

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2890 SCOMM 125: HOUSE SPECIAL COMMITTEE ON EDUCATION 2001-02

The change in geographic differential will improve recruitment to rural areas of the state for such organizations as the State Troopers, the Department of Fish and Game, and the Department of Health and Social Services. This change carries no actuarial cost to the Public Employees' Retirement System.

I urge your support for this legislation.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: SCS CSHB 242(FIN)
(S) Publish Date: 5/5/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: "An Act relating to reemployment of and BRU: Centralized Admin. Services
medical benefits of PERS & TRS members..." Component: Retirement & Benefits
Sponsor: Representative Kott
Requester: Senate Finance Component Number: 64

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	41.0	41.0	41.0	41.0	0.0	0.0
Travel						
Contractual	50.0	15.0	15.0	15.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	91.0	56.0	56.0	56.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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 (PERS, TRS, JRS)	91.0	56.0	56.0	56.0	0.0	0.0
TOTAL	91.0	56.0	56.0	56.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal: ☐

POSITIONS

Full-time	1	1	1	1	0	0
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation will allow certain retirees who return to permanent employment the option to elect whether to continue receiving a retirement benefit (and forego additional retirement benefit accrual) or to receive additional retirement benefit accrual (and suspend receiving a retirement benefit). Additional member counseling and education will be necessary to assist reemployed retirees in their selection. A Retirement and Benefits Technician position will be needed to assist with member counseling. Contractual costs are included for computer programming to incorporate changes to the law and to cover the publication of educational materials. The Senate Finance Committee Substitute repeals the retiree return provisions on July 1, 2005, therefore, these additional funds will no longer be needed in FY 06 and thereafter.

See page 2 for further analysis.

Prepared by: Guy Bell, Director Phone 465-4471
Division: Retirement & Benefits Date/Time 05/01/01
Approved by: Jim Duncan, Commissioner Date 5/1/01
Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

SCS CSHB 242(FIN) Fiscal Note Analysis - #2 Continued

Actuarial Cost

This legislation has three basic components that impact PERS & TRS:

1. Retiree Return Incentive
2. Improvements to Tier II Medical Benefits to address employee attraction and retention
3. Simplification of Geographic Differential language

1. Retiree Return Incentive

The retiree return incentive removes a disincentive for retirees to return to full time employment. Currently, a retiree who wishes to return to permanent public employment must forego retirement benefit payments during their period of return. The change we propose would allow the retiree to continue receiving benefit payments after returning to public employment. To keep this cost-neutral, an employee would not accrue additional retirement credit during the period of return. This provision will have no actuarial impact.

2. Improvements to Tier II Medical Benefits to address employee attraction and retention.

Currently, regardless of their length of service, Tier II retirees are not eligible for system paid medical coverage until age 60, at which point the retirement system pays half the cost. With the change proposed in this legislation, a Tier II peace officer or teacher with 25 years of such service, or a general public employee with 30 years of service, will qualify for system provided and paid medical coverage. In addition, any retiree over the age of 60 will receive system provided and paid medical coverage. This change will increase PERS and TRS employer rates a modest 0.17% of payroll.

3. Simplification of Geographic Differential language

This change will not have an impact on employer rates. Our actuarial firm does not consider the current geographic differential law when calculating retirement system liability. Instead, they use current total salary (including any geographic differential) and project it forward to the expected retirement date to calculate system liabilities. That methodology won't change as a result of this legislation.

For some Tier II members, the system will have a larger retirement benefit liability than would occur in the absence of this legislation. However, the amount of that liability cannot be predicted and it will depend on each member's total employment history.

Subject: FW: Attn: Karen McCarthy / AASB Position: Rehire

Date: Mon, 18 Feb 2002 15:22:21 -0900

From: Greg Giles <ggiles@asb.org>

To: Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

AASB Position In Support of Re-hire of Retired Teachers

As a short term solution to the teacher shortage, the Association of Alaska School Boards supports extending the opportunity for districts to re-hire teachers and administrators who have participated in the state Retirement Incentive Programs. In the short term these highly experienced individuals who desire to return will ease the shortage currently being experienced and provide quality educational experiences for youth.

The predicament that we currently find ourselves has evolved over the past decade because Alaska simply hasn't kept pace with compensation packages offered to teachers and administrators in other states.

Couple this factor with the chronic teachers/administrator shortage across our Nation and Alaska school districts have a significant challenge. It is clear, that given the compensation currently offered in Alaska, many potential teachers and administrators are just not willing to leave the comfort of their extended families and relocate thousands of miles away when comparable salaries and job opportunities exist on the other side of town or in the next community 50 miles away. AASB would encourage and support efforts by the legislature to consider initiatives designed to attract teachers and administrators not only on the short-term but explore in earnest what is necessary to ensure that Alaskan schools have the best possible professional teacher and administrator available to every child in the long term.

February 2002

SCOMM

125:47

22-LS1354/L

Ford

3/25/02

CS FOR HOUSE BILL NO. 449()**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION****BY****Offered:****Referred:****Sponsor(s): REPRESENTATIVE WILSON****A BILL****FOR AN ACT ENTITLED**

1 **"An Act relating to repayment of student loans for certain health care providers; and**
2 **providing for an effective date."**

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

4 *** Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
5 to read:

6 **FINDINGS AND INTENT.** (a) The legislature finds that

7 (1) there is a great need in the state to recruit and retain certain health care
8 providers, particularly in federal and state designated health professional shortage areas, by
9 both public and nonprofit entities;

10 (2) many health care sites in the state may not qualify for federal loan
11 repayment programs, such as the National Health Service Corps Loan Repayment Program
12 and the Indian Health Services Loan Repayment Program;

13 (3) it is essential to enhance the ability of certain health care providers in
14 selected communities in the state to recruit and retain staff where federal loan repayment

1 programs either do not apply or do not have sufficient resources available to meet the need of
2 the community; and

3 (4) it is essential for the ongoing health and well-being of the state and its
4 citizens for the state to develop programs to more efficiently and fully use federal and state
5 financial resources to support recruitment and retention of certain health care providers in the
6 state.

7 (b) It is the intent of this Act that the recruitment and retention of qualified health care
8 providers occur in conjunction with recruitment programs offered by nonprofit hospitals,
9 clinics, or other nonprofit health organizations in the state.

10 * **Sec. 2.** AS 44.29 is amended by adding new sections to read:

11 **Article 4. Educational Loan Repayment Program for Health Care Providers.**

12 **Sec. 44.29.250. Purpose; creation.** There is established in the department the
13 educational loan repayment program to provide a loan repayment benefit for certain
14 persons who are employed in the state as eligible health care providers.

15 **Sec. 44.29.260. Eligibility; loan repayment benefit.** (a) For an individual
16 employed in the state as an eligible health care provider to be eligible for a loan
17 repayment benefit under the educational loan repayment program, the individual shall

18 (1) meet the eligibility requirements established by the department;

19 (2) be employed full-time in a federal or state designated health care
20 provider shortage area in the state as an eligible health care provider; and

21 (3) be a resident of the state as determined under (b) of this section.

22 (b) To qualify under the residency requirement of (a) of this section, the
23 individual

24 (1) shall physically reside in the state and maintain a domicile in the
25 state during the 12 consecutive months before the date of application for the
26 educational loan repayment program, except that an individual may be absent from the
27 state for no more than a total of 60 days during the 12-month period; and

28 (2) during the 12 consecutive months before the date of application,
29 may not have

30 (A) declared or established residency in another state; or

31 (B) received a benefit based on residency from another state.

(c) To continue to meet the residency requirement of (a) of this section for each year a loan repayment benefit is received or applied for, the individual shall meet the requirements of (b) of this section, except for

(1) full-time attendance at an educational or training institution;

(2) military service; or

(3) demonstrated good cause as determined by the department.

(d) The department shall administer the educational loan repayment program and may adopt regulations under AS 44.62 (Administrative Procedure Act) to carry out the purposes of AS 44.29.250 - 44.29.280.

(e) A loan repayment benefit under the educational loan repayment program is subject to appropriation by the legislature.

Sec. 44.29.270. Restrictions on award. (a) The amount of a loan repayment benefit under AS 44.29.260 may not exceed the original loan balance. Notwithstanding any other provisions of law, if a loan for an individual employed in the state as an eligible health care provider meets the qualifications for repayment under another program, whether federal or state, that individual may not receive a repayment benefit under AS 44.29.260 that exceeds the original loan balance after taking into consideration the loan repayment received from the other program. In the event an individual qualifies under another program but there are insufficient funds in the other program to fund a loan repayment benefit, the individual is eligible to receive a repayment benefit under AS 44.29.260.

(b) The loan repayment benefit under AS 44.29.260 consists of payment of the principal, interest, and related expenses on government and commercial loans received by an eligible health care provider for undergraduate or graduate education if the loan proceeds are used for

(1) tuition expenses;

(2) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual employed in the state as an eligible health care provider; or

(3) reasonable living expenses as determined by the department.

Sec. 44.29.280. Definitions. In AS 44.29.250 - 44.29.280,

(1) "department" means the Department of Health and Social Services;

(2) "eligible health care provider" means a person licensed as a physician assistant under AS 08.64, or as a registered nurse or a licensed practical nurse under AS 08.68, or a person employed to provide medical services to an individual as a radiology technician or laboratory technician;

(3) "federal designated health care provider shortage area" means an area designated by the United States Department of Health and Human Services under 42 U.S.C. 254e;

(4) "hospital" has the meaning given in AS 18.20.130;

(5) "state designated health care provider shortage area" means an area designated by the department as having a shortage of eligible health care providers.

* **Sec. 3.** The uncoded law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. This Act applies to loans to an individual employed in the state as an eligible health care provider entered into on or after July 1, 2002, and to a person's employment that occurs on or after July 1, 2002.

* **Sec. 4.** The uncoded law of the State of Alaska is amended by adding a new section to read:

REGULATIONS. Notwithstanding sec. 5 of this Act, the Department of Health and Social Services may immediately proceed to adopt regulations necessary to implement AS 44.29.200 - 44.29.280, added by sec. 2 of this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act) but not before the effective date of the statutory change.

* **Sec. 5.** This Act takes effect July 1, 2002.

Alaska State Legislature

*Representative Peggy Wilson
Putting Alaska's Families First*

SPONSOR STATEMENT HB 449

Alaska's hospitals, clinics and other health care provider organizations are competing for a dwindling number of providers in the state and country. Non-profit health care organizations are finding it harder and harder to successfully compete for these professionals, since they frequently serve lower income patients and clients and as a result have less ability to generate the revenue needed to pay competitive salaries, provide signing bonuses and other incentives that assist in attracting quality professionals. HB449 attempts to address this inequity by establishing an educational loan program to be administered by the Department of Health and Social Services (DHSS) serving only non-profit entities.

The bill proposes to have DHSS establish a program that will allow non-profit health care provider organizations/institutions, located in areas designated as medically underserved by the federal Department of Health and Human Services, to participate in a partially federally funded educational loan repayment effort. This bill will provide a vehicle that will enable local communities to access federal dollars, that together with the local match can be used to assist a newly recruited health professional to repay educational loans. This will enhance the non-profit health entities ability to recruit and retain essential health care providers.

A "health care provider" is defined as:

1. Registered Nurse, including Advanced Nurse Practitioner
2. Licensed Practical Nurse
3. Physician's Assistant
4. Radiology Technician
5. Laboratory Technician

Loan eligibility and restrictions on awards for undergraduates and graduate students are specified in the bill. Under federal programs, funds are available to match the local or state dollars.

3/27/02

**Bill Analysis:
HB 449**

4/3/02: Held due to flaws
in federal terms.

Bill Title: "Student Loan Forgiveness: Medical Care"

Sponsor: Rep. Peggy Wilson

Bill Would:

- 1) Establish an education loan program to be administered by the Department of Health and Social Services to allow non-profit health care provider organizations in medically underserved areas to participate in a partially federally-funded loan repayment program.
- 2) A local match from the non-profit is intended to be required.
- 3) The purpose of the bill is to help non-profit health care providers serving low-income clients to recruit and retain physicians assistants, nurses, radiology technicians and laboratory technicians.

Possible Questions:

- 1) On the amendment, Line 16, "may" needs to be changed to "shall."
- 2) Why do some providers not qualify for federal loan repayment programs? (page 1, lines 10-12)
- 3) What does the Department of Health and Social Services intend to require regarding:
 - a. Eligibility requirements
 - b. Good cause for being out of state for longer than 60 days in a year
 - c. "reasonable living expenses" (page 3, line 30)
 - d. "reasonable education expenses" (page 3, lines 27-28)
- 4) Can you provide some examples of "federal designated health care provider shortage area"?

Available to Testify:

- 1) Representative Peggy Wilson
- 2) Jerome Selby (via Anchorage LIO)
- 3) Elmer Lindstrom

4) Karen Burrows, Miss Dir. Div. of Public Health

Teleconference Sites:

Wrangell, Kotzebue, Kodiak, Kenai, Fairbanks and Anchorage.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number:

Bill Version:

Work Draft CSHB449

() Publish Date:

Draft Date 3/25/02

Revision Date/Time (Note if correction):

Dept. Affected:

Education

Title An Act relating to repayment of student loans for certain health care providers; and providing for an effective date.

BRU

ACPE

Component Student Loan Operation

Sponsor Rep. Wilson

Requester (H) Special Comm. On Education

Component No.

213

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	(****)	(****)	(****)	(****)	(****)	(****)
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CHANGE IN REVENUES ()						
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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--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

RE: 3/25/02 Work Draft version of CSHB449

Section 1, paragraph (a) describes Alaska's current and anticipated ongoing workforce need relative to certain health care providers, specific to public and nonprofit care providers. Paragraph (b) states that the proposed Education Loan Repayment Program would occur in conjunction with training program in the state.

Section 2: establishes the Education Loan Repayment Program in the Department of Health and Social Services (DHSS); sets out specific eligibility criteria and benefit limitations for program participants; authorizes DHSS to administer and adopt program regulations; provides for program benefits subject to legislative appropriation; and, defines specific program terms.

Prepared by: Diane Barrans, Executive Director

Division: Executive Office

Phone 465-6740

Date/Time 4/2/02 11:44 AM

Approved by: Diane Barrans, Executive Director

Date 4/2/2002

Agency: Alaska Commission on Postsecondary Education

FISCAL NOTE

**STATE OF ALASKA
2002 LEGISLATIVE SESSION**

BILL NO. 3/25 Draft/CSHB449

ANALYSIS CONTINUATION

The Commission finds the Work Draft's proposed program construct to be consistent with others recently developed by both the federal and other state governments as they seek to create incentive/benefit packages to attract individuals to certain professional fields and/or to public and nonprofit sector employment. Typically these programs are developed out of a public policy concern that the U.S. or a particular state is, or is about to become, unable to provide basic services or is, or is about to become, noncompetitive in certain fields which are vital to its economic health and well-being.

Administratively the Work Draft's proposed construct allows DHSS sufficient license that if it is found, going forward, that ACPE could provide some service to facilitate delivery of program benefits, it would be able to do so. ACPE does not anticipate that there would be any other than direct costs associated with any such service (For example, facilitating payment of benefits to education loan providers.).

Fiscally the Work Draft's proposed construct makes it clear that program operations will be subject to legislative appropriation but allows DHSS to identify any available fund source for the program and to capture those funds as a means of financing it.

ACPE has no concerns relative to the proposed changes and because the program is totally separate and distinct from agency operations, is providing this zero dollar fiscal note.

AMENDMENT

OFFERED IN THE HOUSE

BY Rep. Wilson

TO: CSHB 449() (22-LS1354\L)

1 Page 1, line 1, following "providers;":

2 Insert 'relating to local contributions for the educational loan repayment program
3 for health care providers and the accounting for and appropriation of the local
4 contribution to the Department of Health and Social Services;"

5

6 Page 2, following line 9:

7 Insert a new bill section to read:

8 **"* Sec. 2.** AS 37.05.146(b)(4) is amended by adding a new subparagraph to read:

9 (AAA) receipts of local contributions for the educational loan
10 repayment program for health care providers (AS 44.29.275);"

11

12 Renumber the following bill sections accordingly.

13

14 Page 3, following line 30:

15 Insert:

16 **"Sec. 44.29.275. Local contribution; account.** (a) The department may
17 condition receipt of a loan repayment benefit under AS 44.29.260 on the eligible health
18 care provider's employer providing the department with a local contribution.
19 Appropriations of local contribution money, together with any appropriations of federal
20 money available for that purpose, finance the educational loan repayment program.

21 (b) Under AS 37.05.146(b), money received as a local contribution under (a) of
22 this section shall be accounted for separately, and appropriations from the account are not
23 made from the unrestricted general fund."

24

- 1 Page 4, line 19:
- 2 Delete "sec. 5"
- 3 Insert "sec. 6"
- 4
- 5 Page 4, line 21:
- 6 Delete "sec. 2"
- 7 Insert "sec. 3"

Alaska State Hospital & Nursing Home Association

We're helping people care for people!

April 2, 2002

Representative Peggy Wilson
Alaska State Legislature
State Capitol
Juneau, AK 99801

Dear Representative Wilson:

The Alaska State Hospital and Nursing Home Association would like to express its support for Sponsor Substitute for HB 449. Nursing is the No. 1 priority of ASHNHA in terms of workforce development.

ASHNHA supports loan forgiveness and scholarships to encourage people into the healthcare workforce. This legislation would provide one avenue for that assistance. By 2008, there will be a need for 1300 more registered nurses and nearly 150 more LPNs. That is more than 200 nurses per year. From surveys conducted it looks like about 15% plan to leave the LPN field in the next five years....that would extrapolate to an additional 550 nurses or more than 100 per year.

Thank you for your efforts to address this serious issue.

Sincerely,



Linda L. Fink
Assistant Director

426 Main Street, Juneau, Alaska 99801

Phone: 907-586-1790 • Fax: 907-463-3573 • Web: ashnha.com

**PETERSBURG MEDICAL CENTER
P.O. BOX 589
PETERSBURG, AK 99633
907-772-4291**

Alaska State Hospital and Nursing Home Association
426 Main Street
Juneau, AK 99801

April 2, 2002

Attn: Linda,

I wanted to be sure to provide comments to you in favor of HB 449.

I am very excited about the possibilities HB 449 could open up to the nursing profession. In the past, both physicians and physician assistants have benefited from loan repayment programs in Petersburg. This was a major factor in recruiting and retaining one physician, who has now been with our facility for 9 years. A PA was here for over 4 years, who also received loan repayment benefits.

As all small facilities in Alaska, Petersburg is struggling with nursing recruitment. We currently have two full time openings and have been covering positions with "locum or travel" nurses, who are very costly.

Most of our nursing staff is 40 or older, and at least 3 nurses will be retiring in the next 2 years. Nursing recruitment will continue to be an ongoing issue.

Nurses relocating to our area must not only understand and enjoy the remote small community, they also must be comfortable working as a generalist. Many nurses have not worked in a small hospital and do not have an interest in rural nursing. Another challenge we face is that employment opportunities for spouses are limited, compared to larger cities in Alaska.

Our facility is developing a program to assist local residents who wish to pursue a career in a health care related field or continue their education (such as encouraging LPN's to continue on to become RN's). A state sponsored loan repayment program would be a wonderful addition to this program.

Hospitals all over the country are developing innovative programs to recruit and retain nurses. We have a very hard time competing with the wages, sign on bonuses, and other programs currently being offered. The loan repayment plan would be a tool that would help in both the short and long term, especially if payment is tied to years of employment.

I am strongly in support of this bill. The interest and support of the health care industry in Alaska on the state level is definitely a benefit to all our facilities.

Sincerely,



Sandy Tackett, RN DON
Director of Nursing

Alaska State Legislature

*Representative Peggy Wilson
Putting Alaska's Families First*

MEMORANDUM

Date: March 27, 2002

To: Representative Con Bunde / Special Committee on Education *SW*

From: Representative Peggy Wilson

Re: HB 449

Please schedule a hearing for HB 449 before the House Special Committee on Education. The bill pertains to "repayment of student loans for certain health care providers and providing an effective date."

Attached are:

1. CS HB 449
2. Sponsor Statement

If you have any questions, please contact my office.

SOUTH PENINSULA HOSPITAL

4300 BARTLETT • HOMER, ALASKA 99603 • (907) 235-8101

April 2, 2002

Representative Con Bunde, Chair
House Education Committee
Alaska State Legislature
State Capital (MS 3100)
Juneau, Alaska 99801-1182

Dear Representative Bunde and Committee Members:

As Chief Executive Officer of South Peninsula Hospital in Homer and Secretary of the Alaska State Hospital and Nursing Home Association (ASHNHA), I'm writing in support of House Bill 499. Unfortunately, I am unable to join you for the committee hearing on Wednesday. I want to strongly endorse Representative Wilson's IIB 449. Our state is facing serious problems with the shortages of skilled healthcare workers. This legislation sends a clear message to individuals interested in careers in healthcare that our state recognizes the problem and is willing to take constructive action to fix the problem. By offering student loan forgiveness more Alaskans will be able to pursue health careers.

The Alaska State Hospital and Nursing Home Association has included advocacy for loan forgiveness and scholarships from its institutions as one of its strategic plan priorities. ASHNHA has taken a leadership role in developing new approaches to correcting the critical shortage of healthcare workers. We have participated in a joint taskforce of ASHNHA and the University of Alaska to examine the issues and opportunities to expand nursing education. The taskforce has concluded that Alaska needs to double the number of nurses graduating on an annual basis. Student Loan Forgiveness will send a clear signal to Alaskans that our state is willing to support their education.

In addition to nurses, shortages in other technical health care fields are also at critical levels. This past fall UA and ASHNHA partnered in the establishment of a radiology technician 2 year associate degree program. This has been a major step forward, but it needs to be expanded to distance delivery across the state. There are many other areas that we are examining for partnerships and program development. Your support in a variety of ways is essential for these programs to "grow" Alaskans for the essential jobs in healthcare.

BILL BACKUP

Representative Bunde
HR 499

April 2, 2002
Page 2

Nursing remains the number one priority of ASHNHA in terms of workforce development. This month our association is sponsoring a summit to bring together educators and health care providers to examine solutions and celebrate the progress made on workforce issues since our first summit in April 1999. If you or members of your staff would be able to join us, ASHNHA would greatly welcome your involvement.

Thank you for the opportunity to testify on the passage of this important legislation.

Sincerely,

Charles C. Franz
Chief Executive Officer

cc: Representative Scalzi

DRAFT

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CS HB 449 (EDU)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
Title: LOAN FORGIVENESS FOR HEALTH CARE WORKERS BRU: State Health Services
Sponsor: WILSON Component: Community Health/EMS Services
Requestor: _____ Component Number: 2078

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	100.0	200.0	200.0	300.0	300.0	300.0
Miscellaneous						
TOTAL OPERATING	100.0	200.0	200.0	300.0	300.0	300.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (0)						
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts	50.0	100.0	100.0	150.0	150.0	150.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	50.0	100.0	100.0	150.0	150.0	150.0
1037 GF/Mental Health						
Othe (Specify Type--do not abbrevia						
TOTAL	100.0	200.0	200.0	300.0	300.0	300.0

Estimate of any current year (FY2002) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

A nationwide shortage of health care providers is making it increasingly difficult for Alaska's hospitals and clinics to recruit and retain these workers. This bill would address this problem by providing an incentive for certain health care providers to work in medically underserved areas of Alaska. The bill establishes the Education Loan Repayment Program in the Department of Health & Social Services (DHSS), sets out specific eligibility criteria and benefit limitations for program participants, and authorizes DHSS to administer and adopt program regulations.

(continued on page 2)

Prepared by: Karen E. Pearson, M.S., Director Phone 465-3090
Division: Public Health Date/Time 01/01/1900
Approved by: Elmer A. Lindstrom, Deputy Commissioner Date 04/01/2002
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. CS HB 449 (EDU)

ANALYSIS CONTINUATION

This program would enable Alaska to participate in a federally funded educational loan repayment effort. Application for federal funds must be made by the Department of Health & Social Services annually, and the federal funds must be matched by state or local funds on a one-to-one basis. Under this program, hospitals and community clinics would provide the required match to DHSS in order to draw down the federal funds for this benefit. The maximum loan repayment award may not exceed \$35.0 annually per individual recipient.

The fiscal note is based on an estimate that an average of \$20.0 per year per eligible health care worker would be awarded, and that in the first year during program start-up a total of 5 awards would be made. We estimate that the average amount per individual would remain the same over time, but that the number of awards made would increase to 10 in the second year, and to 15 by the fourth year.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
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Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

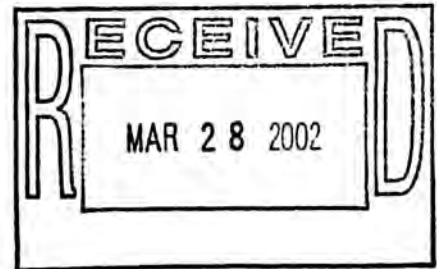
MEMORANDUM

March 28, 2002

SUBJECT: Student loans and health care providers -
CSHB 449 () Draft Version "L"

TO: Representative Peggy Wilson
Attn: Cindy

FROM: Michael F. Ford *M.F.*
Legislative Counsel



You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Finding and intent.

Section 2. Creates an educational loan repayment program in the Department of Health and Social Services to provide a loan repayment benefit for eligible health care providers. Establishes eligibility criteria, including residency and employment requirements. Defines an eligible health care provider as a physician assistant, registered or licensed practical nurse, radiology technician, or laboratory technician.

Section 3. Applicability section that specifies eligible loans and employment.

Section 4. Provides authority for the Department of Health and Social Services to adopt regulations.

Section 5. Effective date.

MFF:med
02-335.med

SECTIONAL ANALYSIS

SOUTH PENINSULA HOSPITAL

4300 BARTLETT • HOMER, ALASKA 99603 • (907) 235-8101

April 2, 2002

Representative Con Bunde, Chair
House Education Committee
Alaska State Legislature
State Capital (MS 3100)
Juneau, Alaska 99801-1182

Dear Representative Bunde and Committee Members:

As Chief Executive Officer of South Peninsula Hospital in Homer and Secretary of the Alaska State Hospital and Nursing Home Association (ASHNHA), I'm writing in support of House Bill 499. Unfortunately, I am unable to join you for the committee hearing on Wednesday. I want to strongly endorse Representative Wilson's IIB 449. Our state is facing serious problems with the shortages of skilled healthcare workers. This legislation sends a clear message to individuals interested in careers in healthcare that our state recognizes the problem and is willing to take constructive action to fix the problem. By offering student loan forgiveness more Alaskans will be able to pursue health careers.

The Alaska State Hospital and Nursing Home Association has included advocacy for loan forgiveness and scholarships from its institutions as one of its strategic plan priorities. ASHNHA has taken a leadership role in developing new approaches to correcting the critical shortage of healthcare workers. We have participated in a joint taskforce of ASHNHA and the University of Alaska to examine the issues and opportunities to expand nursing education. The taskforce has concluded that Alaska needs to double the number of nurses graduating on an annual basis. Student Loan Forgiveness will send a clear signal to Alaskans that our state is willing to support their education.

In addition to nurses, shortages in other technical health care fields are also at critical levels. This past fall UA and ASHNHA partnered in the establishment of a radiology technician 2 year associate degree program. This has been a major step forward, but it needs to be expanded to distance delivery across the state. There are many other areas that we are examining for partnerships and program development. Your support in a variety of ways is essential for these programs to "grow" Alaskans for the essential jobs in healthcare.

BILL BACKUP

Representative Bunde
HR 499

April 2, 2002
Page 2

Nursing remains the number one priority of ASHNHA in terms of workforce development. This month our association is sponsoring a summit to bring together educators and health care providers to examine solutions and celebrate the progress made on workforce issues since our first summit in April 1999. If you or members of your staff would be able to join us, ASHNHA would greatly welcome your involvement.

Thank you for the opportunity to testify on the passage of this important legislation.

Sincerely,

Charles C. Franz
Chief Executive Officer

cc: Representative Scalzi

SCOMM

125:48

ALASKA STATE LEGISLATURE

REPRESENTATIVE
JEANNETTE JAMES
PO Box 56622
North Pole, Alaska 99705
(907) 456-1546
FAX (907) 488-4271



While in Juneau
State Capitol
Juneau, Alaska
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(907) 465-3743
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House of Representatives
House District 34

SPONSOR STATEMENT CS HB 464 (HES)

Contact: Richard F. Schmitz 465-6791

The purpose of HB 464 is to set statute to foster the continued successful operation of statewide school district correspondence study programs, with the goal being to maintain the home teacher's freedom, individuality, and innovation.

The strong point of statewide correspondence study programs is in the ability to deliver superior public education at low cost (ie, "faster, better, cheaper") in a manner that participating parents appreciate and support.

Correspondence study programs provide an education alternative to parents and students who find difficulty progressing in a more traditional environment. Public schools must strive to "leave no child behind." HB 464 helps to support a worthy tool to achieve that goal.

Specifically, CS HB 464 (HES):

1. Establishes a 10-year certification period, which matches the time period set for charter schools, unless a program is designated deficient or in crisis according to state statute.
2. Permits a program to set its own parameters for monitoring of students by program personnel.
3. Gives the program the authority to establish procedures for approving curriculum materials, home designed courses, and evaluation of student work, according to the requirements of relative state statutes.

Revised: April 12, 2002

SPONSOR STATEMENT

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CS HB 464(HES)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: EED
Title School District Correspondence Study BRU Teaching & Learning Support
Component Quality Schools
Sponsor Representatives James, Dyson
Requester H EDU Component No. 2147

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	115.0	115.0	115.0	115.0	115.0	115.0
Travel	15.5	15.5	15.5	15.5	15.5	15.5
Contractual	34.5	34.5	34.5	34.5	34.5	34.5
Supplies	5.0	5.0	5.0	5.0	5.0	5.0
Equipment	5.0	5.0	5.0	5.0	5.0	5.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	175.0	175.0	175.0	175.0	175.0	175.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	175.0	175.0	175.0	175.0	175.0	175.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	175.0	175.0	175.0	175.0	175.0	175.0

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal: ☒ X

POSITIONS

Full-time	2					
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

In the FY2003 budget, the department has requested funding to administer an increasing number of statewide correspondence study students and programs. This funding is necessary to fulfill current statutory and regulatory requirements. This would include the requirements of HB 464. Section 1 of this bill may result in some programs being allowed to apply for statewide correspondence status only once every 10 years, but if the average student assessment in reading, writing, or mathematics for all students in a statewide correspondence program falls below the corresponding statewide average student assessment for two consecutive schools years, an annual application is still required.

Prepared by: Barbara Thompson Phone 465-8727
Division Teaching & Learning Support Date/Time 4/15/02 8:43 AM
Approved by: Ed McLain, Deputy Commissioner of Education Date 4/15/2002
Agency Education & Early Development

STATE OF ALASKA

Department of Education & Early Development

Office of the Commissioner

TONY KNOWLES, GOVERNOR

Goldbelt Place
801 West Tenth Street, Suite 200
Juneau, Alaska 99801-1894
(907) 465-2800
(907) 465-4156 Fax

To: The Senate Health, Education and Social Services Committee
Alaska State Legislature

From: Ed McLain, Ed.D.
Deputy Commissioner



Date: April 9, 2002

Subject: Explanation/Justification of fiscal note for SB 346

During our last discussion of SB 346 in Senate HES, I was asked to review the fiscal note for this bill. The fiscal note as submitted funds two positions in EED to provide oversight and support to districts and staff related to statewide correspondence programs.

There are currently 11 districts offering statewide correspondence programs. These programs serve 9,000 students. This number has grown significantly each year. We anticipate 12 districts next year. Currently, correspondence schools are required to submit a new application each year. SB 346 would amend that to once every 10 years for schools/programs that are rated satisfactory or exemplary – annually for others. The wording of this bill places the responsibility on the department to annually monitor the progress of students enrolled in each statewide correspondence study program separately to determine their designation as described under AS 14.03.123(a) and make appropriate recommendations for continuance of approval.

By comparison, there are 10 districts that have charter schools. These charter schools serve approximately 2,500 students. Charter Schools are required to submit applications every 10 years. Currently the state provides one full-time Education Specialist II position and one full-time administrative clerk to oversee the charter schools program.

	Statewide Correspondence Programs	Charter Schools
Number of districts	11 in FY02, possibly 12 in FY03	10 in FY02, possibly 11 in FY03
Number of students	9,000 in FY 02	2,500 in FY02
Number of schools/programs	11 in FY 02, possibly 12 in FY 03	15 in FY02, possibly 20 in FY03
Application period	Every year in FY02, every 5-10 years beginning in FY03	Every 10 years in FY02 and FY03
State and Federal funding for supplemental support	No	Yes
Staff to support/provide program oversight	0 in FY02, 2 requested in fiscal note for FY 03	2 in FY02 and FY03
State funding to districts or schools	Approximately \$30 million in FY 03	\$1 million in one time state grants, \$11.2 million foundation funds in FY 02

The balance of the funds requested through the fiscal note reflects travel and contractual costs associated with the support and monitoring functions of program management. These costs are comparable to those expended through the state-funded charter school program.

The fiscal support requested in the FY03 budget, submitted by the department and reflected in the fiscal note for SB 346 will be used to provide support and oversight to the districts, communities, and personnel setting up and offering statewide correspondence programs.

This fiscal support will result in enhanced communications and increased ability of the department to supervise, respond to, and provide assistance to persons and districts involved in the various statewide correspondence programs. As in the charter schools oversight and support, the presence and availability of specific staff members assigned to the statewide correspondence programs will result in enhanced services, reduced problems, and better communications and administration by both department and the programs.

Based on the above information, we believe the fiscal note for this bill is reasonable and responsible.

Please feel free to contact me if you would like further information.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 464(HES)
 (H) Publish Date: 4/15/02

Revision Date/Time (Note if correction): _____ Dept. Affected: EED
 Title School District Correspondence Study BRU Teaching & Learning Support
 Component Quality Schools
 Sponsor Representatives James, Dyson
 Requester H HES Component No. 2147

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 464 does not add any new or additional duties to the department, therefore there is no cost to DEED. The bill will also lower the number of yearly approval applications that the department will process. HB 464 requires the local school district to monitor its students.

Prepared by: House HESS Committee Phone _____
 Division _____ Date/Time 3/15/02 3:45 PM
 Approved by: Representative Fred Dyson, Chair HHES Committee Date 3/15/02
 Agency _____

CHAPTER 33 SPECIAL SCHOOLS.

4 AAC 33 is amended by adding a new section to read

4 AAC 33.405. Scope, findings and purpose. (a) 4 AAC 33.405—4 AAC 33.990 apply only to district correspondence programs that enroll out-of-district students; thus, they apply to students only when a student enrolls in a public school course and do not apply to students when a student enrolls in courses from a private school, a home school under AS 14.30.010(12), or a non-public correspondence study program.

(b) The Board finds that

(1) district provided statewide correspondence study programs are a viable alternative to site-based public school programs;

(2) students enrolled in such programs are public school students;

(3) the state has approximately 9,000 school age children enrolled in district run statewide correspondence programs;

(4) the state expends over 30 million dollars annually supporting these programs;

(5) by law district board members are only bound to provide an education to students that reside within the school district;

(6) under current law, parents of out-of-district correspondence students have no statutory mechanism to affect the governance of the enrolling district;

(7) there is currently no accountability for the delivery of educational services offered by district run statewide correspondence programs; and

(8) some statewide correspondence students have received no significant academic

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support from their enrolling districts and as a result the quality of their education has fallen below acceptable standards; and

(9) some statewide correspondence students have received significant academic support from their enrolling districts and as a result they are thriving academically.

(c) The purpose of 4 AAC 33.405 — 4 AAC 33.990 is to regulate the delivery of statewide correspondence programs to assure

(1) that students enrolled in statewide correspondence programs operated by public school districts receive a quality education;

(2) that students meet state standards in reading, writing and math, and

(3) that students obtain an education comparable to students enrolled in regular public school programs. (Eff. ___/___/___, Register ___)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.050
	AS 14.07.060	AS 14.14.110	AS 14.17.430
	AS 14.30.010	AS 14.03.090	AS 14.08.111
	AS 14.14.090		

4 AAC 33.420 is amended and a new subsection is added to read:

4 AAC 33.420. DEPARTMENT APPROVAL. (a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an initial [ANNUAL] application and receive written approval from the department to operate a statewide correspondence study program.

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(b) The department will approve a district's initial application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program complies with the requirements in 4 AAC 33.421. [MEETS THE FOLLOWING CRITERIA:

(1) THE PROGRAM CONFORMS WITH STATEWIDE GOALS AND PERFORMANCE STANDARDS, AS SET OUT IN 4 AAC 04.010 - 4 AAC 04.200;

(2) CURRICULUM MATERIALS, INCLUDING TEXTBOOKS AND OTHER INSTRUCTIONAL AIDS, HAVE BEEN REVIEWED AND SELECTED BY THE DISTRICT SCHOOL BOARD, ARE OF THE SAME QUALITY AS THOSE MATERIALS THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS, AND ARE IN COMPLIANCE WITH AS 14.03.090 AND AS 14.18.060 ;

(3) THE PROGRAM INCLUDES AN ASSESSMENT PLAN OF THE SAME QUALITY AS AN ASSESSMENT PLAN THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS;

(4) THE DISTRICT REQUIRES ENROLLED STUDENTS TO PARTICIPATE IN THE STATEWIDE STUDENT ASSESSMENT PROGRAM AS REQUIRED BY

4 AAC 06.710 - 4 AAC 06.790;

(5) THE PROGRAM INCLUDES A PLAN FOR RECEIVING PARENTAL ADVICE AND INVOLVEMENT IN PLANNING, DEVELOPMENT, AND EVALUATION OF THE CORRESPONDENCE STUDY PROGRAM, INCLUDING] THE SELECTION AND EVALUATION OF CURRICULUM, TEACHERS, AND ADMINISTRATORS;

(6) THE PROGRAM IS IN THE BEST INTERESTS OF THE STATE.] (Eff. 5/1/99,

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Register 150; am 6/15/2000, Register 154; am ___/___/___, Register ____)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.050
	AS 14.07.060	AS 14.14.110	AS 14.17.430
	AS 14.30.010		

(c) Once the initial application is approved, the district will not be required to submit a new application

(1) more frequently than every five years if the program is designated as distinguished or successful under AS 14.03.123(a); or

(2) more frequently than every ten years if the program is designated as distinguished or successful under AS 14.03.123(a), and the program is accredited by the Northwest Association of Schools and Colleges . (Eff. 5/1/99, Register 150; am 6/15/2000,

Register 154; am ___/___/___, Register ____)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.050
	AS 14.07.060	AS 14.14.110	AS 14.17.430
	AS 14.30.010		

4 AAC 33 is amended by adding a new section to read

4 AAC 33.421. STATEWIDE CORRESPONDENCE STUDY PROGRAM

REQUIREMENTS. (a) A district that proposes to offer a statewide correspondence study program must demonstrate that the program meets the requirements of this section before the department will approve the application.

(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC 04.010 – 4 AAC 04.200;

(c) The program must use curriculum materials, including textbooks and other instructional aids, that have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060 .

(d) Certified staff shall not advocate partisan, sectarian, or denominational doctrine as part of their instruction or duties as certificated staff in the correspondence program. Nothing in this section prevents a parent from providing instruction to their child using materials of their choice, provided such material was not purchased with program funds.

(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; this assessment plan will include:

(1) assistance and approval by the district's certified contact teacher in the development of an Individual Learning Plan for each student;

(2) monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly teacher-student or teacher-parent contact, and quarterly review of the student's work or progress in the Individual Learning Plan; the district will maintain a record of this contact;

(3) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents;

(4) a transcript that denotes curricula or material origin for any non-district course.

(f) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790; the program must

(1) require parents to sign an affidavit indicating that they understand the state testing requirements and that they will abide by them; and

(2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer all state mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow statewide correspondence program students to participate in state required testing.

(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators; the plan must include a signed agreement between the statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement

(1) must verify that the curriculum materials and course of study are appropriate for the student, aligned to state standards, and comply with AS 14.03.090; and

(2) must document the process used to ensure curriculum materials are aligned to state standards and in compliance with AS 14.03.090, including a certified teacher review of all curriculum materials for each student.

(h) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:

(1) expenditures from fund accounts must be for the student's instructional needs as

referenced on the learning plan agreed upon by the parents and the district certified contact teacher;

(2) materials purchased with state funds are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;

(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds; nothing in this paragraph, or section, prevents a parent, or child, from purchasing such materials with their own money;

(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts; the district must include this policy with its application;

(5) all expenditures from the fund account must be approved by the district according to a written process established by the district; the district's process may include pre-authorization for items identified by the district in its written process; and

(6) the fund account may not be used either by the district or the parent to supplant district funds or obligations for IEP services.(Eff. __/__/__, Register __)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.050
	AS 14.07.060	AS 14.14.110	AS 14.17.430
	AS 14.30.010	AS 14.03.090	AS 14.08.111
	AS 14.14.090		

4 AAC 33.425 is repealed:

4 AAC 33.425 APPLICATIONS. Repealed.

4 AAC 33.430 is amended to read:

4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS. (a) To enroll out-of-district students in a statewide correspondence program, the enrolling district must provide to

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the department a report listing enrolled students and the percentage of time they are enrolled to the district [BEFORE ENROLLING AN OUT-OF-DISTRICT STUDENT IN A STATEWIDE CORRESPONDENCE STUDY PROGRAM, A DISTRICT SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE STUDENT'S DISTRICT OF RESIDENCE,] **either before enrolling an out-of-district student in a statewide correspondence study program, or by the time that the student count period information is required by AS 14.17.600.**

(b) Repealed 6/15/2000.

(c) For the purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE TO COVER ALL STUDENTS FROM THAT DISTRICT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.] This section does not apply to students who enroll in Alyeska Summer School Program.

(d) **Repealed / /** . [COOPERATIVE AGREEMENTS MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION AND PROVISIONS:

(1) THE NAMES, ADDRESSES, TELEPHONE NUMBERS, AND SOCIAL SECURITY NUMBERS OF OUT-OF-DISTRICT STUDENTS ENROLLED IN THE STATEWIDE CORRESPONDENCE STUDY PROGRAM;

(2) AN ALLOCATION OF EACH STUDENT'S STATE FUNDING ALLOCATION.]

(e) **Repealed / /** . [THE ENROLLING DISTRICT SHALL PREPARE AND ENTER INTO A SEPARATE INDIVIDUAL COOPERATIVE AGREEMENT FOR EACH OUT-OF-

DISTRICT STUDENT WHO IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES.]

(f) Repealed 6/15/2000.

(g) Repealed 6/15/2000.

(h) A student may not be counted as a total of more than 1.0 full-time equivalent for state funding purposes. If a student is enrolled in both the student's district of residence and in a statewide correspondence program of another district, the district of residence shall count the student first under the provisions of 4 AAC 09.040(c), based solely upon the student's enrollment in classes of the district of residence. Any remaining student count may be allocated to the enrolling district based on the student's enrollment in classes of the statewide correspondence study program. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ___/___/___, Register ___)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.060
	AS 14.08.101	AS 14.14.110	AS 14.17.430
	AS 14.30.010		

4 AAC 33.432 is amended, and a new subsection is added to read:

4 AAC 33.432. ENROLLMENT OF SPECIAL EDUCATION STUDENTS. (a) For a

[A]district **that enrolls** [MAY ENROLL] an out-of-district student who is entitled to special education and related services under 4 AAC 52.**090** in the district's statewide correspondence study program, **an individualized cooperative agreement is required with the district of residence if the student is enrolling at less than 100 percent full-time-equivalent-count;** if the district enrolls **a** [EACH] special education student through an individualized cooperative agreement with the district of residence, [.] **the** [THE] cooperative agreement must provide that the district that receives the larger share of the

student's full-time equivalent count for state funding purposes under 4 AAC 33.430(h) and 4 AAC 09.040(c) shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's individualized education program (IEP), and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 – 4 AAC 06.790. If the student's full-time equivalent count for each district in which the student is enrolled is equal, the cooperative agreement must provide that the student's district of residence shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's IEP, and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 – 4 AAC 06.790.

(b) An enrolling district shall ensure that all special education students [ENROLLED IN THE DISTRICT'S STATEWIDE CORRESPONDENCE STUDY PROGRAM] are identified and located for the purpose of establishing their need for special education and related services **and that all provisions of 4 AAC 52 are met. For a special education student enrolled in the district's statewide correspondence study program, and for whom an individualized cooperative agreement is not required under 4 AAC 33.432(a), the enrolling district shall ensure that the requirements of 4 AAC 33.432(c)(5) are met.**

(c) **When an** [AN] individualized cooperative agreement for **a** [EACH] special education student **is required by (a) of this section, the agreement** must include, at a minimum, the following information:

- (1) the name, address, telephone number, and social security number of the student;
- (2) an allocation of each student's state funding calculated in accordance with the

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provisions of 4 AAC 33.430(h) ;

(3) the name, address, and telephone number of the private provider or school district designated by the enrolling district to provide special education and related services to the student, if applicable, and the signature of a person authorized by the designated provider to agree to the provision of those services;

(4) the plan for receipt and disbursement of funds for the benefit of a student receiving special education and related services;

(5) the plan of services to be provided to the student, the identification of the members of the IEP team from each district in which the student is enrolled, if applicable under 4 AAC 52.140, and a description of the manner in which each teacher who works with the student in the enrolling district will participate as a member of the IEP team for each student; the plan and the cooperative agreement must include the identification of each student in a manner that complies with the confidentiality requirements of 4 AAC 52.220.

(d) Repealed 6/15/2000.

(e) Repealed 6/15/2000.

(f) For purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO AN INDIVIDUALIZED COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE FOR EACH STUDENT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.]

(g) Students for whom the statewide correspondence program will provide a portion or all of the special education and related services may provide the services to the student prior

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to the individualized cooperative agreement being finalized. (Eff. 5/1/99, Register 150; am

6/15/2000, Register 154; am ___/___/___, Register ___)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.060
	AS 14.08.101	AS 14.14.110	AS 14.17.430
	AS 14.30.010	AS 14.30.186	

4 AAC 33.440 is amended to read

4 AAC 33.440. REPORTING REQUIREMENTS: CORRESPONDENCE AND PART-

TIME STUDENTS. (a) Each enrolling district shall transmit a report containing the following

information to the department along with the student count period information required by

AS 14.17.600 :

(1) the number of out-of-district students enrolled in the district's statewide
correspondence study program, by district of residence;

(2) the name, address, telephone number, and social security number of each student
enrolled part-time in the district's statewide correspondence study program, and the percentage of full-
time equivalency assigned to that student.

(b) Districts of residence shall report the following information to the department at the same time that
the student count period information is required by AS 14.17.600 :

(1) the name, address, telephone number, and social security number of each student
enrolled part time in the district, and the percentage of full-time equivalency assigned to that student;

(2) the name of each enrolling district with which the district of residence has entered
into a cooperative agreement [, AND THE NUMBER OF STUDENTS COVERED BY THAT
COOPERATIVE AGREEMENT];

(3) the amount of funds received as reimbursement or payment from each enrolling district with which the district of residence has entered into a cooperative agreement.

(c) A district shall make a report required under this section in an electronic or other format, as required by the department. The department will use the reported information to ensure that no student is counted as more than one full-time equivalent. (Eff. 5/1/99, Register 150)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.060
	AS 14.30.010	<u>AS 14.07.170</u>	

4 AAC 33 is amended by adding a new section to read:

4 AAC 33.460. PROGRAM REVIEW. (a) The department will monitor school district statewide correspondence programs to insure compliance with the requirements of this chapter and with assurances given upon application for program approval.

(b) Upon request by the department, the district shall provide

(1) a list of all students enrolled in the statewide correspondence program, including each student's name, age, entry date, exit date, whether the student has a disability category, whether the student receives intensive services, or related services;

(2) a list of all administrators, teachers, teachers aides, and related services personnel who provide special education services in the district, including, for certificated staff, the teacher certificate numbers; and

(3) any other information required by the department. (Eff. __/__/__, Register __)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.060
	AS 14.07.170	AS 14.17.430	

4 AAC 33.490 is amended to read

4 AAC 33.490. DEFINITIONS. In 4 AAC 33.410 – 4 AAC 33.490,

- (1) "Alyeska Central School" means the centralized correspondence study program operated by the department;
- (2) "board" means the state Board of Education;
- (3) "cooperative agreement" means a contract that is entered into by an enrolling district and a district of residence in conformance with [4 AAC 33.430 OR] 4 AAC 33.432;
- (4) "department" means the Department of Education and Early Development;
- (5) "district" means a city or borough school district or a regional educational attendance area;
- (6) "district of residence" means the school district in which a student is a resident;
- (7) "enrolling district" means the school district that is operating an approved statewide correspondence study program, including a program established under AS 14.03.250 – AS 14.03.290 , and that seeks or intends to enroll out-of-district students in that district's program;
- (8) "IEP" means in individualized education program established under the provisions of 4 AAC 52.140 that meets the requirements of AS 14.30.186 and 14.30.278;
- (9) "out-of-district student" means a student who seeks to enroll in a district in which they do not reside;
- (10) "special education student" means a student who is entitled to special education and related services under AS 14.30.180 - 14.30.350 and 4 AAC 52.010 – 4 AAC 52.990;
- (11) "statewide correspondence study program" means any educational program,

Register_____,_____2002 EDUCATION AND EARLY DEV.

including a charter school program[OR A STATE SUPPORTED HOME-SCHOOLING PROGRAM], that [PROVIDES]

(A) enrolls out-of-district students;

(B) [(A)] provides for each secondary course, less than three hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and the class; and

(C) [(B)] provides for elementary students, less than 15 hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and each full-time equivalent elementary student.

(12) "curriculum" means a written plan which sets out the scope and arrangement of the educational program planned for a school district; "curriculum" includes the scope and sequence of objectives and activities for a given course;

(13) "curriculum material" includes textbooks, software, multi-media materials, and other materials the primary purpose of which is for use in instructional activity; "curriculum materials" does not include literary works;

(14) "parent" means a biological, adoptive, or foster parent, or an adult who acts as guardian of a child and makes decisions related to the child's safety, education, and welfare;

(15) "teacher" means a person employed by a school district in a teaching, counseling, or administrative capacity and has the appropriate certificate in order to hold that position. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am

Register _____, _____ 2002 EDUCATION AND EARLY DEV.

12/2/2000, Register 156)

Authority:	AS 14.03.040	AS 14.07.020	AS 14.07.030
	AS 14.07.060	AS 14.14.110	AS 14.17.430
	AS 14.20.010	<u>AS 14.03.290</u>	AS 14.30.010
	AS 14.30.186		

Editor's note: As of Register 151 (October 1999), the regulations attorney made technical revisions under AS44.62.125(b)(6) to reflect the name change of the Department of Education to the Department of Education and Early Development made by ch. 58, SLA 1999, and the corresponding title change of the commissioner of education.

4.15.02

Date Referred to Committee: February 27, 2002

EDU

4.11.02

HB 464

SCHOOL DISTRICT CORRESPONDENCE STUDY

Recommends it be replaced with CS HB 464 (HES) ☐ Same Title ☒ New Title
For Senate Bills with new title: ☐ Technical Title ☐ New Title: HCR _____

- ☐ attach amendments
☐ add new referral to _____ Committee
☐ Letter of Intent _____ Committee

[illegible][illegible]

<u>Signing with recommendations</u>	Printed Last Name	DP (5)	DNP	NR	AM
<i>John Gifford</i>	Gifford				
<i>John Kohring</i>	Kohring	X			
<i>Dorothy Wilson</i>	Wilson	✓			
<i>Frank</i>	FRANK	X			
Chair: <i>Paul Ryan</i>	Ryan	X			
Chair:					

22-LS1494\R
Ford
4/23/02

*moved &
adopted
4-24-02*

CS FOR HOUSE BILL NO. 464()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES JAMES, Dyson, Coghill, Kohring, Green, Foster, Fate

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to statewide school district correspondence study and to centralized
2 correspondence study."

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

4 * **Section 1.** AS 14.07.050 is amended to read:

5 **Sec. 14.07.050. Selection of textbooks.** Textbooks for use in the public
6 schools of the state, including a district offered statewide correspondence study
7 program, shall be selected by district boards for district schools. Nothing in this
8 section precludes a correspondence study student, or the parent or guardian of a
9 correspondence study student, from privately purchasing and using textbooks or
10 curriculum material.

11 * **Sec. 2.** AS 14.07 is amended by adding a new section to read:

12 **Sec. 14.07.175. Powers relating to statewide correspondence study. (a)**
13 The board may adopt regulations regarding statewide correspondence study programs.
14 A regulation applicable to a statewide correspondence study program conducted by

1 Alyeska Central School, a charter school, or a school district must

2 (1) specify that, once the department has approved an initial statewide
3 correspondence program application, the district is not required to submit a new
4 application more frequently than every five years if the program is designated as
5 distinguished or successful under AS 14.03.123(a);

6 (2) provide that an enrolled student shall be monitored by a certificated
7 teacher or appropriately trained personnel employed by the governing body; the
8 evaluation and grading of student work by certificated teachers must occur at least
9 quarterly, except as required by a student's individual education program under
10 AS 14.30.180 - 14.30.350 or as required in the education plan developed for the
11 student under 29 U.S.C. 794; and

12 (3) provide that the governing body conducting the correspondence
13 program has the duty and authority to establish procedures for

14 (A) the review, selection, and use of correspondence
15 curriculum materials before they are introduced into the correspondence
16 curriculum; and

17 (B) approving or disapproving home-designed courses.

18 (b) In this section, "district" has the meaning given in AS 14.17.990.

19 * Sec. 3. AS 14.08.111(9) is amended to read:

20 (9) establish procedures for the review and selection of all textbooks
21 and instructional materials, including textbooks and curriculum materials for
22 statewide correspondence programs, before they are introduced into the school
23 curriculum; the review includes a review for violations of AS 14.18.060; nothing in
24 this paragraph precludes a correspondence study student, or the parent or
25 guardian of a correspondence study student, from privately purchasing and
26 using textbooks or curriculum material;

27 * Sec. 4. AS 14.14.090(7) is amended to read:

28 (7) establish procedures for the review and selection of all textbooks
29 and instructional materials, including textbooks and curriculum materials for
30 statewide correspondence programs, before they are introduced into the school
31 curriculum; the review includes a review for violations of AS 14.18.060; nothing in

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number:

Bill Version:

CS HB 464(HES)

() Publish Date:

Revision Date/Time (Note if correction):

Dept. Affected: EED

Title School District Correspondence Study

BRU Teaching & Learning Support

Component Quality Schools

Sponsor Representatives James, Dyson

Requester H EDU

Component No. 2147

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	115.0	115.0	115.0	115.0	115.0	115.0
Travel	15.5	15.5	15.5	15.5	15.5	15.5
Contractual	34.5	34.5	34.5	34.5	34.5	34.5
Supplies	5.0	5.0	5.0	5.0	5.0	5.0
Equipment	5.0	5.0	5.0	5.0	5.0	5.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	175.0	175.0	175.0	175.0	175.0	175.0

CAPITAL EXPENDITURES**CHANGE IN REVENUES ()****FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	175.0	175.0	175.0	175.0	175.0	175.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	175.0	175.0	175.0	175.0	175.0	175.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

☒**POSITIONS**

Full-time	2					
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

In the FY2003 budget, the department has requested funding to administer an increasing number of statewide correspondence study students and programs. This funding is necessary to fulfill current statutory and regulatory requirements. This would include the requirements of HB 464. Section 1 of this bill may result in some programs being allowed to apply for statewide correspondence status only once every 10 years, but if the average student assessment in reading, writing, or mathematics for all students in a statewide correspondence program falls below the corresponding statewide average student assessment for two consecutive schools years, an annual application is still required.

Prepared by: Barbara Thompson

Division Teaching & Learning Support

Phone 465-8727

Date/Time 4/15/02 8:43 AM

Approved by: Ed McLain, Deputy Commissioner of Education

Agency Education & Early Development

Date 4/15/2002

STATE OF ALASKA
Department of Education & Early Development

Office of the Commissioner

TONY KNOWLES, GOVERNOR

Goldbelt Place
801 West Tenth Street, Suite 200
Juneau, Alaska 99801-1894
(907) 465-2800
(907) 465-4156 Fax

To: The Senate Health, Education and Social Services Committee
Alaska State Legislature

From: Ed McLain, Ed.D.
Deputy Commissioner

Date: April 9, 2002

Subject: Explanation/Justification of fiscal note for SB 346

During our last discussion of SB 346 in Senate HES, I was asked to review the fiscal note for this bill. The fiscal note as submitted funds two positions in EED to provide oversight and support to districts and staff related to statewide correspondence programs.

There are currently 11 districts offering statewide correspondence programs. These programs serve 9,000 students. This number has grown significantly each year. We anticipate 12 districts next year. Currently, correspondence schools are required to submit a new application each year. SB 346 would amend that to once every 10 years for schools/programs that are rated satisfactory or exemplary – annually for others. The wording of this bill places the responsibility on the department to annually monitor the progress of students enrolled in each statewide correspondence study program separately to determine their designation as described under AS 14.03.123(a) and make appropriate recommendations for continuance of approval.

By comparison, there are 10 districts that have charter schools. These charter schools serve approximately 2,500 students. Charter Schools are required to submit applications every 10 years. Currently the state provides one full-time Education Specialist II position and one full-time administrative clerk to oversee the charter schools program.

	Statewide Correspondence Programs	Charter Schools
Number of districts	11 in FY02, possibly 12 in FY03	10 in FY02, possibly 11 in FY03
Number of students	9,000 in FY 02	2,500 in FY02
Number of schools/programs	11 in FY 02, possibly 12 in FY 03	15 in FY02, possibly 20 in FY03
Application period	Every year in FY02, every 5-10 years beginning in FY03	Every 10 years in FY02 and FY03
State and Federal funding for supplemental support	No	Yes
Staff to support/provide program oversight	0 in FY02, 2 requested in fiscal note for FY 03	2 in FY02 and FY03
State funding to districts or schools	Approximately \$30 million in FY 03	\$1 million in one time state grants, \$11.2 million foundation funds in FY 02

The balance of the funds requested through the fiscal note reflects travel and contractual costs associated with the support and monitoring functions of program management. These costs are comparable to those expended through the state-funded charter school program.

The fiscal support requested in the FY03 budget, submitted by the department and reflected in the fiscal note for SB 346 will be used to provide support and oversight to the districts, communities, and personnel setting up and offering statewide correspondence programs.

This fiscal support will result in enhanced communications and increased ability of the department to supervise, respond to, and provide assistance to persons and districts involved in the various statewide correspondence programs. As in the charter schools oversight and support, the presence and availability of specific staff members assigned to the statewide correspondence programs will result in enhanced services, reduced problems, and better communications and administration by both department and the programs.

Based on the above information, we believe the fiscal note for this bill is reasonable and responsible.

Please feel free to contact me if you would like further information.

Department of Education & Early Development
 Quality Schools Component
 Statewide Correspondence Study Program Review Increment

Personal Services	72.3	Total	Education Specialist II 21A/B (New PFT) Education Program Assistant 12A/B (New PFT)
	43.2		
		115.5	
Travel	8.0		Monitoring - agency staff to accompany contract on-site visits; 3 days each - 4 per year @ \$1,000 each x 2 staff Training; working with statewide correspondence programs
	7.0		
		15.0	
Contractual	12.0		Monitoring Visits - 2 contractors at \$600 per day - 3 days each - 4 districts per year Contractor travel for Monitoring Team - \$1,000 each trip - 4 trips x 2 contractors postage, phone, copier, printing
	8.0		
	14.5		
		34.5	
Supplies	5.0		paper, materials, folders, training materials
		5.0	
Equipment	5.0		computer equipment
		5.0	
Total		175.0	

The number of students enrolling in statewide correspondence programs has increased dramatically over the past several years. The department does not have the resources to adequately review the applications from school districts to operate these programs or follow up on monitoring and evaluating these programs. Additional oversight is necessary to ensure instructional and fiscal accountability. The department is requesting 2 PFTs: 05#026 Education Specialist II range 21, Juneau and 05#027 Education Program Assistant range 12, Juneau.

Post-It Fax Note	7871	Date	4/23	Page	1
To	Karen McCarthy	From	T. Campbell		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	4843	Fax #			

Did I give you this before?

Department of Education & Early Development
 Quality Schools Component
 Statewide Correspondence Study Program Review Increment

		Total	
Personal Services	72.3		Education Specialist II 21A/B (New PFT)
	43.2		Education Program Assistant 12A/B (New PFT)
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		15.0	
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	14.5		postage, phone, copier, printing
		34.5	
Supplies	5.0		paper, materials, folders, training materials
		5.0	
Equipment	5.0		computer equipment
		5.0	
Total		175.0	

The number of students enrolling in statewide correspondence programs has increased dramatically over the past several years. The department does not have the resources to adequately review the applications from school districts to operate these programs or follow up on monitoring and evaluating these programs. Additional oversight is necessary to ensure instructional and fiscal accountability. The department is requesting 2 PFTs: 05#026 Education Specialist II range 21, Juneau and 05#027 Education Program Assistant range 12, Juneau.

Post-It Fax Note	7671	Date	4/23	# of pages	1
To	Karen McCarthy	From	T Campbell		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	4843	Fax #			

Did I give you this before?

MEMORANDUM

Handed 4/4/02

State of Alaska
Department of Education
& Early Development

To: Senator Gary Wilken

Date: March 21, 2002

Phone: 465-8678

FAX:

File:


From: Ed McLain, Ed.D.
Deputy Commissioner

Subject: Responses to questions
related to statewide
correspondence programs

Thank you for the opportunity to provide further information on the department's role in regulating statewide correspondence programs. We hope that this brief history will assist your constituents in better understanding the process to date.

People have asked, "Why did the Alaska Department of Education & Early Development (EED) open up the regulations for changes? What was the department trying to fix?"

District-operated Statewide Correspondence Programs are a relatively new phenomenon with a dramatic increase in enrollment over the past several years. The department considers these programs public schools and therefore finds that they are subject to guidelines or regulations to maintain accountability and credibility in similar fashion to other public schools in the state. After discussions with various parties, reviewing applications from several districts in the state, and auditing two of the programs operating in the state, the following issues arose:

- Not all of the correspondence programs were operating like "traditional" correspondence programs, where districts developed curriculum and approved curriculum materials. Some programs apparently allowed parents to prepare curriculum and select materials without district involvement. This presented challenges and conflicts with existing statutes related to duties of local school boards in the review and selection of materials for use in public schools. (AS 14.07.050).

- Not all of the programs provided the normally expected oversight of a certified teacher who was responsible for the assessment of student work and assignment of grades. Lack of a teacher role in the oversight of instruction and approval of grades brings into question the integrity and quality of the program and objectivity and reliability of the grades assigned to the student. This was problematic for those schools seeking accreditation from the Northwest Association of Schools and Colleges. This accrediting agency requires a certified teacher to issue grades. Accreditation is especially valuable for non-traditional programs where students will be seeking acceptance of their transcripts by other schools or institutions. Accreditation assures acceptance of the transcripts, credits and grades by other accredited schools and institutions.
- There were varying understandings and degrees and means of complying with state laws that prohibit advocating partisan, sectarian or denominational doctrines in public schools. This has the potential of violating state law and at times causing districts to be overly restrictive in the selection of materials.
- Statewide correspondence programs had some of the lowest participation rates in the state mandated assessments. This makes it difficult to provide an adequate accounting or to fairly assess the success of the programs to assure that "no child is left behind."
- While there was a high degree of satisfaction voiced by parents and participants in the program, there were some lower than expected achievement scores in the mandated statewide tests results (i.e., 10th grade math) reported by some of the statewide correspondence programs.
- Not all of the programs were providing the appropriate services and referrals for students with disabilities. This violates federal IDEA laws.
- While these programs serve students from around the state, state statutes direct that districts are required to provide an educational program for school aged children who are residents of a district [14.14.090(2)].

EED met with the districts operating statewide correspondence programs to discuss these concerns and to open a conversation on appropriate amendments to the current regulations in order to provide adequate safeguards, and better ensure strong educational programs for all students served by these programs and to provide better accountability for public funds.

The department developed the first set of proposed regulations in the fall of 2001. In November 2001 the State Board of Education & Early Development opened a long public comment period in order to involve the families utilizing these programs across the state. These comments helped the department better clarify the regulations and many of these comments will be incorporated in the second set of proposed regulations. The second set will be put before the board at a meeting April 4-6. The department will ask the board to extend the public comment period until June to allow the public time to comment on the second set of proposed regulations. The second set will be available on the EED web site (www.eed.state.ak.us) on April 8 following board action.

We are confident that the new proposed regulations will better describe the expectations and requirements for these programs and better meet the needs of the districts offering these programs, and the students and the parents who participate in those programs.

Another benefit of the public process in the review of these regulations has been bringing to light some of the differences between "home school support" programs and traditional correspondence programs for the policymakers of our state. Some testimony was from families who simply do not wish to have the state or district authorities involved in, or dictate, how and what they should teach their children, assess their progress, or report their grades. Some of these home school families want the state's support and want freedom from the accountability of regular public schools.

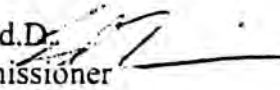
Please feel free to contact me if I can provide further clarification.

STATE OF ALASKA
Department of Education & Early Development
Office of the Commissioner

TONY KNOWLES, GOVERNOR

*Goldbelt Place
801 West Tenth Street, Suite 200
Juneau, Alaska 99801-1894
(907) 465-2800
(907) 465-4156 Fax*

To: House Health, Education & Social Services Committee

From: Ed McLain, Ed.D.
Deputy Commissioner 

Date: March 22, 2002

Subject: Responses to Questions Related to HB 464

During the March 14, 2002 House HES meeting, the department was asked to provide additional information on its legal opinion and concerns regarding the proposed amendments to HB 464. The attached memo is provided for your reference on this matter. The memo focuses on the proposed amendment (3) of the bill, and addresses several aspects of the bill and amendment.

Please feel free to contact me if I can provide further clarification.

cc: Senate HES
Representative James

Attachment

MEMORANDUM

State of Alaska
Department of Law

To: Ed McLain, D.Ed., Deputy Commissioner,
Dept. of Education & Early Development

DATE: March 19, 2002

FILE NO.: 663-01-0113

TELEPHONE NO.: (907) 465-3600


FROM: G. Ken Truitt
Assistant Attorneys General
Human Services Section-Juneau
Department of Law

SUBJECT: Proposed amendments to H.B. 464

You have asked me to review proposed amendments to H.B. 464. The proposed amendment would substitute existing paragraph (a)(3) with the following:

"(3) must provide that the school district conducting the correspondence program has the duty and authority to establish procedures for the purchase of correspondence curriculum materials, and to establish procedures for approving or disapproving individual education plans and home designed courses."

Existing statutes require school boards to select textbooks and other instructional materials: The statutes:

Sec. 14.07.050. Selection of textbooks. Textbooks for use in the public schools of the state shall be selected by district boards for district schools.

Sec. 14.08.111. Duties. A regional school board shall

....
(9) establish procedures for the review and selection of all textbooks and instructional materials before they are introduced into the school curriculum; the review includes a review for violations of AS 14.18.060.

Sec. 14.14.090. Duties of school boards. In addition to other duties, a school board shall

....
(7) establish procedures for the review and selection of all textbooks and instructional materials before they are introduced into the school curriculum; the review includes a review for violations of AS 14.18.060.

Sec. 14.03.255. Organization and operation of a charter school. (a) A charter school operates as a school in the local school district except that the charter school

(1) is exempt from the local school district's textbook, program, curriculum, and scheduling requirements

The proposed amendment conflicts with the existing statutes AS 14.07.050, AS 14.08.111(9), and AS 14.14.090(7). These statutes impose on local school boards the duty to review textbooks and instructional materials before the district uses them for instruction. None of these statutes provide school boards with the authority to review "home designed courses." The proposed amendment, by referencing "home designed courses" seems to indicate that a school board may delegate to parents some of the board's textbook and material review function. Because this power is not reflected in the statutes that address local school board powers and duties, the proposed amendment is inconsistent with those statutes. Further, this apparent delegation to parents is also ambiguous.

The ambiguity arises in several ways. The bill proposes to add a section to the article of AS 14 that addresses the state board of education's powers. If enacted, H.B. 464 would require the state board to acknowledge certain local school board duties and powers should the state board enact regulations relating to correspondence programs. But, some of the powers and duties H.B. 464 would require the state board to acknowledge do not currently exist in the statutes that establish local school boards and define their powers.¹ The proper place to expand local school board powers and duties is in these statutes. Because H.B. 464 fails to address these statutes it creates an ambiguity in AS 14. If it is the drafter's intent to allow school boards to delegate their duty to review textbooks and instructional materials, then AS 14.07.050, AS 14.08.111(9), and AS 14.14.090(7) should also be amended to make that intent clear.

The ambiguity is furthered because the overall content of H.B. 464 is unnecessary. The Administrative Procedure Act (APA)² provides that regulations must be consistent with existing statute. An agency's proposed regulations that contradict existing statutes fail under the Regulations Attorney's legal review and are not approved for filing.³ Yet, H.B. 464 directs the state board to acknowledge certain local board powers and duties: a directive the state board is already under via the APA. Thus, because the Department of Law may not approve regulations that are inconsistent with existing statute, H.B. 464's directive to the state board is superfluous. This raises the question of whether the real purpose of the bill is to expand the powers of local school boards. If so, the appropriate place to make that change is in the statutes that address local school board powers and duties.

If it is the intent to delegate the textbook and instructional material review function to parents, then more troubling constitutional issues present themselves. The bill may be subject to challenges under federal and state equal protection grounds. These constitutional issues will take further analysis.

Finally, for the same reasons discussed above, the proposed amendment's reference to "procedures for approving or disapproving individual education plans" could be construed to be

¹ AS 14.07.050, AS 14.08.111(9) and AS 14.14.090(7).

² AS 44.62.010--300

³ AS 44.62.030; 44.62.125.

Ed McLain, Deputy Commissioner, Dept. of Ed. & Early Devel.
663-01-0113

March 19, 2002
Page 3

inconsistent with federal IDEA requirements. A school district's responsibility for individual education plans is spelled out very clearly in AS 14.30.180--350 and corresponding regulations in 4 AAC 52.

Let me know if you need further analysis on these issues.

Handwritten: Haidle 4

MEMORANDUM

State of Alaska
Department of Education
& Early Development

To: Administrative Regulations
Review Committee

Date: March 20, 2002

Phone: 465-8678

FAX:

File:

From:  Ed McLain, Ed.D.
Deputy Commissioner

Subject: Statewide Correspondence
Program Regulations

The attached memo is provided for your reference regarding issues related to the regulations review of statewide correspondence programs. This clarification is in response to Mr. Pound's February 8, 2002 memo to the committee providing analysis of the regulations.

We appreciate the involvement of the legislature and the public as the department continues the refinement of these regulations.

Please feel free to contact our office if we can provide any further information.

MEMORANDUM

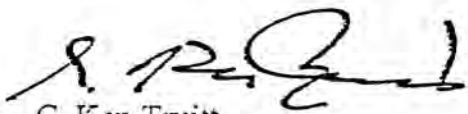
State of Alaska
Department of Law

To: Ed McLain, Deputy Commissioner,
Department of Education and Early
Development

DATE: March 19, 2002

FILE NO.: 663-01-0113

TELEPHONE NO.: (907) 465-3600


FROM: G. Ken Truitt
Assistant Attorneys General
Human Services Section-Juneau
Department of Law

SUBJECT: Response to 2/8/02 Legislat
memo

This memorandum is in response Jim Pound's memo of February 8, 2002. Mr. Pound's memorandum discussed and analyzed regulations currently under advisement by the State Board of Education regarding district offered statewide correspondence programs. Mr. Pound's analysis concludes that the regulations violate a 1968 decision of the United States Supreme Court.¹ and that the regulations overstep the state board's statutory authority.

Mr. Pound's memo oversimplifies a complex area of law, ignores state constitutional restrictions regarding education, and ignores the statutory role the Department of Law exercises in the administrative regulation adoption process. These oversights result in an analysis that is incomplete and inaccurate.

Under the Administrative Procedure Act (APA)² the Department of Law reviews every adopted regulation to ensure that it is consistent with existing statutes and regulations and that it is consistent with the federal and state constitutions.³ The Department of Law review occurs after an agency has formally adopted a proposed regulation. Formal adoption occurs after the proposed regulations have been through a period of public comment.⁴ Proposed regulations that fail this review are rejected by the Department of Law and do not become effective.

The state board has not formally adopted the proposed regulations on statewide correspondence programs. Thus, the Department of Law has not had the opportunity to fully review the state board's proposed regulations.

The Department of Law's review, however, will be comprehensive as the board's proposed regulations touch on one of the most fluid areas of constitutional law: first amendment establishment of religion. Additionally, our review will consider Alaska's more restrictive

¹ *Board of Education v. Allen*, 392 U.S. 236 (1968)

² AS 44.62.010--300.

³ AS 44.62.060.

⁴ AS 44.62.190.

constitutional and statutory provisions relating to education,⁵ as well as the board's statutory authority." Also figuring into our review will be the new comprehensive federal legislation on education reform. Through this office's legal review, the APA process provides a mechanism to prevent unconstitutional or unlawful regulations from becoming law. If the board's proposed regulations overstep their statutory authority, our review will find that and prevent the regulations from taking effect.

Finally, while the case Mr. Pound cites will certainly be considered in our review, it is not the most recent, or most directly relevant case. Since decided in 1968, the *Allen* case has been eclipsed by almost a dozen newer cases from the Supreme Court dealing with the first amendment. The Court heard oral argument in February in its most recent first amendment case and is expected to issue its decision before its summer recess.

A final conclusion regarding the proposed regulation's legal validity is premature. Thus far, however, we have discovered no case law or statutory provisions that conflict with the board's proposed regulations.

⁵ Alaska Const. Art. VII, sec. 1; AS 14.03.090. Mr. Pound concludes that "This statute is more than likely not a [sic] legal" However, statutes are presumed valid until ruled otherwise by the courts and the board does not have the discretion to ignore a statute validly enacted by the legislature.

⁶Mr. Pound seems to think that 4 AAC 33.430(h) might be inconsistent with AS 14.17.430. This regulation is in existing regulation the board is not proposing to change it in any way. The regulation clarifies that each student will be counted only once for funding purposes. It prevents a student from being counted in one program, then enrolling and being counted again by a different program. The statute establishes the formula for determining how much funding a district receives for each correspondence student. The regulation was approved by this office when it was originally adopted and we have no reason to think that it would fail our review once the board adopts it.

Subj:	Letter from Jim Foster, Assistant Supt. Galena
Date:	4/15/2002 11:35:36 AM Mountain Daylight Time
From:	Peaklearn
To:	representative_con_bundy@legis.state.ak.us

Dear Representative Bundy:

In conjunction with the Department of Education, we have developed proposed regulation for correspondence schools. Dr. Ed McClain and Dr. Shirley Holloway have been very responsive to our needs, and we are very pleased with the current proposed regulations. We see no need to pursue legislation dealing with these issues at this time. Should you require further information, please contact me at (907) 240-7772. Thank you for your continued support for quality education.

Jim Foster
Assistant Superintendent
Galena City School District.

Monday, April 15, 2002 America Online: Peaklearn

PUBLIC COMMENT

Post-it Fax Note	Date	Time	From	To	Phone #	Fax #
7671	4/12/02	11:00	Ken Eggleston	Ken Eggleston		3871

NENANA CITY PUBLIC SCHOOLS

P.O. BOX 00010
NENANA, ALASKA 99760
907-832-5464
FAX 907-832-5625

RECEIVED
Nenana

APR 15 2002

APR 15 2002

April 12, 2002

TO: Parents, Students, Legislators, and DEED
FROM: Dr. Ken Eggleston, Superintendent
RE: SB 346 and HB 464

CyberLynx Office

The following is a clarification of the "Legislative Process vs. Regulatory Process"

Nenana City Public School's position on the new proposed regulation changes to Statewide Correspondence Schools in 4 AAC 33, is as follows:

Nenana City Public School and its CyberLynx Statewide Correspondence Program believe the State of Alaska currently has sufficient laws that address Statewide Correspondence Programs. These laws and the legislators who drafted and passed these laws should be recognized for their innovative thinking and caring for the rights of parent to decide what they believe is the best educational delivery system to serve their children.

Alaska and its Legislators have truly been on the cutting edge of educational delivery systems in the United States; we should revel in our uniqueness. We should study why over 9,000 students are being served by alternative educational delivery systems. Our State of Alaska has always been a special place to live and learn and we need to keep that uniqueness alive and well. Our parents have spoken loudly with a united voice demonstrating their belief in this method of educating their children.

We at CyberLynx are very proud of our parents who have chosen this way of education. These parents assume a tremendous responsibility when they choose to Home School through a Statewide Correspondence School Program. We should honor those parents and students and not try to regulate them out of a way of life, an educational process, which is currently under Alaska State Law, Chapter 33 Special Programs.

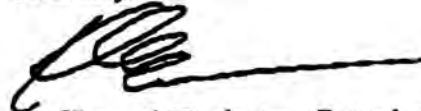
We have an opportunity to further improve the Statewide Correspondence programs in our state. The State School Board has extended the period for public comment on the Proposed Amended Regulations 4 AA 33 Statewide Correspondence Programs. It is an opportunity for all interested persons to make their concerns known to the State Board of Education.

What does this extension of the hearing period mean? We at CyberLynx believe we should work through the regulatory process. We understand that the extended time period is a double-edged sword. It places the decision on the proposed amended regulations by the State Board of Education beyond the 2002 Legislative Session, but it also gives more

opportunity for all concerned to make their voices heard. There are many legislators who truly believe in the right of parental choice, and that choice by thousands of parents from every corner of this state is to enroll their children in a Statewide Correspondence program.

If the State Board of Education takes a path through the regulatory process, which makes the use of Statewide Correspondence programs impossible for parents to use, our Legislators would have no other choice in the 2003 Legislature than to consider corrections through the legislative process. We believe as one legislator said in the hearings "the proof will be in the pudding". It is now up to the State Board of Education.

Sincerely,



Dr. Kenneth Eggleston, Superintendent
Nenana City Public School

ALASKA STATE COMMITTEE
Norwest Association of School and of Colleges and Universities

April 16, 2002

Dr. McLain:

Please share this quick note with the legislators that are reviewing the issue of how to determine and maintain quality educational programming among the State's correspondence schools.

The number of correspondence schools has been increasing in Alaska these past years due to the ease and availability of the internet. However, it is clear that it is not limited to those families not having access to a 'hardcover' school building. It is these families that a 'cyberschool' was targeting in the past. The Northwest Association of Schools and of Colleges and Universities (NASCU), a regional accreditation association serving seven northwest states including Alaska, is very concerned that each state provide and maintain a system of quality control of these cyberschools. Often times the students enrolled in these programs not only flow back and forth with the 'hardcover' school freely from year to year but may, and often do, have dual enrollment.

The Alaska Committee of the NASCU takes the position that each and every correspondence program maintain at least two general procedures in order to assure the integrity of the educational delivery process.

1. That any and all curriculum be subjected to a review process with the final approval given by the district or entity responsible for that program. This review process should assure that the curriculum meets or exceeds state performance standards. Often times a student will transfer back to the traditional school and will be held accountable for what the student has missed. It is vital that all students be taught by a well-rounded and appropriate curriculum. While some parents are fully capable of determining what curriculum may be appropriate for their child(ren) the State should not assume that all parents will be capable. The traditional school system may well ultimately be responsible for assuring cyber students successfully pass Legislative mandated exams. Once the child is back in the traditional system, he/she is compared to and eligible for any benefits accorded other students. Therefore, the playing field should be the same and quality should be assured.
2. That certified teachers determine all substantive grading/evaluating of student performance for the purpose of entering such grades on a permanent and official record. At no time should a parent be allowed to indicate a grade and allow that grade to be placed on a transcript without a certified teacher endorsing the level of student performance. The rationale is similar to what I stated above under #1. Example: it is unfair for a correspondence student to come into the traditional school

as a senior in order to receive a diploma from that school and use his 'parent-given-GPA' in order to obtain scholarships over other students that never left the system.

It is ironic that the State of Alaska through the impetus of the Quality Schools Initiative, which the State Legislature supported, has increased teacher certification requirements. Additionally the Bush administration under the No Child Left Behind Act is requiring schools to hire highly qualified teachers that meet or exceed current State of Alaska requirements. Why now would the State Legislature consider allowing a child to be educated under an unregulated system which holds no one accountable except a traditional school that may or may not have an opportunity to educate the child?

Finally, the concern for quality control in education is not isolated to State or local correspondence programs. An accredited high school may not accept high school credits from a school if that school does not hold accreditation status. The rationale is that while one has had an 'outside' group of evaluators look at the program and compare it to some quality standard and has determined that various standards have been met. A non-accredited school, cyber or otherwise, not having gone through the process of self and outside evaluations is not able to assure anyone that they are meeting agreed upon standards of quality instruction.

It is for that reason that the State Committee of the NASCU encourages the legislature to seriously consider the establishment of a system of State evaluation/accreditation to assure an across-the-board adherence to quality – a system where all children will benefit from accountability.

Sincerely,

Les Daenzer, Alaska State Committee Chair, Northwest Association of Schools and of Colleges and Universities
(signed)

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Colleges and Universities
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GALENA CITY SCHOOL DISTRICT

Office of the Assistant Superintendent - 5600 B Street - Anchorage, AK 99518
Phone 907-562-4332 - Fax 907-562-4662

March 21, 2002

Deputy Commissioner Ed McLain
Department of Education & Early Development
801 West 10th Street
Juneau, AK 99801

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MAR 28 2002

Alaska Department of Education
& Early Development

Dear Deputy Commissioner McLain,

Thank you for responding to the concerns that were expressed to you by the parents in statewide correspondence programs. It was a big task, I know, to sift through all of the input to determine common threads and then to balance the expressed concerns against the requirements of statute and the responsibility of the Department. I appreciate the ability to have input into the process and expect that our parents will be happy with the responsiveness of the Department, as we explain the new wording to them. I anticipate that the State Board will move to approve the posting of the rewritten regulations for statewide correspondence programs, and look forward to the continuation of our cordial and professional working relationship.

Sincerely,


Jim Foster, Assistant Superintendent
Galena City School District

CC: State Board of Education and Early Development

Edward McLain

From: Mail - Cheryl @ ACS [cheryl.watkins@acsalaska.net]

Sent: Saturday, March 23, 2002 10:17 AM

To: 'Ed_McLain@eed.state.ak.us'

Subject: re: Thank you

Thank you so much for hearing our pleas. We love homeschooling our kids and appreciate the time that you took to listen to us and help make a difference. Thank you again. Cheryl Watkins

4/11/2002

Edward McLain

From: Scott Marble [frozenchosen9@characterlink.net]

Sent: Saturday, March 23, 2002 2:11 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: IDEA

Dear Mr. McLain,

Thank you for your sympathetic response to our concerns effecting homeschool regulations. We appreciated your actions.

Sincerely,
Mr. and Mrs. Scott K. Marble

4/11/2002

Edward McLain

From: wagar family [kwagar@ideafamilies.org]
Sent: Saturday, March 23, 2002 2:42 PM
To: 'Ed_McLain@eed.state.ak.us'
Subject: Regs

Dear Deputy Commissioner McLain

We are very pleased that we will be able to continue with IDEA and purchase the curriculum that works well for our daughter. Thank you for all your efforts on our behalf and the behalf of homeschooling parents.

Kristin M. Wagar
1897 Badger Rd.
North Pole, AK 99705

4/11/2002

Edward McLain

From: Richard N. & Lori J. Gorsline [rlr@gci.net]

Sent: Saturday, March 23, 2002 4:13 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: new regulations

Dear Deputy McLain, Thank you for being supportive of our concerns pertaining to our homeschool program. We appreciate your understanding of our positions and adjusting the language.

4/11/2002

Edward McLain

From: Stacie Werner [swerner@gci.net]
Sent: Saturday, March 23, 2002 9:04 PM
To: 'Ed_McLain@eed.state.ak.us'
Subject: Thank you!

Dear Deputy Commissioner McLain,

I want to take the time to express our family's gratitude for the diligent, respectful and balanced effort and input that you gave *to the cause* regarding the current statewide-correspondence programs issues. Thank you, in particular, for being responsive to public concerns, understanding our position, and adjusting the language.

The kind of support and public service and commitment you have exhibited reminds me that our American system still works and is alive and *WELL* here in Alaska. I have not been involved in many issues in the past and was very nervous about how my "opinion/position" would be received. I found our state system and representatives, at all levels that we dealt with, to be welcoming, responsive and fair. For that, we are thankful and personally wanted to let you know.

Sincerely,

Ken Werner
Stacie Werner
PO Box 3495
Seward, AK 99664
(907) 224 - 5608

(Currently enrolled in IDEA)

Edward McLain

From: Dennis Ellithorpe [paddlealaska@ak.net]

Sent: Sunday, March 24, 2002 10:35 AM

To: 'Ed_McLain@eed.state.ak.us'

Subject: homeschool regs

This is just a note of thanks for your time, effort and for listening to people like myself who support having a program like IDEA. It has been a good alternative for many families and has only aided educational efforts in this state. Thanks so much! Steve J. Hansen

4/11/2002