

**ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE**

April 4, 2022

9:05 a.m.

MEMBERS PRESENT

Senator Roger Holland, Chair
Senator Gary Stevens, Vice Chair
Senator Shelley Hughes
Senator Tom Begich (via teleconference)

MEMBERS ABSENT

Senator Peter Micciche

COMMITTEE CALENDAR

SENATE BILL NO. 196

"An Act relating to transparency and compelled speech in public education."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 196

SHORT TITLE: PUBLIC ED: SPEECH, DISCLOSE INST MATERIAL

SPONSOR(S): SENATOR(S) REINBOLD

02/15/22	(S)	READ THE FIRST TIME - REFERRALS
02/15/22	(S)	EDC, JUD
03/25/22	(S)	EDC AT 9:00 AM BUTROVICH 205
03/25/22	(S)	Heard & Held
03/25/22	(S)	MINUTE(EDC)
04/04/22	(S)	EDC AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

CINDY FULLER, representing self

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 196.

BARBARA TYNDALL, representing self

North Pole, Alaska

POSITION STATEMENT: Testified in support of SB 196.

MIKE COONS, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 196.

KENDAL KRUSE, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 196.

KELLY NASH, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 196.

PAMELA SAMASH, representing self
Nenana, Alaska

POSITION STATEMENT: Testified in support of SB 196.

PHIL MOSER, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 196.

SENATOR LORA REINBOLD
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 196.

ED KING, Staff
Senator Roger Holland
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions on SB 196 on behalf of the sponsor.

ACTION NARRATIVE

[9:05:28 AM](#)

CHAIR ROGER HOLLAND called the Senate Education Standing Committee meeting to order at 9:05 a.m. Present at the call to order were Senators Stevens, Hughes, Begich (via teleconference), and Chair Holland.

SB 196-PUBLIC ED: SPEECH, DISCLOSE INST MATERIAL

[9:06:16 AM](#)

CHAIR HOLLAND announced the consideration of SENATE BILL NO. 196 "An Act relating to transparency and compelled speech in public education."

He asked the sponsor to refresh the committee's recall of SB 196.

[9:06:51 AM](#)

SENATOR LORA REINBOLD, Alaska State Legislature, Juneau, Alaska, sponsor of SB 196, stated that the bill was related to transparency and compelled speech in public education.

[9:07:06 AM](#)

CHAIR HOLLAND asked the sponsor to elaborate.

[9:07:21 AM](#)

SENATOR REINBOLD stated that SB 196 would require public schools, including charter schools, to provide transparency by posting regularly updated curricula, teacher training materials, school procedures, and a brief description of the material online, including the organizations or teachers that produced the materials. She highlighted that this was helpful for parents to be able to pull this information up online during COVID-19.

SENATOR REINBOLD explained that the compelled speech section of the bill was aligned to AS 14 and AS 18. She said Title 18 relates to prohibition against discrimination based on sex or race in public education. The bill would provide specificity on what is prohibited. She referred to page 4, line 3, that teachers or school employees may not force a student to affirm, adopt, or adhere to the belief or concept that the United States or the state' "is fundamentally or irredeemably racist or sexist." She read subparagraphs (C), (D), and (E) on page 4, lines 9-17:

(C) an individual, by virtue of sex, race, ethnicity, religion, color, or national origin, is blameworthy for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, or national origin;

(D) an individual's moral character is necessarily determined, in whole or in part, by the individual's sex, race, ethnicity, religion, color, or national origin;

E) a sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior; or

[9:10:08 AM](#)

SENATOR REINBOLD stated that the bill covers the strict and narrow guidelines that schools must follow to ensure that students are not compelled to [affirm, adopt, or adhere to the belief or concepts] listed in the bill.

[9:10:43 AM](#)

CHAIR HOLLAND opened public testimony on SB 196.

[9:11:15 AM](#)

CINDY FULLER, representing self, Juneau, Alaska, stated that she was raised in Alaska and has four children and ten grandchildren who live in Alaska. Her children primarily attended public school, but she homeschooled two for part of their high school years.

MS. FULLER offered her belief that things are happening in the schools that are not right. She noted that the education system was established to teach reading, writing, arithmetic, science, and history and to learn how to work with others and become productive members of society. Every child was given the same opportunity. However, the school system has expanded to teach a wide spectrum of subjects. She opined that schools had taught fewer academics and more about social values and morals in recent years.

MS. FULLER said she was raised as an American and her values are based on that upbringing. Today, students are no longer taught to identify as Americans but according to their nationality, race, or ethnicity. She noted that her grandchildren are being taught to identify by their gender. She expressed concern that teachers give students attention for being different, that students like the attention, so other students notice and are inclined to do likewise. She related several personal scenarios to illustrate the harm, including suicide attempts, when adolescents are confused and vulnerable to being brainwashed to believe certain philosophies.

[9:14:59 AM](#)

MS. FULLER expressed concern that schools are calling students by their gender choices without parental awareness. She offered her view that SB 196 would address these issues. She said parents need to know what is being taught at school and what is happening to their children.

[9:18:03 AM](#)

BARBARA TYNDALL, representing self, North Pole, Alaska, stated that she moved to Alaska as a child, has five children, 14 grandchildren, and is a former teacher. She spoke in support of SB 196 because it requires schools to put their curricula on their website. This allows parents and grandparents to know what schools are teaching students. She offered her view that this is a reasonable request that protects children and families from objectionable and harmful ideology. She expressed concern that theories, such as critical race, were being taught in schools, including the concepts that America is racist or sexist and that people are inherently racist because of their skin color.

[9:19:30 AM](#)

MS. TYNDALL stated that SB 196 protects children from hating each other based on race, ethnicity, or religion and promotes a healthy respect for all races. She agreed with the previous speaker regarding the reasons for education. She expressed concern that Alaska students have low reading scores. She said teaching reading is not difficult, but it does take time. Education needs to stick to academics, and teachers need time to teach reading and not be overwhelmed with other tasks.

MS. TYNDALL voiced support for SB 196.

[9:21:18 AM](#)

MIKE COONS, representing self, Palmer, Alaska, stated that he agreed with Cindy Fuller, and he shared his views about transgender people.

MR. COONS said he loves SB 196 because it would put into statute that teachers, administrators, school districts, and school boards cannot force their views on students in public schools. He expressed concern that the Critical Race Theory was being taught in school. He shared his opinions about various aspects of CRT and white privilege and his personal experiences with racism in the 1960s.

MR. COONS said he fully endorses SB 196. He thanked Senators Reinbold and Costello for sponsoring the bill.

[9:28:16 AM](#)

KENDAL KRUSE, representing self, Palmer, Alaska, spoke in support of SB 196. She stated that she is the mother of three children who she home-schools. She related her experience trying to obtain the curricula from the school and Anchorage School

District when her children were school-age. She stated that she is a health care provider, so she was not trained in childhood education. She contacted private schools and several homeschools she was considering for her children, who provided her with their curricula.

9:30:19 AM

MS. KRUSE related her friends' experiences in trying to obtain school curriculum to no avail. She said SB 196 is important. She offered her belief that there wasn't any reason not to post school curriculum online since it provides transparency. It would also allow parents to teach their children at home, providing consistency with the classroom curriculum.

MS. KRUSE expressed concern that one reason schools were not doing so was because it might reveal waste or ways students are being indoctrinated sexually, or as social or political activists.

MS. KRUSE referred to Article 2, Sec. 14.18.150 (d), which read:

(d) This section does not require a school to digitally reproduce or post a copy of instructional material if the reproduction or copying is prohibited by copyright.

MS. KRUSE related that she attended a conference and learned about a safe adult sex education course Planned Parenthood created in partnership with another woman. She pointed out that it is copyrighted. She expressed concern that this creates a loophole to hide teaching materials. She stated that parents should not be burdened by the cost or time to obtain access to materials that are not allowed to be copied or posted online.

MS. KRUSE thanked the sponsors for introducing the bill.

9:34:31 AM

KELLY NASH, representing self, Fairbanks, Alaska, spoke in support of SB 196. She stated that she is a lifelong Alaskan and has two children and just became a grandmother. She agreed with previous testifiers. She said teachers are asking students to voice their pronouns. She expressed concern that some students are confused and Alaska has higher suicide rates. She related her experience visiting her daughter's classroom where students had posted how they hate their life, and since schools lack dress codes cross-dressing happens. She acknowledged that some

information is disseminated via social media. She urged members to pass SB 196.

9:38:25 AM

PAMELA SAMASH, representing self, Nenana, Alaska, spoke in support of SB 196. She said she favored parental involvement in education and that increased transparency translates into parental involvement. According to the Public School Review, "Parental involvement plays a critical role in student success." She stated that substantial research has been done on this issue.

MS. SAMASH related that in her experience visiting schools, it is easy to tell which parents were interested and engaged in their children's education and those who were disinterested. She spoke off topic about religion. She expressed concern that schools promote racism by teaching evolution. She said she agrees with previous testifiers. She urged members to support SB 196.

9:40:50 AM

PHIL MOSER, representing self, Juneau, Alaska, spoke in opposition to SB 196. He expressed concern that the language in the bill would not serve the purpose of transparency. The language appears to penalize or promote litigation against schools, teachers, or districts. He noted that some testifiers called the Critical Race Theory (CRT) curriculum as hidden, which was untrue.

MR. MOSER stated that the language in SB 196 appeared to have been copied and pasted from Christopher F. Rufo, an activist who laid out a strategy to use "curriculum transparency" to raise questions about what schools are trying to hide. He found language similar to the bill's language on his website. He offered his belief that this bill is not about transparency but about giving political actors the ability to intimidate and threaten teachers. He expressed concern that the language in the bill requires teachers developing their curriculum to list their names, which could invite intimidation, threats, and violence.

MR. MOSER expressed concern that teachers could not teach specific historical facts in their classrooms, including that any of the founding fathers were slaveholders, because the language in the bill was ambiguous. He pointed out that this bill would control the information presented to teenagers. Yet, testimony on another bill before the legislature suggested that 14-year-olds had the right to decide whether to marry.

MR. MOSER, in closing, said he does not support the bill because it would not provide the transparency in education that it claims would occur.

[9:47:15 AM](#)

CHAIR HOLLAND closed public testimony on SB 196.

[9:47:37 AM](#)

SENATOR HUGHES expressed concern about the provision in [Sec. 14.18.170] that would allow the attorney general to take action or provide an advisory opinion. She wondered how this section would affect due process rights.

[9:48:18 AM](#)

SENATOR REINBOLD read Sec. 14.18.170(a):

The attorney general may commence a civil action in the superior court to enjoin a state agency, school district's governing body, charter school, or public school from violating AS 14.18.150 or 14.18.160.

SENATOR REINBOLD said she was unsure about Senator Hughes's concerns.

[9:48:51 AM](#)

SENATOR HUGHES referred to page 6, lines 1-3, which read:

... A person may rely on, and the attorney general may not commence a civil action under (a) of this section that is inconsistent with, an advisory opinion issued under this section.

SENATOR HUGHES noted that attorneys general don't always agree. She pointed out that an attorney general could issue an opinion that a subsequent attorney general may not agree with but the incoming attorney general would have to abide by it.

[9:49:40 AM](#)

SENATOR REINBOLD referred to subsection (c) on page 5, beginning on line 28, which read:

(c) Within 60 days after receiving a complete written request under (b) of this section, the attorney general shall issue an advisory opinion on the question. The attorney general may reconsider, revoke, or modify an advisory opinion at any time, including

upon a showing that material facts were omitted or misstated in the request for the opinion. A person may rely on, and the attorney general may not commence a civil action under (a) of this section that is inconsistent with, an advisory opinion issued under this section.

[9:50:16 AM](#)

SENATOR REINBOLD offered her view that this language provided some flexibility. She said she would consider an amendment.

SENATOR HUGHES noted that it sounded as though the sponsor intended that a subsequent attorney general could modify an advisory opinion issued by an attorney general. She suggested that this section might need clarification. She further noted that the language used "may" rely on rather than "shall."

[9:51:18 AM](#)

SENATOR STEVENS highlighted the importance of civics education because one of the main reasons for educational systems was to create citizens. He asked whether civics education would not be allowed. He referred to the language on page 4, line [23] that read "activism or advocacy." He wondered if that would prevent advocating that people become citizens.

SENATOR REINBOLD responded that civics can be taught. The bill would institute some restrictions, or bookends. She offered her belief that the Anchorage School District policies reject all forms of racism. She indicated that was what SB 196 was addressing. She offered her belief that teaching Critical Race Theory (CRT) is reverse racism. She referred to an [Alaska Public Media] article entitled "Anchorage School Board passed an anti-racism equity policy with overwhelming support." She quoted Dave Donley's comments in the article: He wrote that, "Critical race theory, a form of reverse racism, is already in the Anchorage School District with a vengeance. New proposed 'equity' and 'anti-racism' policies to be voted on April 20 may officially empower the district's use of this discriminatory pedagogy." She noted that Mr. Donley attempted to amend the policy but it failed on a 1-4 vote. She said CRT typically views white supremacy as maintaining power through culture and law.

[9:54:18 AM](#)

SENATOR REINBOLD said she included quotes from books used by the Anchorage School District in her opening remarks. Although the ASD says it does not teach CRT, she offered her belief that it teaches the tenets of the theory. She read a list of books whose

authors were considered the standard bearers for the CRT ideology. She stated that the bill would require transparency for parental review. She said SB 196 would align with the US Constitution and current state and federal statutes. She highlighted that the intent of the bill was to try to prevent extremism.

9:56:37 AM

SENATOR STEVENS surmised that they agreed on the importance of civics in education. However, he was unsure of the definition of some terms in the bill, including political activism or advocacy. He asked whether he would be considered an activist if he was a high school teacher trying to get students to vote in an election. He asked for assurances that SB 196 would not adversely impact civics education.

SENATOR REINBOLD responded that civics is critical. She read paragraph 2 on page 4 to emphasize her point.

(2) direct or otherwise compel a student or a teacher, administrator, or other employee to affirm, adopt, or adhere to the belief or concept that

(A) the United States or the state is fundamentally or irredeemably racist or sexist;

(B) an individual, by virtue of sex, race, ethnicity, religion, color, or national origin, is, consciously or unconsciously, inherently racist, sexist, or oppressive;

(C) (an individual, by virtue of sex, race, ethnicity, religion, color, or national origin, is, consciously or unconsciously, inherently racist, sexist, or oppressive;

SENATOR REINBOLD emphasized that the bill relates to a specific area to prevent teaching divisiveness. She offered her view that this language aligns with AS 18.

9:58:37 AM

SENATOR HUGHES acknowledged that she understood the parameters on page 4. She referred to the language on page 3 because it was broader. She suggested that the language in paragraph (1) might prevent a student from writing in support of moving SB 196 from committee. She suggested the language may need further clarification to ensure that students can weigh in on a bill but

not be forced to take a position, allowing them to make up their own minds. She offered her belief that civics education was essential. She recalled the commissioner had emphasized the importance of civics education.

10:00:39 AM

SENATOR REINBOLD responded that the language was clear. She stated that Sections 1 and 2 of the bill provide the bookends or parameters. She referred to page 5, which identified what was not prohibited. She offered her belief that the bill would not hinder civics education, and the language was very clear. The bill would prohibit teachers from teaching curricula that were divisive or discriminatory.

10:01:57 AM

SENATOR BEGICH expressed concern about some misinformation or falsehoods being stated. He stated that the idea that Critical Race Theory (CRT) was being taught was because teachers were teaching history. He noted that the sponsor listed books that could be taught or would not be taught. He wondered if teachers could even teach or discuss teachings or speeches by Martin Luther King (MLK) because he identified specific racism in America. He emphasized that it raises the question of whether anything could be discussed, including Jim Crowe and civil rights laws, because these topics become questionable under the bill's vague language.

SENATOR BEGICH said the sponsor says the bill would prevent extremism. However, he said it would do the opposite, specifically related to compelled speech in Sec. 14.18.160, by giving one person the ability to say what can and can't be taught in a classroom. He recalled one testifier had suggested that the theory of evolution was directly connected to racism. He was unsure of the true goal of SB 196. He indicated that the six school board members were elected citywide, and the citizens can reject them. Instead, the legislature would remove local government's ability to determine how best to educate their children. He said he thinks this bill is wrong, misguided, and he was deeply disappointed that the committee was discussing this bill instead of talking about helping kids to read and solve the fiscal gap.

SENATOR REINBOLD responded that when she worked on the common core issues, she had asked to review the ASD's books, but was not allowed to take photos or videos of any materials. She reiterated her belief that CRT was a form of reverse racism, quoting excerpts from "White Fragility" by Robin DiAngelo to

illustrate her point. She stated that SB 196 would not prohibit teaching about civil rights, rereading portions of AS 14.18.160, paragraph (2).

10:08:22 AM

SENATOR REINBOLD reiterated that SB 196 had specific parameters and that the bill was clearly written.

SENATOR BEGICH offered his belief that SB 196 was designed to divide people and not unite them.

10:08:54 AM

CHAIR HOLLAND stated that he would work with the sponsor on minor amendments, including on page 1, line 13, to ensure that the Board of Regents was the accurate body. He said he appreciated Senator Steven's concern about limiting student participation because he would like to encourage student involvement. He asked whether "White Fragility" by Robin DiAngelo was included as part of any school district's curriculum.

SENATOR REINBOLD responded that it was on the list of approved books.

CHAIR HOLLAND related his understanding that the goal of SB 196 was transparency and to protect against extremes.

10:10:35 AM

SENATOR REINBOLD noted that having each classroom's curriculum posted online would provide easier access to classroom materials.

10:11:14 AM

SENATOR HUGHES recalled reading a letter from a Black woman to the Anchorage School District who opposed CRT because it divided people. She said she did not recall the person's name, but it was a compelling letter. She offered her view that one issue was that the posted books only showed one side of the issue. She said since then, she had been attuned to viewpoints of Black Americans throughout the nation who think CRT goes in the wrong direction. She opined that it was important for teachers to teach the significance of leaders like Martin Luther King.

10:12:52 AM

SENATOR STEVENS expressed concern that the language on 1, line 13 would require the University of Alaska (UA) Board of Regents to adopt rules. He indicated he needed to understand that

provision better because the public school system and UA were separate.

[10:13:44 AM](#)

At ease

[10:14:20 AM](#)

CHAIR HOLLAND reconvened the meeting.

[10:14:26 AM](#)

SENATOR REINBOLD clarified that SB 196 does not include UA. She offered her view that this provision was included because UA was asked to comment on Common Core Standards previously being considered. She noted that some high school students could take college courses.

[10:14:59 AM](#)

ED KING, Staff, Senator Roger Holland, Alaska State Legislature, Juneau, Alaska, stated that Legislative Legal Services (Leg Legal) indicated that the Board of Regents is referenced in the existing law under anti-discrimination. He noted that this new section of law is within the same chapter but not within the same range. He stated that Leg Legal indicated it was referenced but it would not affect the new language being added.

MR. KING responded to a question that was raised at the last hearing about whether the Board of Education or the school districts had the authority to adopt regulations on the new language. He informed members that existing law provides broad authority throughout the chapter to adopt regulations, so it was not an issue.

[10:16:09 AM](#)

SENATOR REINBOLD remarked that SB 196 was meant to unite people based on the foundations and principles of the US Constitution and existing statutes in AS 14 and AS 18. She offered her belief that some extremism has infiltrated the schools and this bill would address it.

[10:16:48 AM](#)

CHAIR HOLLAND held SB 196 in committee.

[10:17:00 AM](#)

There being no further business to come before the committee, Chair Holland adjourned the Senate Education Standing Committee meeting at 10:17 a.m.