

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

March 29, 2023

8:01 a.m.

MEMBERS PRESENT

Representative Jamie Allard, Co-Chair
Representative Justin Ruffridge, Co-Chair
Representative Mike Prax
Representative Tom McKay
Representative Rebecca Himschoot
Representative Andi Story

MEMBERS ABSENT

Representative CJ McCormick

COMMITTEE CALENDAR

HOUSE BILL NO. 71

"An Act relating to education; and relating to a school district online checkbook."

- HEARD & HELD

HOUSE BILL NO. 105

"An Act relating to parental rights in a child's education; relating to access to school records; relating to sex education, human reproduction education, and human sexuality education; relating to school disciplinary and safety programs; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 71

SHORT TITLE: SCHOOL DISTRICT ONLINE CHECKBOOK

SPONSOR(S): REPRESENTATIVE(S) RAUSCHER

02/13/23	(H)	READ THE FIRST TIME - REFERRALS
02/13/23	(H)	EDC
03/06/23	(H)	EDC AT 8:00 AM DAVIS 106
03/06/23	(H)	Heard & Held

03/06/23 (H) MINUTE (EDC)
03/20/23 (H) EDC AT 8:00 AM DAVIS 106
03/20/23 (H) <Bill Hearing Canceled>
03/29/23 (H) EDC AT 8:00 AM DAVIS 106

BILL: HB 105

SHORT TITLE: SEX/REPRODUCTION EDUCATION; SCHOOLS
SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

03/08/23 (H) READ THE FIRST TIME - REFERRALS
03/08/23 (H) EDC, JUD
03/13/23 (H) EDC AT 8:00 AM DAVIS 106
03/13/23 (H) Heard & Held
03/13/23 (H) MINUTE (EDC)
03/29/23 (H) EDC AT 8:00 AM DAVIS 106

WITNESS REGISTER

REPRESENTATIVE GEORGE RAUSCHER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 71.

SARAH MONTALBANO, Education Policy Analyst
Alaska Policy Forum
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 71.

HERMAN MORGAN, Representing Self
Aniak, Alaska

POSITION STATEMENT: Testified during the hearing on HB 71.

CASSEE OLIN, Administrative Services Director
Juneau School District
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 71.

HEIDI TESHNER, Acting Commissioner
Department of Education and Early Development
Juneau, Alaska

POSITION STATEMENT: Summarized HB 105 on behalf of the House Rules Standing Committee, sponsor, by request of the governor.

DEENA BISHOP, representing self
Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony in support of HB 105.

KENDAL KRUSE, representing self
Palmer, Alaska

POSITION STATEMENT: Gave invited testimony in support of HB 105.

TAMMY BUNKER, representing self
Palmer, Alaska

POSITION STATEMENT: Gave invited testimony in support of HB 105.

TERRI LYONS, representing self
Wasilla, Alaska

POSITION STATEMENT: Gave invited testimony in support of HB 105.

LYNN HALFORD, representing self
Palmer, Alaska

POSITION STATEMENT: Gave invited testimony in support of HB 105.

ACTION NARRATIVE

[8:01:25 AM](#)

CO-CHAIR JAMIE ALLARD called the House Education Standing Committee meeting to order at 8:01 a.m. Representatives Prax, McKay, Himschoot, Story, Ruffridge, and Allard were present at the call to order.

HB 71-SCHOOL DISTRICT ONLINE CHECKBOOK

[8:02:26 AM](#)

CO-CHAIR ALLARD announced that the first order of business would be HOUSE BILL NO. 71, "An Act relating to education; and relating to a school district online checkbook."

[8:03:00 AM](#)

REPRESENTATIVE GEORGE RAUSCHER, Alaska State Legislature, read the sponsor statement for HB 71 [included in committee packet], which read as follows [original punctuation provided]:

The School Districts around Alaska spend millions of dollars each year without a clear understanding of where the money goes. We believe it goes to everything

from office supplies, to teacher salaries, administrative workers and hopefully the kids in the classroom. A tool like an online checkbook will help the Governor and Legislature understand where the deficit is, and where funding is needed. Public accountability helps ensure that funds are spent wisely, and the public is entitled to understand where the funding goes also.

The intent of the online checkbook is to create a free, searchable website that provides Alaskans with easy access to detailed and comprehensive information on School District spending. This will encourage better understanding of district needs and, ultimately, help ensure that funding is directed to where it should be.

REPRESENTATIVE RAUSCHER noted the sectional analysis had already been presented at a prior hearing.

[8:05:08 AM](#)

REPRESENTATIVE PRAX asked Representative Rauscher whether he had checked with the school districts to find out if they have expectations of how much they will have to spend to accomplish this proposal, and whether the districts think it would be an improvement.

REPRESENTATIVE RAUSCHER confirmed that he had. He also noted that the public would like to understand where the money is specifically spent so they can ask the right questions.

[8:09:10 AM](#)

REPRESENTATIVE HIMSCHOOT asked Representative Rauscher whether he had checked with single sight districts that don't maintain a website or considered the financial burden of this proposal.

REPRESENTATIVE RAUSCHER replied he had not. He noted that he could not distinguish specific districts within the 54 where it might be a financial burden.

[8:10:22 AM](#)

CO-CHAIR RUFFRIDGE noted that larger school districts' budgets were available to the public on an online platform. He

questioned who may be seeking detailed "line by line" checkbook data.

REPRESENTATIVE RAUSCHER explained that for some interested people, it is very hard to get the information, and sometimes schools can be evasive in providing the exact information being sought. He said the public may receive a more generalized number.

[8:14:27 AM](#)

CO-CHAIR RUFFRIDGE asked Representative Rauscher whether he had personal experiences with people that struggled to obtain particular information. He stated that he wanted to be certain that people could use the checkbook to find information they are "missing out on."

REPRESENTATIVE RAUSCHER offered to forward an email, blacking out the person's name, so Representative Ruffridge could see "what their problem was."

CO-CHAIR RUFFRIDGE indicated that he was interested.

[8:16:00 AM](#)

REPRESENTATIVE STORY addressed cybersecurity, and the possibility of names on the checkbook being a security threat to vendors. She also noted the "tremendous expense" for some districts that do not even have an online presence.

[8:17:45 AM](#)

REPRESENTATIVE MCKAY opined that people should be able to see, in detail, where money is going without having to go through a lot of hassle to get the information. He expressed his support for HB 71.

[8:19:13 AM](#)

CO-CHAIR ALLARD stated that she supported transparency and gave a personal example of being a parent having a hard time obtaining information. She shared her belief that any member of the public should see how public dollars are being spent. She confirmed her support for HB 71.

[8:20:31 AM](#)

REPRESENTATIVE RAUSCHER explained that he sponsored an online checkbook bill two years ago, and during that time, no one was worried about any kind of security issues regarding the checks that were written. He stated that it should not be thought of as a security breach.

[8:22:28 AM](#)

REPRESENTATIVE HIMSCHOOT moved to adopt Amendment 1 to HB 71, labeled 33-LS0435/A.2\Marx 3/23/23, which read:

Page 1, line 1:
Delete "and"

Page 1, line 1, following "checkbook":
Insert "; and relating to the review of a school district budget by a legislator"

Page 1, following line 10:
Insert new bill sections to read:

*** Sec. 2.** AS 14.17 is amended by adding a new section to read:

Sec. 14.17.925. Legislator review of school district budget. (a) The superintendent of a school district shall meet with a legislator who represents the house or senate district in which the school district is located to review the budget of the school district if requested by the legislator. The meeting must be held at a place located in the school district, unless the superintendent and the legislator agree otherwise.

(b) In this section, "school district" has the meaning given to "district" in AS 14.17.990.

*** Sec. 3.** AS 24.05 is amended by adding a new section to read:

Article 6. Review of School District Budget.

Sec. 24.05.220. Duty to review school district budget. (a) At least once a year, each legislator shall meet with the superintendent of a school district located within the legislator's house district or senate district to review the school district budget. The meeting must be held at a place located in the school district, unless the superintendent and the legislator agree otherwise.

(b) In this section, "school district" has the meaning given to "district" in AS 14.17.990."

REPRESENTATIVE PRAX objected.

REPRESENTATIVE HIMSCHOOT spoke to Amendment 1. She explained that since school districts are funded publicly, the information about how the money is spent is publicly available. She said the proposed amendment would put an obligation on legislators to spend one day in their home school district to explore the budget with the district's superintendent.

[8:23:58 AM](#)

CO-CHAIR ALLARD asked whether the bill sponsor considered Amendment 1 to be a friendly amendment.

REPRESENTATIVE RAUSCHER opined that Amendment 1 would be a heavy burden on some legislators, which, compounded with senators' districts, would become even bigger. He stated that he did not find Amendment 1 to be a "friendly amendment."

[8:26:15 AM](#)

REPRESENTATIVE HIMSCHOOT drew attention to page 1, line 21 of Amendment 1, which stated "a" school district. She explained she has 22 communities in 12 school districts and did not want to put a burden on anyone; however, she stressed that it would be "a" school district, meaning one district. Further, she pointed out that every legislator is in a community that has a district office.

[8:26:46 AM](#)

REPRESENTATIVE STORY asked for clarification about line 14 of Amendment 1, which stated, "unless the superintendent and the legislator agree otherwise". She asked whether that meant that they could agree to have a phone conversation.

REPRESENTATIVE HIMSCHOOT confirmed that is correct, it does not have to be in person.

[8:27:21 AM](#)

REPRESENTATIVE MCKAY opined that he would rule the proposed amendment as out of order, as it has nothing to do with the bill.

[8:27:57 AM](#)

The committee took an at-ease from 8:27 a.m. to 8:44 a.m.

[8:44:13 AM](#)

CO-CHAIR ALLARD asked Representative Prax whether he maintained his objection.

REPRESENTATIVE PRAX maintained his objection. He shared his belief that it is a good idea for legislators to pay attention to their districts; however, he disagreed with the requirement that a superintendent must meet with a legislator. He explained that it is not [the legislature's] primary responsibility to look at each school district, and said it was not a good idea to put it in statute.

[8:46:43 AM](#)

REPRESENTATIVE MCKAY questioned the penalty for not meeting with the superintendent.

[8:46:56 AM](#)

REPRESENTATIVE HIMSCHOOT replied it would be the same penalty as the legislature not finishing session in 90 days.

[8:47:09 AM](#)

CO-CHAIR ALLARD observed that the proposed amendment requires a legislator to review the budget, which has nothing to do with the online checkbook; therefore, she stated she would not support Amendment 1.

[8:47:54 AM](#)

The committee took an at-ease from 8:47 a.m. to 8:50 a.m.

[8:50:35 AM](#)

A roll call vote was taken. Representatives Himschoot, and Story voted in favor of Amendment 1. Representatives Prax, McKay, Allard, and Ruffridge voted against it. Therefore, Amendment 1 failed by a vote of 2-4.

[8:51:21 AM](#)

The committee took a brief at-ease at 8:51 a.m.

[8:51:53 AM](#)

CO-CHAIR ALLARD opened public testimony on HB 71.

[8:52:36 AM](#)

SARAH MONTALBANO, Education Policy Analyst, Alaska Policy Forum, testified in support of HB 71, and gave a brief description of the forum. She stated that transparency helps residents understand their government and hold it accountable, and explained that it is often difficult and expensive for the public to obtain financial information about their government. Transparency requirements do not have to be burdensome to districts, she said, but the statute should list minimum data requirements that must be provided. Other states and school districts nationwide have recognized the value of providing checkbooks online, she said. She opined that Alaska would do well to follow suit.

[8:54:48, AM](#)

HERMAN MORGAN, representing self, testified during the hearing on HB 71. He opined that rural districts were being failed and urged the legislature to fix the education system.

[8:58:13 AM](#)

CASSEE OLIN, Administrative Services Director, Juneau School District, testified during the hearing on HB 71. She expressed concern that the const for school districts would be hard to estimate; additionally, she expressed concern that smaller school districts with only one business manager would be affected. Lastly, she expressed concern about cybersecurity. She stated that she lacked clarity as to how the checkbook would be set up. She offered to remain available for any questions.

[9:00:59 AM](#)

CO-CHAIR ALLARD closed public testimony on HB 71.

[9:01:11 AM](#)

REPRESENTATIVE STORY asked Representative Rauscher what level of detail is in the checkbook and requested an example of one that had been done for school districts.

REPRESENTATIVE RAUSCHER gave examples of the type of entries that might be shown in the checkbook.

[9:02:08 AM](#)

CO-CHAIR ALLARD announced that HB 71 was held over.

[9:02:17 AM](#)

The committee took a brief at-ease at 9:02 a.m.

HB 105-SEX/REPRODUCTION EDUCATION; SCHOOLS

[9:02:40 AM](#)

CO-CHAIR ALLARD announced that the final order of business would be HOUSE BILL NO. 105, "An Act relating to parental rights in a child's education; relating to access to school records; relating to sex education, human reproduction education, and human sexuality education; relating to school disciplinary and safety programs; and providing for an effective date."

[9:03:14 AM](#)

HEIDI TESHNER, Acting Commissioner, Department of Education and Early Development (DEED), stated that she wished to address a few misconceptions about HB 105 before invited testifiers joined. She began by summarizing the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

The bill requires school districts to allow parental access to school records and to develop policies requiring written consent prior to providing instruction related to human reproduction and sexual matters.

Parental involvement initiatives in public education have been increasing nationwide. In Alaska, parents are becoming more actively involved in the content and quality of instruction provided in public schools. This involvement has resulted in an increased focus on the presentation of content and materials that may not be age-appropriate for all children. This bill addresses these concerns by placing matters of personal identification and sexual education directly in the hands of parents at the local level.

Under the terms of the bill, school districts must adopt rules that provide for notice and affirmative written consent prior to any activity, class, or program that includes sensitive and personal content involving gender identity, human reproduction, or sexual matters, and a class involving sex education may not be attended by a child enrolled in a grade below fourth grade. In addition, the bill recognizes the rights of parents to designate the official name used by schools when addressing or referring to enrolled students. The bill authorizes the enforcement of these policies through the use of civil litigation by parents against school districts that knowingly or recklessly refuse to comply with the statute.

A parent's right to information about a student's physical, medical, and mental health is absolutely critical to ensure the safety and privacy of their children. Given the complex and dynamic nature of the modern school environment, it is counterproductive to create situations where a child's various caregivers are not all operating on the same page. To that end, this bill also prevents school districts from refusing to release sensitive and personal student records to the child's legal parent or guardian.

Finally, the bill recognizes every child's right to privacy by requiring school districts to adopt procedures addressing the physical safety and privacy of students in locker rooms and restrooms in public schools.

[9:06:04 AM](#)

MS. TESHNER clarified that the bill would not change anything related to the requirements of Bree's Law; those remain as an opt-out. The bill would not prevent sexual abuse awareness or prevention classes from being taught. The bill would not contribute to child abuse by forcing a teacher to "out" a gender conforming child to their parents, and the bill explicitly permits school personnel from withholding this information if they knowingly believe it would result in abuse or neglect of that child. The bill would not aim to take away the rights of any student demographic. In closing, she explained, the rights of parents to be involved and informed about what children are being taught in school should not be controversial. The bill

would make a key change, she said, by changing the requirement from the right to opt-out, to the requirement that parents must opt-in. She shared her observation that parent involvement often results in more successful, well-rounded children.

[9:08:50 AM](#)

CO-CHAIR ALLARD thanked Ms. Teshner for her clarifications and welcomed invited testimony.

[9:09:05 AM](#)

DEENA BISHOP, retired, representing self, informed the committee that she had retired from working in the Office of the Governor. She summarized her years of service and background, and gave her testimony in support of HB 105, supporting parents' rights and transparency in Alaska schools. She stated that one of her goals today was to share what the bill would not do, which she believed would be useful in combatting disinformation. Parental rights are not new in education, and parental involvement is key to a child's educational success, she said, adding that parents are the first and primary teachers of their children. The governor's education bill empowers the people who are asked to be partners to engage in schools and choose for their children to educate them of personal matters, she conveyed.

[9:15:17 AM](#)

MS. BISHOP, explained that Alaska has laws that protect children and teachers, noting that teachers are mandatory reporters by way of their professional certification. She said HB 105, a bill that guarantees the rights of parents to be involved, would not remove duties to keep children safe nor would it remove the instruction in personal safety or sexual abuse training. She reiterated that it would not remove Bree's Law. All of these [statements] have been false assertions, she said, adding that the bill supports what the federal government already has ensured. She emphasized that the bill is not a prohibition, it is about parental permission. She urged the committee to support HB 105 for what it does, and opined that it would empower Alaska's parents and strengthen Alaska schools.

[9:19:00 AM](#)

KENDAL KRUSE, representing self, stated that she strongly supported HB 105 for many reasons, and echoed the sentiments of the previous testifier. She expressed concern about the

negative view of parents within school systems, and pointed out that parental involvement increases the outcomes for children academically and economically later in life. She mentioned the declining state of mental health throughout Alaska, and asked how children can be helped if [parents and teachers] are not united. Pitting parents against teachers, she said, is not going to unite or increase mental health statistics or result in happy and healthy children.

[9:23:28 AM](#)

MS. KRUSE reflected on her work in healthcare the past nine years and confirmed that she is also a mandatory reporter. She stated that it is important to acknowledge that some children are abused, some parents are involved, and there are systems in place to help these children, which is critical. She noted the diversity that exists in Alaska, and respected that there are parents that object to certain things, as well as parents who would like "those things" to be taught. She stressed that she wanted both sets of parents to be able to make those decisions for themselves. She thanked the committee for their service.

[9:26:32 AM](#)

TAMMY BUNKER, representing self, informed the committee that she was a retired teacher, and gave invited testimony in support of HB 105. She explained that she came from a long line of public educators, and most of her life she had been invested in public education. She added that she currently volunteers twice a week at an elementary school. She stated that she is specifically in support of the portion [of the bill] that would require written permission for a child to participate in an activity, class, or program that pertains to human reproduction, sexual matters, or gender identity. She applauded the governor's desire to increase transparency between schools and parents, and opined that the bill would allow parents to make informed decisions that are best for their child as well as allow parents and educators to work together to help students reach their full potential.

[9:30:14 AM](#)

TERRI LYONS, representing self, gave invited testimony on HB 105 and expressed her belief that parents have all the rights from birth to be their child's moral, emotional, and financial center. She stated her support for HB 105 except for the provision indicating that sex education would start in the 4th

grade. She said she believed that 4th grade is far too young with or without approval from a parent, and that children should have a bit more maturity to be able to handle that information.

[9:33:12 AM](#)

LYNN HALFORD, representing self, provided a brief background and began her testimony in support of HB 105. She noted that she currently spends her retirement helping to care for six grandchildren, which added to the reason why she cared about the bill and wanted it passed into law. She stated that she appreciated the grade level guidelines and did not want the innocence of children violated by subjects that are not age appropriate. She agreed with the testifiers that preceded her and thanked the governor and the committee.

[9:36:09 AM](#)

CO-CHAIR ALLARD invited questions from the committee.

[9:36:30 AM](#)

REPRESENTATIVE PRAX requested that the testifiers submit transcripts of their testimony.

[9:36:50 AM](#)

CO-CHAIR RUFFRIDGE referred to the statement that the bill would not change Bree's Law; however, he noted that he did not hear any reference to the "children's safety act" [Erin's Law]. He asked whether there would be any effect on that particular piece of legislation.

MS. BISHOP confirmed that it would not alter that legislation.

CO-CHAIR RUFFRIDGE asked how to teach a child how to spot and report signs of abuse without being in violation of the proposed legislation, should it become law.

MS. BISHOP replied that teaching materials are quite complex. She explained that there are age-appropriate books and videos used in regard to "good touch bad touch."

[9:40:09 AM](#)

CO-CHAIR RUFFRIDGE expressed concern that, as drafted, HB 105 would prevent conversations about "good touch bad touch" with

children under 4th grade because it would imply that there is such a thing as a "bad touch." If HB 105 were to pass, he asked whether teachers and parents would still be able to have that conversation.

MS. BISHOP replied that the bill was about sexual matters and personal maturation, two things that are present in the education system and would require parent's permission instead of opting out. It is not about abolishing or prohibiting anything, she said, it is about parents understanding what is being taught.

CO-CHAIR RUFFRIDGE referred to the statement that there was no prohibition in the bill; however, Section 5 prohibited children under grade four from participation in a class or program that involves sex education, human reproduction or human sexuality education. He opined that "good touch bad touch" still falls under the realm that there are dangers that exist in regard to sexual matters. He stated that he was having a hard time reading the bill and not thinking that it would prohibit those conversations.

MS. BISHOP explained that for children under the fourth grade, educators teach them about safety and focusing on the basics of [reading, writing, arithmetic]. She stated that as an educator, personal safety and instruction on sexual matters are two very different constructs.

[9:44:27 AM](#)

REPRESENTATIVE STORY emphasized the importance of teaching age appropriate personal safety information and sought to confirm that there would still be an opt-out option for child abuse prevention and Bree's Law.

[9:46:23 AM](#)

MS. TESHNER confirmed that is correct.

[9:46:31 AM](#)

REPRESENTATIVE HIMSCHOOT asked Ms. Teshner to speak to a legal memo regarding the constitutionality of the proposed bill.

MS. TESHNER replied that she had not looked at the memo yet.

[9:47:27 AM](#)

REPRESENTATIVE PRAX expressed concern that the mandatory reporting requirements had not been totally successful.

[9:50:17 AM](#)

MS. BISHOP responded that many reports are investigated that turn out to be unfounded; however, the law was designed to benefit children's safety first. She added that if a teacher had information about endangerment, they were to report it.

[9:55:04 AM](#)

REPRESENTATIVE PRAX offered a personal anecdote about a homeless teenager who needed a dad. He explained that he chose not to foster the teen because he didn't want the hassle of the government looking into his [family]. He shared his belief that this concern required further conversation.

[9:56:27 AM](#)

REPRESENTATIVE MCKAY offered final comments regarding organization and rules for the upcoming public testimony.

[9:58:25 AM](#)

CO-CHAIR ALLARD [announced that HB 105 was held over.]

[9:58:47 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:59 a.m.