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Version #1
Bannister
4/7/86

Original sponsor: Boucher

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 426 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of postsecondary
7 educational institutions."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 14.42.015(a) is amended to read:

10 (a) There is in the Department of Education the Alaska Commis-
11 sion on Postsecondary Education consisting of

12 (1) two members of the Board of Regents of the University
13 of Alaska designated by the members of that body;

14 (2) one person representing private higher education in the
15 state selected jointly by the Boards of Trustees of Alaska Pacific
16 University and Sheldon Jackson College from among their membership;

17 (3) one person representing the Department of Education
18 selected by the state Board of Education;

19 (4) four persons broadly and equitably representative of
20 the general public appointed by the governor;

21 (5) one member of the state Advisory Council on Vocational
22 Education designated by the members of that body;

23 (6) one person from [AMONG] the members of the local com-
24 munity college advisory councils appointed [, INITIALLY,] by the
25 governor [UNTIL THE STATE ADVISORY COUNCIL ON COMMUNITY COLLEGES IS
26 ESTABLISHED AND ORGANIZED UNDER AS 14.42.030(b); THEN, ONE MEMBER OF
27 THE STATE ADVISORY COUNCIL ON COMMUNITY COLLEGES DESIGNATED BY THE
28 MEMBERS OF THAT BODY];

29 (7) two members from the legislature, one of whom shall be

1 appointed by the president of the senate and one by the speaker of the
2 house of representatives [DESIGNATED BY THE LEGISLATIVE COUNCIL AND
3 ONE BY THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE];

4 (8) one person appointed in accordance with (e) of this
5 section who is a full-time student as defined in AS 14.43.160(2);

6 (9) one administrator appointed by the governor from a
7 proprietary institution of postsecondary education that has an author-
8 ization to operate in the state issued under AS 14.48.

9 * Sec. 2. AS 14.48.060(b) is amended by adding a new paragraph to read:

10 (13) the charges set by the institution for tuition, fees,
11 books, and supplies are fair and equitable.

12 * Sec. 3. AS 14.48.100(e) is amended to read:

13 (e) In lieu of the surety bond required in (a) and (b) of this
14 section, the applicant may file with the commission a cash deposit,
15 [OR] other negotiable security, or other property, acceptable to the
16 commission, in the amount specified for the bond [BONDS].

17 * Sec. 4. AS 14.48.120 is amended to read:

18 Sec. 14.48.120. REVOCATION. An authorization to operate or an
19 agent's permit may be revoked or conditioned if the commission has
20 reasonable cause to believe that the holder of the authorization or
21 permit is violating or has violated this chapter or AS 45.50.471 or
22 regulations adopted [PROMULGATED] under this chapter or AS 45.50.491.
23 Except as provided in (b) and (c) of this section, the [THE] Adminis-
24 trative Procedure Act (AS 44.62) governs the procedure for a revoca-
25 tion, review of a revocation, or other action under this section.

26 * Sec. 5. AS 14.48.120 is amended by adding new subsections to read:

27 (b) Authorization for an institution to operate, and a permit
28 for an agent representing that institution, are revoked 30 days after
29 the institution ceases to operate. The commission shall give the

1 institution and the agent 15 days' written notice, by certified mail,
2 sent return receipt requested, to the last addresses of the institu-
3 tion and agent.

4 (c) The institution and the agent may appeal a revocation under
5 (b) of this section by filing an appeal in writing with the commission
6 within 30 days after the revocation.

7 * Sec. 6. AS 45.50.471(b) is amended by adding a new paragraph to read:

8 (26) failing to comply with AS 14.48.060(b)(13).

9 * Sec. 7. AS 45.50.481 is amended to read:

10 Sec. 45.50.481. EXEMPTIONS. Nothing in AS 45.50.471 - 45.50.561
11 applies to

12 (1) an act or transaction regulated under laws administered
13 by the state, by a [ANY] regulatory board or commission except as
14 provided by AS 45.50.471(b)(26), or officer acting under statutory
15 authority of the state or of the United States, unless the law regula-
16 ting the act or transaction does not prohibit the practices declared
17 unlawful in AS 45.50.471;

18 (2) an act done by the publisher, owner, agent, or employee
19 of a newspaper, periodical or radio or television station in the
20 publication or dissemination of an advertisement, when the owner,
21 agent or employee did not have knowledge of the false, misleading or
22 deceptive character of the advertisement or did not have a direct
23 financial interest in the sale or distribution of the advertised
24 product or service;

25 (3) an act or transaction regulated under AS 21.36 or
26 AS 06.05 or a regulation adopted [ANY REGULATIONS PROMULGATED] under
27 the authority of those chapters.

28 * Sec. 8. Notwithstanding AS 14.42.015(a)(6) - (7) as amended by sec. 1
29 of this Act, the existing members of the Alaska Commission on Postsecondary

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Education on the effective date of this Act who were appointed under AS 14.42.015(a)(6) - (7), as those paragraphs existed before the effective date of this Act, shall continue as members of the commission until the normal expiration of the members' terms.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 3/25/86

REQUEST

Bill/Resolution No. : HB 426
 Title : Postsecondary Education and Regulation of Institutions
 Sponsor : Boucner
 Requestor : House HESS
 Date of Request : 3/25/86

FISCAL DETAIL

Agency Affected : Education
 BRU : Postsecondary Education
 Components : General Administration

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	N.A.	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND	N.A.	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

The only possible cost would be travel related. This will be absorbed within existing budget for meetings and will essentially be accommodated through Commission vacancy at meetings.

Prepared by: *[Signature]* Phone : 465-2854
 Division : Commission on Postsecondary Education Date : 3/25/86

Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF LAW

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

OFFICE OF THE ATTORNEY GENERAL

TELECOPIER TRANSMITTAL LETTER

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: LINDA O'BANNON
LOCATION: ANCH PHONE: 270-3550
TELECOPIER NUMBER: 270-3697
REMARKS: _____

TOTAL NUMBER OF PAGES 5 INCLUDING COVER LETTER.

DATE: 4/3/86 TIME: 9:15 AM
FROM: HOUSE HESS - NANCY BENNETT
IN RE SUBJECT/FILE NO. HB 426

CHARGE TO: 100 110 523
 543 546 674
 OTHER Legislative Affairs

IF YOU DO NOT RECEIVE ALL THE PAGES OR IF YOU HAVE ANY PROBLEMS,
PLEASE CONTACT: Nancy Bennett 415-3759
AT (907) 465-3600 - ATTORNEY GENERAL'S OFFICE - JUNEAU

NOTE: Please fill in ALL of the blanks.

*Scheduled for a hearing 4/7
pls. call Nancy Bennett 465-3759*

Bannister
4/2/86 ✓

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SOCIAL SERVICES COMMITTEE

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Please draft a HESS CS with noted changes!

Introduced: 5/7/85
Referred: Health, Education &
Social Services

Nancy
X3759.

1 IN THE HOUSE

BY BOUCHER

2

CS HOUSE BILL NO. 426 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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23 (6) one person from [AMONG] the members of the local com-
24 munity college advisory councils appointed [initially] by the governor,
25 [until the state Advisory Council on Community Colleges is established
26 and organized under AS 14.42.030(b); then, one member of the state
27 Advisory Council on Community Colleges designated by the members of
28 that body];

29 (7) two members from the legislature, one of whom shall be

1 designated by the ^{President of the Senate} [Legislative Council] and one by the ^{Speaker of} [Legislative
2 ~~the House~~ Budget and Audit Committee];

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Alaska State Legislature

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4931

DISTRICT 10
BOX 111038
ANCHORAGE, ALASKA 99511
(907) 349-2192



CHAIRMAN
Special Committee on
Telecommunications

MEMBER
Labor and Commerce
State Affairs
Finance—Subcommittee Administration

Representative H. A. "Red" Boucher

M E M O R A N D U M

To: Members, House HFSS Committee

From: Representative H.A. "Red" Boucher
Sponsor of HB 426

Date: March 20, 1986

Subject: Overview of HB 426, "Membership on the
Post-Secondary Education Commission"

In 1972, federal law mandated the creation of Postsecondary Education Commissions in each state, as required by Section 1202 of the Education amendments of 1972.

In 1976, the State of Alaska created a Commission under CSHB 143 am S, which became AS 14.42. According to Bettye L. Smith, currently a member of the Commission representing the State Council on Vocational Education, the Commission was created without a member to represent the private proprietary institutions of postsecondary education. Ms. Smith provided detailed testimony on this issue in a presentation before the Commission on September 20, 1977 and again on March 23, 1985, which are in the Committee folders.

The omission of the position was done in spite of the fact that the federal guidelines at the time recommended that such a member be included; and in fact the other 49 states did add such a member to their Commissions. Apparently, the drafters of the bill left off this position because they felt the Commission was too large, and because private proprietary schools were not a large force at that time.

This has all changed. The private proprietary schools are now a sizeable group. The Commission is charged with regulating the private schools, but specifically excludes private higher educational institutions (Alaska Pacific University and Sheldon Jackson College). Thus, the Commission's regulatory function in the private sector is primarily limited to private proprietary schools. Without a member from this group on the Commission, this is "Regulation without Representation."

This bill seeks to rectify this oversight through the addition of a member. The bill was endorsed by the Commission at their February 28-March 1, 1986 quarterly meeting.

BOARD: POSTSECONDARY EDUCATION, ALASKA COMMISSION ON

TITLE: Alaska Commission on Postsecondary Education

DEPT: Department of Education

AUTHORITY: AS 14.42.010

STATUS: ACTIVE

REQUIREMENTS: FINANCIAL DISCLOSURE

PROHIBITIONS: No governing body member, trustee, or employee of post-secondary or higher education institution as public member

TERM: 4 years - staggered, except student members - 2 years

DESCRIPTION: 13 members - 5 appointed by Governor: 4 public; 1 full-time student from nominees (by election); plus 8 with following representation: 2 Board of Regents, 1 private higher education, 1 Dept. of Education, 1 Advisory Council on Vocational Education, 1 from local community college advisory councils, 1 legislative council, and 1 legislative budget and audit committee; serve at pleasure of appointing authority; members elect chair.

SPECIAL FACTS: Quorum - majority; report to Governor/Legislature

FUNCTION: Coordinates development of plans for orderly growth of public/private postsecondary education; recommends new facilities and programs; administers student loan program.

COMPENSATION: Standard travel/per diem

MEETINGS: Quarterly, time/place determined by chair; 10 days maximum

*FOR FURTHER INFORMATION CONTACT: Executive Director, Commission on Postsecondary Education, Box F, Juneau, AK 99811 - 465-2854

Postsecondary Education

<u>MEMBER</u>	<u>APPT</u>	<u>REAPPT</u>	<u>TERM</u>
Patricia A. Abney 5800 East 142 Avenue Anchorage 99516 Public	83/08/19	84/03/27	88/03/01
Alice J. Bosshard Box 127 Valdez 99686 Community Colleges	85/06/28		89/06/30
Ruth E. Burnett 1901 Crosson Fairbanks 99701 Regents Board	83/04		91/02/01
Patricia C. Clark 612 Sprucewood Fairbanks 99701 Public	83/08/19		86/03/01
Gordon Evans 604 Gold Street Juneau 99801 Regents Board - Chairman	83/04		91/02/01
Ernestine J. Griffin P.O. Box 808 Sitka 99835 Education Board			87/01/31
John E. Havelock 3210 Baxter Road Anchorage 99504 Public	85/05/21		89/03/01
Richard J. Helms P.O. Box 100916 Anchorage 99510-0916 Student Rep.	84/09/07		88/03/01
Jalmar Kerttula Pouch Z Palmer 99645 Legis/S			
Niilo Koponen P.O. Box 252 Fairbanks 99707 Legis/R			

Postsecondary Education - Continued

<u>MEMBER</u>	<u>APPT</u>	<u>REAPPT</u>	<u>TERM</u>
Barbara M. Shaffer 1666 Patterson Street Anchorage 99504-2773 Private/Higher Ed.	85/04/29		89/03/01
Bettye L. Smith 2067 Shepherdia Anchorage 99504 Vocational Ed.	85/06/28		87/05/30
Barbara A. Thompson Dept. of Educ./Pouch F Juneau 99811 Public	83/08/19	84/03/27	82/03/01

1202 COMMISSION
LACK OF REPRESENTATION BY
VOCATIONAL-TECHNICAL SCHOOLS

STATEMENTS MADE BY
BETTYE L. SMITH

TO
ALASKA POSTSECONDARY COMMISSION
MARCH 23, 1935

1202 Commission

12

Back in 1977 when the State of Alaska submitted the Alaska Postsecondary plans as required by Section 1202 of the Education Amendments of 1972, I received a letter from the National Association of Trade and Technical Schools which stated - and I quote "Under the plans submitted to the Office of Education by your State, it appears that there is no proprietary representation on the State 1202 Commission as required by Section 1202 of the Education amendments of 1972. You and other schools in your state may wish to look into this matter in depth."

Well NATTS was not bringing to my attention anything I did not already know. During 1973, prior to the passage of HB 180 which created the Alaska Commission on Postsecondary Education, we contacted every member of the legislature including the legislative council that drafted this particular legislation, in particular Mr. Stuart Hall.

In Mr. Hall's judgement there was no obligation whatsoever that proprietary institutions be represented on this Commission. He indicated to me that if our schools were included it would make it too cumbersome - just too many commissioners. However, on page 201 of the Compilation of Higher Education Laws, 1972 of the 92nd Congress, 2d Session it reads: Sec. 1202 (a) Any State which desires to receive assistance under section 1203 or title X shall establish a State Commission or designate an existing State agency or State Commission (to be known as the State Commission) which is broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges (as defined in title X), junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four year institutions of high education and branches thereof.

As of January 1977, 49 proprietary representatives were serving other states on these very commissions. In fact the Arizona 1202 Commission which I believe you were a part of, Dr. Romesburg, a fellow AICS school manager Mary Willard Hamm was the proprietary representative on that commission.

As the bill stands now, as it did in 1977, not one private proprietary vocational school has any representation on this Commission.

Take a look at the make-up of the commission. Out of 13 commissioners not one person, with any proprietary experience is on that Commission, yet they have the power of life and death over our industry. Take a look at the staff - making life and death recommendations to the commission to vote on. Four year academicians.

We are being governed without representation by those who have acknowledged before us little or no experience or expertise in the private vocational-technical field.

Why can we never get a voice in our governance until we are forced into total frustration with regulations being put into law that have not been widely disseminated and public hearings held in areas that the small private school operators could attend? If appropriate public notification and available public hearings had been held then I would have more appreciation for the statement made by John W. Katz, Director of State/Federal Relations and Special Counsel to Governor Sh- in his February 23, 1985, letter to Congressman Don Young. In this letter he stated, "In addition to expressing their concerns and interests by correspondence, it would seem appropriate for the proprietary schools to voice their opinions and recommendations by participating in the regulatory process. "

This is the first public hearing I am aware of since the September 20, 1977, and we are participating.

We have the desire to serve - or we would not be in this business.
We have the service to provide - our records show it.
We have the ability to survive with fair and equitable regulations.
And - we - will - because - WE CARE FOR OUR STUDENTS!

By the way, what was the Boston Tea Party all about?

92d Congress
2d Session

JOINT COMMITTEE PRINT

*Please Return
Budget Smith*

COMPILATION OF HIGHER
EDUCATION LAWS, 1972

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

COMMITTEE ON LABOR AND PUBLIC WELFARE
UNITED STATES SENATE



NOVEMBER 1972

Printed for the use of the Committee on Education and Labor
Carl D. Perkins, *Chairman*
and the
Committee on Labor and Public Welfare
Harrison A. Williams, Jr., *Chairman*

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1972

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(d) The term "secondary school" means a school which provides secondary education as determined under State law except that it does not include any education provided beyond grade 12.

(e) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(f) The term "Comissionouer" means the Commissioner of Education.

(g) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(h) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(i) The term "elementary school" means a school which provides elementary education including education below grade 1, as determined under State law.

(j) The term "combination of institutions of higher education" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective, or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

(k) The term "gifted and talented children" means, in accordance with objective criteria prescribed by the Commissioner, children who have outstanding intellectual ability or creative talent.

(l) The term "school or department of divinity" means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.

(29 U.S.C. 1141) Enacted Nov. 8, 1965, P.L. 89-229, Title VIII, sec. 501, 78 Stat. 1207; amended Oct. 16, 1968, P.L. 90-575, Title II, sec. 251, 263, and 264, 82 Stat. 1012 and 1020-51; amended April 23, 1970, P.L. 91-230, sec. 800(b), 84 Stat. 132; subsection (1) added June 23, 1972, P.L. 92-318, sec. 131(d)(1), 86 Stat. 209.

STATE POSTSECONDARY EDUCATION COMMISSIONS

SEC. 1202. (a) Any State which desires to receive assistance under section 1203 or title X shall establish a State Commission or designate an existing State agency or State Commission (to be known as the State Commission) which is broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including com-

*The were
deliberately
written out*

(A) makes application to the Board of Regents of the University of Alaska for participation in the community college program;

(B) satisfies educational standards of the University of Alaska according to criteria established by the Board of Regents;

(C) has had an average daily membership during the previous school year of at least 75 high school students, grades 9-12;

(D) has established to the satisfaction of the Board of Regents the practical need for a community college within the district or political subdivision; and

(E) makes arrangements for defraying its proper share of the costs of the operation and maintenance of a community college, as provided by the terms of AS 14.40.560 — 14.40.640;

(3) "board of regents" or "board" means the Board of Regents of the University of Alaska. (§ 2 ch 75 SLA 196.)

Editor's notes. — This section is set out above to correct a typographical error in the title pamphlet.

Chapter 42. Alaska Commission on Postsecondary Education.

Section

15. Creation, composition, appointment of members

Sec. 14.42.015. Creation, composition, appointment of members. (a) There is in the Department of Education the Alaska Commission on Postsecondary Education consisting of

(1) two members of the Board of Regents of the University of Alaska designated by the members of that body;

(2) one person representing private higher education in the state selected jointly by the Boards of Trustees of Alaska Pacific University and Sheldon Jackson College from among their membership;

(3) one person representing the Department of Education selected by the state Board of Education;

(4) four persons broadly and equitably representative of the general public appointed by the governor;

(5) one member of the state Advisory Council on Vocational Education designated by the members of that body;

(6) one person from among the members of the local community college advisory councils appointed, initially, by the governor until the state Advisory Council on Community Colleges is established and organized under AS 14.42.030(b); then, one member of the state Advisory Council on Community Colleges designated by the members of that body;

(7) two members from the legislature, one of whom shall be designated by the Legislative Council and one by the Legislative Budget and Audit Committee;

(8) one person appointed in accordance with (e) of this section who is a full-time student as defined in AS 14.43.160(2).

(b) No governing body member, trustee, official or employee of either a public, private or proprietary institution of postsecondary or higher education in the state may be appointed to membership on the commission as representative of the general public for the purpose of (a)(4) of this section.

(c) The governor's appointees are subject to confirmation by the legislature and shall serve at the pleasure of the governor for four-year staggered terms. Members appointed or designated by bodies or agencies other than the governor serve at the pleasure of the appointing authority. Vacancies shall be filled in the same manner as original appointment.

(d) For the purpose of (a)(4) of this section, "broadly and equitably representative of the general public" means that the public membership of the commission shall include adequate representation both on the basis of sex and on the basis of the significant racial, ethnic, geographic and economic groups in the state.

(e) A full-time postsecondary student shall be appointed to the Alaska Commission on Postsecondary Education from a list of nominees submitted to the governor. The governor shall make the appointment from the list within 60 days after it is submitted. The list shall consist of the names of two nominees from Alaska Pacific University, two nominees from Sheldon Jackson College, and two nominees from each campus of the University of Alaska. The nominees shall be selected by the students at Alaska Pacific University, Sheldon Jackson College, and each campus of the University of Alaska. Selections shall be made at elections conducted under rules established by the Office of the Governor. The term of office of the student member of the commission is two years. Membership on the commission is immediately forfeited by a student member who ceases to be a full-time student. Within 60 days after a vacancy occurs, the governor shall appoint a successor from those students appearing on the list of nominees to serve for the unexpired term of the original appointee. The term "campus" used in this subsection means a portion of the University of Alaska designated as a "campus" by the Board of Regents. (§ 4 ch 78 SLA 1974; am §§ 1 — 3 ch 64 SLA 1982; AS 14.40.903; am § 56 ch 6 SLA 1984)

(A) makes application to the Board of Regents of the University of Alaska for participation in the community college program;

(B) satisfies educational standards of the University of Alaska according to criteria established by the Board of Regents;

(C) has had an average daily membership during the previous school year of at least 75 high school students, grades 9-12;

(D) has established to the satisfaction of the Board of Regents the practical need for a community college within the district or political subdivision; and

(E) makes arrangements for defraying its proper share of the costs of the operation and maintenance of a community college, as provided by the terms of AS 14.40.560 — 14.40.640;

(3) "board of regents" or "board" means the Board of Regents of the University of Alaska. (§ 2 ch 75 SLA 1962)

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(3) one person representing the Department of Education selected by the state Board of Education;

(4) four persons broadly and equitably representative of the general public appointed by the governor;

(5) one member of the state Advisory Council on Vocational Education designated by the members of that body;

(6) one person from among the members of the local community college advisory councils appointed, initially, by the governor until the state Advisory Council on Community Colleges is established and organized under AS 14.42.030(b); then, one member of the state Advisory Council on Community Colleges designated by the members of that body;

(7) two members from the legislature, one of whom shall be designated by the Legislative Council and one by the Legislative Budget and Audit Committee;

(8) one person appointed in accordance with (e) of this section who is a full-time student as defined in AS 14.43.160(2).

(b) No governing body member, trustee, official or employee of either a public, private or proprietary institution of postsecondary or higher education in the state may be appointed to membership on the commission as representative of the general public for the purpose of (a)(4) of this section.

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TESTIMONY
POSTSECONDARY EDUCATION COMMISSION
SEPTEMBER 20, 1977

BY
BETTYE L. SMITH, C. A. M.

Office of Education, Washington, D.C., by the State of Alaska, the National Association of Trade and Technical Schools wrote to me that - and I quote - "Under the plans submitted to the Office of Education by your state, it appears that there is no proprietary representation on the state 1202 Commission as required by Section 1202 of the Education amendments of 1972. You and other schools in your state may wish to look into this matter in depth."

As of January 1977, 49 proprietary representatives were serving other states on these commissions.

As the bill stands now, not one private or proprietary school outside of Sheldon Jackson and Alaska Methodist University has right of representation on the Commission.

Take a look at the make up of the commission. Out of 13 people not one person with any proprietary experience is on the commission, yet they will have the power of life and death over our industry.

We are going to be governed without representation by those who have acknowledged before us little or no experience or expertise in the private educational field.

Commissioners have informed us that this bill is the intent of the legislature to protect the innocent from the education defrauders.

Testimony, was presented which was given presented by Sharon S. Armstrong, attorney from the Federal Trade Commission, but refers to correspondence schools and other out of state schools. Yet it is the local schools that must pay the price for their misdeeds.

I would like to make available to the commission a report that will shed some additional light on the sources of information used by Sharon Armstrong and the Federal Trade Commission.

Sharon Armstrong indicated the Federal Trade Commission encouraged the State to adopt the Education Commission of the States Model Post Secondary Educational Authorization Act. I have a letter here from the Director of the Education Commission of the States Richard Millard which specifically states "in relation to model legislation I think it should be recognized that its purpose is to serve as a model in terms of raising the essential issues that need be covered. Neither the Task Force nor the Commission would hold to the idea that it should be adopted in toto in every state or necessarily in any state without adaption to the conditions and problems of the particular state. I hope this will clarify the real intent." Signed Richard K. Millard, Director.

I would like to quote the front page of the Times.

"Our main concern is about the educational services promised to the students, such as getting a job after they have completed courses at a business college," said Romesburg.

Being the only business college in the State of Alaska, how can you, Mr. Romesburg, make such a statement without first checking our placement statistics. This to me is a sample of what we private schools can expect in the future.

Our graduate records are public and have had better than 95 - 100% placement. since we started keeping records. These records can be documented.

In 1974, 91.4 percent of the graduates of vocational training available for work were placed in jobs. Sixty to eighty percent of the graduates of the alternative postsecondary institutions have, in recent years, secured jobs directly related to their training. Not only did the majority of those graduated have jobs, but it now appears that their salaries are competitive with those of college graduates.

What job opportunities and advantages are there for the student who obtains a college degree? According to the Bureau of Labor Statistics, the number of graduates will exceed the number of jobs requiring their skills by 800,000 between now and 1981. The United States Census Bureau projects that in the next ten years 800,000 people will graduate from college into a world that doesn't need them.

In 1975, there were 30,000 law school graduates competing for 15,000 jobs. For several years the colleges and universities have been turning out more teachers than there are teaching positions. The Department of Labor reports that three fourths of the social science graduates and two thirds of the humanities graduates who came out of college in the early 1970's have had to take jobs not directly related to their majors. A liberal arts degree has been called a ticket to unemployment.

8

One recent study suggests that as much as 27 percent of the nation's work force may now be made up of people who are "overeducated" for the jobs they hold. The U.S. Office of Education estimates that four out of five jobs created in the 1970's will require vocational or technical training but not a college degree, and the U.S. Department of Labor confirms this with its prediction that 20 percent of the jobs opening in the 1970's will require a four - year college degree while 80% will require a high school diploma or training beyond the high school but less than four years of college. According to the Department of Labor, the biggest demand during the 1970's will be for stenographers and secretaries.

The shorter term program of the proprietary school is possible because of (1) job specific training and (2) intense instructional programs. Colleges provide approximately 512 hours of instruction (16 credit hours times 32 weeks in an academic year), while proprietary schools average about 900 instructional hours per year (this is the minimum required by schools approved by the Veterans Administration). At Alaska Business College ours is higher than that.

The proprietary institutions recognize the need for accountability and believe that the government and taxpayers should be equally concerned with the performance of the institutions they subsidize. The welfare of the student is the primary consideration in education and the student should not be discriminated against because of regulations imposed on the type of school ^{they choose} to attend.

In recent VA cases, it appears the lack of diligence on the part of the institution in taking classroom attendance resulted in claims of overpayment to the student who is enrolled but not attending classes. If proprietary schools operated

in such a manner, the regulation governing them could not possibly be met. Certainly nonprofit insitiutions should have at least the same scrutiny since they are artifically supported through taxpayers' money and are, therefore, less responsive to the checks and balances of the marketplace.

The Times article continues - Although the University of Alaska is exempt, he said the proposals are not special interest legisiation for the State university. Why should any school in this state be exempt from accountability? With the millions of dollars of tax payers' money pouring into our public postsecondary institutions why should they be above accountability? In addition to the University and all Community Colleges being exempt so are all the trade unions who arc also in the educational business.

BONDING

This type of bonding is a new situation for the insurance companies.

To date my information indicates that any new venture or any school with soft financing would have difficulty getting the institutional bond. Those that could would need \$100,000 net worth and 25,000 working capital. It would cost a soft financed company \$4,500 for a school with 251 - 400 students. At this time Alaska Business College's basic insurance for student protection and other necessary insurance is costing right at \$5,000 for this year, and that does not include institutional or agent bonding. Insurance companies point out such items as on page 4 under Institutional minimum standards and ask by whose standards? That's a value judgment - whose?

It would create the same problem as the medical profession has in Alaska today.

Our alternative to bonding is to put up our own properties - pledging it to the state. Please explain how - when all our assets are pledged to the bonding company or the state - we function with our bankers when we must borrow as all viable businesses must do from time to time? Where are the assets - they are all pledged!

For eighteen years our school has struggled to grow in stature and strength for our graduates. We have exceptional programs, national accreditation, and have been nationally recognized as one of the top quality schools west of the Mississippi; yet you speak of the protection of the students. What about protection from anonymous complaints and open complaints of disgruntled students seeking a diploma without doing the work. My experience has been that we are guilty as charged until proven innocent even to the extent of having to answer to anonymous complaints as we have during a recent commissioner's visit to our school.

In conclusion - Private schools are not fighting accountability. We are asking for fair representation on the Commission. We are asking for the right to operate in a legitimate and fair business climate; not one that expects the small private school operator to be governed by massive, burdensome, restrictive legislation while the University, community colleges, and trade union schools operate without any restrictive legislation just because they are already above legislative control.

Pluralism in education is essential to a free society.

UNAPPROVED MINUTES

February 28-March 1, 1986
Juneau, Alaska

Alaska Commission on Postsecondary Education
Box F1
Juneau, Alaska

February 28-March 1, 1986 Meeting
MINUTES

LEGISLATIVE CONCERNS

HB 426 - Adding member to Commission on Postsecondary Education.

Commissioner Clark moved that the Commission endorse HB 426. Ms. Smith seconded.
The motion carried.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB426
 Title : Adding member to Postsecondary Commission
 Sponsor : Roucher
 Requestor : House HESS
 Date of Request : March 17, 1986

FISCAL DETAIL

Agency Affected : Education
 BRU : Postsecondary Education
 Components : General Administration

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL		1.9	2.0	2.1	2.3	2.4
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	N.A.	1.9	2.0	2.1	2.3	2.4

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

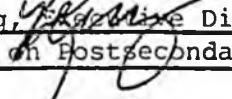
GENERAL FUND	N.A.	1.9	2.0	2.1	2.3	2.4
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME	N.A.	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Travel is for Commission meetings only and assumes an Anchorage base. Beyond FY87 is a 6% inflationary increase.

Prepared by : Kerry D. Romesburg,  Director
 Division : Alaska Commission on Postsecondary Education
 Approved by Commissioner : _____
 Agency : _____

Phone : 465-2854
 Date : March 17, 1986
 Date : March 17, 1986

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

SECTIONAL ANALYSIS

HB 426 - relating to the regulation of postsecondary institutions (note: the provisions of HB 602 have been combined into this bill).

- Section 1 Adds to the Postsecondary Education commission a representative of a proprietary school. Also clarifies two provisions: 6) deletes the state advisory council on community colleges because it does not exist and 7) who appoints legislative members.
- Section 2 Gives the Postsecondary Education Commission the authority to determine if the charges for fees, tuition, books and supplies set by proprietary schools are fair and equitable.
- Section 3 Allows the commission to accept property in lieu of a surety bond for proprietary schools.
- Section 4 Conforming amendment with section 5.
- Section 5 Allows the Commission to revoke a license to operate without completing all steps in the Administrative Procedures Act for a school which has gone out of business.
- Section 6 Places enforcement of the provisions in section 2 under the Consumer Protection Division of the Department of Law.
- Section 7 Conforming amendment with section 6.
- Section 8 Temporary law provision providing that members of the Postsecondary Commission need not be replaced because of the provisions of section 1.

Introduced: 5/7/85
Referred: Health, Education &
Social Services

1 IN THE HOUSE

BY BOUCHER

2

HOUSE BILL NO. 426

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act adding a member to the Alaska Commission on
7 Postsecondary Education."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 14.42.015(a) is amended to read:

10 (a) There is in the Department of Education the Alaska Commis-
11 sion on Postsecondary Education consisting of

12 (1) two members of the Board of Regents of the University
13 of Alaska designated by the members of that body;

14 (2) one person representing private higher education in the
15 state selected jointly by the Boards of Trustees of Alaska Pacific
16 University and Sheldon Jackson College from among their membership;

17 (3) one person representing the Department of Education
18 selected by the state Board of Education;

19 (4) four persons broadly and equitably representative of
20 the general public appointed by the governor;

21 (5) one member of the state Advisory Council on Vocational
22 Education designated by the members of that body;

23 (6) one person from [AMONG] the members of the local com-
24 munity college advisory councils appointed, initially, by the governor
25 until the state Advisory Council on Community Colleges is established
26 and organized under AS 14.42.030(b); then, one member of the state
27 Advisory Council on Community Colleges designated by the members of
28 that body;

29 (7) two members from the legislature, one of whom shall be

1 designated by the Legislative Council and one by the Legislative
2 Budget and Audit Committee;

3 (8) one person appointed in accordance with (e) of this
4 section who is a full-time student as defined in AS 14.43.160(2);

5 (9) one administrator appointed by the governor from a
6 proprietary institution of postsecondary education that has an author-
7 ization to operate in the state issued under AS 14.48.

SECTIONAL ANALYSIS

HB 426 - relating to the regulation of postsecondary institutions (note: the provisions of HB 602 have been combined into this bill).

- Section 1 Adds to the Postsecondary Education commission a representative of a proprietary school. Also clarifies two provisions: 6) deletes the state advisory council on community colleges because it does not exist and 7) who appoints legislative members.
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- Section 3 Allows the commission to accept property in lieu of a surety bond for proprietary schools.
- Section 4 Conforming amendment with section 5.
- Section 5 Allows the Commission to revoke a license to operate without completing all steps in the Administrative Procedures Act for a school which has gone out of business.
- Section 6 Places enforcement of the provisions in section 2 under the Consumer Protection Division of the Department of Law.
- Section 7 Conforming amendment with section 6.
- Section 8 Temporary law provision providing that members of the Postsecondary Commission need not be replaced because of the provisions of section 1.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 426 (HESS)
 Title : "An Act Relating to
 Postsecondary Educational
 Institutions"
 Sponsor : Representative Boucher
 Requestor : House HESS
 Date of Request : April 7, 1986

FISCAL DETAIL

Agency Affected : Department of Law
 BRU : Consumer Protection

 Components : Consumer Protection

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Please see attached analysis.

Prepared by : Richard I. Pegues, Director Phone : 465-3672
 Division : Administrative Services Division Date : 4/7/86

Approved by Commissioner : Richard I. Pegues / Full Date : 4/7/86
 Agency : Department of Law

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 426 (HESS)

Section 2 and Section 8 of this bill makes charges set by institutions for tuition, fees, books and supplies subject to the unfair trade practices statutes. In view of substantial reductions being made in the consumer protection budget for FY87, the Department of Law will have to rely on the Commission on Postsecondary Education to gather complaints and provide evidence of alleged wrongdoing before the department could take enforcement actions. Likewise, to the extent that any substantial enforcement action becomes necessary, the department would require that the commission transfer funds to the department sufficient to pay for the costs of enforcement, including the personal service costs for the attorneys.