

**HB**

**407**

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 16, 1998

FURTHER REFERRALS:

Date of Committee Action: 3/17/98

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 407

HOUSE BILL NO. 407

TEACHER SCHOLARSHIP LOANS

"An Act relating to repayment of teacher scholarship loans."

recommends it be replaced with the following committee substitute \_\_\_\_\_  the same title  a new title

additional referral to \_\_\_\_\_ Committee  attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_  
 zero fiscal note(s) DOE  zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Paul Dwyer</i>	✓			
<i>Joseph [unclear]</i>	✓			
<i>Van [unclear]</i>	✓			
<i>Brian Porter</i>	✓			
<i>Tom [unclear]</i>	✓			

CHAIR'S SIGNATURE Car Bud

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. HB 407

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected Education  
 Title "An act relating to repayment of teacher scholarship loans." BRU Alaska Commission on Postsecondary Education  
 Component Student Loan Operations  
 Sponsor Rep. Davis  
 Requester HHESS Component Serial No. 213

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This legislation provides Teacher Scholarship Loan (TSL) borrowers forgiveness benefits if he/she meets all other eligibility requirements but is unable to teach in a rural area of Alaska due to a medical condition. The condition must have been diagnosed after the loan was received and only be treatable at facilities in urban Alaska.

Continued

Prepared by Mike Maher, Director of Student Loan Operations  
 Division Student Loan Operations

Phone 465-6743  
 Date March 17, 1998

Approved by Executive Director  Diane Barrans  
 Agency Alaska Commission on Postsecondary Education

Date March 17, 1998

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# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. HB 407

**ANALYSIS:** *(Attach a separate page if necessary)*

Because of the provision for up to 100% forgiveness on TSLs, the Alaska Student Loan Corporation must consider these loans, for financial reporting purposes, in a specific loss allowance. Therefore, assuming that the impacted borrowers would have otherwise met the forgiveness criteria, this change is not expected to have a fiscal impact.

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# Alaska State Legislature

## Interim:

145 Main St. Lp., 223  
Kenai, Alaska 99611  
907/283-7095  
907/283-3075 fx  
907/262-7574 hm

## Session:

State Capitol  
Juneau, AK 99801  
907/465-2693  
fx 907/465-3835  
800/463-2693

## Representative Gary Davis

### SPONSOR STATEMENT

### House Bill 407

"An Act relating to repayment of teacher scholarship loans"

The Teacher Scholarship Loan Program provides incentive to Alaska high school graduates to pursue teaching careers in rural Alaska elementary and secondary schools. Participants in the program are eligible to have their loan payments forgiven--either partially or in their entirety--based on the number of years they teach at a rural elementary or secondary school.

Sometimes, however, individuals are prevented from fulfilling the requirements to obtain payment forgiveness because of circumstances beyond their control. House Bill 407 addresses this type of situation. It provides that an individual who, after participating in the loan program, is diagnosed with a medical condition for which treatment is available only in an urban area, may still qualify for loan payment forgiveness so long as that individual is teaching in an elementary or secondary school.

Provisions already exist for payment deferrals and extensions because of hardship and total loan forgiveness because of total disability. Unfortunately, there are times when individuals who are able to continue working are not able to work in a rural area because of required medical treatment. They would like to fulfill the requirements by working in rural areas but, through no fault of their own, cannot. This legislation remedies this situation without damaging the integrity of the program.

HB407/SS/2/19/98

Cooper Landing, AK

Representative House District 8

G. Sterling, Soldotna

Sponsor Statement

# Alaska State Legislature

*Interim:*  
145 Main St. Ep., 223  
Kenai, Alaska 99611  
907/283-7095  
907/283-3075 fx  
907/262-7574 hm

*Session:*  
State Capitol  
Juneau, AK 99801  
907/465-2693  
fx 907/465-3835  
800/463-2693

## *Representative Gary Davis*

### SECTIONAL ANALYSIS

#### House Bill 407

"An Act relating to repayment of teacher scholarship loans"

Section 1: Adds a new subsection (f) to AS 14.43.640 **Conditions of and limitations on loans** providing that an individual who, after participating in the loan program, is diagnosed with a medical condition for which treatment is available only in an urban area, may still qualify for loan payment forgiveness so long as that individual is teaching in an elementary or secondary school in the urban area.

HB407/SA/2/18/98

*Representing House District 8  
Cooper Landing, Tunny River, Hope, Moose Pass,*

*Representative Gary Davis/legis*

**Sectional Analysis**

## Alaska Administrative Code

(downloaded from folioviuws 2/19/98)

### **20 AAC 15.200 PURPOSE OF TEACHER SCHOLARSHIP LOAN PROGRAM.**

The teacher scholarship loan program provides low-cost educational loans to Alaska high school graduates enrolled in bachelor's degree programs in elementary or secondary teacher education or in teacher certification programs.

History - Eff. 8/16/86, Register 99  
Authority - AS 14.43.600; AS 14.43.610; AS 14.43.630

### **20 AAC 15.205 ADMINISTRATION.**

(a) The commission will allocate loan awards in January of each year to local school boards, giving preference to rural school districts.

(b) School boards shall notify the commission by April 1 of each year, on forms provided by the commission, as to which students have been selected to be recipients of loans.

(c) By May 1 of each year, the commission will send an appropriate number of teacher scholarship loan application forms to the school boards for distribution to selected students.

(d) In May of each year, the commission will send application forms to recipients of previous teacher scholarship loans who are expected to continue in an eligible program of study.

(e) Repealed 3/22/97.

History - Eff. 8/16/86, Register 99; am 3/22/97, Register 141  
Authority - AS 14.43.630

### **20 AAC 15.210 FILING OF APPLICATION.**

(a) The application deadline for teacher scholarship loan applications is the July 1 preceding the school year for which the loan is requested.

(b) Repealed 3/22/97.

(c) Repealed 3/22/97.

History - Eff. 8/16/86, Register 99; am 3/24/94, Register 130; am 3/22/97, Register 141  
Authority - AS 14.43.630

### **20 AAC 15.215 APPLICANT ELIGIBILITY.**

In addition to the eligibility requirements set out in AS 14.43.650, an applicant must be enrolled, or must intend to enroll, in a four-year bachelor's degree program in elementary or secondary teacher education or in a teacher certification program.

History - Eff. 8/16/86, Register 99  
Authority - AS 14.43.630, AS 14.43.650

### **20 AAC 15.220 PRIORITY RANKING OF APPLICANTS.**

If available money is not sufficient to fund all eligible applicants, loans will be awarded in accordance with the following priority:

(1) applicants who received a teacher scholarship loan the preceding year;

(2) one new applicant, ranked by high school grade-point average, from each school district;

(3) remaining new applicants ranked by highest number of years enrolled in a teacher education program, with students who are in a teacher certification program ranked first.

History - Eff. 8/16/86, Register 99  
Authority - AS 14.43.630, AS 14.43.650

## **20 AAC 15.225 COMPUTATION OF AUTHORIZED LOAN AWARDS**

Repealed

History - Eff. 8/26/86, Register 99; am 11/26/94, Register 132; repealed 3/22/97, Register 141

## **20 AAC 15.230 CONDITIONS OF LOANS.**

A loan may be used to attend only an institution that meets the requirements of

- (1) 20 AAC 15.922; and
- (2) AS 14.20.020 and 4 AAC 12.010 - 4 AAC 12.900 for teacher certification degree programs.

History - Eff. 8/16/86, Register 99; am 5/8/88, Register 106; am 11/28/92, Register 124; am 11/26/94, Register 132; am 11/27/94, Register 132; am 7/1/96, Register 138; am 12/4/96, Register 140; am 3/22/97, Register 141  
Authority - AS 14.43.600; AS 14.43.610; AS 14.43.630; AS 14.43.640; AS 14.43.650

## **20 AAC 15.235 DISBURSEMENT OF LOAN AWARDS**

Repealed.

History - Eff. 8/16/86, Register 99; am 11/26/94, Register 132; repealed 3/22/97, Register 141

## **20 AAC 15.240 REPAYMENT OF LOANS.**

(a) In cases of hardship, and based on such factors as the seriousness of the hardship, its anticipated duration, and the expectation of increased earnings in later years, the commission will either alter the repayment schedule by extending the period of repayment, subject to the deferment provisions of AS 14.43.120(k), to a maximum term of 15 years, or weight the regular payments to ease payment in the first years and require larger payments in later years, or both.

(b) A recipient whose repayment schedule has been modified as a result of hardship shall certify annually to the commission the continued existence of the conditions under which the hardship determination was made. When the conditions no longer exist, the recipient shall notify the commission, and renegotiate the payment schedule, based on the loan's outstanding balance and accrued interest, over a term acceptable to the commission.

History - Eff. 8/16/86, Register 99; am 11/26/94, Register 132; am 11/27/94, Register 132; am 12/4/96, Register 140; am 3/22/97, Register 141  
Authority - AS 14.43.630; AS 14.43.640

## **20 AAC 15.245 DEFERMENT OF PAYMENTS.**

Repealed.

History - Eff. 8/16/86, Register 99; am 11/27/94, Register 132; repealed 3/22/97, Register 141

## **20 AAC 15.250 FORGIVENESS BENEFITS.**

(a) To qualify to have a portion of a loan be paid by the state as a forgiveness benefit under AS 14.43.640(b), a borrower must

(1) provide a copy of the borrower's degree, diploma, or certificate of completion for the course of study for which the loan was awarded;

(2) show proof of employment as a teacher in a rural elementary or secondary school, as defined in AS 14.43.700;

(3) provide certification on a form provided by the commission that the borrower has satisfied the requirements of AS 14.43.640(b) and this section;

(4) be current in repayment in compliance with AS 14.43.120 and 20 AAC 15 on the loan for which a forgiveness benefit is claimed; and

(5) not have defaulted on the loan.

(b) Forgiveness benefits will be prorated for a borrower who shows proof of employment as a teacher for the equivalent of at least one-half of the school day for a full

school year, or full-time for one-half of the school year, but less than full-time for the full school year.

(c) Forgiveness benefits are credited against the unpaid principal balance. Receipt of a forgiveness benefit does not alter the amount of the monthly payments due under the borrower's repayment schedule for the loan, but instead reduces the remaining number of monthly payments.

(d) A borrower who is not eligible for forgiveness benefits under AS 14.43.640(b) is eligible for benefits under former AS 14.43.120(j) if the loan was awarded before July 1, 1987 and the borrower qualifies under former AS 14.43.120(j) and 20 AAC 15.060.

History - Eff. 8/16/86, Register 99; am 6/26/87, Register 102; am 5/8/88, Register 106; am 9/15/88, Register 107; am 5/18/90, Register 114; am 11/28/92, Register 124; am 6/23/95, Register 134; am 3/22/97, Register 141  
Authority - Former AS 14.43.120(j); AS 14.43.630; AS 14.43.640

#### **20 AAC 15.255 DEFAULT**

Repealed.

History - Eff. 8/16/86, Register 99; repealed 12/4/96, Register 140

#### **20 AAC 15.260 APPEALS TO THE EXECUTIVE DIRECTOR**

Repealed.

History - Eff. 8/16/86, Register 99; am 11/28/92, Register 124; repealed 6/23/95, Register 134

#### **20 AAC 15.265 APPEALS TO THE COMMISSION**

Repealed.

History - Eff. 8/16/86, Register 99; am 11/28/92, Register 124; repealed 6/23/95, Register 134

#### **20 AAC 15.270 COMPLAINT FILE**

Repealed.

History - Eff. 8/16/86, Register 99; repealed 6/23/95, Register 134

#### **20 AAC 15.275 LOAN AUDIT AND INSTITUTIONAL SANCTIONS**

Repealed.

History - Eff. 8/16/86, Register 99; am 6/26/87, Register 102; repealed 3/22/97, Register 141

#### **20 AAC 15.295 DEFINITIONS.**

(a) In AS 14.43.600 - 14.43.700 and 20 AAC 15.200 - 20 AAC 15.295, "total loan" means the total amount of all teacher scholarship loans received by a borrower.

(b) For the purposes of 20 AAC 15.200 - 20 AAC 15.295,

(1) "employment as a teacher" means to enter into and complete the terms of a contract to serve as a certificated elementary or secondary school teacher;

(2) "hardship" means being unable to meet the obligation to repay a teacher scholarship loan over the term or in the amount determined by loan personnel.

History - Eff. 8/16/86, Register 99; am 11/26/94, Register 132; am 12/4/96, Register 140; am 3/22/97, Register 141  
Authority - AS 14.43.630

Gary Reed  
1120 Rezanof Dr.  
Kodiak, Ak. 99615  
phone: 907-486-5375

April 17, 1997

Ladies and Gentlemen,

I am writing this letter to make you aware of a situation which exists and to make an appeal for your consideration.

In 1992, after carrying 3.87 grade point average throughout her high school career at Kodiak High School, my daughter, Lisa Reed, was awarded the Alaska State Teachers Scholarship program. She was elated. This was what she wanted to do and now she had the chance. She entered college that fall at the University of Alaska, Anchorage where she has pursued her degree in Education diligently majoring in history and drama. She has maintained a very high grade point average throughout her college career and graduated with her degree this December. Now she is actively seeking employment with various school districts throughout the state.

Now here is where the problems begin: Upon acceptance of the Teachers Loan Program, one of the stipulations is that if you teach in a rural qualifying school the loan payback will be forgiven over time as you remain employed in a rural setting and that was totally acceptable to Lisa in fact she expressed excitement and joy in the thought of teaching in rural Alaska. However, in January of 1996, less than a year from graduation, she was diagnosed with a degenerative muscle disorder (Dermatomyositis) which is a very close relative to Muscular Dystrophy. She is doing very well and has a good and full life ahead of her if she follows prescribed treatments and therapies. Lisa is fully functional and has no intention of letting this stop her from teaching. However, in order to stay on top of this she must visit her rheumatologist regularly and she attends physical therapy twice a week. The only place that she can receive adequate medical care in Alaska is in the Anchorage area which means that she must work and live in the Anchorage area. As you know, this does not qualify for the loan program forgiveness clause. For her to fly in to Anchorage for treatment from a village regularly would be impossible. So, with that said, I am appealing to you for some assistance in resolving this problem. Possibly by making some kind of an amenities for medical reasons or something of this nature in order to relieve the additional burden of the scholarship payback from her already burdened shoulders. Your expeditious response to this letter would be greatly appreciated. If you need more information or documentation please feel free to contact either myself at the above address or you may contact Lisa direct at,

Lisa Reed  
1470 Northview, #K2  
Anchorage, Ak. 99504  
phone: 907-333-4653

Thank you very much.

Sincerely

  
Gary Reed

May 8, 1997

Gary L. Reed  
1120 Rezanof Dr.  
Kodiak, Ak, 99615

phone: 907-486-5375

Dear Senator Mackie,

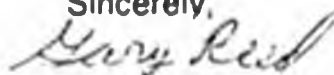
I recently sent the attached letter to the director of the Alaska State Teachers Scholarship Loan Program. In response I received the state form which is also enclosed.

I am writing you because this form really does not address the problem. This form is for people who are disabled to the point that they can not work. This is not the case in my daughters situation. Yes, she has a progressively debilitating disease which will eventually cause her to quit working, however, for now, she is bound and determined to not let this disease beat her. She is mobile, and has the endurance to function perfectly fine in a teaching situation. The problem is that in order to qualify for the loan forgiveness clause she has to work in qualifying bush school. This disease requires her to be in or around Anchorage in order to receive medical attention about every three weeks and physical therapy twice a week regularly.

Due to the fact that she engaged in this contract in good faith with full intention of fulfilling it, and wasn't diagnosed with Dermatomyositis until the last year of her college career I am seeking help in making the years that she can fulfill her dream of being a teacher the least stressful as possible. (Stress is a major factor in the speed of the progression of this disease). She would have been perfectly willing to teach in a bush school but because she has to remain close to medical attention by specialists in this field she must stay close to Anchorage. She has a letter written and signed by her doctor, if you need it, stating the debilitating effects of this disease and a recommendation for disability but she won't hear of that. I would greatly appreciate you assistance in helping me secure a special forgiveness in order to make her life a little more pleasant and less stressful.

Thank you very much for your time and attention.

Sincerely,



Gary L. Reed

SENATE DISTRICT KODIAK SOT	7871	DATE 5/14/97	2
Post-It Fax Note	To GARY REED	From LACEY	
Co Dept		Co Sen. MACKIE	
Phone #		Phone # 486 4925	
Fax # 486 9283		Fax # 5264	



STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
(907) 465-4925  
(800) 421-4925 (TOLL FREE)  
(907) 465-3317 (TASO)  
Senator Jerry Mackie @legis.state.ak.us

SENATOR JERRY MACKIE  
ALASKA STATE LEGISLATURE

May 14, 1997

Ms. Shirley Holloway, Ph.D.  
Commissioner  
Department of Education  
801 W. 10th Street, Suite 200  
Juneau, Alaska 99801-1894  
FAX: 465-4156

Dear Commissioner Holloway:

I have enclosed a letter from one of my constituents, Mr. Gary Reed, requesting assistance in his daughter's unique situation regarding the Alaska State Teacher's Scholarship Loan Program.

The daughter, Ms. Lisa Reed, 1470 Northview, #K2, Anchorage, Alaska 99504, was awarded this scholarship program in 1992. Lisa successfully completed her Education degree this last year, utilizing a five year Teacher's Loan, and was completely prepared and looking forward to beginning a teaching career in rural Alaska.

In January of 1996, less than a year before graduation, Lisa began to experience health problems and was subsequently diagnosed with an extremely rare, but progressively debilitating muscle disorder, "dermatomyositis", a close relative to Muscular Dystrophy. Because stress is a heavy mobilizer to this disorder, I would like to assist her family in providing a quick remedy to this dilemma.

Ms. Reed's medical treatment requires visits to her rheumatologist regularly and physical therapy treatments twice a week; Anchorage is currently the only place in Alaska where she can receive this care. Unfortunately, this situation does not enable her to qualify for the loan program forgiveness clause.

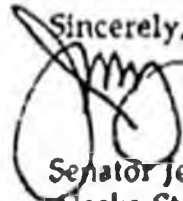
Is there any way to alleviate the burden placed on this young, capable woman with the potential to contribute to the children in Alaska as she begins her career in education? I would certainly appreciate any assistance you could offer in

finding a reasonable solution as quickly as possible because of medical complications which are directly impacted by stress.

Commissioner, Lisa needs our assistance in beating this progressively debilitating disease. If necessary, upon your recommendations, I am willing to look into statute changes as a remedy to this situation. If there is any way to address this through the regulatory process or another alternative, that would certainly be in everyone's best interests.

Thank you for your time and attention to this matter. I know that Lisa has it in her heart to educate Alaska's children for as long as she is medically possible and that our assistance will provide her with the ability to have a productive, independent and successful educational career in Alaska. Best wishes to you for a productive and healthy summer.

Sincerely,



Senator Jerry Mackie  
Alaska State Legislature

Enclosure

cc: Diane Barrens, Exec. Director, Postsecondary Education Commission 3030  
Vintage Boulevard, Juneau, Ak. 99801-7109 FAX: 465-3293  
Lisa Reed, 1470 Northview, #K2, Anchorage, Ak. 99504  
Mr. Gary Reed, 1120 Rezanof Drive, Kodiak, Ak. 99615

TONY KNOWLES, GOVERNOR

3030 VINTAGE BLVD  
JUNEAU, ALASKA 99801-7122  
VOICE (800) 441-2962  
IN JUNEAU 465-3740  
TDD (907) 465-3143  
FAX (907) 465-3293

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

May 19, 1997

Senator Jerry Mackie  
Alaska State Senate  
State Capitol  
Juneau, AK 99801

Dear Senator Mackie,

I am writing in response to your letter of May 14, 1997, regarding the status of Ms. Lisa Reed's Alaska Teacher Scholarship Loan (TSL) Program.


Unfortunately, there are very few options currently available to offer relief to Ms. Reed relative to the financial obligation of her TSL. The statutes which govern this program specifically limit the conditions during which a borrower may cease making payments (See AS 14.43.120(k)). Nor do the TSL statutes (AS 14.43.600 - .700) provide for forgiveness benefits to borrowers who are unable to secure qualifying employment or, as in this case, are prevented from even residing in a rural area. By regulation, the Commission has extended the option, in the event of total and permanent disability, to actual cancellation of the debt after a period of deferment.

I certainly understand your concern for this constituent given her unusual circumstances and I am certainly prepared to work with you in developing a legislative remedy.

At this time, Ms. Reed may want to explore seeking reduced payments if she finds that current demands on her finances make it impossible for her to make payments as scheduled. If she is unable to secure a teaching position and finds herself unemployed there is also a deferment option available for that situation.

I regret that I am unable to offer another remedy at this time.

Sincerely,

  
Diane Barrans  
Executive Director

Cc: Ms. Lisa Reed ✓  
Mr. Gary Reed ✓  
Commissioner Shirley Holloway

# STATE OF ALASKA

## ALASKA STUDENT LOAN PROGRAMS

3030 VINTAGE BOULEVARD - JUNEAU, ALASKA 99801-7109

(800) 441-2962 — TOLL FREE  
(907) 465-2962 — IN JUNEAU  
(907) 465-5316 — FAX  
(907) 465-3143 — TDD

June 4, 1997

Gary Reed  
1120 Rezanof Drive  
Kodiak, AK 99615

POB 2612  
Soldotna AK

Dear Mr. Reed:

262-0925

RE: Lisa Reed

Account Number: 508-96-7082

This letter is in response to your letter received in our office on April 21, 1997, regarding forgiveness benefits on your daughters Alaska Student Loan. I apologize for the delayed response.

The regulations governing the Alaska Teacher Scholarship Program states 20 AAC 15 250 (a) to qualify for to have a portion of a loan be paid by the state as a forgiveness benefit under AS 14.43.640(b), a borrower must under item (2) show proof of employment as a teacher in a rural elementary or secondary school, as defined in AS 14.43.700; "rural" means a community with a population of 5,500 or less that is not connected by road or rail to Anchorage or Fairbanks or with a population of 1,500 or less that is connected by road or rail to Anchorage or Fairbanks.

Based on the above regulation, I can find no bars to approve your appeal. Your appeal is denied.

This is the commissions final decision on this issue unless you decide to appeal to the executive director under 20 AAC 15 915(c). In order to appeal this decision, you must write the executive director a letter that clearly states all your objections to this decision and any justification for the result you are requesting. Your appeal letter must be postmarked within 40 days after the date of this letter. You have the burden to prove by a preponderance of the evidence that you are entitled to the results you are requesting under the statues and regulations governing the Alaska Student Loan Program.

Sincerely,

Johanna S. Keys

Johanna S. Keys  
Customer Service Officer

cc: Lisa Reed