truly a zero fiscal note. DCCED should be asked how it plans to enforce mandatory training.

[8:17:05 AM](#)

SENATOR HUGHES asked if this is required and a person does not comply, what is the underlying penalty. She did not see an answer in the bill. DCCED would inform people of training opportunities. Would the person not get the license?

MS. FORREST said that is correct.

CHAIR STEVENS brought up the example of abusive priests going from church to church. He asked how that would be prevented in school districts.

COMMISSIONER JOHNSON said colleagues will present the section that addresses that, reference protection.

[8:18:54 AM](#)

SENATOR BEGICH thanked the sponsors for naming it Bree's Law and mentioned her parents, Butch and Cindy Moore.

[8:20:16 AM](#)

BOB WILLIAMS, Director of Educator and School Excellence, Department of Education and Early Development (DEED), presented the sectional analysis for SB 171. He said SB 171 expands protections for Alaska's children from school crisis, child abuse, neglect, and dating violence with an emphasis on expanded protections against child sexual predation abuse.

Sec. 1: Amends uncodified law to name AS 14.30.356 "Bree's Law."

[8:21:08 AM](#)

MR. WILLIAMS said section 2 clarifies reporting requirements for clergy members.

Note: Sec. 2 Technical edit - requires the Board of Marital and Family Therapy to not only inform their licensees that they are mandatory reporters (as is required in current statute) but also of the training they would be required to take with this bill.

Sec. 2: Amends the Board of Marital and Family Therapy licensing statute to require the board to inform their licensees of the mandatory reporter training required under AS 47.17.021.

SENATOR GIESSEL asked why he referred to clergy when section 2 refers to marital and family therapy.

CHAIR STEVENS reiterated the question.

TODD BROCIIOUS, Education Administrator, School Health and Safety, Department of Education and Early Development (DEED), said section 2 clarifies the exclusion for clergy members from the mandated training.

[8:22:41 AM](#)

SENATOR GIESSEL asked DEED to please review their sectional. She believes that Chapter 08.63 refers to marital and family therapist. She asked for more illumination on how clergy are included in the language "the required training" on page 2, line 10, when referencing marital and family therapy.

CHAIR STEVENS said the legislature cannot require clergy to be trained.

MR. BROCIIOUS said he thought that section stated that clergy are exempted from mandated reporting to some degree.

CHAIR STEVENS asked why.

MR. BROCIIOUS said that was outside the purview of DEED. He said he could not speak to that.

[8:24:10 AM](#)

SENATOR BEGICH said he did not think the presenters were prepared to present the bill. He heard misunderstanding about DCCED. He did not understand that section. The committee has an obligation to make sure the people who come before it are ready to discuss a bill.

CHAIR STEVENS said no disrespect. They should take more time if needed.

STACIE KRALY, Chief Assistant Attorney General, Department of Law, provided information on SB 171. She said Senator Giessel is correct. Section 2 does deal with licensed marital and family

therapists. On page 2, line 10, the bill makes a specific reference to AS 47.17.020, which is the existing statute dealing with mandatory reporters. The amendment on line 10 references AS 47.17.021, which is the mandatory education section. In the occupational licensing statute, the only place where mandatory reporting is specifically referenced in state law is in this section for marital and family therapists, and not for other providers. Each board deals with mandatory reporting requirements through regulation or whatever policy it has. So when the bill amends the law to make training mandatory, it was felt that the cross reference was needed.

[8:26:56 AM](#)

SENATOR GIESSEL said but the statement was made that this somehow affects or exempts clergy.

MS. KRALY said this section has nothing to do with clergy. AS 47.17.020 has no requirement that individuals who are clergy or members of a religious organization be mandatory reporters. The bill does not amend AS 47.17.020 to add them.

SENATOR GIESSEL asked whether they remain exempted because they have never been included.

MS. KRALY said that is her understanding.

SENATOR BEGICH said Senator Stevens had brought up the Catholic Church abuse, which is something that has been an issue for him for almost a decade. He asked whether Director Williams had misspoken in the clergy comment.

MS. KRALY said yes, section 2 does not address the clergy.

[8:29:14 AM](#)

SENATOR BEGICH said he would like clergy to be included. He asked whether there was anything in the bill that would include clergy.

MS. KRALY said there are no amendments to who must be mandatory reporters. This bill is just about requiring training for those who are already mandatory reporters in state statute.

SENATOR BEGICH said then he could be reassured that they will understand what the bill does by the time they are done. And the bill does not address clergy.

CHAIR STEVENS asked whether it could address clergy.

MS. KRALY said the committee could have a conversation with the administration about whether to include clergy with mandatory reporters, but that was not the purpose of the bill.

CHAIR STEVENS asked Senator Begich if he would want Senator Stevens' aide to work with the department on a committee substitute.

[8:30:54 AM](#)

SENATOR BEGICH said perhaps, but he noted that section 3 would address situation of known abusers moving to new places, which would have addressed the situation in archdioceses of known sexual abusers being sent to villages.

MS. KRALY said section 3 is an immunity provision under Title 9 of the Alaska statutes for disclosing information about sexual abuse or misconduct to a prospective employer, but it is limited to an educational facility. Section 3 is about school districts. It would not apply to the scenario Senator Begich described.

CHAIR STEVENS said the committee is not happy with the clergy excluded. He asked Ms. Kraly to give that some thought.

SENATOR HUGHES said she would like to know the history of why clergy is excluded.

[8:33:04 AM](#)

CHAIR STEVENS said Ms. Kraly understands where they want to go. Perhaps there is a good reason clergy is excluded, but if there is not they would like to see something along those lines.

MR. WILLIAMS continued the sectional analysis.

Note: *Sec. 3 Provides limited immunity to employers who share information regarding substantiated accusations of child abuse or misconduct.*

Sec. 3: Adds a new subsection to the job performance immunity statute providing limited immunity to employers who disclose information on a current or former employee regarding substantiated accusations of sexual abuse or misconduct of a minor. This change would help prevent persons with a history of sexual abuse or misconduct from moving from one school district to another without the consequences or knowledge of their prior behavior being known.

[8:34:26 AM](#)

Note: *Sec. 4-6* In conjunction with Section 8 of the bill, removes the crisis response plan training from being required every 2-4 years and updates it to being required annually.

Sec. 4: Removes crisis response plan training in AS 14.08.111 from being required every 2 to 4 years by deleting the reference to AS 14.33.100.

Sec. 5: Removes the required crisis response plan training in AS 14.14.090 from being required every 2 to 4 years by deleting the reference to AS 14.33.100.

Sec. 6: Removes the required crisis response plan training in AS 14.16.020 from being required every 2 to 4 year by deleting the reference to AS 14.33.100.

[8:35:30 AM](#)

MR. BROCIIOUS said various data show that grooming behavior is a huge problem in Alaska and awareness of this issue needs to be heightened across the state. DEED can seamlessly add this information on grooming into their existing training with zero fiscal note.

Note: **Sec. 7** Enhances current training requirements for teachers and parents.

Sec. 7: Modifies existing requirements in AS 14.30.355 for teachers and parents to receive training relating to sexual abuse of a minor to include signs of grooming behavior.

[8:37:25 AM](#)

CHAIR STEVENS asked if "grooming" is the right psychological term because it seems "light" considering the topic.

MR. BROCIIOUS said it is commonly used national nomenclature.

[8:38:01 AM](#)

MR. BROCIIOUS said from 1999-2015, the law required crisis response training to be done on an annual basis. Returning it to an annual requirement is consistent with Alaska's long-term standard for crisis response training. Alaska also has many schools that operate in relative isolation. School staff must be prepared to be the first-responders until help arrives.

Note: *Sec. 8* In conjunction with Sections 4-6 of the bill, changes the crisis response training schedule from being required every 2-4 years to annually. The

crisis response plans are updated annually and revised as needed. Requiring a training every 2-4 years means employees can be operating on outdated plans during a crisis situation.

Sec. 8 Amends AS 14.33.100 to require school districts provide training in crisis response annually.

8:39:34 AM

Notes: Sec. 9-10 *Expands who is required to take the mandatory reporter training to all mandatory reporters under AS 14.17.020, instead of just state and school district employees.*

Sec. 9 Adds a new subsection to AS 47.17 requiring persons who are mandatory reporters to receive training on the recognition and reporting of child abuse and neglect. Current statute only requires mandatory reporters who are state or school district employees to receive this training. Requires the Department of Health and Social Services (DHSS) to make available the required training and a certificate of completion either electronically or in a printable version. Requires the department to annually inform child care providers licensed under AS 47 of this training requirement.

Requires the Department of Commerce, Community, and Economic Development to annually inform impacted licensees of this training requirement and the available training on DHSS's website.

8:40:00 AM

Sec. 10 Amends AS 47.17.022 to require mandatory reporter training for volunteers who are existing mandatory reporters under AS 47.17.020.

8:40:38 AM

Note: Sec. 11-15 *Technical provisions relating to uncodified law, instructions to the Revisor, and effective dates.*

Sec. 11 Amends uncodified law, adding a new section naming AS 14.30.356 Bree's Law.

8:41:08 AM

Sec. 12 Adds instruction to the Revisor to amend the catch line of AS 47.17.022 from "training" to "training for persons who are employed by the state or

a school district and required to report abuse or neglect of children."

Sec. 13 Adds a retroactive clause for the naming of Bree's Law to June 30, 2017 (Sections 1 and 11).

Sec. 14 Makes the retroactive clause in Section 13 effective immediately.

Sec. 15 All other sections of the bill take effect January 1, 2019.

[8:41:53 AM](#)

SENATOR HUGHES noted that section 10 refers to volunteers in schools. She asked how is it determined when a parent or community volunteer must take the training.

MR. BROCIUS said it is defined in law as anyone volunteering more than 4 hours a week.

SENATOR HUGHES said there could be someone simply doing paperwork who is not interacting with students, but she sees the need to have some standard.

[8:42:57 AM](#)

CHAIR STEVENS asked whether parents or foster parents have access to this training.

MR. BROCIUS said the DEED training is targeted to educators. OCS has better training online.

CHAIR STEVENS said this did not include community athletic programs that are outside the schools.

MR. BROCIUS said correct.

SENATOR HUGHES asked if this applied to educators and volunteers at private schools.

[8:43:55 AM](#)

MR. BROCIUS said each school district provides notice to private schools located in the school district about the availability of training.

SENATOR HUGHES said they are invited, but are they required to participate in training.

MR. BROCIIOUS read, "Each school district that provides training under this section shall provide notice to public and private schools located in the school district of the availability of the training and require volunteers who are required to report abuse or neglect of children to participate in the training." So they are required to provide notice, he said.

SENATOR HUGHES asked whether private school employees are required to take the training and are they mandatory reporters.

MR. BROCIIOUS said he would need to look into that.

[8:45:42 AM](#)

SENATOR GIESSEL said she is surmising that if teachers in private schools are certified, then DEED has jurisdiction over mandating training for them.

MR. BROCIIOUS said yes, if they are certified. Alaska has four trainings as a condition for getting a teaching certificate and this is one of them.

CHAIR STEVENS asked if many teachers in private schools are not certified.

MR. BROCIIOUS said that was correct.

[8:46:26 AM](#)

SENATOR BEGICH asked if any potential costs to school districts have been considered.

MR. BROCIIOUS said all districts use DEED's online sexual abuse and sexual assault prevention training. DEED absorbs the cost for updating training. Until 2015, the crisis response training was required annually. He did not know if there had been a significant change in practice since then. It is possible there could be a fiscal note to districts.

SENATOR BEGICH said there might be a way to measure that.

MR. BROCIIOUS said yes.

SENATOR HUGHES asked whether noncertified teachers, administrators, and volunteers in private schools are mandatory reporters. She asked how long the annual training takes.

[8:49:26 AM](#)

MR. BROCIIOUS said the addition of grooming is just two to three minutes of content to the existing sexual abuse and sexual assault prevention training. It would not significantly extend the time burden. Each school develops and tailors its own crisis response training. DEED provides resources to frame and organize the crisis response training, but it is implemented at the school level.

SENATOR HUGHES asked how much time is required for training for all those in the healing arts who have not been required to be trained in the past.

MR. BROCIIOUS said he can only speak to DEED's training. Its course is about 90 minutes long. OCS has its own training.

TRACY SPARTZ CAMPBELL, Deputy Director, Office of Children's Services, Department of Health and Social Services (DHSS), presented information on SB 171. She said the OCS online training takes 30 to 45 minutes. Participants can stop the training and return to it later.

[8:51:39 AM](#)

SENATOR HUGHES asked if there had been any discussion with those in the health care field about where they stand on this new requirement.

MS. CAMPBELL replied that there had been no discussions with the medical field about the OCS training.

MR. BROCIIOUS said DEED has provided technical assistance events to superintendents and discussed the bill with them. There was not much articulated concern about the additional two minutes to include grooming information.

CHAIR STEVENS asked if any other agencies wished to testify or if there were any public testimony.

SENATOR COGHILL said the requirement was changed to every two years because of other mandatory trainings early in the school year. He asked for a list that showed the scope of what is required. Last year they had asked how to collapse those training requirements into a single unit.

[8:53:19 AM](#)

MR. BROCIIOUS said each certificated staff is required to receive the training once every four years. Every two years at least 50 percent of the staff must be trained. By four years all staff in

the district need to be trained. Some training in that schedule did not seem a natural fit. Since only a few people need to be trained on restraint and seclusion, that was removed from the training cycle. Crisis response training also was not a natural fit. Some of the trainings that do align well to that schedule are gender and race equity, drug and alcohol disabilities, the sexual abuse and sexual assault training, suicide prevention, dating violence, and child abuse and neglect.

CHAIR STEVENS said the committee has enormous interest and hoped for responses to their many questions. Senator Hughes asked to include other agencies.

SENATOR BEGICH said that he will be developing an amendment on the clergy issue to bring to the committee.

[8:55:24 AM](#)

SENATOR GIESSEL said she would submit to Chair Stevens some questions related to other clinicians and providers that would fall under this bill for the Department of Commerce, Community and Economic Development to answer.

LISA SKILES PARADY, Ph.D., Executive Director, Alaska Council of School Administrators, commented on SB 171. She said her members support the intent of this legislation, but they agree that many things need to be answered. Specifically, the fiscal impact to school districts for implementation needs to be considered. She shared that Commissioner Johnson had recently asked if her organization would poll school districts about this. She said she would be happy to share the results with the committee.

SENATOR COGHILL said a year ago they were working on how to combine trainings, everything from emergency management to lockdowns. He said it seems that they are working on it but doesn't know if they are there yet.

MS. PARADY responded that she is the voice of "please, no more additional unfunded mandates." Her members are feeling the load and pressure of layers and layers of unfunded mandates at a time when they need to focus even more closely on the core mission of education. She appreciated Commissioner Johnson's on-the-ground understanding of that and he has been working on how to lessen that responsibility on school districts.

[8:58:28 AM](#)

SENATOR HUGHES said she requests public testimony be left open because the training requirement affects thousands of people and they are also now discussing clergy.

[8:59:12 AM](#)

ACTING CHAIR COGHILL agreed and also noted he would yield to the chair of the committee for that.

SENATOR BEGICH said they discussed unfunded mandates last year. They did not get a list of those last year, and he hoped that Ms. Parady could provide that list.

MS. PARADY said she would work with DEED and provide that list.

ACTING CHAIR COGHILL said they will be working on the challenge of safety in schools. He said the question of how they corral all the safety issues will be something this bill will keep pushing the envelope on.

[9:00:01 AM](#)

SENATOR HUGHES said the list of unfunded training mandates should also be included and their time requirements.

MS. PARADY said she would work with the department to provide that list. She said prioritizing the safety of students every day is core to her beliefs and the beliefs of her members. They recognize the importance of these laws, but she is confident that the highest priority every day of educators is the safety of their students.

ACTING CHAIR COGHILL said he looked forward to getting further information about their questions.

[SB 171 was held in committee.]

[9:01:29 AM](#)

There being no further business to come before the committee, Acting Chair Coghill adjourned the Senate Education Standing Committee at 9:01 a.m.