

SB

89

<TARGET><BILL>SB 89</BILL><SUBJECT>SB
89</SUBJECT><COMM>SEDC29</COMM></TARGET>

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 3/25/15

FURTHER: State Affairs

Date of 5-Day Notice: 4/2/15
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4/10/15

Education Committee considered SENATE BILL NO. 89

SB 89 PARENT RIGHTS; EDUCATION; SCHOOL ABSENCE

"An Act relating to a parent's right to direct the education of a child; and relating to questionnaires administered in schools."

and recommends:

- be replaced with CS SB 89 (EDC) [] Same Title [] New Title
- adopt previous CS _____ (_____) [] Same Title [] New Title
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
EED	Fiscal Info Forthcoming			

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Giessel	✓			
	Huggins	✓			
	Gardner		X		
CHAIR:	Dunham	✓			

ALASKA STATE LEGISLATURE

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Mike Dunleavy
Senator

Sponsor Statement for Committee Substitute for Senate Bill 89

The purpose of CSSB 89 Parental Rights in Education, is to codify in state statute the inherent rights of parents to direct the upbringing and education of their children. As parents are the ultimate authority regarding their children, this bill requires local school boards to adopt policies which promote the involvement of parents.

A child's parents (be they biological or not) are, in most cases, best suited to understand what is in their child's best interest. It may seem unnecessary that this would need to be re-stated in law. However, too often we see parents pitted against government in decisions regarding children's education and upbringing. I am thus sponsoring this bill to re-balance that relationship. I feel it essential to ensure that our educational system acknowledges the essential rights of parents, and that schools adopt policies to encourage parental involvement.

These policies must accommodate the following:

- Parents will be given the chance to review content of any activity, class, performance standard, program, or standards-based assessment or test required by the department
- Parents can object to and withdraw children from any standards-based assessment or test required by the department, and the absence cannot be counted as unlawful
- If parents have a concern about any activity, class, performance standard, or program that covers human reproduction or sexual matters, or which inquires into personal or private family affairs, they can object and keep their child out of that particular activity, and the absence cannot be counted as unlawful
- Parents will be allowed to withdraw children for religious holidays, and the absence cannot be counted as unlawful
- Parents must provide written permission before children may attend each human reproduction or sex education instruction or presentation

Existing law requires parents to provide written permission before students take part in certain questionnaires and surveys administered by schools. This bill extends that requirement to all questionnaires and surveys administered by schools.

As the stewards of their children, parents must be guaranteed the right to make the decisions they feel are best for their children's education. I request your support for CSSB 89.

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Mike Dunleavy
Senator

The following are changes to the Committee Substitute for Senate Bill 89

Section 1

- Modifies language to use existing statute language for "tests and assessments"
- Removes references to Health education
- Adds language to allow objection and withdrawal due to concern regarding "inquiries into personal and private family matters"
- Adds language to clarify the timeframe within which permission must be obtained
- Adds language to require separate permission or objection for each event

Section 2

- No changes

Section 3

- No changes

CS FOR SENATE BILL NO. 89(EDC)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE SENATE EDUCATION COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR DUNLEAVY

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to a parent's right to direct the education of a child; and relating to**
2 **questionnaires administered in a public school."**

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

4 *** Section 1.** AS 14.03 is amended by adding a new section to read:

5 **Sec. 14.03.016. A parent's right to direct the education of the parent's**
6 **child.** (a) A local school board shall, in consultation with parents, teachers, and school
7 administrators, adopt policies to promote the involvement of parents in the school
8 district's education program. The policies must include procedures

9 (1) allowing a parent to object to and withdraw the child from a
10 standards-based assessment or test required by the department;

11 (2) allowing a parent to object to and withdraw the child from an
12 activity, class, performance standard, or program because of concern regarding

13 (A) content involving human reproduction or sexual matters;
14 (B) inquiries into personal or private family affairs of the

1 student or family that are not a matter of public record or subject to public
2 observation;

3 (3) providing for parent notification not less than two weeks, but not
4 more than one month, before any activity, class, performance standard, or program
5 that includes content involving human reproduction or sexual matters is provided to a
6 child and requiring written permission from the child's parent before the child may
7 participate in the activity, class, performance standard, or program;

8 (4) allowing a parent to withdraw the child from an activity, class,
9 performance standard, program, or standards-based assessment or test required by the
10 department for a religious holiday, as defined by the parent;

11 (5) providing a parent with an opportunity to review the content of an
12 activity, class, performance standard, program, or standards-based assessment or test
13 required by the department;

14 (6) ensuring that when a child is absent from an activity, class,
15 performance standard, program, or standards-based assessment or test required by the
16 department under this section, the absence is not considered an unlawful absence
17 under AS 14.30.020.

18 (b) The policies adopted under (a)(1), (2), and (4) - (6) of this section may not
19 allow a parent categorically to object or withdraw a child from all activities, classes,
20 performance standards, programs, or standards-based assessments or tests required by
21 the department. The policies must require a parent to object each time the parent
22 wishes to withdraw the child from an activity, class, performance standard, program,
23 or standards-based assessment or test required by the department. The policies adopted
24 under (a)(3) of this section must require written permission from the child's parent
25 before each activity, class, performance standard, or program is provided to a child
26 that includes content involving human reproduction or sexual matters.

27 (c) In this section,

28 (1) "child" means an unemancipated minor under 18 years of age;

29 (2) "local school board" has the meaning given in AS 14.03.290;

30 (3) "parent" means the natural or adoptive parent of a child or a child's

31 legal guardian;

1 (4) "school district" has the meaning given in AS 14.30.350.

2 * **Sec. 2.** AS 14.03.110(a) is amended to read:

3 (a) A school district, principal or other person in charge of a public school, or
4 teacher in a public school may not administer or permit to be administered in a school
5 a questionnaire or survey, whether anonymous or not [, THAT INQUIRES INTO
6 PERSONAL OR PRIVATE FAMILY AFFAIRS OF THE STUDENT NOT A
7 MATTER OF PUBLIC RECORD OR SUBJECT TO PUBLIC OBSERVATION]
8 unless written permission is obtained from the student's parent or legal guardian.

9 * **Sec. 3.** AS 14.03.110(d) is amended to read:

10 (d) The school shall give a student's parent or guardian an opportunity to
11 review the questionnaire or survey described under (b) or (c) of this section and shall
12 give the parent or guardian written notice regarding

13 (1) how the questionnaire or survey will be administered to the
14 student;

15 (2) how the results of the survey or questionnaire will be used; and

16 (3) who will have access to the questionnaire, [OR] survey, **or results.**

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Mike Dunleavy
Senator

Explanation for Amendment 1 to CS SB89

- Replace “allowing” with “recognizing the authority of and allowing” on lines 9 and 11 of page 1, and line 8 of page 2 to reinforce that parental rights are inherent
- Remove the phrase “performance standard” in 8 places and keep it in 1 place to clarify awkward syntax
- Replace “one month” with “six weeks” on line 4 of page 2 to give school districts a more flexible duration of time for collecting permission from parents
- Add the word “separate” on line 25 of page 2 for clarity

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR DUNLEAVY

TO: CSSB 89(EDC), Draft Version "P"

- 1 Page 1, line 9, following "(1)":
- 2 Insert "recognizing the authority of and"
- 3
- 4 Page 1, line 11, following "(2)":
- 5 Insert "recognizing the authority of and"
- 6
- 7 Page 1, line 12:
- 8 Delete "performance standard,"
- 9
- 10 Page 2, line 4:
- 11 Delete "one month"
- 12 Insert "six weeks"
- 13 Delete "performance standard,"
- 14
- 15 Page 2, line 7:
- 16 Delete "performance standard,"
- 17
- 18 Page 2, line 8, following "(4)":
- 19 Insert "recognizing the authority of and"
- 20
- 21 Page 2, line 9:
- 22 Delete "performance standard,"
- 23

1 Page 2, line 15:

2 Delete "performance standard,"

3

4 Page 2, line 20:

5 Delete "performance standards,"

6

7 Page 2, line 22:

8 Delete "performance standard,"

9

10 Page 2, line 25, following "each":

11 Insert "separate"

12

13 Page 2, line 25:

14 Delete "performance standard,"

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Mike Dunleavy
Senator

Explanation for Amendment 2 to CS SB89

- Would prevent abortion service providers from contracting with school districts and educational service organizations
- Would prohibit abortion service providers from supplying materials to school districts on human sexuality and sexually transmitted diseases
- Abortion services providers would not be permitted to provide instruction on sexually transmitted diseases and sexuality to school districts

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR DUNLEAVY

TO: CSSB 89(EDC), Draft Version "P"

1 Page 1, line 1:

2 Delete "and"

3

4 Page 1, line 2, following "school":

5 Insert "; prohibiting a school district from contracting with an abortion services
6 provider; and prohibiting a school district from allowing an abortion services provider
7 to furnish course materials or provide instruction concerning sexuality or sexually
8 transmitted diseases"

9

10 Page 3, following line 1:

11 Insert a new bill section to read:

12 **"* Sec. 2.** AS 14.03.083 is amended by adding a new subsection to read:

13 (e) A school district and an educational services organization that has a
14 contract with a school district may not contract with an abortion services provider."

15

16 Renumber the following bill section accordingly.

17

18 Page 2, following line 16:

19 Insert a new bill section to read:

20 **"* Sec. 5.** AS 14.30.360 is amended by adding a new subsection to read:

21 (c) A school district may not permit an abortion services provider or an
22 employee or volunteer of an abortion services provider to offer, sponsor, furnish
23 course materials, or provide instruction relating to human sexuality or sexually

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transmitted diseases."

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MEMORANDUM

April 8, 2015

SUBJECT: CSSB 89(EDC): (Work Order No. 29-LS0735\P.2)

TO: Senator Berta Gardner
Attn: Katie Bruggeman

FROM: Kate Glover *KG*
Legislative Counsel

You requested an opinion regarding the constitutionality of Amendment P.2, offered to CSSB 89(EDC). In a telephone conversation, Ms. Bruggeman asked me to provide an opinion regarding the First Amendment implications of Amendment P.2 to CSSB 89(EDC). Amendment P.2 bars organizations that provide abortion services from contracting with school districts and educational services organizations to provide educational materials or instruction related to human sexuality or sexually transmitted diseases. Prohibiting a particular individual or group from contracting with or participating in an activity conducted by a public entity raises equal protection and may implicate the First Amendment rights of persons because of their affiliation.

First amendment. The amendment singles out a group and bars it from contracting with public agencies. The group's members provide, or are affiliated with those who provide, abortions. This restriction could violate the rights of expression or association, guaranteed by art. I, secs. 5 of the Constitution of the State of Alaska and the First Amendment to the United State Constitution.¹

¹ Art. I, sec. 5 provides:

Section 5. Freedom of Speech. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

The First Amendment provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

In determining whether a law burdens freedom of expression, a court will examine the reason for the law, and whether it is neutral and of general application.² As the United States Supreme Court observed, "To determine the object of a law, we must begin with its text, for the minimum requirement of neutrality is that a law not discriminate on its face." *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 533 (1993). In this case, the law discriminates on its face in that it directly identifies certain people to bar from contracting.

Affiliation or expression discrimination can be a violation of the First Amendment. In *Board of County Commissioners of Waubesa Co. v. Umbehr*, 518 U.S. 668, 686 (1996), the United States Supreme Court found that a contractor had the right not to have a contract terminated for exercise of his First Amendment rights.³ However, being an abortion provider or associated with a provider may not qualify as expressive conduct for the purpose of determining whether the law burdens First Amendment rights. In *Planned Parenthood of Kan. & Mid-Mo. v. Moser*, 747 F.3d 814, 838 - 40 (10th Cir. 2014), the 10th Circuit Court of Appeals rejected a claim that state denial of funding to an organization because the organization provided abortions constituted unconstitutional punishment for exercise of free speech and associational rights:

Under the "modern unconstitutional conditions doctrine . . . the government may not deny a benefit to a person on a basis that infringes his constitutionally protected freedom of speech even if he has no entitlement to that benefit." *Bd. of Cnty. Comm'rs v. Umbehr*, [*supra* at] 674 . . . [T]he doctrine has been applied when the condition acts prospectively in statutes or regulations that limit a government-provided benefit—typically a subsidy or tax break—to those who refrain from or engage in certain expression or association. *See, e.g., FCC v. League of Women Voters*, 468 U.S. 364, 366 (1984) (federal statute that forbids recipients of public-broadcasting subsidy from "engag[ing] in editorializing" *Speiser v. Randall*, 357 U.S. 513, 515 (1958) (state constitutional provision and effectuating statute that grant tax exemption only to veterans who pledge not to advocate overthrowing the government). These cases recognize that the government ordinarily can impose conditions on the receipt of government funding, but that conditioning a benefit on someone's speech

² *Swanner v. Anchorage Equal Rights Com'n*, 874 P. 2d 274, 279 (Alaska 1994); *cert. denied* 513 U.S. 979 (1994).

³ The case involved a trash hauling contractor whose contract was terminated in retaliation for the contractor's public complaints about the county commission and the costs of various government services. *Id. Compare State v. ACLU*, 978 P.2d 597, 619 (Alaska 1999) (a measure that limits persons in a profession from participating in campaigns -- in this case lobbying -- must be narrowly tailored to avoid an undue burden on expressive activity).

or association achieves an effect similar to direct regulation of the speech or association. See *Rumsfeld v. Forum for Academic & Institutional Rights*, 547 U.S. 47, 59 (2006). These cases have addressed only conditions *explicitly* imposed by the law.

[T]he unconstitutional-conditions doctrine has been applied when the condition acts retrospectively in a *discretionary* executive action that terminates a government-provided benefit—typically public employment, a government contract, or eligibility for either—in retaliation for prior protected speech or association. See, e.g., *Umbehr*, 518 U.S. at 671, 116 S.Ct. 2342 (termination of independent contractor by county officials in retaliation for contractor's criticism of county board); *Perry*, 408 U.S. at 597, 92 S.Ct. 2694 (nonrenewal of professor's contract with state university by board of regents in retaliation for his criticizing the board). In these cases, the government official's action has not been compelled by a statute or regulation; rather, the challenged action is one that would be within the official's discretion if it were not taken in retaliation for the exercise of a constitutional right. Thus, these cases necessarily examine the official's motive for taking the action; the challenge will be rejected unless retaliation against the protected conduct was “a substantial or motivating factor” for taking the action and the official would not “have taken the same action . . . in the absence of the protected conduct.” *Umbehr*, 518 U.S. at 675.

Planned Parenthood of Kansas & Mid-Missouri v. Moser, 747 F.3d 814, 838 - 39 (10th Cir. 2014) (some quotations, citations, parallel citations omitted; emphasis in original). In *Planned Parenthood of Kansas & Mid-Missouri*, the plaintiff could have altered its activities to qualify for the grant for providing women's health services, and the law did not itself limit expressive conduct. The 10th Circuit further noted that the legislative motive for the exclusion was not a proper subject of inquiry.⁴

It is not clear whether the Alaska Supreme Court would rule similarly. It is also not clear whether the application of the law to participation of individuals with respect to providing instruction and literature sweeps too broadly.⁵

Equal protection; substantive due process. Treating persons affiliated with abortion services differently than all other organizations or persons that might contract with a

⁴ *Id.* at 842 - 43.

⁵ Compare *Alaskans for a Common Language vs. Kritz*, 170 P.3d 183, 200 (Alaska 2007) (provision of “English only” law that affected not only official government speech, which can be regulated, but that of private citizens and government employees swept too broadly to survive scrutiny).

school district or educational service agency, or that might participate in training or the supply materials concerning human sexuality or sexually transmitted diseases may violate art. I, sec. 1 of the Constitution of the State of Alaska, and the Fourteenth Amendment to the United States Constitution.⁶

The Alaska Supreme Court summarized the judicial application of the equal protection principle as follows:

The law mandates equal treatment for those who are "similarly situated" and evaluates equal protection claims using a three-step sliding scale test that "places a progressively greater or lesser burden on the state, depending on the importance of the individual right affected by the disputed classification and the nature of the governmental interests at stake."⁷

To apply this principle, a court must (1) determine the weight of the individual interest impaired by the classification; (2) examine the importance of the purposes underlying the government's action; and (3) evaluate the means employed to further those goals to determine the closeness of the means-to-end fit.⁸ The greater the weight of the individual interest, the greater the burden on the state to demonstrate that the classification achieves

⁶ Article I, sec. 1 provides:

SECTION 1. Inherent Rights. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

The Fourteenth Amendment, sec. 1 provides:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

⁷ *Malabed v. N. Slope Borough*, 70 P.3d 416, 421 (Alaska 2003).

⁸ *Id.*; see also *Lynden Transport v. State*, 532 P.2d 700 (Alaska 1975).

Senator Berta Gardner
April 8, 2015
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a legitimate governmental objective. The interests at stake here may be economic (ability to contract).⁹

Where the interest is economic, the Alaska Supreme Court applied minimum scrutiny for an equal protection violation:

Under the Alaska Constitution, the "legitimate reason test" is "the standard level of scrutiny . . . in equal protection cases," and we apply it to laws that do not employ classifications based on suspect factors or infringe on fundamental rights. Under this test, a law "will survive as long as a 'legitimate reason for the disparate treatment exists' and the law creating the classification 'bears a fair and substantial relationship to that reason.'"¹⁰

Even in the context of minimum scrutiny, the Alaska Supreme Court has long recognized the equal protection clause in the Alaska constitution provides greater protection of individual rights than the Fourteenth Amendment of the U.S. Constitution.¹¹ If the court finds that the interest at stake is an economic one, the statute must be rationally related to a legitimate state interest.

Even where no fundamental right is at stake, a statute for which no rationale is apparent may also be found arbitrary, in violation of a person's right to substantive due process under art. I, sec. 7 of the Constitution of the State of Alaska and the Fourteenth Amendment.¹²

If I may be of further assistance, please advise.

KSG:dla
15-278.dla

⁹ If the law is found to burden free expression or association, stricter scrutiny would be warranted, and the state's interest would have to be compelling. *Treacy v. Municipality of Anchorage*, 91 P. 3d 252, 265 (Alaska 2004) (right to be in a public place); *State v. Planned Parenthood of Alaska*, 28 P.3d 904, 909 (Alaska 2001) (reproductive rights).

¹⁰ *Griswold v. City of Homer*, 252 P.2d 1020 (Alaska 2011) (internal citations omitted).

¹¹ See, e.g., *Stanek v. Kenai Peninsula Borough*, 81 P.3d 268 (Alaska 2003); *Kenai Peninsula Borough v. State*, 743 P.2d 1352 (Alaska 1987).

¹² *Allam v. State*, 830 P.2d 435, 439 (Alaska App. 1992); *Concerned Citizens of South Kenai Peninsula v. Kenai Peninsula Borough*, 527 P.2d 447, 452 (Alaska 1974).

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MEMORANDUM

April 8, 2015

SUBJECT: Federal funding (CSSB 89(EDC); Work Order No. 29-LS0735\P)

TO: Senator Berta Gardner
Attn: Katie Bruggeman

FROM: Kate S. Glover *KSG*
Legislative Counsel

You have requested an opinion regarding the provisions of CSSB 89(EDC) that allow parents to withdraw students from standards-based testing. Specifically, you have indicated that you are concerned with the effect this could have on federal funding and on school performance measures if a large number of students do not take the tests. Federal law requires, as a condition of federal funding, that states offer yearly academic assessments. The assessments provide a measure of student performance that is used to assess school and district performance. Allowing parents to opt students out of the assessments could affect the state's eligibility for federal funding.

Under federal statutes, federal funding is available to help states pay for the cost of assessments and standards required by federal law.¹ In addition, to be eligible for federal grants under 20 U.S.C. § 6311 of the Elementary and Secondary Education Act, states must prepare plans meeting certain requirements. Among those is a requirement that each state implement:

[a] set of high-quality, yearly student academic assessments that include, at a minimum, academic assessments in mathematics, reading or language arts, and science that will be used as the primary means of determining the yearly performance of the State and of each local educational agency and school in the State in enabling all children to meet the State's challenging student academic achievement standards²

The statute further provides that these assessments must be aligned with the state's challenging academic content, use the same tests to measure the achievement of all children, "provide for the participation of all students," and be administered at least once

¹ 20 U.S.C. § 7301.

² 20 U.S.C. § 6311(b)(3).

in grades three - five, six - nine, and 10 - 12.³ Federal law does not provide for an opt out from the assessments.⁴ Therefore, creating an opt out from the tests could put the state's eligibility for federal education funding at risk.

Accordingly, state law includes a requirement that the State Board of Education and Early Development adopt regulations providing for a statewide student assessment system.⁵ The statute also requires the Department of Education and Early Development (the department) to assign a "performance designation to each public school and school district and to the state public school system."⁶ This "accountability system" takes into account "measures of student performance on standards-based assessments in language arts and mathematics."⁷

Department regulations provide a detailed description of the factors that go into this accountability system, called the "Alaska school performance index."⁸ This index assigns a percentage value to each of several factors that go into determining a school's performance rating. One important factor is the school's academic achievement score. The regulations explain, in 4 AAC 06.812(c)(1), that:

[a] school's academic achievement score is the percent of all students tested on the state standards-based assessments described in 4 AAC 06.737 who score proficient or higher on the state assessments in reading, writing, and mathematics if the school meets or exceeds a 95 percent

³ 20 U.S.C. § 6311(b)(3).

⁴ There are exceptions under federal and state law to allow waivers for severely disabled students who would not be able to take the tests. *See* 34 C.F.R. § 200.6(a)(2). State regulations also allows exemptions on a case-by-case basis for students who are unable to take the test because of unexpected medical conditions. *See* 4 AAC 06.820(g).

⁵ AS 14.03.123(c). In addition, AS 14.03.075(a) provides that in order to receive a secondary school diploma, students must take "a college and career readiness assessment." Students who do not take a college and career readiness assessment are entitled to a certificate of achievement under AS 14.03.075(b). In a telephone conversation, Ms. Peterson indicated that your request does not concern these college and career readiness assessments, so this memo focuses on the statewide standards-based assessments.

⁶ AS 14.03.123(a).

⁷ AS 14.03.123(f); *see also* 4 AAC 06.840 (participation rates and student performance on the assessments are taken into account in identifying priority and focus schools).

⁸ *See* 4 AAC 06.812.

Senator Berta Gardner
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assessment participation rate under 4 AAC 06.820(a); if a school does not meet a 95 percent assessment participation rate, students who were not tested will be counted as not proficient⁹

Schools and districts are required to "ensure that at least 95 percent of the students enrolled in tested grades participate in the state assessments."¹⁰ The regulation clarifies that a student "participates in a state assessment if the student receives a valid test score on one of the required state assessments."¹¹

Under these regulations, if more than five percent of the students in a school do not take the standards-based assessments, the students who do not take the assessments would be counted as not proficient, and the school performance rating would suffer.¹²

If I may be of further assistance, please advise.

KSG:dla
15-283.dla

⁹ 4 AAC 06.820(a) further explains that the "participation rate on the state standards-based assessments . . . is computed by dividing the number of students that took at least one assessment by the number of students enrolled in tested grades on the first day of testing."

¹⁰ 4 AAC 06.820(a); *see also* 4 AAC 06.815(f) (requiring schools, schools districts, and the state to meet a rate of 95 percent participation in the assessments to meet required annual measureable objectives).

¹¹ 4 AAC 06.820(a).

¹² A school that receives a low performance designation and does not take actions required for improving performance can lose funding, though the funding must be provided to the school when the necessary corrective action is taken. AS 14.07.030(15).

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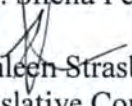
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MEMORANDUM

April 1, 2015

SUBJECT: SB 37: Amendment concerning prohibiting contracts with abortion services providers (Work Order No. 29-LS0488\A.1)

TO: Senator Mike Dunleavy
Attn: Sheila Peterson

FROM: 
Kathleen Strasbaugh
Legislative Counsel

Please find enclosed the amendment you requested prohibiting school districts and educational services providers contracting with them from contracting with abortion services providers, and prohibiting abortion services providers from supplying materials or instruction related to human sexuality and sexually transmitted diseases. The language you requested appears to be broader than the program created by sec. 2 of SB 37, which requires school districts to adopt policies to provide employees and school children with training concerning the recognition and prevention of sexual abuse and sexual assault. For that reason, the amendment language has been incorporated into AS 14.03.083 which concerns contracting in general, and AS 14.30.360, which concerns health and safety curriculum more generally. Please let me know if that was not your intent.

The amendments bar an individual, a group of persons, and organizations from contracting with school districts and educational services organizations because they deliver abortion services, and prohibit abortion providers and those associated with them from supplying materials on human sexuality and sexually transmitted diseases. Prohibiting a particular individual or group from contracting with or participating in an activity conducted by a public entity raises equal protection and substantive due concerns, and in this case, may implicate the First Amendment rights of persons because of their affiliation.

First amendment. As noted, the amendment you requested singles out a group and bars it from contracting with public agencies and their contractors. The group's members provide, or are affiliated with those who provide, abortions. It is not immediately apparent how the status of being an abortion provider or associated with an abortion provider would disqualify the provider or associate from contracting with school districts in general, or from providing courses and materials on human sexuality or sexually transmitted diseases. A provider or associated person might argue that the law discriminates against them on the basis of their provision of a legal health care service or their employment or volunteer status and that the discrimination burdens their freedom of

expression or association, guaranteed by art. I, secs. 5 of the Constitution of the State of Alaska and the First Amendment to the United State Constitution.¹

In determining whether a law burdens freedom of expression, the court will examine the reason for the law, and whether it is neutral and of general application.² As the United States Supreme Court observed, "To determine the object of a law, we must begin with its text, for the minimum requirement of neutrality is that a law not discriminate on its face." *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 533 (1993). In this case, the law discriminates on its face in that it directly identifies certain people to bar from contracting.

Affiliation or expression discrimination can be a violation of the First Amendment. In *Board of County Commissioners of Waubaunsee Co. v. Umbehr*, 518 U.S. 668, 686 (1996), the United States Supreme Court found that a contractor had the right not to have a contract terminated for exercise of his First Amendment rights.³ However, being an abortion provider or associated with a provider may not qualify as expressive conduct for the purpose of determining whether the law burdens First Amendment rights. In *Planned Parenthood of Kan. & Mid-Mo. v. Moser*, 747 F.3d 814, 838 - 40 (10th Cir. 2014), the 10th Circuit Court of Appeals rejected a claim that state denial of funding to an organization because the organization provided abortions constituted unconstitutional

¹ Art. I, sec. 5 provides:

Section 5. Freedom of Speech. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

The First Amendment provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

² *Swanner v. Anchorage Equal Rights Com'n*, 874 P. 2d 274, 279 (Alaska 1994); *cert. denied* 513 U.S. 979 (1994).

³ The case involved a trash hauling contractor whose contract was terminated in retaliation for the contractor's public complaints about the county commission and the costs of various government services. *Id. Compare State v. ACLU*, 978 P.2d 597, 619 (Alaska 1999) (a measure that limits persons in a profession from participating in campaigns -- in this case lobbying -- must be narrowly tailored to avoid an undue burden on expressive activity).

punishment for exercise of free speech and associational rights:

Under the “modern unconstitutional conditions doctrine . . . the government may not deny a benefit to a person on a basis that infringes his constitutionally protected freedom of speech even if he has no entitlement to that benefit.” *Bd. of Cnty. Comm'rs v. Umbehr*, [*supra* at] 674 . . . [T]he doctrine has been applied when the condition acts prospectively in statutes or regulations that limit a government-provided benefit—typically a subsidy or tax break—to those who refrain from or engage in certain expression or association. *See, e.g., FCC v. League of Women Voters*, 468 U.S. 364, 366 (1984) (federal statute that forbids recipients of public-broadcasting subsidy from “engag[ing] in editorializing” *Speiser v. Randall*, 357 U.S. 513, 515 (1958) (state constitutional provision and effectuating statute that grant tax exemption only to veterans who pledge not to advocate overthrowing the government). These cases recognize that the government ordinarily can impose conditions on the receipt of government funding, but that conditioning a benefit on someone's speech or association achieves an effect similar to direct regulation of the speech or association. *See Rumsfeld v. Forum for Academic & Institutional Rights*, 547 U.S. 47, 59 (2006). These cases have addressed only conditions *explicitly* imposed by the law.

[T]he unconstitutional-conditions doctrine has been applied when the condition acts retrospectively in a *discretionary* executive action that terminates a government-provided benefit—typically public employment, a government contract, or eligibility for either—in retaliation for prior protected speech or association. *See, e.g., Umbehr*, 518 U.S. at 671, 116 S.Ct. 2342 (termination of independent contractor by county officials in retaliation for contractor's criticism of county board); *Perry*, 408 U.S. at 597, 92 S.Ct. 2694 (nonrenewal of professor's contract with state university by board of regents in retaliation for his criticizing the board). In these cases, the government official's action has not been compelled by a statute or regulation; rather, the challenged action is one that would be within the official's discretion if it were not taken in retaliation for the exercise of a constitutional right. Thus, these cases necessarily examine the official's motive for taking the action; the challenge will be rejected unless retaliation against the protected conduct was “a substantial or motivating factor” for taking the action and the official would not “have taken the same action . . . in the absence of the protected conduct.” *Umbehr*, 518 U.S. at 675.

Planned Parenthood of Kansas & Mid-Missouri v. Moser, 747 F.3d 814, 838 - 39 (10th Cir. 2014) (some quotations, citations, parallel citations omitted; emphasis in original). In *Planned Parenthood of Kansas & Mid-Missouri*, the plaintiff could have altered its activities to qualify for the grant for providing women's health services, and the law did

not itself limit expressive conduct. The 10th Circuit further noted that the legislative motive for the exclusion was not a proper subject of inquiry.⁴

It is not clear whether the Alaska Supreme Court would rule similarly. It is also not clear whether the application of the law to participation of individuals with respect to providing instruction and literature sweeps too broadly.⁵

Equal protection; substantive due process. Treating persons affiliated with abortion services differently than all other organizations or persons that might contract with a school district or educational service agency, or that might participate in training or the supply materials concerning human sexuality or sexually transmitted diseases may violate art. I, sec. 1 of the Constitution of the State of Alaska, and the Fourteenth Amendment to the United States Constitution.⁶

The Alaska Supreme Court summarized the judicial application of the equal protection principle as follows:

⁴ *Id.* at 842 - 43.

⁵ *Compare Alaskans for a Common Language vs. Kritz*, 170 P.3d 183, 200 (Alaska 2007) (provision of "English only" law that affected not only official government speech, which can be regulated, but that of private citizens and government employees swept too broadly to survive scrutiny).

⁶ Article I, sec. 1 provides:

SECTION 1. Inherent Rights. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

The Fourteenth Amendment, sec. 1 provides:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The law mandates equal treatment for those who are "similarly situated" and evaluates equal protection claims using a three-step sliding scale test that "places a progressively greater or lesser burden on the state, depending on the importance of the individual right affected by the disputed classification and the nature of the governmental interests at stake."^[7]

To apply this principle, a court must (1) determine the weight of the individual interest impaired by the classification; (2) examine the importance of the purposes underlying the government's action; and (3) evaluate the means employed to further those goals to determine the closeness of the means-to-end fit.⁸ The greater the weight of the individual interest, the greater the burden on the state to demonstrate that the classification achieves a legitimate governmental objective. The interests at stake here may be economic (ability to contract).⁹

Where the interest is economic, the Alaska Supreme Court applied minimum scrutiny for an equal protection violation:

Under the Alaska Constitution, the "legitimate reason test" is "the standard level of scrutiny . . . in equal protection cases," and we apply it to laws that do not employ classifications based on suspect factors or infringe on fundamental rights. Under this test, a law "will survive as long as a 'legitimate reason for the disparate treatment exists' and the law creating the classification 'bears a fair and substantial relationship to that reason.'"^[10]

Even in the context of minimum scrutiny, the Alaska Supreme Court has long recognized the equal protection clause in the Alaska constitution provides greater protection of individual rights than the Fourteenth Amendment of the U.S. Constitution.¹¹ If the court

⁷ *Malabed v. N. Slope Borough*, 70 P.3d 416, 421 (Alaska 2003).

⁸ *Id.*; see also *Lynden Transport v. State*, 532 P.2d 700 (Alaska 1975).

⁹ If the law is found to burden free expression or association, stricter scrutiny would be warranted, and the state's interest would have to be compelling. *Treacy v. Municipality of Anchorage*, 91 P. 3d 252, 265 (Alaska 2004) (right to be in a public place); *State v. Planned Parenthood of Alaska*, 28 P.3d 904, 909 (Alaska 2001) (reproductive rights).

¹⁰ *Griswold v. City of Homer*, 252 P.2d 1020 (Alaska 2011) (internal citations omitted).

¹¹ See, e.g., *Stanek v. Kenai Peninsula Borough*, 81 P.3d 268 (Alaska 2003); *Kenai Peninsula Borough v. State*, 743 P.2d 1352 (Alaska 1987).

Senator Mike Dunleavy
April 1, 2015
Page 6

finds that the interest at stake is an economic one, the statute must be rationally related to a legitimate state interest. The rationale for singling out the group in the enclosed amendment is not apparent.

Even where no fundamental right is at stake, a statute for which no rationale is apparent may also be found arbitrary, in violation of a person's right to substantive due process under art. I, sec. 7 of the Constitution of the State of Alaska and the Fourteenth Amendment.¹²

To address potential equal protection and substantive due process concerns, you may wish to provide specific testimony at legislative hearings or include a sponsor statement detailing the connection between the objective of this bill and the means used to accomplish that objective.

If I may be of further assistance, please advise.

KJS:dla
15-244.dla

Enclosure

¹² *Allam v. State*, 830 P.2d 435, 439 (Alaska App. 1992); *Concerned Citizens of South Kenai Peninsula v. Kenai Peninsula Borough*, 527 P.2d 447, 452 (Alaska 1974).

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: SB 89
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB089CS(EDC)-EED-SSA-4-10-15
Title: PARENT RIGHTS: EDUCATION; SCHOOL
ABSENCE
Sponsor: DUNLEAVY
Requester: Senate State Affairs

Department: Department of Education and Early Development
Appropriation: Teaching and Learning Support
Allocation: Student and School Achievement
OMB Component Number: 2796

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 12/01/15

Why this fiscal note differs from previous version:

Amending Section 1 and adding Sections 2 and 5.

Prepared By: Paul R. Prussing, Deputy Director
Division: Teaching and Learning Support
Approved By: Mike Hanley, Commissioner
Agency: Department of Education & Early Development

Phone: (907)465-8721
Date: 04/10/2015 04:37 PM
Date: 04/10/15

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. SB 89

Analysis

Section 1 amends AS 14.03, Public School Generally, by adding a new section, AS 14.03.016, A parent's right to direct the education of the parent's child. This section recognizes the authority of a parent. Additionally, this section requires districts to adopt policies and procedures that allow parents to object to and withdraw the child from an activity, class, standards-based assessment, test or program the parent believes is harmful to the child because of a concern regarding human reproduction or sexual matters and inquiries into private family affairs. In addition, parents could review the content of an activity, class, performance standard or program. Fiscal impact: Potential loss of federal education funds under the Elementary and Secondary Education Act (ESEA), currently \$97.5 million.

AS 14.03.016 (b) does not allow a parent to categorically object or withdraw a child from activities, classes, programs, or standards-based assessments or tests required by the state; policies must require a parent to object each time. Also this section requires written permission for a child to participate in an activity, class, or program involving human reproduction or sexual matters.

Section 2 amends AS 14.03.083, Contracting for Services, (e) stating that a school district and an educational services organization that has a contract with a school may not contract with an abortion services provider. There is no fiscal impact on the department.

Section 3 amends AS 14.03.110, Questionnaires and surveys administered in public schools, (a) by requiring written permission from the student's parent or legal guardian before administering a questionnaire or survey. There is no fiscal impact on the department.

Section 4 amends AS 14.03.110, Questionnaires and surveys administered in public schools, (d) by adding that parents can see the results of surveys or questionnaires. There is no fiscal impact on the department.

Section 5 amends AS 14.30.360, Curriculum, school districts may not permit an abortion services provider or an employee or volunteer of an abortion services provider to offer, sponsor, furnish course materials, or provide instruction relating to human sexuality or sexually transmitted diseases.

Sen. Mike Dunleavy

From: chris & taryn <luskleets@hotmail.com>
Sent: Wednesday, March 25, 2015 2:31 PM
To: gov.alllegislators@alaska.gov; Rep. Tammie Wilson; Sen. John Coghill
Subject: Support HB80 and HB89

Good afternoon again,

In addition to my other correspondence, please support SB89 and SB80, regarding parental rights and the Dept. of Education, which were introduced today by Senator Dunleavy. This is of utmost importance to our school children and families since some testing has already begun and will begin in earnest next week.

Thank you,

Taryn Luskleet
North Pole, AK

Sen. Mike Dunleavy

From: Karl & Jenn Appel <kjappel@ideafamilies.org>
Sent: Wednesday, March 25, 2015 3:07 PM
To: GOV.ALLlegislators@alaska.gov
Subject: AMP Testing and privacy

To whom it may concern:

There are serious questions surrounding the upcoming AMP testing and the individual data that will be collected on each student taking the test. This information will then be available to a plethora of people who have no right to that longitudinal data including politicians. This information is available in the i3 grant that Alaska applied for and received.

Please consider carefully SB89 and SB80 concerning parental rights and the Department of Education that was intruded by Senator Dunleavy today. The decisions you make today concerning our children's privacy could affect the rest of their life.

I appreciate your taking time to read this.

Sincerely,

Jennifer Appel

Sen. Mike Dunleavy

From: Nathan and Shanna Switzer <shanandnate@gmail.com>
Sent: Wednesday, March 25, 2015 3:46 PM
To: GOV.AllLegislators@alaska.gov
Subject: Common Core and AMP testing

Dear Sirs:

I am writing urging you to please support any legislation that repeals common core and tests like the AMP. Please vote to protect student privacy and disallow data mining.

HB 85 is being introduced by Representative Reinbold. "An Act relating to college and career readiness assessments for secondary students; and relating to restrictions on the collection, storage, and handling of student data."

http://www.legis.state.ak.us/basis/get_bill.asp?session=29&bill=HB85

SB 89 & SB 80 are being introduced by Senator Dunleavy.

SB 89: Parental Rights: "An Act relating to a parent's right to direct the education of a child; and relating to questionnaires administered in schools."

<http://www.legis.state.ak.us/PDF/29/Bills/SB0089A.PDF> SB 80: Educational Standards & Assessments: "An Act relating to the duties of the Department of Education and Early Development; relating to educational standards and assessments; relating to an educational standards and assessments review committee; and providing for an effective date."

<http://www.akleg.gov/basis/Bill/Text/29?Hsid=SB0080A>

Thank you for your attention,
Shanna Switzer
shanandnate@gmail.com
(907) 602-3799

Sen. Mike Dunleavy

From: chris & taryn <luskleets@hotmail.com>
Sent: Wednesday, March 25, 2015 3:57 PM
To: gov.alllegislators@alaska.gov; Rep. Tammie Wilson; Sen. John Coghill
Subject: Support SB80 and SB89

Hello again,

I apologize for the inconvenience. I need to make a correction to my previous message attached below. I meant to write asking support for Sen. Dunleavy's SB80 and SB89. While I would also appreciate your support for HB80, I don't know what HB89 is or if it exists.

Thank you,
Taryn Luskleet
North Pole, AK

From: luskleets@hotmail.com
To: gov.alllegislators@alaska.gov; rep.tammie.wilson@akleg.gov; sen.john.coghill@akleg.gov
Subject: Support HB80 and HB89
Date: Wed, 25 Mar 2015 14:31:03 -0800

Good afternoon again,

In addition to my other correspondence, please support SB89 and SB80, regarding parental rights and the Dept. of Education, which were introduced today by Senator Dunleavy. This is of utmost importance to our school children and families since some testing has already begun and will begin in earnest next week.

Thank you,
Taryn Luskleet
North Pole, AK

Sen. Mike Dunleavy

From: Tracie <natcoletrio@yahoo.com>
Sent: Wednesday, March 25, 2015 5:45 PM
To: Sen. Mike Dunleavy
Subject: Thank you.

Dear Senator Dunleavy,

I write to thank you, to thank you for fighting for us parents with our small voices that fall on deaf ears. I appreciate your support to the parents who oppose common core and supporting our constitutional rights as parents to have the say and choice over our children's public education. Thank you sir. You are my true representative.

Sincerely,
Tracie Rector.

Sent from my iPhone

Sen. Mike Dunleavy

From: Kristi Losby <iansgirl4ever@yahoo.com>
Sent: Wednesday, March 25, 2015 10:36 PM
To: GOV.ALLlegislators@alaska.gov
Subject: Repeal common core

To whom it may concern:

Please support any and all legislation that would repeal common core and tests like AMP. By doing so, you help to protect our kid's privacy. I am specifically requesting support for Reinbold's HB 85 & Dunleavy's SB's 80 & 89.

Sincerely,

Kristi Losby
Anchorage, Alaska

Sen. Mike Dunleavy

From: westfam7@gmail.com
Sent: Thursday, March 26, 2015 8:42 AM
To: gov.alllegislators@alaska.gov
Subject: CC, AMP

I am urging support for legislation that would repeal common core and tests like AMP, and that protects our kids privacy. I am requesting you support Reinbold's HB 85 & Dunleavy's SB's 80 & 89:

Jennifer West
Eagle River, AK

Sen. Mike Dunleavy

From: Angela Toci <angiemtoci@gmail.com>
Sent: Thursday, March 26, 2015 3:58 PM
To: GOV.AllLegislators@alaska.gov
Attachments: HB0085A.pdf

To Whom It May Concern,

I writing to urge support for any legislation that would repeal common core and tests like AMP, and protect our children's privacy.

Please support Representative Lora Reinbold's House Bill 85 and Senator Mike Dunleavy's Senate Bills 80 & 89:

<http://www.legis.state.ak.us/PDF/29/Bills/HB0085A.PDF>

<http://www.legis.state.ak.us/PDF/29/Bills/SB0089A.PDF>

<http://www.legis.state.ak.us/PDF/29/Bills/SB0080A.PDF>

Thank you,

Angela Toci

Sen. Mike Dunleavy

From: April Gehrke <tandagehrke@yahoo.com>
Sent: Thursday, March 26, 2015 10:47 PM
To: GOV.AllLegislators@alaska.gov
Subject: AMP testing

This correspondence is to urge support for any legislation that would repeal common core and tests like AMP, and protect our kids privacy. I specifically request support for Representative Lora Reinbold's House Bill 85 and Senator Mike Dunleavy's Senate Bills 80 & 89:

<http://www.legis.state.ak.us/PDF/29/Bills/SB0080A.PDF>

<http://www.legis.state.ak.us/PDF/29/Bills/HB0085A.PDF>

<http://www.legis.state.ak.us/PDF/29/Bills/SB0089A.PDF>

Sincerely,

April Gehrke

Sen. Mike Dunleavy

From: katrina chambon <katrina.chambon@gmail.com>
Sent: Friday, March 27, 2015 8:18 AM
To: Sen. Mike Dunleavy; Sen. Mia Costello
Subject: Standardized Test

Good Morning,

I 100% support your bill regarding parents rejecting standardized test.

My son is not taking anymore standardized tests.

His principal has been every supportive.

I find it interesting the ADN articles states "Currently, Alaska students who do not take standardized exams do not face repercussions, but no laws say the refusal is allowable, according to Deputy Education Commissioner Les Morse."

He should law there is NO LAW making the kids take the test. I find this highly disturbing.

I am extremely concerned that in 2018, 50% of the teacher's and principal's evaluation is based on how the kids do on the AMP. There is a lot evidence that prove kids don't care about these tests and now 50% of a teacher's and principal's evaluation is going to be based on these test?

This needs to addressed.

Thank you for introducing the Bill

Katrina Chambon

Sen. Mike Dunleavy

From: Michael Seaman <frog99705@gmail.com>
Sent: Friday, March 27, 2015 12:49 PM
To: GOV.AllLegislators@alaska.gov
Subject: P-20W, AMP Testing and parental rights

The compilation of student data, from local to state to federal is unacceptable. The assurance that there is no personal data included in the upper levels is a false hope. On the federal data site it states that it is against the law to aggregate the data and extrapolate individual information from it. This clearly tells me that it is possible. Laws only apply if someone is caught. And it is evident that criminals will not obey the laws that exist. Data on my children belongs to my children. It is my responsibility as their parent to protect it. The convenience of student data at the state level is not justification to bypass the rights of individuals. Student data should stay at the local school district. The same goes for curriculum decisions.

Thank you for your time and consideration.

Michael Seaman
907-687-2803

From: Chad Gerondale [<mailto:chad.gerondale@cmiak.com>]
Sent: Friday, March 27, 2015 10:01 AM
To: Sen. Mike Dunleavy
Subject: Standardized testing

Please send me the bill number on this.

My wife and I support this “opt-out” option, and will write a letter, and try to testify at the LIO.

Thank you for your time and this opportunity.

Chad D. Gerondale

Special Projects/Marketing

Construction Machinery Industrial, LLC

5400 Homer Drive

Anchorage, Alaska 99518

907-261-0109 direct

907-563-3822 Office

907-250-8141 Cell

chad.gerondale@cmiak.com

Sen. Mike Dunleavy

From: Diane Wallace <mrsthistlezot@acsalaska.net>
Sent: Wednesday, April 01, 2015 9:33 PM
To: Sen. Mike Dunleavy
Subject: THANK YOU

Thank you for introducing SB 89. I do hope there is much support generated from the committee and into an actual fact.

Diane Wallace

Soldotna, Alaska

Sen. Mike Dunleavy

From: Monica Kinney <o2bwise@gmail.com>
Sent: Wednesday, April 01, 2015 9:51 PM
To: Sen. Mike Dunleavy
Subject: Thank you for introducing SB89

Dear Senator Dunleavy,

Thank you so much for introducing and supporting Senate Bill 89. I heartily support any legislation that upholds parents' rights as the primary educators of their children. Thank you again for introducing this important legislation.

Sincerely,
Mrs. Monica Kinney
parent and educator
Anchorage

Sen. Mike Dunleavy

From: David Wilcoxson <wilcoxson374@gmail.com>
Sent: Wednesday, April 01, 2015 10:29 PM
To: Sen. Mike Dunleavy
Subject: Senate Bill 89

Thank you for introducing Senate Bill 89 so that parents have the right and responsibility to direct the education of their children. This is really important and your sponsorship of this measure is appreciated.
Florie Wilcoxson

Sen. Mike Dunleavy

From: Denis Gardella <denis.gardella@gmail.com>
Sent: Thursday, April 02, 2015 6:44 AM
To: Sen. Mike Dunleavy
Subject: SB 89

Thanks Senator Dunleavy for introducing SB 89. Of course it's common sense and I'm sure there will be backlash but, it seems there's always backlash against common sense these days.
Denis Gardella

Sen. Mike Dunleavy

From: Elaine Hedden <bearfootwellness@gmail.com>
Sent: Thursday, April 02, 2015 6:45 AM
To: Sen. Mike Dunleavy
Subject: Thank you for SB 89

Dear Senator Dunleavy,

Thank you so much for sponsoring this very important bill. Thank you for fighting for the "underdog", the "little guy or gal"-- the parent/s. We need more folks like you giving parents a voice and a choice in this "David and Goliath" battle between Common Core, the Dept. of Education (Indoctrination more like it sometimes) and us, the people.

Elaine Hedden, MSPT

Sen. Mike Dunleavy

From: Margie Smith <margiesmithak@hotmail.com>
Sent: Thursday, April 02, 2015 7:29 AM
To: Sen. Mike Dunleavy
Subject: SB89

Thank you for crafting this bill to protect parents' rights concerning the education of their children.

Sent from my iPhone

Sen. Mike Dunleavy

From: Mike Coons <mcoons@mtaonline.net>
Sent: Thursday, April 02, 2015 8:32 AM
To: Sen. Berta Gardner; Sen. Cathy Giessel; Sen. Charlie Huggins; Sen. Gary Stevens; Sen. Mike Dunleavy; mjd_dunleavy@yahoo.com
Subject: Support SB 89

My name is Mike Coons from Palmer and this is for my views.

I fully support SB 89. Major reason is that over the decades less and less control by parents on what their children get "taught" in schools. I would like to expand Section 1 Sec. 14.03.016. (1), line 13 "involving human reproduction, health, or sex education".

For far to long environmentalism has been taught over that of tried and true science of conservationism. Then is the teachings of our nations

history with major revisionism and even rewriting the Bill of Rights.

This is not a "recent" situation since when I was a sophomore back in the late 1960's our World History teacher taught communism over that of our Republic and was a card carrying Communist. That resulted in me being kicked out of class for standing for my nation, twice! Of recent events Islam is being taught in classrooms, but yet under the guise of "separation of church and State" Christianity is not allowed.

For those parents that are involved in their children's education, they must have the ability to say yes or no to what their children are being taught. They must have the ability to take their children out of classes that are one sided, teach outside of family belief, either religiously, or teaches Politically Correct revision of our great nation!

Lastly, if a child completes a semester, completes all assignments, quizzes, tests during the class and gets a C or above, there is no need to add the AMP testing or any other testing. So long as the class is fulfilling the "standards", and the child is passing, then that report card of a C or better is all that is needed! Much less the cost savings on not doing testing that proves nothing other than a means to follow the far left data mining and control over education.

Vote Yes on SB 89!

Mike Coons
5200 N Dorothy Drive
Palmer, AK 99645
745-6779

--

Using Opera's mail client: <http://www.opera.com/mail/>

Sen. Mike Dunleavy

From: Bob Bird <bob.bird@hotmail.com>
Sent: Thursday, April 02, 2015 8:43 AM
Subject: In support of SB 89!

I am communicating my support for SB 89, the Parental Rights bill sponsored by Senator Dunleavy.

It is a good bill, but I would suggest that it could go a bit further:

If a school board is foolish enough to invite Planned Parenthood into their schools, that's their business ... but the parents have a right to 1). opt their kids out with plenty of notice, but also 2). demand "equal time" with alternative viewpoints --- viewpoints that may or may not have a spiritual message to them.

Such a viewpoint has nothing to do with an established state religion.

And the asinine courts' can bray like a jackass all they want, but a statute could remove them from any jurisdiction in the matter.

Human beings have souls and eternal destinies. Sex education that ignores such a reality is incomplete. The destructive activity of promiscuity does more than put physical health at risk. It puts the spiritual and psychological human totality at risk as well.

I don't think that a bill, if amended, needs to mandate such alternative viewpoints, but no statute or court ought to stop a school district from teaching this, if it wants to.

It is utter hypocrisy to offend families and cram down unwilling throats a *secular* sex education agenda, but not permit the alternative.

And, yes, parents can opt their kids out of that sort of presentation, too.

Freedom is a great idea, if we could only rediscover it.

Bob Bird
907-776-5898

Sen. Mike Dunleavy

From: Rexann Bassler <rexbassler@gci.net>
Sent: Thursday, April 02, 2015 8:31 AM
To: Sen. Mike Dunleavy

Thank you for SB 89!

Sen. Mike Dunleavy

From: outlook_98a3d43263d0a5a7@outlook.com on behalf of Randy Cunningham
<randy@akfam.com>
Sent: Thursday, April 02, 2015 8:50 AM
To: Sen. Mike Dunleavy
Subject: Thank you

Thanks for sponsoring Senate Bill 89 I believe we need more bills to protect our rights since we seem to have totally lost the understanding of Limited Government.

Personally I prefer the original limits of here is a list of what the government can do. But apparently that does not work anymore and we will have to either reeducate the people which seems impossible in our current schools leaving no other option than to legislate individual protections from the government that is there to protect us. It is a sad state of affairs but I appreciate your service and your efforts.

God Bless you,
Randy Cunningham

Sent from my Windows Phone

Sen. Mike Dunleavy

From: TAMERA SMITH <tammies@gci.net>
Sent: Thursday, April 02, 2015 8:54 AM
To: Sen. Mike Dunleavy
Subject: Thank You for Sponsoring SB 89

Senator Dunleavy:

Thank you for introducing the common sense SB 89 to put parents back in charge of their children's education rather than special interest groups. I will be writing to other senators to ask them to support you, and parents and children in Alaska, by passing this bill.

Tammie Smith

Sen. Mike Dunleavy

From: Richard Carr <richcarr@mtaonline.net>
Sent: Thursday, April 02, 2015 9:09 AM
To: Sen. Mike Dunleavy
Subject: SB 89

Morning Mike. Thank you for sponsoring SB 89. Good bill and needed for Alaska parents.

Richard Carr

Sen. Mike Dunleavy

From: Danielle Burgess <danics17@hotmail.com>
Sent: Thursday, April 02, 2015 9:27 AM
To: Sen. Mike Dunleavy; Sen. Charlie Huggins; Sen. Cathy Giessel; Sen. Gary Stevens; Sen. Berta Gardner
Subject: SB 89

Dear Senators,

I'm writing to encourage to please give this bill a thorough hearing and in the process, understand the concerns of us parents. I homeschool through IDEA, Galena's correspondence program. I actually support the concept of a Common Core curriculum, more rigorous learning standards, and I want standardized tests, but I feel that much of the new standards, including the AMPs, has been rushed, not vetted thoroughly, and I have concerns as a parent and teacher both about content and privacy. I understand the legislative session is swiftly coming to a close and would hope for and request swift action on this bill and will be following closely.

Thank you for your time,
Danielle Burgess

Sen. Mike Dunleavy

From: Dorothy <gdvanthiel@mtaonline.net>
Sent: Thursday, April 02, 2015 9:29 AM
To: Sen. Mike Dunleavy
Subject: Thank you for introducing SB 89

Dear Senator Dunleavy,
Thank you for introducing SB 89!
Greg Van Thiel



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Sen. Mike Dunleavy

From: Jimmy Christian <jchristian@udelhoven.com>
Sent: Thursday, April 02, 2015 8:32 AM
To: Sen. Mike Dunleavy
Subject: Sb 89

Thank you for introducing this bill.

Sent from my iPhone

Sen. Mike Dunleavy

From: Elyce Santerre <santerre@mtaonline.net>
Sent: Thursday, April 02, 2015 9:14 AM
To: Sen. Mike Dunleavy
Cc: Sen. Gary Stevens; Sen. Charlie Huggins; Sen. Cathy Giessel; Sen. Berta Gardner; Sen. Bill Stoltze
Subject: SB 89

Thank you, Senator Dunleavy for SB 89! Parental rights are so important to Alaskans. I'm only saddened that there are school districts in this state that apparently can't realize on their own that parents need to be informed before the school gives their children as a "captive audience" to objectionable organizations. — Lisa Santerre

Sen. Mike Dunleavy

From: amdg@alaska.net
Sent: Thursday, April 02, 2015 8:15 AM
To: Sen. Mike Dunleavy
Subject: 89

Dear Senator,

I support sb 89. Thanks for your efforts.

Sincerely,

Kristina Johannes

Sent from my LG Mobile