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Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: ~~HB~~ 426

Sponsor: Baucher

Date referred to committee: 4/14

Synopsis completed:

Fiscal note: zero

Further referrals:

Rules

CONTACTS:

Kerry Romeburg	2854
Roger (Baucher)	4931
Poppy	
Bethye Smith	561-1905

COMMITTEE REPORT

SENATE

FURTHER:

4/14/86

Date 4-24-86

Mr. President

The Committee on HESS considered CSHB 426 (HESS) relating to the regulation of postsecondary educational institutions.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt 5 CS for CSHB 426 (HESS),
new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
Paul Gruber
William Stungulinski
Edna DeWitt

[Signature] *Do Pass*
 Chairman

Chairman recommendation

4/6-1)
CSHB 426 (HESS), An Act relating to the regulation of postsecondary educational institutions.

Section 1 would add a representative of proprietary vocational/technical and business schools as a member to the Commission on Postsecondary Education. It would also amend the manner in which legislative members of the Commission would be appointed, giving the authority to the president of the senate and the speaker of the house, rather than the legislative council and the legislative budget and audit committee as in current law.

[Section 3 would allow institutions to assign a lien on property to the commission in lieu of posting the required surety bond.]

Sections 4 and 5 would allow the commission to revoke permits of institutions that are no longer operating. Currently, institutions that have ceased to exist must continue to be carried on the commission's books.

Sections 2, 6 and 7 would enhance the commission's efforts to investigate fee schedules of postsecondary institutions for reasonableness by allowing the Consumer Protection Agency to prosecute institutions under the Unfair Trade Practices Act.

In addition, committee discussion of SB 408, relating to state aid for education, will continue.

Senate HESS CS removed

Offered: 4/8/86
Referred: Rules

Senate HESS CS

4/29/86

Original sponsor: Boucher

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

505 *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
educational institutions."

7

8

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

9

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

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(a) There is in the Department of Education the Alaska Commission on Postsecondary Education consisting of:

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12

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

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(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;

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

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

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

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23

(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];

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(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 is d 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

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

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 HESS 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.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 4/7/86

REQUEST

Bill/Resolution No.: CS HB 426
 Title: Regulation of Postsecondary Institutions
 Sponsor: Boucher
 Requestor: House HESS
 Date of Request: April 7, 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						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	N.A.	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by: Kerry D. Romesburg, Executive Director Phone: 465-2854
 Division: Alaska Commission on Postsecondary Education Date: 4/7/86

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

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

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-

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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. Peques, Director Phone : 465-3672
 Division : Administrative Services Division Date : 4/7/86
 Approved by Commissioner : Richard I. Peques / Full
Harold M. Brown, Attorney General 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.

(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)

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 either a public, private or proprietary institution of postsecondary higher education in the state may be appointed to membership on the commission as representative of the general public for the purpose (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)

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	03/04		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	88/03/01

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service, if the

service consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a handicapped child, and is considered special education rather than a related service under state standards; the term also includes vocational education if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a handicapped child; in this paragraph

(A) "at no cost" means that all specially designed instruction is provided without charge but does not preclude incidental fees that are normally charged to nonhandicapped students or their parents as a part of the regular education program;

(B) "physical education" means the development of physical and motor fitness, fundamental motor skills and patterns, skills in aquatics, dance, and individual and group games, and sports (including intramural and lifetime sports); the term includes special physical education, adapted physical education, movement education, and motor development;

(C) "vocational education" means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree;

(7) "school district" means a borough school district, a city school district, or a regional educational attendance area. (§ 2 ch 120 SLA 1959; am §§ 5, 6 ch 81 SLA 1965; am §§ 13, 14 ch 144 SLA 1970; am § 2 ch 119 SLA 1981; am § 18 ch 147 SLA 1984)

Effect of amendments. — The 1984 amendment rewrote this section.

Article 4. Health Education.

Section 360. Curriculum

Sec. 14.30.360. Curriculum. (a) Each district in the state public school system shall be encouraged to initiate and conduct a program in health education for kindergarten through grade 12. The program should include instruction in physical health including alcohol and drug abuse education, cardiopulmonary resuscitation (CPR), early cancer prevention and detection, dental health, family health, environmental health, and appropriate use of health services.

(b) The state board shall establish by regulation guidelines for a health education program. A school health education specialist position shall be established and funded in the department to coordinate the program statewide. Adequate funds to enable curriculum and resource development, adequate consultation to school

wages paid after December 31, 1971, depending on the applicable law; reimbursement payments to cover benefits paid based on services performed after December 31, 1971, depending on the applicable law;

(15) *[Repealed, § 31 ch 21 SLA 1985.]*

(16) "employment office" means a free public employment office or branch of one operated by this state or another state or territory as a part of a state-controlled system of public employment offices or by a federal agency or an agency of a foreign government charged with the administration of an unemployment insurance program or of free public employment offices;

(17) "fund" means the unemployment compensation fund established by this chapter;

(18) "hospital" means any institution primarily engaged in the treatment of emotional or physical disability which provides, on a regular basis, 24-hour a day bed care under the supervision of licensed medical personnel and those components, of other institutions, which are primarily engaged in the treatment of emotional or physical disability and which provide, on a regular basis, 24-hour a day bed care under the supervision of licensed medical personnel;

(19) "institution of higher education" means an educational institution which

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of a high school graduation certificate;

(B) is legally authorized in the state in which it is located to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward either degree, a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(D) is a public or other nonprofit institution;

(20) "insured work" means employment for employers;

(21) "insured worker" means an individual who, with respect to a base period, meets the wage and employment requirements of AS 23.20.350;

(22) "state" includes the states of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands;

(23) "vocational training or retraining course" means a course of vocational or technical training or retraining in schools or classes, including but not limited to, field or laboratory work and related remedial or academic instruction, which is conducted as a program designed to prepare individuals for employment in trades, skills or crafts; the term "vocational training or retraining course" does not include a program of instruction for an individual, including a

transfer credit which is into education;

(24) *[Repealed.]*

(25) "waiting period" means the period which an individual must wait before becoming eligible for unemployment benefits and for which no benefits are payable; AS 23.20.387;

(26) "week" means a week in a department or agency; AS 23.20.387; 1955: § 205 c 210, 212, 213. 64 SLA 1959: 1971; am § 24 ch 122 SLA 1971; 115 SLA 1982

Effect of nuncupative amendment, effective paragraph (10) sub 1 and payment in full of "contributions" and "contributions," "wages," "payments" which payments

Chapter 23.30

Article 1. Administration

Section 05. Alaska Workers' Compensation

Sec. 23.30.005 Alaska Workers' Compensation Act. Three members of the board shall be appointed by the judicial district court in each judicial district, one from the designated industry, and one from each panel shall be appointed by the board. Confirmation by the board shall be required for each session.

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December 31,

transfer credit program of instruction given at a community college, which is intended as credit for a degree from an institution of higher education;

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(24) [Repealed, § 31 ch 21 SLA 1985.]

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(25) "waiting week" means the first week of unemployment for which an individual files a claim during the individual's benefit year and for which no disqualification is imposed under AS 23.20.378 — 23.20.387;

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(26) "week" means the period of seven consecutive days which the department may by regulations prescribe. (§§ 202 — 204 ch 5 ESLA 1955; § 205 ch 5 ESLA 1955; am § 1 ch 169 SLA 1957; §§ 206, 208, 210, 212, 213, 236 — 238, 240, 241, 252, 253 ch 5 ESLA 1955; § 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960; am §§ 10 — 13 ch 106 SLA 1971; am § 24 ch 208 SLA 1975; am § 2 ch 74 SLA 1976; am §§ 13, 14 ch 122 SLA 1977; am §§ 73, 74, 77, 80 ch 9 SLA 1980; am §§ 28, 29 ch 115 SLA 1982; am §§ 29 — 31 ch 21 SLA 1985)

ional institu-

Effect of amendments. — The 1985 amendment, effective May 10, 1985, in paragraph (10) substituted "'contribution' and 'payment in place of contribution'" for "'contributions' and 'payments in place of contributions,' whether singular or plural," "payments" for "payment" and "which payments are" for "and they are considered to be," and deleted "state unemployment compensation" preceding "fund"; and repealed paragraphs (8), (9), (12), (15) and (24), which respectively defined "commissioner," "contributions," "department," "employment," and "wages."

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Section

05. Alaska Workers' Compensation Board

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Sec. 23.30.005. Alaska Workers' Compensation Board. (a) The Alaska Workers' Compensation Board consists of a southern panel of three members sitting for the first judicial district, a northern panel of three members sitting for the second and fourth judicial districts, two southcentral panels of three members each sitting for the third judicial district, and one panel of three members that may sit in any judicial district. Each panel must include the commissioner of labor or the designated representative of the commissioner, a representative of industry, and a representative of labor. The latter two members of each panel shall be appointed by the governor and are subject to confirmation by a majority of the members of the legislature in joint session.

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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.

Page 2 1202 Commission

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 28, 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
to
Butler*

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

84-377 O

WASHINGTON : 1972

F/1

(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 "Comissioner" 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 object, i.e. of 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.

(2) P.S.C. 1141; amended Nov. 8, 1965, P.L. 80-329, Title VIII, sec. 501, 78 Stat. 1209; amended Oct. 16, 1968, P.L. 90-575, Title II, sec. 251, 295, and 294, 82 Stat. 1012 and 1020-51; amended April 23, 1970, P.L. 91-230, sec. 806(b), 84 Stat. 1372; subsection (1) added June 23, 1972, P.L. 92-318, sec. 131(d)(1), 86 Stat. 299.

STATE POSTSECONDARY EDUCATION COMMISSIONS

Sec. 1202. (a) Any State which desires to receive assistance under section 1203 of 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-

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HB 426 Floor Speech

April 10, 1986

HDXECLAMING

THIS BILL MAKES SEVERAL ADJUSTMENTS IN THE POST-SECONDARY EDUCATION COMMISSION AND IT'S ACTIVITIES, BUT WITH A ZERO FISCAL NOTE.

THE MOST IMPORTANT OF THESE IS THE ADDITION OF A MEMBER TO THE POST-SECONDARY COMMISSION ITSELF. WHEN THE 13-MEMBER COMMISSION WAS CREATED IN 1976, THERE WAS NOT A PERMANENT POSITION ON IT THAT WAS SELECTED TO REPRESENT THE PRIVATE PROPRIETARY INSTITUTIONS IN THE FIELD OF POSTSECONDARY EDUCATION. THIS WAS DONE DESPITE THE FACT THAT ALL 49 OTHER STATES DID ADD SUCH A MEMBER TO THEIR COMMISSIONS, BUT AT THE TIME THE PRIVATE PROPRIETARY SECTOR IN OUR STATE EDUCATIONAL PROGRAMS WERE NOT A LARGE FORCE.

THIS HAS ALL CHANGED. PRIVATE PROPRIETARY SCHOOLS ARE NOW A SIZEABLE SEGMENT OF OUR EDUCATIONAL FORCE, AND THEIR REGULATION HAS BECOME ONE OF THE MAJOR ACTIVITIES OF THE COMMISSION. WHAT WE HAVE HERE IS REGULATION WITHOUT REPRESENTATION.

THIS BILL WOULD CORRECT THIS INJUSTICE BY ADDING A MEMBER FROM THE PRIVATE PROPRIETARY SECTOR, AND THE COMMISSION HAS INDICATED THAT IT WOULD BE ABLE TO ABSORB THE EXTRA TRAVEL AND PER DIEM COSTS.

THE BILL ALSO MAKES AN ADJUSTMENT IN THE MANNER IN WHICH THE TWO MEMBERS OF THE LEGISLATURE ARE APPOINTED TO THE COMMISSION, GIVING THE AUTHORITY TO THE PRESIDENT OF THE SENATE AND TO THE SPEAKER OF THE HOUSE.

THE OTHER PARTS OF THE BILL DEAL WITH REGULATORY CHANGES IN THE COMMISSION. FIRST, TO INCREASE THE ALTERNATIVE WAYS IN WHICH STUDENTS ENROLLED IN THESE SCHOOLS ARE PROTECTED AGAINST POSSIBLE BANKRUPTCIES, ETC, THE SCHOOLS ARE GIVEN ADDITIONAL OPTIONS BESIDES SURETY BONDING TO PROTECT THE STUDENTS, INCLUDING CASH DEPOSITS, OTHER SECURITIES, OR OTHER PROPERTY.

SECOND, THE COMMISSION IS SIMPLY GIVEN THE AUTHORITY TO REVOKE AN OPERATING LICENSE TO AN INSTITUTION THAT HAS CEASED TO OPERATE. CURRENTLY, INSTITUTIONS THAT HAVE LONG SINCE CEASED TO EXIST STILL HAVE TO BE CARRIED ON THE BOOKS; THIS ADJUSTMENT WOULD ALLOW THE COMMISSION TO PURGE THEIR FILES.

FINALLY, THIS BILL GIVES THE CONSUMER PROTECTION SECTION IN THE DEPARTMENT OF LAW THE AUTHORITY TO PURSUE CASES WHERE VIOLATIONS HAVE OCCURED IN THE LAWS AND STATUTES GOVERNING PRIVATE PROPRIETARY SCHOOLS.

THE BILL HAS A ZERO FISCAL NOTE, AND HAS THE SUPPORT OF THE COMMISSION AND THE PRIVATE PROPRIETARY SECTOR. AS A PERSON WHO HAS BENEFITED FROM THE PRIVATE PROPRIETARY SCHOOL PROGRAMS, I STRONGLY SUPPORT THIS BILL AND ASK FOR YOUR SUPPORT AS WELL. THANK YOU.

(Red--What follows is a brief explanation of what is going on with the consumer protection section mentioned above, in case you want to add it.)

(THE COMMISSION HAS THE STAFF TO INVESTIGATE AND ENFORCE REGULATIONS WITH THESE SCHOOLS, BUT THERE IS THE POSSIBILITY THAT MORE RIGOROUS PURSUIT OF A CASE MAY OCCASIONALLY BE CALLED FOR. IF THAT OCCURS, THE COMMISSION ITSELF WILL RSA FUNDS TO THE CONSUMER PROTECTION SECTION TO HANDLE THE CASE; WHICH IS WHY THERE IS A ZERO FISCAL NOTE FROM THE DEPARTMENT OF LAW. SINCE THE CURRENT STATUTES EXEMPT THE CONSUMER PROTECTION SECTION FROM DEALING WITH CASES RELATED TO THE ACTIVITIES OF BOARDS AND COMMISSIONS, AN ADJUSTMENT HAD TO BE MADE ON THIS POINT. IT WILL HELP THE COMMISSION TO PROTECT STUDENTS IN THE EVENT THAT A SCHOOL IS NOT BEHAVING IN A FASHION BENEFICIAL TO THOSE STUDENTS OR IS ENGAGING IN FRAUDULENT BEHAVIOR.)

(7) promulgate regulations and procedures necessary or appropriate for the conduct of its work and the implementation of this chapter under the Administrative Procedure Act (AS 44.62);

(8) investigate on its own initiative or in response to a complaint lodged with it, persons subject to, or reasonably believed by the commission to be subject to, the jurisdiction of this chapter; and in connection with the investigation subpoena persons, books, records, or documents related to the investigation; require answers in writing under oath to questions propounded by the commission and administer oaths or affirmations to persons in connection with the investigation; and, for the purpose of examination at all reasonable times, shall have access to, and the right to copy, documentary evidence of a corporation that is under investigation or being proceeded against;

(9) exercise other necessary powers and duties in conformity with the provisions of this chapter which, in the judgment of the commission, are necessary to carry out the provisions of this chapter. (§ 1 ch 25 SLA 1976)

Collateral references. — Power of legislature to impose noneducational function upon state educational institution or instructors therein. 67 ALR 1032. Admission charges or other receipts from extracurricular activities of schools as subject to taxation. 115 ALR 1411.

Sec. 14.48.060. Minimum standards. (a) In establishing the criteria required by AS 14.48.050(1), the commission shall require compliance with the minimum standards set out in (b) of this section.

(b) A postsecondary educational institution must be maintained and operated, or, in the case of a new institution must demonstrate that it can be maintained and operated so that

(1) the quality and content of each course or program of instruction, training, or study are such as may reasonably and adequately achieve the stated objective for which the course or program is offered;

(2) the institution has or has access to adequate space, equipment, instructional materials, and personnel where applicable to achieve the stated objective of the course or program of study and to provide education of good quality;

(3) the education or experience qualifications of directors, administrators, supervisors, and instructors are such as may reasonably insure that the students will receive education consistent with the objectives of the course or program of study;

(4) the institution provides a catalog or brochure containing information describing the programs offered, program objectives, length of program, schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and other material facts concerning the institution and the program or course of instruction which are reasonably likely to affect the decision of the student to enroll, together with any other

disclosures specified by the commission by regulation; and that this information is provided to prospective students before enrollment;

(5) upon satisfactory completion of training, the student is given appropriate educational credentials by the institution, indicating that the course of instruction or study has been satisfactorily completed by the student;

(6) adequate records are maintained by the institution to show attendance, progress, or grades, and that satisfactory standards are enforced relating to attendance, progress and performance;

(7) the institution is maintained and operated in compliance with all pertinent ordinances and laws relating to the safety and health of persons upon the premises of the institution;

(8) the institution is financially sound and capable of fulfilling its commitments to students;

(9) neither the institution nor its agents engage in advertising, sales, collection, credit, or other practices which are false, deceptive, misleading, or unfair;

(10) the chief executive officer, trustees, directors, owners, administrators, supervisors, staff, and instructors of the institution are of good reputation and character and have not been convicted of a violation of AS 14.48.020 or AS 14.48.150 or AS 45.50.471 — 45.50.551 or a comparable law in another state or province;

(11) the student housing owned, maintained, or approved by the institution is appropriate, safe, and adequate; and

(12) the institution has a fair and equitable cancellation and refund policy.

(c) Accreditation by national or regional accrediting agencies recognized by the commission may be accepted by the commission as evidence of compliance with the minimum standards established by this section and the criteria established under AS 14.48.050(1). However, the commission may require further evidence and make further investigation as may be necessary. Accreditation by a recognized, specialized accrediting agency may be accepted as evidence of compliance only as to the portion or program of an institution accredited by the accrediting agency if the institution as a whole is not accredited. (§ 1 ch 25 SLA 1976)

Sec. 14.48.070. Authorization to operate. (a) Each postsecondary educational institution desiring to operate in this state shall apply to the commission, upon forms provided by the commission. The application shall be accompanied by a catalog or brochure published, or proposed to be published by the institution, containing the information specified in AS 14.48.060(b)(4). The application shall also be accompanied by evidence of a surety bond or other deposit as required by AS 14.48.100, and by the required fees.

(b) Following review of the application and after necessary investigation of the applicant the commission shall either grant or deny

HB 426 - Notes by Mike Bradno,

The Post Secondary Commission was created in 1972 under direction from the federal government and a concern that states should have a Post Secondary coordination structure capable of refereeing disputes between private and public colleges and other post secondary education institutions and programs.

Alaska at the time did not have a complex private/public higher education system, and as a result in the creation of the commission assigned to that group the function of administering the recently created Alaska Student Loan Program. For many years the primary function of the commission has been the administration of student loans, although in recent years the commission has taken assumed another sizable task ---that of licensing, regultating and inspection of Alaska's proprietary vocation education system.

The statutory makeup of the commission reflects the diverse interests which the commission is intended to coordinate. The commission was not an arms-length regulatory commission, but a participatory commission made up of the interests involved in Alaska Post Secondary Education.

For example, the statute prescribes:

- Two U-A Regents designated by the regents.
- A member designated by Sheldon Jackson, and a member designated by APU trustees.
- A member designated from the State Board of Education.
- One member designated by the State Advisory Council on Vocational Education from among its members.
- Two members from the Legislature designated by the Legislative Council and Budget and Audit Committee.
- A 'full time' student member.
- Four public members appointed by the governor.

The only interest group that was excluded was the state's prorpreitary vocation/techynical schools. A segment of Alaska's post secondary education structure that has now become QUITE LARGE.

This segment, which has grown quite rapidly in recent years, is now a major part of the business of the Post Secondary Commission and staff, and it would seem advisable that their input be included in the deliberations of the commission. This segment of our educational system is also an important weather-vane of changing post secondary education needs in the State, since their programs must be closely keyed to changing job needs and availability.

It is perhaps worth noting that we are not asking that these proprietary schools name this member, but only that the governor name one among their membership to serve ---and I might add serve at the pleasure of the governor.

HB 602
\$10M
-130 schools?
Doubt
2 years

UNAPPROVED MINUTES

February 28-March 1, 1986
Juneau, Alaska

Alaska Commission on Postsecondary Education
Box FP
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.

Introduced: 2/14/86
Referred. Health, Education &
Social Services and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2

HOUSE BILL NO. 602

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 regulation of postsecondary
7 institutions."

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

9 * Section 1. AS 14.48.100 is amended by adding a new subsection to
10 read:

11 (f) The commission may establish, by regulation, a surety fund,
12 composed of payments made by postsecondary educational institutions,
13 to accomplish the purposes of (a) of this section. If established,
14 the fund is a special account in the general fund.

15 * Sec. 2. AS 14.48.120 is amended to read:

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

24 (b) Authorization for an institution to operate, and a permit
25 for an agent representing that institution, are revoked by operation
26 of law 30 days after the institution ceases to operate. The commis-
27 sion shall give the institution and the agent 15 days written notice,
28 by registered mail sent to the institution's and agent's last address-
29 es, respectively, before the revocation.

1 (c) An institution and the agent may appeal a revocation under
2 (b) of this section by filing an appeal in writing with the commission
3 within 30 days after the revocation.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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JUNEAU, ALASKA 99811
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HESS 4-24-86 1:37pm

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: HB 471

Sponsor: Eroll, Greenberg

Date referred to committee: 3/27/80

Synopsis completed:

Fiscal note:

Further referrals: Jud.

CONTACTS:

Frank Barthell, DFYS 3170

✓ Rep Goll, 4925 (Sherry)

✓ Gail Horvitzki, 3460

Barbara Miklos, COBSA

✓ Margo Dick 6-3650

- neglect & abuse
- peace officer [law
enforcement agency]