

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

April 29, 2024

3:30 p.m.

MEMBERS PRESENT

Senator Löki Tobin, Chair
Senator Gary Stevens, Vice Chair
Senator Jesse Bjorkman
Senator Jesse Kiehl
Senator Elvi Gray-Jackson

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

- CONFIRMATION ADVANCED

SENATE BILL NO. 266

"An Act relating to standards-based assessments; relating to correspondence study programs; relating to student fund accounts for correspondence study programs; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 266

SHORT TITLE: CORRESPONDENCE STUDY PROG; STUDENT ACCTS

SPONSOR(S): EDUCATION

04/26/24	(S)	READ THE FIRST TIME - REFERRALS
04/26/24	(S)	EDC
04/29/24	(S)	EDC AT 3:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

ROBERT GRIFFIN, Appointee
Anchorage, Alaska

POSITION STATEMENT: Testified as the governor's appointee to the State Board of Education and Early Development.

RAY KREIG, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of governor appointee Mr. Griffin.

DAVID BOYLE, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of governor appointee Mr. Griffin.

LAURA BONNER, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition of governor appointee Mr. Griffin.

CAROLINE STORM, Executive Director
Coalition for Education Equity
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition of governor appointee Mr. Griffin.

MICHAEL MASON, Staff
Senator Löki Tobin
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Delivered the sectional analysis for SB 266.

DEBORAH RIDDLE, Operations Manager
Division of Innovation and Education Excellence
Department of Education and Early Development (DEED)
Juneau, Alaska

POSITION STATEMENT: Provided an overview of the fiscal note for SB 266.

LARAE SMITH, representing self
Houston, Alaska

POSITION STATEMENT: Testified with concerns on SB 266.

MAUREEN CRUMLEY, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 266.

AMANDA WRAITH, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to SB 266.

STACEY LANGE, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 266.

KATHERINE GARDNER, Deputy Superintendent
Business and Operations
Matsu Borough School District
Palmer, Alaska

POSITION STATEMENT: Testified on SB 266.

STARLA HALBROOK, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 266.

JOEL HALBROOK, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified with concerns on SB 266.

SARAH GROVER, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified with concerns on SB 266.

ERICKA BEERY, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 266.

HOWARD BEERY, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 266.

LON GARRISON, Executive Director
Association of Alaska School Boards
Juneau, Alaska

POSITION STATEMENT: Testified on SB 266.

EMILY FERNY, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 266 with concerns.

MADELINE RANCH, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 266.

KIMBERLY BERGEY, Program Director

Raven Homeschool

POSITION STATEMENT: Testified with concerns on SB 266.

ACTION NARRATIVE

[3:30:08 PM](#)

CHAIR LÖKI TOBIN called the Senate Education Standing Committee meeting to order at 3:30 p.m. Present at the call to order were Senators Kiehl, Stevens, Gray-Jackson, and Chair Tobin. Senator Bjorkman joined thereafter.

CONFIRMATION HEARING(S)

[3:32:43 PM](#)

CHAIR TOBIN announced the consideration of governor appointee Bob Griffin to the State Board of Education and Early Development

[3:33:13 PM](#)

ROBERT GRIFFIN, Appointee, Anchorage, Alaska, testified as the governor's appointee to the State Board of Education and Early Development. He stated that public policy choices impact the outcomes for students. He said this is a reappointment, and he is looking forward to continued collaboration in areas where he, as chair, saw progress in reading for early childhood literacy and tribal compacting. He stated he is optimistic about students' 2022 NAEP test scores. He listed various other accomplishments, such as the AK STAR adaptive testing model and teacher certification pathways.

[3:34:53 PM](#)

MR. GRIFFIN spoke about the rate at which Alaska's teachers are becoming proficient in the science of reading and the positive impact it will have on students. He said he is concerned about the allocation of resources to classrooms and achieving positive outcomes. He compared Florida, the least adequately funded school system, to Alaska, the second most adequately funded, and provided several examples of how Florida's students outperform Alaska's students.

[3:37:40 PM](#)

MR. GRIFFIN said the huge escalation in building costs is robbing resources from classrooms. He stated that operations recently had a budget he voted against because building costs exceed inflation, and Alaska's schools have billions of dollars in deferred maintenance. To illustrate his point, he said one

facility was listed at \$102 million and serves 170 students. In contrast, the Dena'ina Center cost \$111 million. He opined that Alaska has poor support for hugely successful charter schools, with sole authority given to local districts. He spoke about the challenges and opportunities in Alaska associated with poverty, world languages, diversity, and cost of living.

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SENATOR GRAY-JACKSON expressed a strong appreciation for mission statements, highlighting their value in clearly defining the role of a board, commission, or organization. She stated the mission of the State Board of Education as "an excellent education for every student every day." She asked if the board is effectively fulfilling this mission.

MR. GRIFFIN stated that progress is being made toward fulfilling the mission, though not all students are achieving at the desired level. He highlighted the Alaska Reads Act and acknowledged Senator Tobin's efforts in its adoption, noting the lengthy process since its initial introduction in 2014. He remarked that if the legislation had been in place since 2014, Alaska might be closer to the success seen in Mississippi, which has significantly narrowed achievement gaps. He pointed out that Mississippi ranks second in the nation for low-income fourth grade reading scores on the National Assessment of Educational Progress (NAEP).

[3:42:00 PM](#)

SENATOR BJORKMAN joined the meeting.

[3:42:34 PM](#)

CHAIR TOBIN noted the repeated references to NAEP scores and expressed concern over poor assessment data for certain populations in public schools. She observed a lack of improvement in these numbers during his five years on the board. She asked for his perspective on statewide assessments and questioned why all students are not encouraged to participate.

MR. GRIFFIN replied that he supports encouraging all students to take statewide assessments, emphasizing the importance of measuring performance. He stated that large statistical samples are beneficial and expressed agreement with the sentiment of broad participation in assessments.

[3:43:20 PM](#)

SENATOR KIEHL referenced previous comments about the cost of school buildings and the major maintenance backlog. He asked

what proposals the board has brought forward in the past six years to address building standards or reduced school construction costs.

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MR. GRIFFIN stated that the board has discussed the rising costs of school construction for some time, with conversations recently becoming more robust. He mentioned that the board is drafting a resolution or memorandum to propose creating a commission to identify ways to redirect resources toward classroom operations. He noted that spending on K-12 education exceeds \$22,000 per student for those in neighborhood schools, equating to about \$550,000 for a cohort of 25 students. He expressed concern that a significant portion of this funding is not reaching classrooms or directly benefiting teachers and students.

[3:44:57 PM](#)

SENATOR KIEHL expressed appreciation for the increased focus on school building costs but raised concerns about reliance on average figures. He asked Mr. Griffin to elaborate on his understanding of the average cost per student excluding those with an IEP.

MR. GRIFFIN replied [he did not know].

[3:45:34 PM](#)

SENATOR KIEHL noted an online reference to Mr. Griffin's work with the Alaska Policy Forum as an education researcher. He asked him to elaborate on the nature of that role and its responsibilities.

[3:45:57 PM](#)

MR. GRIFFIN stated that he has been a volunteer with the Alaska Policy Forum since its inception around 2009 and has contributed extensively over the years. He highlighted his ability to travel to education conferences across the United States, including events hosted by the Foundation for Excellence in Education and the National Alliance for Public Charter Schools. He explained that he funds his own travel to learn about successful educational practices and how benchmarking Alaska's performance against other places can improve student outcomes through adopting measures that have proven successful elsewhere.

[3:47:09 PM](#)

CHAIR TOBIN referenced meeting minutes from the Family Partnership on October 10, 2022, which noted Mr. Griffin's

attendance as a representative of the Department of Education and Early Development (DEED). She expressed curiosity about his authorization as a spokesperson for the department. She asked him to clarify why he attended the meeting and to elaborate on his comments regarding using public funds for private school funding, particularly any discussion of misuse of public funds for private purposes.

[3:47:48 PM](#)

MR. GRIFFIN stated he did not recall claiming to represent the Department of Education and Early Development (DEED) and noted he is careful to present his own opinions in such contexts. He explained that the Family Partnership Charter School was experiencing turmoil with its Academic Policy Committee (APC) at the time. He said he did not remember the exact circumstances of what was discussed but expressed consistent support for correspondence allotment programs, which serve about 70 percent of Alaska's students. He emphasized that parents choose these programs for various reasons. He contrasted these parents to those that drop their children at a bus stop and pick them up later.

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CHAIR TOBIN responded that her question focused specifically on his participation in the public meeting as a representative of the Department of Education and Early Development (DEED). She stated that she understands the reasons families choose public charter schools and correspondence programs but sought further explanation about his role in the meeting.

MR. GRIFFIN stated his believe that he was invited to speak at the meeting by an APC member. He emphasized that he was careful to clarify he was expressing his own opinions, not representing DEED or the State Board of Education. He noted that he consistently ensures in both his writings and public engagements that his views are personal and not on behalf of the department or board.

CHAIR TOBIN stated that the public meeting minutes stated multiple times that Mr. Griffin attended as a representative of DEED. She said that as part of the executive branch he swore and oath to uphold the Alaska Constitution including art VII, sec. 2, which governs the appropriate use of public funds for education. She asked whether, in his private engagements, he advocates for the misuse of public funds.

[3:49:42 PM](#)

MR. GRIFFIN replied he never advocates for the misuse of public funds.

CHAIR TOBIN responded that it is curious that he had expressed support for allotments, which were recently ruled unconstitutional by a superior court judge. She commented that it is difficult for her to marry his two statements.

[3:50:10 PM](#)

SENATOR GRAY-JACKSON noted Mr. Griffin's previous opposition to increasing education funding and acknowledged what she perceived as his change of heart in supporting a \$680 increase to the Base Student Allocation (BSA). She asked how he envisions this increase impacting Alaska schools and expressed appreciation for his shift in perspective.

MR. GRIFFIN stated that per-student spending in state formula funding increased by approximately 91 percent between 2003 and 2023, compared to an inflation rate of 60.3 percent during the same period. He acknowledged that more recent spending has remained relatively flat. He expressed that he is not opposed to the current proposal of a \$680 increase in the BSA.

[3:51:14 PM](#)

SENATOR KIEHL noted that his office has requested charter school waitlists from the Department of Education and Early Development (DEED) multiple times but has not received them. He asked how many unique Alaska children are currently on charter school waitlists.

MR. GRIFFIN replied that the most recent number he recalled was approximately 800 children on charter school waitlists. He stated the waitlists were longer but thinks that parents frustrated by waiting enrolled their children in micro-schools or learning pods. He argued that any number of children on a waiting list demonstrates a market demand that exceeds supply.

[3:52:25 PM](#)

SENATOR STEVENS stated that he is confused about the difference between direct and indirect contributions to public and private schools. He asked for an explanation of the distinction.

MR. GRIFFIN said in the case of charter allotment programs a lot of indirect money goes to content providers and contract work. He said he doesn't really find a distinction between private and public sector content providers when there are not a lot of public sector providers offering the materials used to educate

charter school kids. He said the underlying principle is that very good outcomes are occurring at a reasonable price. He opined if correspondence allotment program students all entered brick and mortar programs it would trigger \$190 million dollars a year in formula funding.

[3:54:19 PM](#)

SENATOR BJORKMAN asked if Mr. Griffin now supports a \$680 increase to the BSA.

MR. GRIFFIN confirmed his support for the \$680 increase to the BSA and stated that he does not recall opposing it in the past. He noted that K-12 education funding has been generous over the last 20 years but has remained relatively flat in recent years. He added that the \$680 figure seems to be the consensus, and he does not disagree with it.

[3:54:59 PM](#)

SENATOR BJORKMAN asked whether Mr. Griffin lobbied members of the legislature regarding the veto override vote for SB 140.

MR. GRIFFIN acknowledged lobbying members of the legislature to override the veto for SB 140. He stated that he agreed with the governor's assessment that the package lacked significant reforms. He added that the current proposal in HB 392 is a minimal request for essentially the same objectives.

[3:55:37 PM](#)

SENATOR BJORKMAN asked Mr. Griffin to clarify what he specifically urged members to do regarding the veto.

MR. GRIFFIN clarified that he urged members to sustain the veto, agreeing with the governor's position that increasing spending without meaningful reforms has been a persistent issue. He emphasized the importance of incorporating reforms that have proven successful in states like Florida and Mississippi. He highlighted a significant issue in Alaska's charter school program: the lack of secondary authorizers. He explained that without secondary authorizers, charter schools face an asymmetric power dynamic when negotiating charter contracts, as Alaska is one of only five states where this authority rests solely with local school districts.

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SENATOR BJORKMAN said he understands. He asked whether the slides and information Mr. Griffin presented as a member of the State Board of Education at last year's joint meeting of the

Senate Education and House Education Committees had been vetted or approved, noting that the materials included numerous DEED logos.

[3:57:41 PM](#)

MR. GRIFFIN stated that he assumes the slides were approved, as he submitted them to the board, and they were forwarded.

SENATOR BJORKMAN replied he was clarifying the vetting of the slides because of Mr. Griffin's recounting of earlier testimony regarding his official role on the State Board of Education. Following the joint hearing, he raised concerns with the chair of the board, stating his belief that the information presented by Mr. Griffin appeared to be of his own work and making. He said the chair of the board agreed, validating the concern. He expressed continued concern about blurring the line between DEED and State Board of Education approval when sharing information in public settings.

[3:58:39 PM](#)

SENATOR KIEHL said that in the last couple of years, the State Board of Education has written regulations in areas where legislation was before the legislature. He stated that, in general, the legislature writes laws, while boards or regulatory bodies implement them or make them specific. He asked Mr. Griffin for his philosophy on the board's appropriate use and limits of power when legislators or the governor believe statutory changes are necessary.

MR. GRIFFIN responded that if he understood the question correctly, it pertained to the limits of what the board can do. He stated his understanding that the board can only write regulations based on statute and does not have any role beyond that.

SENATOR KIEHL asked whether, he would say the board has appropriately limited itself to its statutory authority, given some of the actions taken by the board through regulation in the last year or two, particularly in areas where legislators believe statutory changes are necessary.

[4:00:19 PM](#)

MR. GRIFFIN replied yes.

[4:00:29 PM](#)

CHAIR TOBIN expressed appreciation for Mr. Griffin's willingness to serve another term on the State Board of Education. However,

she stated that she has deep reservations about his reappointment. She raised concerns about his lobbying efforts, which she believes may verge on violating the Executive Branch Ethics Act and criticized his statements about the adequacy of the foundation formula. She referenced the dismay of Florida researchers at his misuse of their data stating they have decided to exclude Alaska from future studies. She expressed confusion over his continued propagation of what she considers misinformation and noted that during his tenure, millions of public dollars have gone into private hands. She highlighted research indicating parents are opting out of neighborhood schools due to non-competitive teacher salaries, lack of defined benefits, and cuts to arts, science, and PE programs.

[4:02:36 PM](#)

CHAIR TOBIN said she will share her reservations with colleagues because she wants board members who care about and advocate for public schools. She expressed concern that Mr. Griffin believes decisions should be made by the State Board of Education rather than at the local level and questioned his push to change local control, especially when Alaska has some of the best charter schools in the nation. She encouraged him to continue engaging with others during the reappointment process but said she would not vote for his reconfirmation.

[4:02:42 PM](#)

CHAIR TOBIN opened public testimony on the appointment of Mr. Griffin to the State Board of Education and Early Development.

[4:02:58 PM](#)

RAY KREIG, representing self, Anchorage, Alaska, testified in support of governor appointee and read his following prepared testimony:

[Original punctuation provided.]

Bob Griffin has been a tireless and outstanding advocate for improving K-12 education in Alaska. I strongly support his confirmation for another term on the State Board of Education. The kind of reforms we need in Alaska are those recognized in the June 1, 2023 NY Times editorial page column attached, "Mississippi is Offering Lessons for America on Education" by Nicholas Kristoff. Quote "The refrain across much of the Deep South for decades was "Thank God for Mississippi". End quote. That's because other southern states believed that no matter how bad their

education systems were, Mississippi would always be at the bottom. Part of my youth was spent in Arkansas, and I can attest that was said! Mississippi decided to take control of its educational system. In the last ten years, all its energy has been placed into getting all children to read at the 3rd grade level by the end of 3rd grade. Results? On the NAEP test, Mississippi is soaring in national rankings— Was this accomplished by lower classroom sizes? By social promotion? After all, Mississippi had a lot to overcome. Mississippi ranks dead last in child poverty and second highest in teen births. It was near the bottom of the NAEP tests too. No. It placed its energy into getting all children to read. Now among low-income students, Mississippi 4th graders are tied for best in reading and rank second in math!

Bob Griffin is an expert on exactly these reforms. I've known Bob for 14 years and he is an Alaskan treasure and patriot. Losing his experience and wisdom would be a disaster for education progress and must not happen. Because education is critical, this is one of the most important votes in the legislature this session and a spotlight will be on each vote for or against Bob. We can't continue to turn out students that can't adequately read or do math. This is a continuing human rights abuse! I hope that the Committee can consider what Mississippi has been able to do and keep Bob Griffin on the State Board so we can achieve results like this in Alaska. I thank you for your careful consideration and attention.

4:05:44 PM

DAVID BOYLE, representing self, Anchorage, Alaska, testified in support of governor appointee Mr. Griffin. He stated he has been acquainted with him for nearly 20 years as a fellow veteran, describing him as a man of integrity. He said Mr. Griffin is a top-notch K-12 education researcher who prioritizes the interests of all children. He noted that Mr. Griffin shares data, not opinions or anecdotes, earning him the nickname "Data Man." He commended his contributions to the State Board, including providing comparative research on Alaska's K-12 performance relative to all other states and credited him for leading efforts to improve reading proficiency through research on the science of reading, which culminated in the Alaska Reads Act. He addressed criticisms that Mr. Griffin opposes public education, asserting they are unfounded. He lauded him for

identifying wasteful spending to prioritize classroom learning and for bringing a data-driven perspective to policy discussions.

[4:08:23 PM](#)

LAURA BONNER, representing self, Anchorage, Alaska, testified in opposition of governor appointee Mr. Griffin. She criticized the State Board of Education for failing to steer the Department of Education and Early Development (DEED) towards measurable improvements or adequate district oversight. She cited the board's lack of oversight and fiscal responsibility to maintain equity requirements to comply with the American Rescue Plan funds paid to the state in 2022 and 2023, despite districts needing the funds. She expressed concern about his resume submitted to the House hearing, which omitted his role as a Senior Education Research Fellow and member of the Board of Directors for the Alaska Policy Forum, a private organization advocating for vouchers and other methods to redirect public education funds to private and religious schools. She referenced a 2014 article he wrote for the forum, where he stated, "Alaska's public schools are not underfunded. They are not run efficiently because they are a monopoly." She also cited a February 2023 article where he wrote, "Alaska schools do not need an increase in funding." In another article he stated, "Alaska does not have a K-12 funding program; we have a resource allocation program." She pointed out discrepancies in Mr. Griffin's statements, noting that during the House committee hearing, he claimed to support local control of charter schools by locally elected school boards while also supporting the State Board's authorization of schools. She emphasized that while he is entitled to his opinions, the Alaska Constitution mandates the maintenance of a public school system open to all children.

[4:11:07 PM](#)

CAROLINE STORM, Executive Director, Coalition for Education Equity, Anchorage, Alaska, testified in opposition of governor appointee. She expressed agreement with Chair Tobin's earlier reservations about Mr. Griffin's reconfirmation. She noted that while serving on the board of the Alaska Policy Forum, he consistently advocated for vouchers, a stance she argued is counter to the Alaska Constitution. She also criticized his reliance on the Rutgers study, highlighting that its authors have stated they will exclude Alaska in future studies due to inaccuracies in the data. She expressed perplexity over his comments on the high costs of school construction and his suggestion to limit capital investments in public schools. Drawing from her prior experience as an architect, she

emphasized that remote construction costs in Alaska are inherently high and unavoidable. She stressed Alaska's constitutional and legal obligations under Molly Hootch to provide public education facilities in every village, advocating for full support of these efforts. She also addressed the push for correspondence schools, referencing a superintendent's observation that a key lesson from COVID-19 was that children need to be in classrooms with their peers.

[4:13:33 PM](#)

CHAIR TOBIN closed public testimony on the appointment of Mr. Griffin to the State Board of Education and Early Development.

[4:13:42 PM](#)

CHAIR TOBIN solicited a motion.

[4:13:44 PM](#)

SENATOR STEVENS stated that in accordance with AS 39.05.080, the Senate Education Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Board of Education and Early Development

Bob Griffin - Anchorage

SENATOR STEVENS reminded members that signing the report(s) regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

[4:14:07 PM](#)

CHAIR TOBIN stated Mr. Griffin's name would be forwarded to a joint session of the Alaska Legislature.

SB 266-CORRESPONDENCE STUDY PROG; STUDENT ACCTS

[4:14:23 PM](#)

CHAIR TOBIN announced the consideration of SENATE BILL NO. 266 "An Act relating to standards-based assessments; relating to correspondence study programs; relating to student fund accounts for correspondence study programs; and providing for an effective date."

[4:14:34 PM](#)

CHAIR TOBIN explained that SB 266 was drafted in response to an Alaska Superior Court decision, issued two weeks ago. The

decision found that two sections of state law regarding Public Correspondence Programs—specifically related to Individualized Education Plans (IEPs) and allotments—unconstitutional. She said that to ensure these programs remain available to correspondence families, the Alaska legislature acted quickly to draft SB 266. She highlighted the following key components of SB 266:

- SB 266 reinstates statewide assessments for all public-school students. Parents will receive a two-week notification of testing dates, and students observing a religious holiday may opt out. Accommodations under the Individuals with Disabilities Education Act remain unaffected. This provision addresses a conflict with House Bill 146 (2016), which allowed parents to opt out of statewide assessments. She noted that this violates a 2007 Superior Court ruling that requires the state to have an adequate method of assessing whether students meet state standards.
- SB 266 reinstates the 2008 Department of Education and Early Development (DEED) correspondence program regulatory package, originally enacted under the Palin administration. This package best aligns with requirements in Alaska's Constitution. It allows DEED or local districts to provide correspondence programs and student fund accounts (renamed from allotments), designed for individualized academic instruction. The State Board of Education is required to establish regulations for student fund accounts, which must comply with SB 266 prohibitions against using funds for partisan, sectarian, or denominational materials.
- Unspent student fund account balances must be returned at the end of each year, with detailed annual reporting on expenditures. These stipulations align with existing requirements for brick-and-mortar schools.
- SB 266 strengthens reporting requirements for correspondence programs. DEED must annually provide the legislature with data on student demographics, expenditures from student fund accounts, statewide assessment performance, and administrative costs.

CHAIR TOBIN concluded that the SB 266 aims to prevent recurrence of the legal issues addressed in the court's decision.

[4:18:03 PM](#)

MICHAEL MASON, Staff, Senator Löki Tobin, Alaska State Legislature, Juneau, Alaska, said the goal of SB 266 is to provide clear guidance and guardrails for Alaska's public correspondence programs. He delivered the sectional analysis for SB 266:

[Original punctuation provided.]

Senate Bill 266 - Correspondence Study Programs

Version B - Sectional Analysis

Section 1 - Amends AS 14.03.016 by repealing the blanket withdrawal provisions of statewide assessments for students in K-12. The statutory requirement for at least two-week notification of statewide assessments remains unchanged. Parents may still withdraw their public-school participating child from statewide assessments when testing dates fall on religious holidays. Accommodations for students covered by the Individuals with Disabilities Education Act, who have a 504 or Transition Impairment Plan, or are identified as English Learners are not affected by this repeal.

Section 2 - Adds a new subsection to AS 14.03.300 requiring the Alaska Department of Education or a local school district report annually on student participation in their correspondence study program. The report must include demographic information, expenditures made by a student fund account, appropriately aggregated performance on a statewide assessment, and administrative costs associated with operation of the correspondence study program.

Section 3 - Repeals and reenacts AS 14.03.310 and reinstates components of a 2008 correspondence study program regulatory package promulgated by the Alaska Department of Education and Early Development. Under AS 14.03.310, the department or a local school district may provide a correspondent study program enrollee a fund account to meet the purpose of providing individualized academic instruction. The department or a local school district is prohibited from supplanting federally required services with a student fund account. AS 14.03.310 directs the State Board of Education and Early Development to adopt regulations pertaining to student fund account

expenditures and outlines stipulations for regulations. The 2 regulations must comply with AS 14.03.090, which prohibits educators or schools from advocating for partisan, sectarian, or denominational doctrines and AS 14.18.060, which prohibits the selection of textbook and instructional materials that are biased toward one sex. Regulations propagated under this section also must meet additional requirements outlined under new sections (e) through (g) of AS 14.03.310. The new AS 14.03.310 also directs the department or local public school district to return the unexpended student fund balance to the budget of the department or district including any funds that remain when a student disenrolls from a correspondence study program.

[4:21:12 PM](#)

MR. MASON continued the sectional analysis of SB 266:

[Original punctuation provided.]

Section 4 - Amends AS 14.07.168 to include information collected under the new subsection established under AS 14.03.300 in the annual report submitted by the State Board of Education and Early Development to the Alaska State Legislature.

Section 5 - Amends AS 14.07.158, sec. 23, ch. 40 SLA 2022, which repeals AS 14.07.168 (4) on June 30, 2034, to include in the annual report provided to the Alaska Legislature by the Alaska Board of Education and Early Development that includes the information established under the new subsection established under AS 14.03.300. Section 4 and 5 relate to the 2034 repeal of the Alaska Reads Act, ensuring continued reporting of the information collected under AS 14.03.300.

Section 6 - Repeals AS 14.03.300 (b).

Section 7 - Stipulates that Section 5 of this Act takes effect on the effective date of sec. 23, ch. 40, SLA 2022.

Section 8 - Sets an immediate effective date for the Act, except for Section 7.

[4:24:33 PM](#)

CHAIR TOBIN asked for a review of the fiscal note for SB 266.

[4:24:42 PM](#)

DEBORAH RIDDLE, Operations Manager, Division of Innovation and Education Excellence, Department of Education and Early Development (DEED), Juneau, Alaska, said the fiscal note for SB 266, from the Department of Education and Early Development, OMB component 2796, dated April 26, 2024, is a one-time expenditure of \$6,000 for the development of regulations with the Department of Law.

[4:25:21 PM](#)

SENATOR KIEHL shared that when he and his wife homeschooled one of their children, program funding partially assisted in purchasing a computer for schoolwork. He noted the prohibition on items purchased with homeschool support funds becoming personal property and asked whether, under the current rules, his daughter could have retained the computer she used for six years.

[4:26:19 PM](#)

CHAIR TOBIN asked him to clarify if he meant in perpetuity or for the full six years.

SENATOR KIEHL replied that he meant in perpetuity. He said he recalled language in SB 266 prohibiting keeping textbooks indefinitely and attaching items to a home.

[4:26:48 PM](#)

CHAIR TOBIN stated her belief that currently in regulation the value of the computer would be depreciated over time and parents may have the option to purchase the item at the depreciated value.

[4:27:11 PM](#)

SENATOR KIEHL asked about the boundaries for purchasing items like curriculum and noted that defining what qualifies as an educational institution will likely be central to the committee's considerations. He used McGraw Hill, a textbook publisher, as an example, suggesting it presumably would not be considered an educational institution.

[4:27:46 PM](#)

MR. MASON stated his understanding that textbooks would be an authorized expense under SB 266, provided they are approved by the correspondence program. He clarified that if McGraw Hill

produced textbooks approved by the program, those would qualify as an allowable expense.

[4:28:16 PM](#)

CHAIR TOBIN referred to SB 266, page three, lines 3-13, which directs the State Board of Education to adopt regulations requiring the department and districts to approve expenditures for correspondence study programs. She explained that these regulations would define allowable expenses and be outlined through the regulation process. Additionally, she highlighted SB 266, page four, lines 24-25, which provides school administrators with some flexibility to approve specific expenditures if they align with a student's Individual Learning Plan.

[4:29:29 PM](#)

SENATOR KIEHL noted prohibitions in SB 266 on purchasing items like clothing and PE equipment. He explained that while an allotment could be used for part of the cost of a computer, it could not be used to purchase a bicycle for PE. He mentioned receiving questions via email about using allotments for PE classes or instruction, such as a dance class or ski lesson, to fulfill a physical education requirement. He asked for clarification on the restrictions for such expenditures.

[4:30:21 PM](#)

SENATOR TOBIN referred to SB 266, pages 4-5, lines 26-2, which provide guidance on allowable expenditures. She explained that the 2008 regulations, chosen over the 2005 version, are more permissive and allow students using a student fund account to contract with private individuals for tutoring, fine arts, music, and physical education as part of their learning plans. She clarified that for other subjects, such as advanced math or geophysics, a certificated teacher employed by the correspondence program and qualified in those subjects is required. However, private individuals may provide services for fine arts, music, and physical education.

[4:32:09 PM](#)

CHAIR TOBIN opened public testimony on SB 266.

[4:32:18 PM](#)

LARAE SMITH, representing self, Houston, Alaska, testified with concerns on SB 266. She said she is a graduate of the IDEA correspondence program and a private music teacher. She said she was confused over vague language in SB 266 regarding tutoring, specifically the prohibition on private or religious educational

institutions, and questioned what qualifies as an "institution." She also sought clarification on restrictions in SB 266, Section 3(b) regarding student fund accounts and Individual Education Program (IEP) services, worried it might exclude music lessons. Additionally, she opposed the prohibition in SB 266 on funding for field trips and memberships, arguing that homeschool students should have the same opportunities as public-school students.

[4:34:34 PM](#)

CHAIR TOBIN clarified that the language on supplanting in SB 266 prohibits using district funds to replace federally obligated funding required for a student's Individualized Education Plan (IEP) under the federal Individuals with Disabilities Education Act.

[4:35:05 PM](#)

MAUREEN CRUMLEY, representing self, Anchorage, Alaska, testified in opposition to SB 266. She stated that parents should have the ability to use funding for tutors in all core subjects, equipment for physical education, and services from religious or private educational institutions to best educate their children. She stated that her community has excellent opportunities in these areas, which should be accessible to all families. She argued that the changes proposed in SB 266 appear to undermine the current correspondence school program, potentially affecting over 22,000 students. She concluded by asserting that SB 266 limits Alaska parents' ability to provide the best education for their children.

[4:36:35 PM](#)

AMANDA WRAITH, representing self, Wasilla, Alaska, testified in opposition to SB 266. She expressed her commitment to ensuring all Alaskan children receive an education that meets their unique needs and develops their individual gifts. She shared her recent experiences supporting IDEA students at national competitions, highlighting the valuable opportunities provided by the correspondence program. She emphasized the need for equitable funding, asserting that public funding available to public schools should also be available for correspondence programs. She criticized SB 266 for limiting educational opportunities for students and described it as a harmful threat to parents' rights and Alaska's education system.

[4:39:09 PM](#)

STACEY LANGE, representing self, Anchorage, Alaska, testified in opposition to SB 266 arguing that it violates her fundamental

right as a parent to direct her child's upbringing and education. She emphasized the importance of school choice, stating that parents, not bureaucrats, are best suited to decide what educational path is best for their children. Citing poor educational outcomes in the Anchorage School District and Alaska's low national rankings, she argued that SB 266, along with recent correspondence school regulations, appears designed to force families back into public schools. She referenced U.S. Supreme Court rulings, including *Pierce v. Society of Sisters* (1925), *Espinosa v. Montana Department of Revenue* (2020), and *Carson v. Makin* (2022), which affirmed parents' rights to choose religious schools under school choice programs without violating the Free Exercise Clause of the First Amendment of the United States. She asserted that SB 266 violates this clause and urged its rejection.

[4:41:31 PM](#)

KATHERINE GARDNER, Deputy Superintendent, Business and Operations, Matsu Borough School District, Palmer, Alaska, testified on SB 266. She thanked the committee for reviewing correspondence programs and allotments, noting that 16 percent of Mat-Su School District students participate in these programs. She shared that Mat-Su Central School is the district's largest school and will move into a permanent facility next year. She expressed support for correspondence families and appreciation to the Senate Education Committee for addressing this topic. She added that the Mat-Su School Board will review the legislation and provide feedback in the future.

[4:43:09 PM](#)

STARLA HALBROOK, representing self, Fairbanks, Alaska, testified in opposition to SB 266 highlighting the value of Alaska's current homeschool laws, which she described as generous and supportive of hands-on learning experiences that benefit her children's education and health. She expressed concern over the potential elimination of the rollover of unused funds, noting that many families rely on these for high school education expenses. She suggested increasing funding for high school students to ensure adequate resources for graduation. She also appealed to the Senate to keep mandatory testing optional, emphasizing the role of advisory teachers in supporting families.

[4:45:41 PM](#)

JOEL HALBROOK, representing self, Fairbanks, Alaska, testified with concerns on SB 266. He stated that the allotment has made schooling enjoyable and beneficial for his family. He shared

that it helps with purchasing resources like Legos for learning robotics and science, as well as canvases and art supplies for art and writing. He highlighted the ability to pay small fees for IDEA clubs and access educational opportunities at museums and zoos to learn about history, geology, and biology.

[4:46:30 PM](#)

SARAH GROVER, representing self, Fairbanks, Alaska, testified with concerns on SB 266. She emphasized the importance of maintaining the current funding structure and increasing funding for high school students to expand their educational opportunities. She noted the value of allowing access to tutors and private education for subjects where parents may lack expertise. She thanked the committee for supporting the program.

[4:47:13 PM](#)

ERICKA BEERY, representing self, Juneau, Alaska, testified in opposition to SB 266 arguing that allotments are already subject to strict oversight, including receipts and Individual Learning Plan (ILP) alignment, and cannot be used for religious materials. She described SB 266 as restrictive, likening it to a vice pushing children back into neighborhood schools, particularly by removing the option to opt out of standardized tests, which she said yield delayed and unhelpful results. She criticized SB 266 for restricting allotments for PE-related expenses despite rising childhood obesity and diabetes rates. She also opposed the prohibition on allotments covering parents accompanying students to museums, noting that neighborhood schoolteachers are not required to pay for field trips out of pocket. She questioned who SB 266 benefits, asserting that it does not serve the best interests of children.

[4:49:58 PM](#)

HOWARD BEERY, representing self, Juneau, Alaska, testified in opposition to SB 266. He stated that the lawsuit prompting SB 266 arose from a single correspondence school misusing funds for religious education, emphasizing that this was not representative of all correspondence schools. He argued that one incident should not lead to overhauling the entire system. He also opposed the prohibition on rolling over funds, noting that saving for costly endeavors like a pilot's license, which supports trades needed in Alaska, would no longer be possible. He questioned whether the National Education Association (NEA) had any role in drafting SB 266 and urged legislators to prioritize students over organizations like the NEA.

[4:51:18 PM](#)

LON GARRISON, Executive Director, Association of Alaska School Boards, Juneau, Alaska, testified on SB 266. He expressed support for SB 266 as a starting point to address the constitutional violation identified by a superior court judge, ensuring that correspondence programs can continue operating within legal boundaries. He acknowledged that SB 266 would make some changes to how correspondence programs are administered but emphasized ASB's strong support for these schools. He highlighted the 85-year history of correspondence programs in Alaska, dating back to 1936, and their importance in providing educational options in a geographically vast state. He said the ASB looks forward to working on SB 266 to support public education options like correspondence programs.

[4:53:46 PM](#)

EMILY FERRY, representing self, Juneau, Alaska, testified in support of SB 266 emphasizing the need for homeschool families, neighborhood schools, charter schools, teachers, and principals to have support and certainty. She stated that resolving the issues identified in the Superior Court decision quickly would provide stability and allow focus to return to broader challenges, such as underfunding and lack of investment in the education system. She noted that her family values religious education and skiing, which they personally fund, and argued that it is reasonable to treat homeschool families equitably in similar situations.

[4:55:08 PM](#)

MADELINE RANCH, representing self, Juneau, Alaska, testified in opposition to SB 266. She expressed concern as a homeschool student about the potential impact of SB 266 on students like her who rely on correspondence programs to advance academically. She shared her efforts to get ahead in her studies by completing geometry over the summer and emphasized that many students, including those struggling academically, benefit from opportunities to improve through extra effort. She described her family's financial challenges, including limited access to technology, such as a computer, and stated that purchasing necessary tools would be a significant burden. She shared that her sister, after facing personal challenges, might need access to homeschooling in the future, which SB 266 could hinder. She concluded that SB 266 would negatively affect her and others seeking a proper education.

[4:57:45 PM](#)

KIMBERLY BERGEY, Program Director, Raven Homeschool, testified with concerns on SB 266. She stated that although she is based

in the Palmer-Wasilla area, she supervises the Raven Homeschool program statewide. She emphasized the need to consider Alaska's vast geography and dispersed families when reviewing SB 266. She urged the committee to avoid creating equity issues between urban and rural areas, highlighting that many rural communities lack access to physical education facilities and must rely on purchasing PE equipment for their children. She also pointed out that some language in SB 266, such as the term "educational institution," needs clarification to ensure consistent interpretation. She cited past state purchases from entities like North Dakota and Calvert Education and questioned how such providers fit the definitions in SB 266.

[5:00:19 PM](#)

CHAIR TOBIN left public testimony open on SB 266.

[5:00:43 PM](#)

CHAIR TOBIN held SB 266 in committee.

[5:01:01 PM](#)

There being no further business to come before the committee, Chair Tobin adjourned the Senate Education Standing Committee meeting at 5:01 p.m.