

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
6893 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

37

through the juvenile probation department, but they may be referred by other organizations, such as a store alleging shoplifting. Defendants and their parents must agree to allow the Youth Court to hear the case. Court proceedings insure them the right to be represented by a lawyer, the right to trial by jury, the right to cross-examine witnesses, the right against self-incrimination and the right to appeal.

Senate Concurrent Resolution 5 would request that Alaska Court System, the Alaska Bar Association and the Alaska Department of Health and Social Services assist in expansion of youth courts into other communities of the state. The Anchorage Youth Court has been successful in a large, urban Alaskan area and offers great potential in smaller, urban areas and in rural Alaska.

Attached is a copy of research on this topic. Thank you for your consideration of this request.

JK:kh

Alaska State Legislature

Legislative Research Agency



P. O. Box Y
Juneau, AK 99811-3100
Phone: (907) 143-3991
Fax: (907) 143-3351

October 25, 1990

MEMORANDUM

TO: Senator Jay Kerttula

FROM: Maureen Weeks ^{MW}
Legislative Analyst

RE: Teen Courts in Alaska and Other States
Research Request 90.364

You asked for information about teen courts (courts in which young defendants charged with minor offenses appear before juries of their contemporaries). This memorandum begins with information about teen courts in general and continues with brief descriptions of teen courts in Anchorage, Alaska; Hillsborough County, Florida; Denver, Colorado; Odessa, Texas; and Pasco County, Florida. For comparison, selected characteristics of the five model courts are presented in the attached table.

Background

Most youthful, first-time offenders who commit misdemeanors do not go to court, do not appear before a jury and are not sentenced by a judge. Instead, they receive a letter warning them not to offend again and they may be ordered to attend several hours of class for shoplifters or substance abusers. Teen courts are an effort to change this. They replace the "slap on the wrist" of a letter with the intimidating formality of a court appearance. Furthermore, they ask young people to appear before juries composed of other young people--tribunals which juvenile justice experts say tend to be harder on young offenders than adult jurors would be. By giving young, first-time offenders a glimpse of "real life" before judge and jury, these courts function as juvenile diversion, early intervention programs. Their purpose is to stop the progress from misdemeanor to felony by asking young offenders to take responsibility for their acts and accept sanctions determined by their peers.

Teen courts are composed of student volunteers who act as jurors and sometimes lawyers, clerks and bailiffs. Most are conducted by volunteer adult judges. Cases are generally screened. Defendants may be referred by the police, school officials, judges and, sometimes, private businesses. Most cases involve petty crimes. Teen courts are not recognized as courts of original or appellate jurisdiction.

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Although the five courts we have chosen as models for discussion in this memorandum differ in many ways, all offer teen-age defendants the right to trial by their peers--defined in these courts as trial by one's contemporaries. Three carry this principle further by also using young people as prosecutors, defense lawyers, clerks and bailiffs. One (the Anchorage Youth Court) expands the concept to its fullest by allowing students to preside as judges.

All five teen courts hold their proceedings in local courtrooms to impress upon defendants that the session is "real." How court is conducted varies, however. For example, while the East Pasco Juvenile Court stresses the authenticity of the hearing by seating teens as jurors in regular juvenile court proceedings (presided over by a sitting judge and argued by actual prosecutors and public defenders), the Anchorage Youth Court asks teen-age defendants to accept verdicts and fulfill sentences determined solely by what many young people consider the most formidable of forums--other teen-agers.

The role of the jury also varies with the court. Three of the five courts we studied accept only defendants who are willing to admit guilt. In these courts, the teen-age jury hears arguments before determining an appropriate sentence. Two teen courts, however, allow not-guilty pleas. In one (East Pasco County Juvenile Court), young jurors recommend a verdict and, where appropriate, a sentence to the sitting juvenile court judge. In another (Anchorage Youth Court), young people are allowed much more authority. Here, after listening to arguments by youthful prosecutors and defense lawyers, teen juries determine a verdict and teen judges pronounce sentence.

Teen courts differ from each other in other ways. The Odessa Teen Court, begun in 1983 and the oldest of the courts we studied, emphasizes family responsibility by requiring parents of teen-age defendants to attend parent training workshops. The Denver Teen Court, which opens next month, is designed to replace school suspension and expulsion (which many students perceive as rewards) with community service and restitution. The Hillsborough County Teen Court stresses a variety of sentencing options by allowing student jurors to impose modified house arrest and restrict a defendant's driving privileges.

The advantages of teen courts are several. First, they place young, first-time misdemeanants before a court, a forum they take seriously. Second, they allow young people to be tried and sentenced by juries of their peers. Third, they allow defendants to pay their debts to society without incurring criminal records. Fourth, sentences by youth courts encourage a sense of responsibility by stressing redress to the community. Fifth, teen courts allow young people--defendants and court officials--to learn court proceedings first hand. And sixth, teen courts reduce the volume of cases brought before regular juvenile courts.

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Teen Courts

Anchorage Youth Court

Contact: Blythe Marston
Chair, Youth Court Advisory Committee
Bogle & Gates
907-276-4557 or

Sharon Leon, Coordinator
Anchorage Youth Court
274-5986 (between 1 p.m. and 5 p.m.)

The court is composed of middle school and high school students (ages 12 to 18) who volunteer as judges, jurors, bailiffs, clerks, prosecutors and defense attorneys. To be eligible to sit on the court, students must attend an eight-to-ten week class and pass a Youth Court Bar Examination. About 100 students are members of the bar, with another 200 in preparation classes where they are taught constitutional law, criminal law and procedure, ethics and advocacy. Legal advisors prepare student prosecutors and defense lawyers before their cases go to trial.

Judges are elected by members of the Youth Bar Association. They must have argued twice as prosecutors and twice as defense attorneys. The chief judge and assistant chief judge must have served at least once as associate judge.

Defendants, who are also between the ages of 12 and 18, are usually first offenders charged with petty crimes. They have been referred through the juvenile probation department, but they may be referred by other organizations, such as a store alleging shoplifting. Defendants and their parents must agree to allow the Youth Court to hear the case. Court proceedings insure them the right to be represented by a lawyer, the right to trial by jury, the right to cross-examine witnesses, the right against self-incrimination and the right to appeal.

At arraignment, defendants may plead guilty or not guilty. Student jurors and judges hear arguments before they determine the verdict and set the sentence.

Offenses include petty crimes, but the Youth Court has also heard felonies and civil suits.

Sentences include community service and restitution. A defendant who wishes to appeal a verdict or sentence must submit the appeal within three days of the sentence. Once a sentence is served satisfactorily, the record is expunged.

Miscellaneous: This court is the most developed of teen courts we studied. It is the only court in which students serve as judges, the only court in which student lawyers argue cases for defendants who have pleaded not guilty, and the

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only court which requires students to pass a bar examination before qualifying to sit on the court.

The court has heard between 30 and 40 cases in the three years it has existed. (Juvenile probation officers have begun to refer cases increasingly frequently, according to Ms. Marston.) Trials are conducted at the Anchorage Courthouse in the evening.

The court is administered by two groups. A 16-member administrative board of lawyers, judges, police officers and students meets quarterly to oversee funding. This board is composed equally of adults and students. In addition, the Anchorage Youth Court Bar Association, composed of students who have passed the bar examination, meets weekly. The court was originally funded solely by the Anchorage Bar Association. Recently, funds have been appropriated from the Interest On Lawyers' Trust Association (IOLTA) funds. Private individuals also contribute to the court.

We will send under separate cover an Anchorage Youth Court video tape of the case of *State v. Pat O'Shea*, in which the defendant is accused of "minor assault" the night of March 23, 1989, after an evening of dancing at the Flaming Turban. The tape shows a three-judge panel presiding with youthful lawyers arguing before an attentive jury in procedures modeled after state court proceedings.

Hillsborough County, Florida

Contact: Bob Sleczkowski,
Director, Juvenile Services,
Thirteenth Judicial Circuit, Florida
813-272-5110

The court is composed of students from area high schools who volunteer to serve as prosecutors and defense attorneys, as well as bailiffs, court clerks and jurors. They must complete a three-hour orientation and training before they are allowed to participate on the court.

The judge is a volunteer from the Young Lawyers Association.

Defendants, who are between 13 and 17 years old, participate voluntarily in teen court. No defendant appears before court officials from his or her own high school. Defendants are referred by the police through the state's attorney. First-time misdemeanants who do not qualify for teen court hearings may go to juvenile arbitration.

Defendants are required by statute to plead guilty. Jurors hear arguments and decide the sentence.

Offenses heard in teen court include school offenses (e.g. battery, trespassing) and alcohol offenses.

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Sentences last for five weeks. They include community service, modified house arrest, driver's license restriction, attendance at Alcoholics Anonymous meetings, written apologies, essays and jury duty. Sentences must be served exactly as determined by the teen court. After five weeks, the director of juvenile services rehears the case and, if the sentence is completed satisfactorily, the record is expunged.

Miscellaneous: The Hillsborough County teen court was established in March 1990. It meets Tuesday and Thursday nights in a county courtroom. Four cases are heard each night. Nineteen area high schools participate in teen court on a rotating basis (each school sends a teen court once every six weeks). Adult staff includes the teen court coordinator, counselor, a secretary and director of juvenile services for the Thirteenth Judicial Circuit.

Denver, Colorado

Contact: Jan Church
Chair, Teen Court Advisory Board
1700 Lincoln, Suite 4100
Denver, Colorado 80203
303-861-7000

The court is composed of students who volunteer to serve as jurors and prosecutors and defense attorneys.

The judge is a volunteer retired judge.

Defendants are students in trouble in middle school and high school who have committed acts for which they would be suspended or expelled from school (but not serious enough to warrant a criminal charge). They participate in teen court voluntarily, although court organizers ask school principals to "strongly encourage" young people to choose teen court over traditional punishments which keep them out of school.

To appear in court, a teen must sign a contract admitting guilt. Jurors hear arguments and set the sentence.

Offenses heard by teen court include stealing, fighting, trespassing and possessing alcohol on campus.

Sentences include community service, apology to the victim and restitution. Those who do not comply with the teen court sanction are referred to the school or the police department.

Miscellaneous: The purpose of this program is to replace traditional negative school punishment, such as suspension and expulsion, with sanctions which keep the student in school and encourage him or her to serve the community. It is an attempt to intervene before students commit more serious offenses for which

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they will be charged. Teen court, sponsored by the Denver Bar Association, holds its first hearing in November 1990. This court replaces a teen court begun in the 1970s and disbanded in the mid-1980s.

Odessa, Texas

Contact: Natalie Rothstein
201 N. Grant
Odessa, Texas 79761
415-333-3641

The court is composed of teen-agers who volunteer to act as jurors, bailiffs, clerks, prosecutors and defense lawyers. A master jury trained in interview and assessment skills hears traffic cases; other juries hear miscellaneous cases. Student court officials are trained during pre-trial and post-trial meetings with the judge and the teen court director.

The judge is a volunteer retired district court judge.

Defendants are referred by police, local courts, the justice of the peace courts and the schools. They participate in teen court voluntarily. No defendant may go through the teen court twice.

To qualify for teen court, defendants must plead guilty. Jurors hear arguments before determining the sentence.

Offenses heard in teen court include traffic offenses and Class C and B misdemeanors, including some drug possession cases.

Sentences include community service and jury duty. Alcohol or drug offenders must take a chemical abuse workshop. The parents of all offenders must take a parenting workshop. If the sentence is satisfactorily completed, the record is labeled "dismissed through Teen Court."

Miscellaneous: The Odessa Teen Court was established in November 1983. It meets every Tuesday night in the county courthouse, with seven juries hearing 21 trials. One "master jury" hears 15 traffic cases each night, while six other juries hear other cases. Parent participation is mandatory. Parents must be present at the initial interview with the teen court director, as well as at the trial. In addition, parents must attend three-hour parenting workshops, taught by the court director and by her husband, a professor at the University of Texas. The director says this parent training is vital to the program's success. The program is sponsored by the Junior League of Odessa. Two-thirds of the program's funding is from the city council and one-third is from the schools.

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Pasco County, Florida

Contact: Judge Lynn Tepper
East Pasco Juvenile Court
813-996-7341

The court is composed of students from the local high school (Zephyrhills High School). Jurors, selected from the school's law studies class, sit as the jury in actual cases heard by the East Pasco Juvenile Court. Jurors are trained by the law studies teacher, who discusses jury instructions in class, and by the sitting judge, who appears before the class once each semester to discuss the state's juvenile justice system. The judge also asks the state's attorney, the public defender and a pre-trial case worker to speak to the class. During court, jurors sit in the jury box. The trial proceeds as with a non-jury trial, except that all objections by lawyers must be made and argued on the floor where the jurors can hear them. Bench conferences, voir dire and objection to particular jurors are not allowed.

The judge is Circuit Court Judge Lynn Tepper (replacing Judge Maynard F. Swanson, Jr., who began the program).

Defendants are juveniles whose cases are on the regular docket; cases are not screened.

Defendants may plead guilty or not guilty. Jurors recommend the verdict by majority vote and, if the verdict is guilty, jurors also recommend sentencing. (Judge Swanson says his verdict differed from the jury's only once; he attributes that anomaly to his mistake in not properly instructing the jury.)

Offenses include any offense on the juvenile court docket.

Miscellaneous: This is the only court we studied in which jurors serve under a sitting judge. It has received national publicity on both the NBC Today Show and NBC Nightly News.

We attach an article describing the Pasco County Teen Court ("Pasco Juvenile Justice Program Wins National Fame," *Florida Bar News*, May 15, 1990); a description of the Hillsborough County Teen Court ("Teen Court," provided by Bob Sleczkowski, director of juvenile services in Tampa, Florida); and an article describing the Odessa Teen Court (Robert Rothstein, "Teen Court: A Way to Combat Teen-age Crime and Chemical Abuse," *Juvenile & Family Court Journal*, 1987, p. 1-4). In addition, we attach several documents from the Anchorage Youth Court. The documents include step-by-step instructions in how to set up similar courts in other areas ("Anchorage Youth Court: Trial by Peers") and the Anchorage Youth Court Constitution.

I hope this information is useful. If you have any questions, or want additional information, please contact this agency.

Teen Courts: Comparing Five Models

| Jurisdiction | Student Roles in Court | Defendant | Judge | Typical Offenses | Plea | Typical Sentences | No. Cases | Miscellaneous |
|---------------------------|--|--|---|--|----------------------------------|--|--------------------------------------|--|
| Hillsborough Cty, Florida | Jurors, lawyers, clerks, bailiffs. Jurors determine sentence. | Age 13 - 17 Referred by police thru state's attorney. | Adult | School offenses; misdemeanors e.g. battery, alcohol | Guilty | Community service, essay, jury duty, house arrest, restricted drivers license, attend AA meetings, write apology. Sentence lasts five weeks. | 8/week (program began March 1990) | * Parents must be present at trial. |
| Denver, Colorado | Jurors, lawyers. Jurors sanction. | Students in trouble at school. | Adult | School offenses only | Admits he/she committed the act. | Community service, apology, restitution. | Begins November 1990 | * Purpose: replace suspension (perceived as reward). * Parents required to attend intake, encouraged to attend hearing. |
| Odessa, Texas | Clerks, bailiffs Jurors determine sentence. | Referred by traffic court or police or school. | Adult | Traffic offenses; Class B and C misdemeanors, including some drug possession). | | Community service, jury duty; chemical abuse workshop required for drug-alcohol offenders. Parents must take parenting workshop. | 21/week 15 traffic, 6 other | Parent must attend initial interview, court hearing and 3-hour parenting workshop. |
| Pasco Cty, Florida | Jurors participate in regular Juvenile Court. Jurors recommend verdict and sentence. | Cases on Juvenile Court docket. | Juvenile Court Judge. Judge can over-ride student verdict | Juvenile Court docket. | Guilty or not guilty | Set by Juvenile Court judge on recommendation by teen jury. | Determined by the judge | * Case proceeds as any non-jury trial, except no voir dire, no juror pre-emption. Objections are argued in presence of jury. |
| Anchorage, Alaska | Judges, jurors, lawyers, bailiffs, clerks. Judge, jurors determine verdict, sentence. | Juveniles. Usually referred by probation officer. | Student | Misdemeanors, felonies; some civil cases. | Guilty or not guilty. | Community service, restitution. | 30 - 40 cases in three years | * Court duty requires 8 - 10 week class and Bar Exam. * Civil cases are allowed. * Defendants may appeal |

**THE PRECEDING PAGES
WERE TREATED AS A UNIT
IN THE ORIGINAL FILE**

FISCAL NOTE

No. 1

Bill Version: SCR 5

(S) Publish Date: 3-29-91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: March 25, 1991 Department Affected: None

Title: Expansion of Youth Courts BRU: _____

Sponsor: Kerttula Component: _____

Requestor: _____ COMPONENT SERIAL NO.

| | | | |
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|--|--|--|--|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Changes in SSCR 5(JUD) have no fiscal impact. This fiscal note is appropriate.

3-29-91
date

OB/Sail
Comte Aide (initial)

Prepared By: Dave Bailly Phone: 465 3717

Division: Senate Judiciary Date: 3-28-91

Approved by Commissioner: _____

Agency: _____ Date: _____

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

SCR

7



SCR 7 Proposing an amendment to the Uniform Rules of the Alaska State Legislature creating and relating to the jurisdiction of the Education Standing Committees, and providing that the Amendment will take effect on the convening of the First Session of the Eighteenth Alaska State Legislature.

1. SCR 7
2. Fiscal Note
3. Sponsor Back-up Materials

HOUSE COMMITTEE REPORT

(7)

Date Referred: May 16, 1991

FURTHER REFERRALS:

Date of Committee Action: _____

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: CSSCR 7(HES)

CS FOR SENATE CONCURRENT RESOLUTION NO. 7 (HES)

CREATE STANDING COMMITTEE ON EDUCATION

Proposing an amendment to the Uniform Rules of the Alaska State Legislature creating and relating to the jurisdiction of the Education standing committees, and relating to the jurisdiction of the Health and Social Services standing committees; and providing that the amendment will take effect on the convening of the First Session of the Eighteenth Alaska State Legislature.

RECOMMENDATIONS: the same title
 be replaced with _____ a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

| SIGNING <u>DO</u> PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|------------------------|----|-----------------------|-----|----|----|
| <i>Cheri Davis</i> | ✓ | | | | |
| <i>Paul King</i> | ✓ | | | | |
| <i>Betty Davis</i> | ✓ | | | | |
| <i>Georgiana</i> | ✓ | | | | |
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Paul King
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

REQUEST: SENATE HESS COMMITTEE
 Revision Date: _____ Affected Agency: Legislative Affairs Agency
 Title: Amend Uniform Rules, Create Educat BRU: Legislative Council
 Sponsor: Kerttula Component: Session Expenses

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

| OPERATING | FY 91 | FY 92 | FY93 | FY 94 | FY 95 | FY 96 |
|------------------------------------|-------|-------|------|-------|-------|-------|
| Personal Services | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| Travel | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| Contractual | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| Supplies | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| Equipment | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| Land & Structures | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| Grants, Claims | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| Miscellaneous | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| TOTAL OPERATING | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| CAPITAL | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| REVENUE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| FUNDING: (THOUSANDS OF DOL) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| General Fund | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| Federal Fund | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| Other | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| TOTAL | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| POSITIONS: | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| Full-Time | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| Part-Time | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| Temporary | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |
| | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | |

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Changes in SSCR 7 (HES) have no fiscal impact. This fiscal note is appropriate.

10Apr91 [Signature]
 date Comte Aide (initial)
 Phone: 465-3818
 Date: 10-Apr-91

Prepared By: Senate HESS Committee
 Division: [Signature]
 Approved By: Sturgulewski
 Agency: Legislature Date: 10-Apr-91

DISTRIBUTION (BY PREPARER)
 LEGISLATIVE FINANCE
 LEGISLATIVE SPONSOR

REQUESTOR Sturgulewski
 OFFICE OF MANAGEMENT & BUDGET
 AGENCY(IES)



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

SPONSOR STATEMENT SENATOR JAY KERTTULA

SENATE CONCURRENT RESOLUTION 7 STANDING COMMITTEE ON EDUCATION

Senate Concurrent Resolution 7 would change the uniform rules to establish a standing committee on education.

The Alaska Constitution gives us a high duty in the area of education, and I believe that a standing committee would give us the time and forum to pay sufficient attention to this important topic. There are 40 other states which have a standing committee on education, some of these states emphasis education to an even greater extent by having standing committees on both education and postsecondary education. It is an anachronism that, while our Constitution makes a strong legislative commitment to education, Alaska is one of only ten states which does not have a standing committee on education in both houses of the legislature.

I urge passage of SCR 7. The National Education Association supports this resolution.



Senator Jay Kerttula

STATES WITH STANDING COMMITTEES ON EDUCATION

**ALABAMA
ARIZONA
ARKANSAS
CALIFORNIA
COLORADO
CONNECTICUT
DELAWARE
FLORIDA
GEORGIA
HAWAII
IDAHO
ILLINOIS (two committees in each house)
INDIANA
IOWA
KANSAS (two committees in each house)
KENTUCKY
LOUISIANA
MAINE
MASSACHUSETTS
MINNESOTA
MISSISSIPPI (two committees in each house)
MISSOURI (House has two committees)
NEBRASKA
NEW HAMPSHIRE
NEW JERSEY (House has two committees)
NEW MEXICO
NEW YORK (two committees in each house)
NORTH CAROLINA (two committees in each house)
NORTH DAKOTA
OHIO
OKLAHOMA (HOUSE has two committees)
OREGON
PENNSYLVANIA
SOUTH CAROLINA
SOUTH DAKOTA
TENNESSEE
TEXAS (House has two committees)
UTAH
WASHINGTON (two committees in each house)
WEST VIRGINIA**

SCR

||

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF ALCOHOLISM AND DRUG ABUSE

WALTER J. HICKEL, GOVERNOR

P.O. BOX H
JUNEAU, ALASKA 99811-0607
PHONE: (907) 586-6201
FAX: (907) 586-1061

March 1, 1991

Lyman Hoffman
Alaska State Senator
Pouch V
Juneau, Alaska 99811

Dear Senator Hoffman:

We would like to take this opportunity to express our support of Senate Concurrent Resolution No. 11, urging all Alaskans to "Take Pride in Sobriety."

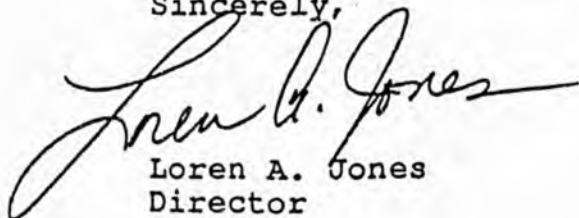
It is truly exciting and gratifying to see Alaskan organizations and communities take the initiative to promote sobriety. The Alaska Federation of Natives has been an active leader in this movement.

Legislative support and recognition of Alaskan's efforts as found in SCR 11 is appreciated. Such support will help promote and foster local sobriety efforts.

The timing of the "Take Pride in Sobriety Weekend" will tie in nicely with the annual "Red Ribbon" campaign scheduled for October 19 - 27, 1991 which is coordinated by Alaskan's For Drug Free Youth. These two events will focus local efforts in a positive direction early in the school year and as the busy holiday season begins.

Thank you for your concern and support in this area.

Sincerely,



Loren A. Jones
Director

lj/scr11

Letters of Support

Ahtna, Inc.

MAR 14 1991

Ad

GLENNALLEN OFFICE
P.O. BOX 649
GLENNALLEN, AK 99588
PHONE: (907) 822-3476
FAX: (907) 822-3495
TOLL FREE 1-800-478-3443

ANCHORAGE OFFICE
406 W. FIREWEED LANE, NO. 107
ANCHORAGE, AK 99503
PHONE: (907) 274-7662
FAX: (907) 274-6614

March 9, 1991

Senator Lyman Hoffman
P. O. Box V
State Capitol
Juneau, Alaska 99811

Dear Senator:

I am writing in support of Senate Concurrent Resolution No. 11, which you introduced on February 19, 1991, urging Alaskans to "Take Pride in Sobriety".

As a member of the Alaska Native Blue Ribbon Commission and on behalf of the people of the Ahtna region, I applaud your concern and efforts.

Substance abuse takes a high toll in our state, and we will continue to work toward a higher sobriety level, particularly among our young people.

Sincerely,

Roy S. Ewan

Roy S. Ewan
President of Ahtna, Inc.



OLDER PERSONS ACTION GROUP, Inc.

325 E. Third Avenue, Suite 300
Anchorage, AK 99501
(907) 276-1059 (Toll free 800-478-1059)

MAR 14 1991 *Bob*
March 11, 1991

Senator Lyman Hoffman
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811-3100

Dear Senator Hoffman:

Thank you for heading a movement to encourage sobriety in Alaska.

Older Persons Action Group, Inc. (OPAG) endorses and supports the resolution urging Alaskans to "Take Pride in Sobriety." Designating 1991 the year for schools, health care organizations and practioners, public and private agencies and individuals to pay particular attention to the problem will increase awareness and challenge us all to work toward this common goal.

Sincerely,

Rose Palmquist
ROSE PALMQUIST
President


RP:bj

**Kodiak
Area
Native
Association**



MAR 13 1991

402 Center Avenue
Kodiak, Alaska 99615
Phone (907) 486-5725


March 13, 1991

Senator Lyman F. Hoffman
Room 507, Capitol
PO Box V
Juneau, Alaska 99811

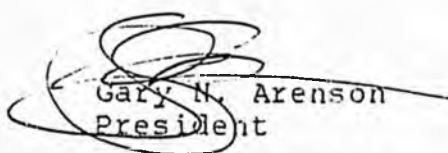
Dear Senator Hoffman:

On behalf of Kodiak Area Native Association, I am pleased to express our support for Senate Concurrent Resolution No.11 urging all Alaskans to take pride in sobriety. Please feel free to have our support for this resolution on the record.

You have our thanks for this thoughtful effort in furtherance of greater physical and mental well being of all Alaskans.

Sincerely,

KODIAK AREA NATIVE ASSOCIATION


Gary N. Arenson
President

cc: Senator Zharoff
Representative Davidson
KANA Board with attachments
T A Coochyouma
Jana Larsen

Ahtna, Inc.

MAR 14 1991

Handwritten signature/initials

GLENNALLEN OFFICE
P.O. BOX 649
GLENNALLEN, AK 99588
PHONE: (907) 822-3476
FAX: (907) 822-3495
TOLL FREE 1-800-478-3443

ANCHORAGE OFFICE
406 W. FIREWEED LANE, NO. 101
ANCHORAGE, AK 99503
PHONE: (907) 274-7662
FAX: (907) 274-6614

March 9, 1991

Senator Lyman Hoffman
P. O. Box V
State Capitol
Juneau, Alaska 99811

Dear Senator:

I am writing in support of Senate Concurrent Resolution No. 11, which you introduced on February 19, 1991, urging Alaskans to "Take Pride in Sobriety".

As a member of the Alaska Native Blue Ribbon Commission and on behalf of the people of the Ahtna region, I applaud your concern and efforts.

Substance abuse takes a high toll in our state, and we will continue to work toward a higher sobriety level, particularly among our young people.

Sincerely,

Roy S. Ewan

Roy S. Ewan
President of Ahtna, Inc.



Yukon-Kuskokwim Health Corporation

"Fostering Native Self-Determination in Primary Care, Prevention and Health Promotion"

**Yukon Kuskokwim Health Corporation
P.O. Box 528
Bethel, Alaska 99559**

Our Mission is to achieve the greatest possible improvement in the health status of the people of the Yukon Kuskokwim Delta Region. We are committed to the development of culturally relevant programs for primary care, prevention and health promotion in a setting that fosters Native self-determination in the control and management of health delivery.

We are proud to dedicate 1991 to:

"Take Pride In Sobriety"

Since our young people are our most valuable resource, YKHC is proud to unite with the people of the State of Alaska in the war on drugs and alcohol.

YKHC sincerely hopes that all residents of Alaska join us in honoring those who practice sobriety.

P.O. Box 528 Bethel, Alaska 99559 (907) 543-3321



Alaskans for Drug-Free Youth

MAR 26 1991

Bl

An Affiliate Member of the National Federation of Parents for Drug-Free Youth.

STATEWIDE BOARD OF DIRECTORS

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Ketchikan

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Juneau

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A United Way Southeast Agency



March 20, 1991

Senator Lyman Hoffman
P.O. Box V
Juneau, AK 99811

*proposed
amendment*

Dear Senator Hoffman;

We applaud your decision to sponsor SCR11, Take
Pride in Sobriety.

Is there a way that National Red Ribbon Week
(October 19 - 27) could be added to your
resolution? This year's slogan is "Neighbors Drug
Free & Proud", with the target being the
neighborhoods. The 1991 Red Ribbon Campaign goals
are:

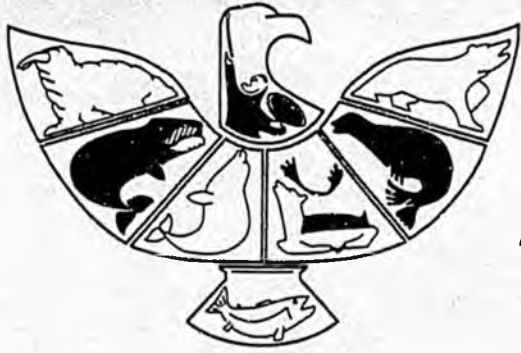
- *1. Encourage participation by every neighborhood, urban or rural, in the National Red Ribbon Campaign.
- *2. Encourage individuals to take action in their communities to create drug free neighborhoods.

Thank you again for sponsoring SCR11.

Sincerely,

Lynda Adams
Lynda Adams
Executive Director

Enclosures:



Alaska Native Health Board

1345 Rudakof Circle, Suite 206
Anchorage, Alaska 99508

Phone: (907) 337-0028
FAX: (907) 333-2001

March 28, 1991

Bb
APR 4 1991

The Honorable Lyman Hoffman
The Alaska Senate
Post Office Box V
Juneau, Alaska 99811

Dear Senator Hoffman:

We were very pleased to hear of your proposed Resolution No. 11 urging all Alaskans to "Take Pride in Sobriety," and would like to voice our strong support of the resolution and all efforts by the legislature to encourage the sobriety movement.

One change we would suggest in the resolution, if it's not too late, is to use the phrase "alcohol and other drugs" rather than "alcohol and drugs," so as not to inadvertently lend support to the dangerous myth that alcohol is not a drug.

Designating 1991 as Take Pride in Sobriety Year and October 17-19, 1991 as Take Pride in Sobriety Weekend will focus attention on a very positive response to our most critical health problem. We thank you for your role in drafting this resolution and hope you will share our support with the other senators who have co-sponsored Resolution No. 11.

Sincerely,

Anne M. Walker
Executive Director

ALEUTIAN/PRIIBILOF ISLANDS ASSOCIATION, INC.
BRISTOL BAY AREA HEALTH CORPORATION
COPPER RIVER NATIVE ASSOCIATION
KODIAK AREA NATIVE ASSOCIATION

MANILAQ ASSOCIATION
THE NORTH PACIFIC RIM
NORTH SLOPE BOROUGH HEALTH DEPARTMENT
NORTON SOUND HEALTH CORPORATION

SOUTHCENTRAL FOUNDATION
SOUTHEAST ALASKA REGIONAL HEALTH CORPORATION
TANANA CHIEFS CONFERENCE
YUKON-KUSKOKWIM HEALTH CORPORATION

ALASKA LEGISLATURE



Kevin "Pat" Parnell
Representative
University-Midtown, Anchorage

2-13-91

Senator ^{Lyman:} Hoffman:

This is simply an approach which might be complementary to your Sobriety resolution. Yours is excellent.

Using the term abuse..changed it to "use" since people are abused, rather than drugs.

Using term drugs..changed to "prescription ^{non} drugs" to emphasise other drugs than over the counter.

Using terms organizations and programs.. changed to read people or individuals to personalize it.

Using Pride in...changed to maintain or week of Sobriety

If you incorporate none of these, that is just fine. If you take it all that is fine. I simply had some thoughts on it early this morning as I read it over and wanted to share them with you.

Thanks for sending it over to me.

Pat

SENATE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR HOFFMAN

Introduced:

Referred:

A RESOLUTION

Urging all Alaskans to "Maintain Sobriety."

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

WHEREAS use of alcohol in Alaska occurs at a rate far above average compared to other states in our country; and

WHEREAS use of non-prescription drugs in Alaska occurs at tragically high rates; and

WHEREAS use of alcohol and drugs debilitates the person (or) people, causes family tragedy, community debilitation, and places a heavy cost and burden on public and private health care and social services; and

WHEREAS healthy people, families, and communities form our greatest resource necessary for a life giving future;

BE IT RESOLVED that the Alaska State Legislature strongly supports the efforts of all people working to eliminate drug and alcohol use and serving people in their recovery; and be it

FURTHER RESOLVED that the Alaska State Legislature designates 1991 as the year of sobriety, designates October 17-19, 1991, as Sobriety Weekend, and urges all people, organizations and institutions to observe the year, and especially that weekend (or) in their very own special way.

Senator Lyman F. Hoffman

Alaska State Senate
P.O. Box V • Juneau, Alaska 99811 • (907) 465-4453

MEMORANDUM

TO: Representative Georgianna Lincoln
✓ Representative Pat Carney
Co-Chairmen, House HESS Committee

FROM: Senator Lyman Hoffman *Lyman*

DATE: April 2, 1991

RE: SCR 11, Take Pride in Sobriety

This legislation acknowledges the tragic elements of alcohol and substance abuse, however, the primary focus is to applaud and strongly support the efforts of all individuals and organizations in Alaska that are developing and operating programs to prevent and treat alcohol and substance abuse in their communities.

Please find attached letters of support for SCR 11, and three letters requesting amendments to the resolution. I support the proposed amendments because the suggestions are positive and sincere. I respectfully request that your committee to consider the proposed amendments for their inclusion. If any of these amendments are included, I am confident that the Senate will support the changes to SCR 11 when the resolution returns to the Senate for concurrence.

If there are any questions concerning memorandum, please feel free to contact my office at your earliest opportunity.

Thank you.

Committee Substitute for House Bill 11

"An Act relating to qualifications for longevity bonus payments; and providing for an effective date."

Current state law prohibits the payment of Longevity Bonus payments to persons who live in nursing homes. This bill allows Longevity Bonus payments to be made to nursing home residents, if they qualified for and received Longevity Bonus payments before October 1, 1985, meet the other federal criteria which exempt the bonus from being counted in the determination of Medicaid eligibility, and are likely to need nursing home care for only 90 days or less.

Recently, the federal laws governing federal assistance payments to nursing home residents were revised in a somewhat similar fashion. The Supplemental Security Income (SSI) program now makes full payment to short-term nursing home residents if they must maintain a home to return to, rather than reducing their payments to a minimal amount for incidental needs. This change in federal law was in response to the same need that CS HB No 11 appears to recognize: that short-term patients still have ongoing expenses of home maintenance, utility bills, etc, and it is not to their benefit to deprive them of the financial ability to maintain the residence that they will return to when their recovery is accomplished.

There are two separate parts to the determination of Medicaid nursing home eligibility that are relevant to this bill:

1. Financial Eligibility Determination. Each applicant must meet rigid asset and income limits in order to qualify for Medicaid. Many elderly Alaskans have retirement income substantial enough to place their income within \$250 of the state and federal income limits. Anyone in this group who receives a federally-exempt bonus preserves their Medicaid eligibility because the exempt bonus is not added to their other income; it is disregarded.

Under state law, the "ALB Hold Harmless" program preserves the Medical Assistance eligibility of anyone who receives the countable (post- 1985) bonus, and who, without this payment, would otherwise be qualified for Medicaid. This program offers the same coverage as Medicaid by simply substituting state funds for the 50% federal matching funds of the Medicaid program.

Since private nursing home care in Alaska averages \$5555 per month, it is obviously to Alaska's financial advantage to avoid, wherever possible, removing recipients from Medicaid and placing them under the Hold Harmless program. By paying only federally-exempt bonuses to nursing home residents, CS HB 11 would have no effect on the Hold Harmless program.

2. "Post Eligibility" Treatment of Income

Once a nursing home resident is found eligible for Medicaid, a separate determination is made of how much of the patient's income must be applied to his or her cost of care. Federal rules governing this determination require that even income which is not counted in the eligibility process must be contributed to the cost of care.

Thus, a federally-exempt bonus will generally be applied toward a Medicaid patient's cost of care. A \$250 state-funded bonus payment can reduce the net nursing home bill which Medicaid must pay by \$250. This is not to Alaska's advantage, since it reduces by \$125 per month the federal Medicaid funds coming to the state and replaces it with state general fund (Longevity Bonus) monies.


The federal Medicaid rules do, however, allow for certain deductions from the gross income which is initially considered available. Up to \$756 per month may be deducted for anyone who has a physician's certification that he or she is likely to return home within six months, and who is maintaining a home to return to.

This provision means that some of the lowest-income Medicaid nursing home residents will be allowed to keep the new bonus payments and apply them to home maintenance costs. Higher-income Medicaid residents will have to apply all of their new bonus payments to their cost of care. Depending on how much other income they have, they will be benefited less (or even not at all) by CS HB 11.

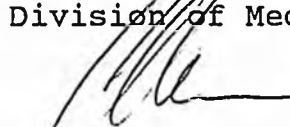
The bonus payments made under this bill will produce a net savings to the Medicaid program, which will be illusory savings, since what is saved in Medicaid, with its 50% federal funding, will be paid with 100% state-funded Longevity Bonus payments. (See attached fiscal note for Medicaid.)

Position:

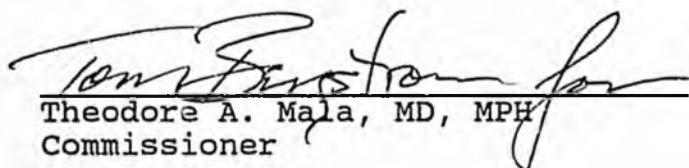
The department is sensitive to the long-standing objections Alaska's senior citizens have had to losing their bonus payments upon entering a nursing facility. Clearly, federal Medicaid law and regulations are the sole cause of this problem. We have unsuccessfully searched for innovative alternative solutions to this problem, both in the mid-1980s and again with the development of CS HB 11, and we are convinced there is no affordable alternative that would completely eliminate objections. However, CS HB 11, from our perspective, is a workable and reasonable compromise which goes as far as Alaska can afford to go toward continuing bonus payments to nursing home residents.



Kimberly B. Busch, Acting Director
Division of Medical Assistance

 ACTING FOR

Jan L. Hansen, Director
Division of Public Assistance



Theodore A. Mala, MD, MPH
Commissioner

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. CS HR 11

Revision Date: 3/15/91 Department Affected: Health & Social Services
 Title: An Act relating to qualifications BRU: Medicaid
for longevity bonus payment Component: Medicaid Facility
 Sponsor: Royer Illmer
 Requestor: _____ COMPONENT SERIAL NO. 0 2 3 0

Expenditures/Revenues: Thousands of Dollars

| OPERATING | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS CLAIMS | (5.0) | (5.0) | (5.0) | (5.0) | (5.0) | (5.0) |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL OPERATING | (5.0) | (5.0) | (5.0) | (5.0) | (5.0) | (5.0) |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|---------|---|---|---|---|---|---|
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--------------|--------------|--------------|--------------|--------------|--------------|
| GENERAL FUND | (2.5) | (2.5) | (2.5) | (2.5) | (2.5) | (2.5) |
| FEDERAL FUNDS | (2.5) | (2.5) | (2.5) | (2.5) | (2.5) | (2.5) |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | (5.0) | (5.0) | (5.0) | (5.0) | (5.0) | (5.0) |

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis

Prepared By: *Kimberly B. Buser* Phone: 465-3355
 Division: Division of Medical Assistance Date: 4-16-91
 Approved by Commissioner: *Tommy Berger*
 Agency: Health and Social Services 4-16-91 (Date)

CS HB 11

Reliable data that would identify the potential Alaska longevity bonus status (federally-exempt or not) of individual private nursing home patients who receive Medicaid benefits does not exist.

However, from the case data we do have, we believe that it is reasonable to assume that an average of only 5 recipients per month will meet all the following criteria:

- 1) Eligible to receive a federally-exempt bonus payment by having an open assistance case and bonus recipient status prior to 1985, and
- 2) Physician-certified in a timely fashion as likely to return home within 90 days; and
- 3) Possessing other income high enough so that their total bonus payment will be applied to their cost of care, rather than being available in whole or in part to be used for home maintenance via the federal Medicaid maximum deduction for that purpose.

(It is likely that more recipients than these 5 may receive exempt bonus payments, but we assume for purposes of this cost estimate that all of these additional recipients will have a low total monthly income and a home to return to, so that they will be able to use their bonus payments as part of their maintenance deduction. Therefore, no part of their bonus payments will be applied to their cost of care.)

The bonus payment system recently began applying its retrospective eligibility rules to all its recipients. The effect of this change is that most bonus recipients who enter a nursing home will receive two months of bonus payments after admission. With this change, CS HB 11 will add only one month of new bonus payments to be contributed to the cost of care.

The FY92 cost savings to Medicaid are \$5000: 5 recipients/month x 12 months x \$250/month ÷ 3 = \$5000; \$2,500 federal, \$2,500 state funds. For FY93 and following, we assume that the number of affected recipients will remain constant, and that the amount of the bonus will remain at \$250 per month. Therefore, the savings will remain constant in future years.

[Note: There was a fiscal note, dated 2/25/91, showing that HB 11 had a significant fiscal effect on the Medical Assistance BRU, ALB Hold-Harmless component (0231). The changes made in this CS remove all effects on the ALB Hold Harmless program.]

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "TAKE PRIDE IN
SOCIETY"
Sponsor: HOFFMAN

Affected Agency: LEGISLATURE
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

| OPERATING | FY 91 | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 |
|------------------------|----------|-------|-------|-------|-------|-------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants, Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | <u>0</u> | | | | | |
| CAPITAL | <u>0</u> | | | | | |
| REVENUE | <u>0</u> | | | | | |

FUNDING: (THOUSANDS OF DOLLARS)

| | | | | | | |
|--------------|----------|--|--|--|--|--|
| General Fund | <u>0</u> | | | | | |
| Federal Fund | | | | | | |
| Other | | | | | | |
| TOTAL | <u>0</u> | | | | | |

POSITIONS:

| | | | | | | |
|-----------|----------|--|--|--|--|--|
| Full-Time | | | | | | |
| Part-Time | | | | | | |
| Temporary | <u>0</u> | | | | | |

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Prepared By: SENATE HESS COMMITTEE Phone: 465-3818
Division: _____ Date: 05MAR91
Approved By: [Signature] Date: 05MAR91
Agency: _____

DISTRIBUTION (BY PREPARER)
LEGISLATIVE FINANCE
LEGISLATIVE SPONSOR

REQUESTOR
OFFICE OF MANAGEMENT & BUDGET
AGENCY(IES)

PAGE 1 of 1

FN - Sen. HESS

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 20, 1991

FURTHER REFERRALS:

Date of Committee Action: 4/3/91

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

SCR 11

SENATE CONCURRENT RESOLUTION NO. 11

"TAKE PRIDE IN SOBRIETY" PROCLAMATION

Urging all Alaskans to "Take Pride in Sobriety."

RECOMMENDATIONS:

be replaced with _____

HCS SCR 11 (HES)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) Legislature 3/5/91

| SIGNING <u>DO</u> PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|------------------------|----|-----------------------|-----|----|----|
| <i>Ashley Davis</i> | | <i>Davis</i> | | | |
| <i>Betty Davis</i> | X | <i>Davis</i> | | | |
| <i>J. C. Gonzalez</i> | X | <i>Gonzalez</i> | | | |
| <i>John King</i> | ← | <i>Carroll</i> | | | |
| <i>James King</i> | ✓ | <i>Lincoln</i> | | | |
| | | | | | |
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[Signature]
CO-CHAIRMAN'S SIGNATURE

SCR

14

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SCR 14 Relating to obtaining federal funds for community
service education programs.

1. SCR 14
2. Fiscal Note = zero, Department of Education
3. Senate Journal, 4/24/91
4. Sponsor's Back-up Materials

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 26, 1991

FURTHER REFERRALS:

Date of Committee Action: 5/13/91

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

SCR 14

SENATE CONCURRENT RESOLUTION NO. 14

FUNDING FOR COMMUNITY SERVICE EDUCATION

Relating to obtaining federal funds for community service education programs.

RECOMMENDATIONS:

be replaced with _____ the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) DOE 3/13/91

| SIGNING <u>DO</u> PASS | DP | <u>OTHER</u> RECOMMENDATIONS | DNP | NR | AM |
|------------------------|-------------------------------------|------------------------------|-----|----|----|
| <i>John Davis</i> | <input checked="" type="checkbox"/> | | | | |
| <i>John [unclear]</i> | <input checked="" type="checkbox"/> | | | | |
| <i>[unclear]</i> | <input checked="" type="checkbox"/> | | | | |
| <i>J. C. Douglas</i> | <input checked="" type="checkbox"/> | | | | |
| <i>Betty Davis</i> | <input checked="" type="checkbox"/> | | | | |
| <i>Mark Healey</i> | <input checked="" type="checkbox"/> | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

[Signature]
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

No. 1
 B. Version: SCA 14
 (S) Publish Date: 4/17/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Education
 Title: Obtaining Federal Funds for BRU: Education Program Support
Community Service Education Program Component: _____
 Sponsor: Menard
 Requestor: Menard COMPONENT SERIAL NO.

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

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

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Mary Hakala Phone: 465-2800
 Division: Commissioner's Office Date: 3/13/91
 Approved by Commissioner: Steve Noble, Acting Commissioner
 Agency: Education Date: 3/13/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

**THE FOLLOWING PAGES
WERE TREATED AS A UNIT
IN THE ORIGINAL FILE**



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

TO: Representative Pat Carney
Representative Georgianna Lincoln
Co-Chair - House Health, Education and
Social Services Committee

FROM: Senator Curt Menard *Curt Menard*

DATE: April 29, 1991

RE: Hearing request

SCR 14: "Relating to obtaining federal funds for
community service education programs"

The legislation referenced above has been referred to your committee for consideration. I am writing to request that a public hearing be scheduled at your earliest possible convenience.

I have attached information to be included in the committee packet. Thank you for your attention to my request. Please call if you have any questions. My staff person working on this issue is Iola Young.



Alaska State Legislature

Senator Curt Menard



While in
Session:
P.O. Box V
Juneau, Alaska
99811
(907)465-2679

Interim:
165 E. Parks
Highway
Wasilla, Alaska
99687
(907)373-2878

Senate
District
E

SPONSOR STATEMENT:

SCR 14 - "Relating to obtaining federal funds for community service education programs"

The message of SCR 14 is that participation in community service at a young age is a cornerstone of good citizenship.

Advocates of school based community service classes emphasize the character-building potential of volunteer service, its power to promote basic democratic values and to develop patterns of responsible behavior. Additionally it encourages academic learning to be tested and applied in real life.

The federal government recognized the importance of community service education when Congress enacted the National and Community Service Act in October 1990. Over the next three years this legislation authorizes \$287 million in new funding for a variety of grant programs. The federal share of approved projects is 90 percent the first year, 80 percent the second year, and 70 percent for the third year of operation. State contribution may be cash or in kind.

SCR 14 directs the state to apply for the federal grant funds available to assist in developing community service programs.

The creation of a school based community service learning program focuses on the potential, strength, and participation of our youth. Students become contributors, not just consumers. Students who have the opportunity to be involved in their communities in the 90's will be our leaders in the next century.

Your support is greatly appreciated.

Alaska State Legislature

Legislative Research Agency



P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 465-3991
Fax: (907) 463-3351

January 21, 1991

MEMORANDUM

TO: Senator Curt Menard

FROM: Linda J. Snow *L. Snow*
Legislative Analyst

RE: High School Courses Focused on Community Service Education
Research Request 91.093

You asked this office for background information about community service education, so-called "service learning" programs in public high schools. You also asked for information about the National and Community Service Act of 1990 (HR 4330) and sample legislation from other states.

Background Information

Attachment A is a publication of the National Center on Effective Secondary Schools, University of Wisconsin-Madison, entitled *High School Community Service: A Review of Research and Programs*. This paper is an excellent background source of information about service learning and discusses current legislation, supporting agencies, the prevalence of service learning programs in schools, models for school-based programs, and the outcomes of these programs. Throughout the paper, existing research on the subject is summarized, and a good historical background of the philosophy of service learning is provided.

State Legislation and Other Implementing Authority

We obtained information from several states in which schools offer service learning programs. Little state legislation regarding service learning has been passed. Nationwide, many school programs have been implemented through policy statements or recommendations by the state school board, school districts, and individual schools. Attachment B contains some examples of passed and proposed state legislation, school board policy statements, and recommendations. (Additional information on state programs is also available in the University of Wisconsin paper, Attachment A.)

A sample of state legislative activity, as well as other state and local government action regarding service learning follows.

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California

California SB 2147, which allows public schools to establish pilot service learning projects, was passed but was not funded. Proposed California legislation (AB 2389) would establish and fund service learning programs in public schools which would offer credit to participating students. The corresponding California State Board of Education policy statement on service learning is also included.

Massachusetts

Senate Bill 282 was passed in Massachusetts in 1989. This bill provides school-based community service opportunities for all public high schools. According to advocate Jay Davis of the Thomas Jefferson Forum,¹ the original bill would have mandated high school student participation in community service activities. This mandate was deleted from the legislation that passed. Mr. Davis reported that Massachusetts has ten private agencies working with high schools now, and although the programs are working well from the grass roots level, a mandate from the state level would strengthen the system. They will try to pass mandating legislation again next year.

Michigan

Michigan SB 578 (passed in 1988) requires 40 hours of community service for high school graduation, and offers credit for community service beyond the 40-hour requirement.

Minnesota

State legislation in Minnesota allows school districts to offer service learning opportunities with the option to grant participants credit toward graduation. Participation is optional, and funding in a particular district comes from a special tax levied in that district. Also included is a corresponding Minnesota State Board of Education rule change.

Oregon

Oregon HB 3293 (passed in 1989) requires the State Department of Education to establish guidelines for a service learning program in Oregon public schools. The program is not mandatory, but participants are given credit towards graduation. Two other bills attached provide for the establishment and funding

¹The Thomas Jefferson Forum is a nonprofit organization that engages in high school based community services.

Senator Menard
January 21, 1991
Page 3

of community service volunteer corps, including an Oregon Youth Conservation Corps.

Other State and Local Government Action

Attachment B also contains state board of education policy statements, recommendations, or guidelines from Maryland, Kentucky and Pennsylvania, as well as a report from the Wisconsin Commission on Schools in the 21st Century. Included also are briefs and legal documents from a Pennsylvania lawsuit brought by two sets of parents against their local school district and specific teachers. This suit addresses some common concerns of those who oppose service learning. The lawsuit was dismissed for failure to state a claim upon which relief could be granted.

The National and Community Service Act of 1990 (HR 4330 and S.1430)

Attached is a copy of the conference committee report on the National and Community Service Act of 1990 (Attachment C). The focus of this recently passed federal legislation is renewing the ethic of civic responsibility in the U.S. through volunteer service. Title I, Subtitle B, (Serve-America: The Community Service, Schools and Service-Learning Act of 1990) creates a school-based service learning program which is partially funded by the federal government. Grants are available for state governments in partnership with local education agencies, nonprofit corporations, private-for-profit corporations, or private schools. To qualify for federal funding, the programs must include:

- teacher training;
- development of service-learning curricula;
- formation of local partnerships;
- development of a research and evaluation program to determine the effects of service learning on students and community;
- establishment of an outreach program to involve the broadest mix of community-based nonprofit organizations possible; and
- integration of service learning into academic curricula.

If a state decides not to participate in a grant through this subtitle, the grants can go directly to local school districts, schools or organizations that apply. The state must provide local grantees with training and technical assistance. States also must give special consideration to projects that offer school credit to participants. Subtitle E, Part II (Governors' Innovative Service Programs) of the same act provides grants for the creation of innovative volunteer and community service programs.

This act will be funded with \$56 million for FY 91, \$95.5 million for FY 92, and \$105 million for FY 93. At least 30 percent of this amount is available for grants under Subtitle B. The federal share of these matching funds will

be 90 percent the first year, 80 percent the second year, and 70 percent for the third year of operation, according to a specific allotment formula.² State contribution may be in cash or in kind. State use of federal funds is restricted to:

- not more than five percent for administrative costs;
- not more than ten percent to build capacity through training and curriculum development;
- not less than 60 percent to operate school-based service learning programs;
- not less than 15 percent to operate community-based service learning programs; and
- not more than ten percent for adult volunteer and partnership programs.

Private Support Organizations

Across the nation, many private organizations help establish and fund service learning programs. Youth Service America, the National Youth Leadership Conference, and the Thomas Jefferson Forum are three of many. The National Association of Secondary School Principals, the Council of Chief State School Officers and others do not provide funding, but advocate and support service learning in public schools. Representatives of these and other organizations are listed in Attachment E.

ACTION, a part of the federal domestic volunteer agency produces a national directory for student community service programs which is attached to this memo (Attachment D). In Juneau, the Southeast Regional Resource Center currently operates programs in 14 southeast Alaska communities in which high school and college students provide tutoring for adults in need of literacy and life skills training, and graduate equivalency diplomas (GED's).³

²One percent of the fund is reserved for specified American territories and Native American Tribes, 50 percent of the remainder shall be allotted to each state in the same ratio as the state's school-age population to the school-age population of all the states. The other 50 percent of the remainder shall be distributed to states at the same ratio as allocations to the state for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 to such allocations to all states.

³See page 61 of *Learning to Care: National Directory of Student Community Service Programs*, Attachment D.

Senator Menard
January 21, 1991
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Elements of a Program

We contacted representatives of national support agencies, and state, local and school board policy-making bodies who have implemented, supported or advocated service learning programs. All of these advocates were quite enthusiastic about their programs and the effects on youth and the community. They all offered assistance to people in Alaska who were interested in promoting a school-based service learning program. A list of these people is provided in Attachment E.

Several of our contacts commented that the way the program is structured is important to its success. They point out that the three essential elements of the program are teacher training, student recognition, and student reflection. Taking the knowledge obtained through community service and tying it back into the curriculum is both the key and the problem. Teachers are taught to instill knowledge, not to determine what knowledge a child has learned elsewhere and fit it into the pattern of his coursework. In these instances, teachers must leave traditional teaching roles and become more like coaches. Training is essential in order for the teachers to understand and incorporate this new role.

Once teachers are prepared to assist students in this type of learning, it is essential to allow reflective time after community service experiences in which students may examine what they have learned and how it fits into the rest of their scholastic program. This can be done by such methods as writing essays, giving oral reports, and keeping journals.

In researching this subject, our office has received, and is still receiving, packets of information from people we contacted. We have included as Attachment F copies of the cover sheets of papers, articles, guidelines, and curricula plans. These additional sources are available at our office.

I hope this information is useful to you. If we can be of further assistance, please do not hesitate to contact us.

Attachments

Youth Service: Renewing "Habits of the Heart"

By Mary Jo Richardson and Barbara Sanderson

"Citizens who are bound to take part in public affairs must turn from the private interests and occasionally take a look at something more than themselves."

—Alexis de Tocqueville

A CENTURY and a half ago, a young French historian, Alexis de Tocqueville, traveled across the United States observing Americans and their customs. One of the most intriguing things he found and reported on in his book, *Democracy in America*, was the desire of Americans to become involved in community service activities. Tocqueville called this desire to serve "a habit of the heart."

There is considerable evidence today that the service ethic described by Tocqueville is once again capturing the imaginations of young people across the nation. Nowhere is the concept advancing more rapidly than in Minnesota, where political leaders, educators, and young people themselves are suggesting that the service movement has the power to change American society, including its schools, in a number of exciting and positive ways.

The Minnesota approach features strong local programs, collaborative efforts among the private, nonprofit, and public sectors, and a sound infrastructure involving statewide legislation and funding for elementary, secondary, and postsecondary programs. Minnesota Governor Rudy Perpich called the 1989 youth service legislation "the most comprehensive package of youth service legislation

in the nation." It includes funding for public schools to initiate youth service through the community education programs in their districts. The legislative package also supports college-based service projects through grants from the Higher Education Coordinating Board and funding for the Minnesota Conservation Corps and the Minnesota Office of Volunteer Services.

State Representative Ken Nelson and State Senator Jim Pehler, chief authors of Minnesota's youth service legislation, identified community education as the ideal infrastructure



Mary Jo Richardson is Youth Development Coordinator in the Community Education section of the Minnesota Department of Education. She

also supervises the department's Youth and Community Initiatives unit. She has been a member of the Minnesota State Board of Education, the State Ethical Practices Commission, and the advisory committee to the University of Minnesota's Humphrey Institute. Before entering state government, she was executive director of the Minnesota Association for Children with Learning Disabilities.

Barbara Sanderson is a freelance writer and marketing consultant, specializing in education, health, and social service issues. She has served on both state and local community education task forces. She is a resident of Grand Rapids, Minnesota.

for youth service. About 150 community education directors and advisory councils had already taken the lead by including service in their local youth development plans, which were authorized by the legislature in 1987 and funded at the rate of 50 cents per capita. In 1989, the legislature added another 25 cents per capita specifically for youth service. With the increased focus on youth service by both the Governor and the legislature, and the additional incentive of \$1 million statewide, the number of school districts offering youth service almost doubled. Out of the 291 community education districts that have youth development plans, 279 have now opted to include youth service.

When Representative Nelson introduced the original youth development legislation, he said, "There is much concern in the country about 'youth at risk' . . . why not focus instead on youth potential, youth strengths, youth participation and contributions?" (Nelson 1988). Jim Kielsmeier, president of the National Youth Leadership Council, supported Nelson's idea, suggesting that youth service can be a dynamic way of involving youth in finding solutions to many school and community problems. This proposal became one of the major new directions of the youth development movement.

During the 1989 legislative session, Senator Pehler focused his support on the concept of service-leadership:

It is my hope, and the hope of those who support this [community youth service] legislation, that this bill will be another step

toward involving youth in their communities. It is a bill which is steeped in the wisdom of President Kennedy's exhortations for youth to take charge of their destiny and to look to their community as the starting point for their future . . . youth must challenge themselves to be individuals for their own self-esteem, and also for others. If they can help a disabled person into a van, assist an elderly couple in preparing a meal, teach a young child to read, or be a friend to a mentally retarded person—youth should take the opportunity to do so.

In the true spirit of the word "community," this is a program that is coupled with local community education programs. Its creation, funding and operation are purely local in origin, as they should be, since [this program] operates on the assumption that a community knows its need better than any state agency ever could. (Pehler 1989)

Pehler's concern is similar to that of Robert Bellah and others (1985), who state in their study, *Habits of the Heart*: "Taking our clue from Tocqueville, we believe that one of the keys to the survival of free institutions is the relationship between private and public life, the way in which citizens do, or do not, participate in the public sphere."

Minnesota youth service legislation is voluntary, but districts that choose to participate must meet certain criteria, such as the "integration of academic learning with the service experience" and the "opportunity to give genuine service to [the] community." Today, students all across Minnesota are responding to the challenge of youth service by taking an active role in programs and services. Students are, for example, tutoring classmates or younger students, assisting students with special needs, serving as peer helpers, and working with teachers on special projects.

Last spring, community educators in 128 districts reported that young people in their schools were engaged in peer tutoring and peer helper programs. Many observers believe that one of the primary reasons for the growing acceptance of peer tutoring and peer helper programs across the country is the awareness of the positive impact such programs have on both the tutor and the student being



Youth Service Recognition Day — Governor Perpich (left) and State Representative Ken Nelson.

tutored. Researcher Diane Hedin (1987) of the Center for Youth Development at the University of Minnesota concluded, "Adding a well-designed peer or cross-age teaching component to an elementary or secondary school program has the potential for significantly augmenting the school's capability to promote academic achievement and interpersonal growth."

Peer tutoring, peer helper, and other youth service programs offered in the school offer a bridge between community education and K-12 education. Within the school district, community education serves as a facilitator to bring together youth, teachers, administrators, counselors, parents, and community education advisory committee members to design comprehensive youth service programs. Community education youth service funds are being used to sponsor workshops, to send youth to leadership camps, and to pay for the coordination, materials, and transportation needed for youth service programs. In some districts, funds are providing small grants to teachers who develop creative ways of integrating youth service into the curriculum.

Community education is also well-positioned to be a broker between school and community. Youth development or youth service coordinators are playing key roles in matching individual youth with community

needs and arranging contracts with a variety of community groups. Our students are volunteering in hospitals, nursing homes, preschool and school-age child care programs, and in community food banks. They are working with the homeless, the hungry, and the lonely. They are creating youth job networks, helping with Special Olympics, teaching bicycle safety, and negotiating with city councils and other government agencies to get bike trails and recreational space. And coordinators are involving them in both the planning and the implementation of programs.

Youth organizations, as well as schools, are playing a critical role in spreading the ethic of service. Thousands of young people are already engaged in community service activities through religious youth groups, Scouts, Camp Fire, 4-H and Cooperative Extension, the Y's, and other formal and informal youth organizations. To encourage youth service in all settings, Governor Perpich recognizes the efforts of students in community organizations as well as representatives of both public and nonpublic school groups when he hosts his annual Youth Service Recognition Day at the State Capitol. More than 200 programs were recognized in the 1990 ceremonies.

Establishing criteria for the Governor's youth recognition event and for local recognition programs is one way to emphasize key features of

effective service programs: involving youth in planning and implementation, establishing expected outcomes for both youth and the community, and ensuring opportunities for reflection on the service activity.

SAMPLE PROGRAMS

A few of the programs recently recognized by the Minnesota Governor are described below.

Explore Computers. At Minnetonka's Gatewood Elementary School, fourth through sixth graders teach an introductory computer class to local senior citizens.

Circles of Love. An elementary curriculum program, Circles of Love combines service with learning at Hastings' J. F. Kennedy Elementary School. The program begins with family and friends, expands to the neighborhood, and then to the world community. Last year, elementary students held a fundraiser for victims of the Armenian earthquake and for a local family service organization.

Youth Helping Youth. Following a 16-hour summer training program, young people from Chaska's middle school are involved in tutoring, peer helper, and community service projects as part of the Youth Helping Youth program.

Project Preserve. Youth of the Red Lake Indian Reservation are collecting and preserving stories from their tribal elders. Last year, the collected stories were assembled in a book that was presented to the tribe during its centennial celebration.

Christian Service. The Christian Service program at Cathedral High School in St. Cloud matches volunteers with parish, civic, and school organizations. Activities include aid to elderly and handicapped persons, peer tutoring, helping in the school, and food distribution. All students perform some service during the year.

Recycling. Members of the Mount Vernon Beacon's 4-H Club, Altura, conducted research on the feasibility of establishing an area recycling program, helped implement the program, and continue to work on the operation of the recycling facility. Students in the town of Ashby also conduct the city's recycling efforts. In return, the city matches the funds raised by the recycling center; all proceeds go to youth activities.

Amigos de las Americas. In Plymouth, Amigos de las Americas, a nonprofit agency, engages senior high school volunteers in a variety of service projects in rural Latin American villages. Volunteers assist villagers by giving inoculations, teaching dental hygiene, and vaccinating animals against rabies.

Pacemakers. Blaine senior high school students who are considering public health careers volunteer 50 to 60 hours at Mercy Hospital Emergency Room. The students work directly with health care professionals.

Welcome Inn Project. In a cooperative effort between a sociology research class at Mankato State University and the Welcome Inn Transitional Living Center, students are providing volunteer services, learning about homelessness, and developing research skills.

Courage To Care. Elementary students at Minneapolis' Barton Open School participate in a schoolwide program that focuses on service-learning in a variety of areas, including the environment, ethnic diversity, and intergenerational interaction.

Clay County Project 4 Teens. In three Clay County schools in north central Minnesota, youth receive special training in order to work with younger students on pregnancy prevention and sexual health issues. They teach decision-making, life-planning, communications, and other skills.

Northland Youth Service. Students in Remer, a small rural community in northeast Minnesota, initiated the Northland Youth Service program as part of their school district's youth development plan. Projects include peer tutoring, peer helping, basketball camp, helping senior citizens, recycling, and fostering better understanding of persons with disabilities.

Waseca Youth Service-Leadership Class. This elective high school class, which averages 20 students a trimester, involves an additional 1,000 students in a wide variety of service projects. Last spring, students in the class organized a Youth Alive workshop that brought young people together from throughout Minnesota to share ideas and community service program models.

While most of the programs recognized by the Governor are project-specific, many Minnesota school dis-

HERE'S A BASIC COMMUNITY YOUTH SERVICE LIBRARY FOR \$200

Conrad, Dan, and Hedin, Diane. 1987. *Youth Service: A Guidebook for Developing and Operating Effective Programs*. Independent Sector, 1828 L Street NW, Washington, DC 20036. \$12.50.

Conrad, Dan, and Hedin, Diane. 1989. *High School Community Service: A Review of Research and Programs*. Wisconsin Center for Education Research, University of Wisconsin-Madison, 1025 W. Johnson Street, Madison, WI 53706. \$7.50.

Kendall, Jane C., and associates. 1990. *Combining Service and Learning: A Resource Book for Community and Public Service* (3 volumes). National Society for Internships and Experiential Education, 3509 Haworth Drive, Raleigh, NC 27609. \$123.00.

Maryland Student Service Alliance: Instructional Framework. Maryland Department of Education, 200 West Baltimore, Baltimore, MD 21201. *Curriculum Guide*: \$20.00; *Handbook*: \$5.00.

National Youth Leadership Council. 1989. *Growing Hope: A Sourcebook on Integrating Youth Service Into the School Curriculum*. Center for Youth Development and Research, 386 McNeal Hall, University of Minnesota, St. Paul, MN 55108. \$37.50.

tricts are beginning to develop a more comprehensive approach to youth service and service-learning. The growing popularity of courses in community awareness and community improvement has led the way toward integrating youth service into the curriculum. Waseca's Youth Service-Leadership Class was recently honored by the Minnesota Community Education Association, and Hopkins' Community Awareness Program was cited by President Bush as one of six national exemplary programs.

Classes in youth service and service-learning are by no means a

recent phenomenon. In *High School Community Service: A Review of Research and Programs*, Conrad and Hedin (1989) cite a number of well-established courses in Minnesota and around the nation, observing, "We may be witnessing the dawn of a new climate of acceptance of (perhaps even pressure for) service programs in the schools." They add that, while no one can predict the future of service-learning, the entire concept merits "serious consideration by educational practitioners and policy makers."

IMPETUS FOR LEADERSHIP

Youth service is often the impetus for the development of leadership in the school or the community. Last spring, for example, a group of Grand Rapids high school students became concerned about possible cutbacks in school funding. As members of the Rapids Quest program, the students organized a letter-writing campaign in the school and presented petitions to their legislators. Later, they report-

ed on their efforts in local newspapers and presented a program to their school board.

Another group of students in the Cambridge-Isanti School District set as one of its goals the building of a bike trail between their two towns, so that young people would not have to ride their bicycles on the freeway. The students gathered petitions, explained their ideas to public officials, and wrote a song that's still being heard in their community: "I said Yes. They said No. Still got no place to go, except out where the semis roll. Round and round I go." One significant benefit of this student leadership effort has been improved communication between students, their parents, and community and school officials.

Youth service is proving to be a powerful way of engaging youth in examining and improving their communities. In the true spirit of community education, community youth service links the school and the community, makes the best use of human resources, and empowers those who

participate.

Through youth service classes and activities in schools and communities, Minnesota and a number of other states have taken the first major steps toward the expansion of service-learning. Much remains to be done, of course, before all students are given the opportunity to discover their personal "habits of the heart." □

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◆ MEMBERSHIP APPLICATION ◆

NATIONAL COMMUNITY EDUCATION ASSOCIATION
 801 North Fairfax Street, Alexandria, VA 22314 (703) 683-6232

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TITLE/POSITION _____

INSTITUTION/AGENCY/DEPARTMENT _____

STREET ADDRESS _____

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- Local Affiliate (Council) Membership—\$65**
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Signature _____
(All charge orders must be signed)



NEA-ALASKA

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Federal Funds for Community Service Education Programs and Establishment of Community Service Education Programs

RE: SCR 14 & SB 164

NEA-Alaska supports the concept of comprehensive school based community service programs. We believe the State of Alaska should apply for federal funds available under the *National and Community Service Act of 1990* as well as explore the creation of school based community service programs.

Public schools play an essential role in promoting the tradition of community service as instilling an attitude of citizenship and community service. There are many forms of community service which apply; such as child care aides, library assistants, working in environmental centers or programs such as the Youth Conservation Corps, assisting the elderly, or tutoring other students under the direction of certificated teaching staff--thereby helping young people better understand the collective needs of our society.

NEA-Alaska urges the state to seek funding to help develop such programs.

We are in support of establishing community service programs in each district as elective courses for credit toward graduation within the curriculum for the secondary schools.

NEA-Alaska believes the credited instruction and student activities must be under the supervision of certificated staff as required in state statutes and department of education regulations. If such programs are in addition to regular classroom assignments there shall be compensation negotiated between employer (school district) and the employee bargaining unit. Nothing in the act shall abridge or amend the rights of employees under the state statute or the negotiated agreement. Staff assignments as supervisors and monitors must be voluntary.

A committee to develop the appropriate activities must include certificated classroom teachers as well as other school employees in addition to parents and students of the school site. For maximum effectiveness to the greatest extent possible all programs should be developed at the site which will offer the program.

As part of the program for staff development the state department of education and the governing agency of the district shall provide adequate funding and appropriate development activities for education personnel participating in a community service program.

It may be good public policy to not require the community service program to be in place until the 1992-93 school year, but to begin the planning process during the 1991-92 school year with a report made as part of the *School District Report to the Public* for October 1991 as to program development and implementation of the program for 1992-92. LE04/Comserv.doc



NEA-ALASKA

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(907) 456-4435

March 15, 1991

To: **Senator Sturgulewski, Chair
Members, Senate HESS Committee**

Re: **SCR 14: "Relating to obtaining federal funds for community service education programs."**

NEA-Alaska supports and encourages your favorable consideration of SCR 14.

In our changing society it is important that students have an opportunity for meaningful experiences which reflect the reality of their learning environment.

The National and Community Service Act of 1990 provides access to critical financial resources which will make such opportunities possible.

Thank you for your consideration of our recommendations.

Respectfully submitted,

Bob Manners
Executive Director

Don Oberg
President

cc: **Senator Menard**

April 3, 1991

Dear Senator Menard,

I appreciate you writing and informing me about the SB 164. I definitely support it and feel that this would be a great beginning in opening the doors for direct community involvement within our school system. So many times adults want to help our youth but do not know exactly how they can. I feel this particular bill creates the perfect opportunity for the business community to get involved in a very productive manner. I have discussed this SB with some business people in the Wasilla area and they support it very much, also.

I look forwards to keeping in touch with you and in tune to what the educational issues are in Juneau. I want to Thank You for your time and all of the hard work you are putting forth for the Mat-Su Borough.

Sincerely,

Pamela J. Geary

Pamela J. Geary
Region III VP, AK State PTA

SITKA SCHOOL DISTRICT

ACCREDITED BY THE NORTHWEST ASSOCIATION OF SECONDARY SCHOOLS & COLLEGES

COMMUNITY SCHOOLS

601 HALIBUT POINT ROAD
SITKA, ALASKA 99835

(907) 747-8670

April 22, 1991

Senator Curt Menard
P.O. Box V
Juneau AK 99801

Dear Senator Menard,

I would like to express my support for the Community Service Act of 1990. The community of Sitka has been developing a K-12 community service program since 1988.

Sitka Community Schools will be working closely with the school district to coordinate and plan community service education projects for students. Currently, Sitka High School is placing students in community service projects as part of existing class curriculum. For the 1991-92 school year, Sitka High School will be offering Community Service as an elective class.

Attached is additional information on the Community Service Education project in Sitka. Thank you for your time and effort in promoting the Community Service Act.

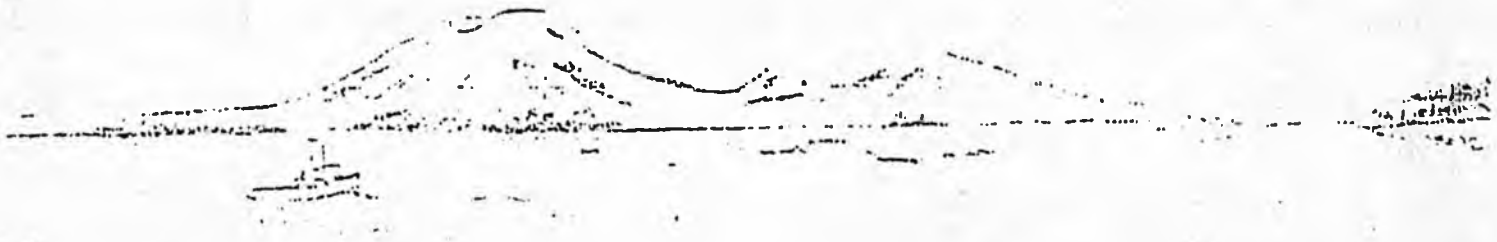
Sincerely,

BM Soha

Barbara M. Soha
Community Schools Director

SITKA SCHOOL DISTRICT

ACCREDITED BY THE NORTHWEST ASSOCIATION OF SECONDARY SCHOOLS & COLLEGES



(907) 747-3263

SITKA HIGH SCHOOL

1000 Lake St. Extension
Sitka, Alaska 99835

April 15, 1991

First Sgt. Michael Malone
Alaska Army National Guard
1508 Sawmill Creek Road
Sitka, Alaska 99835

Dear First Sgt. Malone:

The Sitka High School and the Sitka School District have been researching the concept of student community service for school credit for the past two years. This concept has been approved by our Sitka School Board.

Sitka High School has announced to students in grades 9-12 that they may sign up for high school credit for service work they do for a non-profit organization. (Students may not earn credit for working for their family). Students may do this community service work in the summer, during a period of the regular school day, after school hours and/or during school vacations. The student must complete a total of 75 hours of service to earn 1/2 credit and 150 hours to earn 1 full credit. There is to be no pay or compensation for the service work completed.

The student will locate the organization in which they will volunteer. We ask the person who will supervise the student to call the Sitka High Principal for final arrangements. The supervisor will need to keep a log of the number of hours worked and to evaluate if the work and arrangement is satisfactory. Intermittent contacts will be made to the organization by either the school principal or counselor. All necessary forms will be provided by the Sitka High School.

Many schools across the nation have community service programs in their schools in various forms. Some are mandatory for graduation and others are voluntary. Sitka High's is a voluntary program. We believe in this concept for many important reasons:

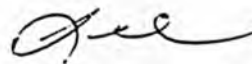
1. A spirit of volunteerism, helping others is an important characteristic to instill in all of our citizens.

2. Students can learn valuable information and skills outside the walls of the school.
3. Students will have the opportunity to explore potential career interests.
4. High School students and adults in the community will have the opportunity to work together, to influence one another, to get to know and understand one another and to help develop stronger ties between our school and our community.
5. The community can help the school provide important learning opportunities the school normally cannot provide.

I am writing to you to ask if you are interested in working with us to provide a learning through service opportunity for Sitka High students who wish to volunteer? If so, please respond with a phone call or in writing. If you have questions that haven't been answered, please call 747-3263 and ask to speak to Lee Demmert or Rod Poole.

Thank you for being interested, we look forward to your reply.

Sincerely,



LeRoy Demmert
Principal

LD/kvh

cc: Rod Poole
Dr. Lewis Holloway
Dr. Orriene Denslow
Sitka High School Faculty
Community Service Committee

September 10, 1990

COMMUNITY SERVICE PROGRAM

1. Should we have a Community Service Program? Yes.

After nearly two years of committee meetings, discussions, viewing video tapes, and quite thoroughly reviewing the literature about volunteer service programs around the nation, we believe the Sitka community should become involved. Such a program will enhance the experience and learning of our students in a variety of ways that will be beneficial to all of them.

We believe with a well-run program our whole community would benefit.

2. What age group should be involved? K-12.

The Committee recommends that a Student Community Service program be implemented in the Sitka School District for grades K-12. In all grades, including K-8, the community service program could be project oriented and closely tied to the existing curriculum. i.e. through social studies or science studies. The reasons for encouraging adoption of a community service program are just as valid at the kindergarten level as they are at the high school level. Attitude development starts at an early age, and all ages of students benefit from volunteer service. An attitude of wanting to help other people and contributing to betterment of our community should be encouraged starting at an early age. Students will develop social skills and a sense of pride in accomplishment, as well as an increased awareness of the responsibilities of citizenship. Skills that have been relegated to the classroom can be tested in the "real world", attaching more relevance to and expanding learning.

3. Is the program voluntary or mandatory? Voluntary.

Although the committee recommends that the community service program be instituted on a voluntary basis, the committee also strongly recommends that every grade level incorporate community service project experiences into the existing curriculum each year. As curriculum revisions occur, community service opportunities should be written into them. The intent of the program is to teach students and other people also the value of volunteering to help others in the community. Having the program on a voluntary basis would provide a much better opportunity for it to be a success.

4. Should credit be awarded? Yes, on the high school level.

For grades K-8, the community service experiences at each grade level would be incorporated into the existing curriculum. The community service committee proposes that a student in high school be allowed to earn a maximum of two full credits of elective credit toward graduation. The first two half-credit increments could be in any areas the student wishes to serve. Additional half-credits toward the second full credit would have to be approved by a committee to be designated later. The students would need to have 75 hours for $\frac{1}{2}$ credit and 150 hours for 1 full credit (this is comparable to the current time/credit ratio now). Credit could be earned during one regular school year or over a summer or summers, or spread over two or more school years. The intent of the program is to encourage and create a willingness and spirit of volunteerism so that the desire transfers to adult life and becomes a way of life for adults, too. All hours of volunteer service

would have to be verified in writing by the agency or organization being assisted by the student before any credit could be allowed. Grades for community service would be listed as P for Passing, but this would not be counted in the grade point average. Participants cannot be paid for volunteer service to earn credit.

5. Who will administer the program?

We recommend the District consider Community Schools as the lead administrative unit, coordinating and working closely with each school building. Possible roles for Community Schools include: clearing house for placement, liaison between schools and organizations and record keeping for high school credit verification. Funding sources need to be explored to support the extra community schools staff, i.e. city, school district, state and federal grants, and private donors.

6. When should the program be implemented?

During the school year 1990-1991 for K-12. We know there have been service/learning activities already in our District at each grade level which, with a different title could be recognized as volunteerism.

7. Evaluation?

The program should undergo a full scale evaluation within a three year period from the time it is begun. This would allow for input from student participants, staff, community representatives, etc., so that improvements could be adopted for the program. Every facet of the program should undergo examination.

We believe the development of a strong and close educational partnership between the Sitka Schools and our community will benefit the whole community in many ways both educationally and socially. All students have something to offer others. (From the Massachusetts program).

NATIONAL AND COMMUNITY SERVICE ACT OF 1990

OCTOBER 17, 1990.—Ordered to be printed

Mr. HAWKINS, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 1430]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1430), to enhance national and community service, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "National and Community Service Act of 1990".

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Purposes.

TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

Subtitle A—General Provisions

Sec. 101. Definitions.

Sec. 102. Authority to make State grants.

Subtitle B—School-Aged Service

PART I—GENERAL PROGRAM

Sec. 110. Short title.

Sec. 111. General authority.

Sec. 112. Allotments.

Sec. 113. State application.

Sec. 114. Local applications.

The complete
65 page report
is available in the
HSS room - 106.
JM

- Sec. 115. Priority; private school participation.
 Sec. 116. Federal and local contributions.
 Sec. 117. Uses of funds; limitations.

PART II—HIGHER EDUCATION INNOVATIVE PROJECTS FOR COMMUNITY SERVICE

- Sec. 118. Higher education innovative projects for community service.

Subtitle C—American Conservation and Youth Corps

- Sec. 120. Short title.
 Sec. 121. General authority.
 Sec. 122. Allocation of funds.
 Sec. 123. State application.
 Sec. 124. Focus of programs.
 Sec. 125. Related programs.
 Sec. 126. Public lands or Indian lands.
 Sec. 127. Training and education services.
 Sec. 128. Amount of award; matching requirement.
 Sec. 129. Preference for certain projects.
 Sec. 130. Age and citizenship criteria for enrollment.
 Sec. 131. Use of volunteers.
 Sec. 132. Post-service benefits.
 Sec. 133. Living allowance.
 Sec. 134. Joint programs.
 Sec. 135. Federal and State employee status.
 Sec. 136. Regulations and assistance.

Subtitle D—National and Community Service

- Sec. 140. Short title.
 Sec. 141. General authority.
 Sec. 142. Grants.
 Sec. 143. Types of national service.
 Sec. 144. Terms of service.
 Sec. 145. Eligibility.
 Sec. 146. Post-service benefits.
 Sec. 147. Living allowance.
 Sec. 148. Training.
 Sec. 149. Public-private partnership.
 Sec. 150. In-service education benefits.

Subtitle E—Innovative and Demonstration Programs and Projects

PART I—LIMITATION ON GRANTS

- Sec. 155. Limitation on grants.

PART II—GOVERNORS' INNOVATIVE SERVICE PROGRAMS

- Sec. 156. General authority.
 Sec. 157. Grants.

PART III—PEACE CORPS

- Sec. 160. Program authorized.
 Sec. 161. Eligibility and selection procedures.
 Sec. 162. Training program.
 Sec. 163. Educational benefits.
 Sec. 164. Evaluation and report.

PART IV—OTHER VOLUNTEER PROGRAMS

- Sec. 165. Rural youth service demonstration project.
 Sec. 166. Assistance for Head Start.
 Sec. 167. Employer based retiree volunteer programs.

Subtitle F—Administrative Provisions

- Sec. 171. Limitation on number of grants.
 Sec. 172. Reports.
 Sec. 173. Supplementation.
 Sec. 174. Prohibition on use of funds.

- Sec. 175. Nondiscrimination.
 Sec. 176. Notice, hearing, and grievance procedures.
 Sec. 177. Nonduplication and nondisplacement.
 Sec. 178. State advisory board.
 Sec. 179. Evaluation.
 Sec. 180. Engagement of participants.
 Sec. 181. National Service Demonstration Program amendments.
 Sec. 182. Partnerships with schools.
 Sec. 183. Service as tutors.
 Sec. 184. Drug-free workplace requirements.
 Sec. 185. Conforming amendments.

Subtitle G—Commission on National and Community Service

- Sec. 190. Commission on National and Community Service.

TITLE II—MODIFICATIONS OF EXISTING PROGRAMS

Subtitle A—Publication

- Sec. 201. Information for students.
 Sec. 202. Exit counseling for borrowers.
 Sec. 203. Department information on deferments and cancellations.
 Sec. 204. Data on deferments and cancellations.

Subtitle B—Youthbuild Projects

- Sec. 211. Youthbuild projects.

Subtitle C—Amendments to Student Literacy Corps

- Sec. 221. Amendments to Student Literacy Corps.

TITLE III—POINTS OF LIGHT FOUNDATION

- Sec. 301. Short title.
 Sec. 302. Findings and purposes.
 Sec. 303. Authority.
 Sec. 304. Grants to the Foundation.
 Sec. 305. Eligibility of the Foundation for grants.

TITLE IV—FOOD DONATIONS

- Sec. 401. Sense of Congress concerning enactment of Good Samaritan Food Donation Act.
 Sec. 402. Model Good Samaritan Food Donation Act.
 Sec. 403. Effect of section 402.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

- Sec. 501. Authorization of appropriations.

TITLE VI—MISCELLANEOUS PROVISIONS

- Sec. 601. Amtrak waste disposal.
 Sec. 602. Exchange programs with countries in transition from totalitarianism to democracy.

SEC. 2. PURPOSES.

It is the purpose of this Act to—

- (1) renew the ethic of civic responsibility in the United States;
- (2) ask citizens of the United States, regardless of age or income, to engage in full-time or part-time service to the Nation;
- (3) begin to call young people to serve in programs that will benefit the Nation and improve the life chances of the young through the acquisition of literacy and job skills;
- (4) enable young Americans to make a sustained commitment to service by removing barriers to service that have been created by high education costs, loan indebtedness, and the cost of housing;

**THE PRECEDING PAGES
WERE TREATED AS A UNIT
IN THE ORIGINAL FILE**

COMMITTEE PACKET CONTENTS:

SCR 14: "Relating to obtaining federal funds for
community service education programs"

1. SCR 14
2. Sponsor Statement
3. Fiscal Note - Department of Education
4. Legislative Research Agency memo (January 21, 1991)
"High School Course Focused on Community Service Education"
5. Community Education Journal - "Youth Service: Renewing Habits
of the Heart"
6. Statements of support:
 - NEA Alaska
 - Pamela J. Geary - Alaska State PTA
 - Barbara M. Soha - Sitka School District
7. National and Community Service Act of 1990

(5) build on the existing organizational framework of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens, particularly youth and older Americans;

(6) involve participants in activities that would not otherwise be performed by employed workers; and

(7) generate additional service hours each year to help meet human, educational, environmental, and public safety needs, particularly those needs relating to poverty.

TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

Subtitle A—General Provisions

SEC. 101. DEFINITIONS.

As used in this title:

(1) **ADULT VOLUNTEER.**—The term "adult volunteer" means—

(A) an individual who is beyond the age of compulsory schooling, including an older American, an individual with a disability, and a parent;

(B) an employee of a private business;

(C) an employee of a public or nonprofit agency; or

(D) any other individual working without financial remuneration in an education institution to assist students or out-of-school youth.

(2) **COMMISSION.**—The term "Commission" means the Commission on National and Community Service established under section 190.

(3) **COMMUNITY-BASED AGENCY.**—The term "community-based agency" means a private nonprofit organization that is representative of a community or a significant segment of a community and that is engaged in meeting human, educational, or environmental community needs, including churches and other religious entities and community action agencies.

(4) **CREW SUPERVISOR.**—The term "crew supervisor" means the adult staff individual who is responsible for supervising a crew of participants, including the crew leader.

(5) **ECONOMICALLY DISADVANTAGED.**—The term "economically disadvantaged" with respect to youths has the same meaning given such term in section 4(8) of the Job Training Partnership Act (29 U.S.C. 1503(8)).

(6) **ELEMENTARY SCHOOL.**—The term "elementary school" has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

(7) **INDIAN LANDS.**—The term "Indian lands" means any real property owned by an Indian tribe, any real property held in trust by the United States for Indian tribes, and any real property held by Indian tribes that is subject to restrictions on alienation imposed by the United States.

(8) **INDIAN TRIBE.**—The term "Indian tribe" means an Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(9) **INSTITUTION OF HIGHER EDUCATION.**—The term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(10) **LOCAL EDUCATIONAL AGENCY.**—The term "local educational agency" has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

(11) **LOCAL GOVERNMENT AGENCY.**—The term "local government agency" means a public agency that is engaged in meeting human, social, educational, or environmental needs.

(12) **OUT-OF-SCHOOL YOUTH.**—The term "out-of-school youth" means an individual who—

(A) has not attained the age of 27;

(B) has not completed college or the equivalent thereof;

and

(C) is not enrolled in an elementary or secondary school or institution of higher education.

(13) **PARTICIPANT.**—The term "participant" means an individual enrolled in a program that receives assistance under this title.

(14) **PARTNERSHIP PROGRAM.**—The term "partnership program" means a program through which adult volunteers, public or private agencies, institutions of higher education, or businesses assist a local educational agency.

(15) **PLACEMENT.**—The term "placement" means the matching of a participant with a specific project.

(16) **PROGRAM.**—The term "program" means an activity carried out with assistance provided under this title.

(17) **PROGRAM AGENCY.**—The term "program agency" means—

(A) a Federal or State agency designated to manage a youth corps program;

(B) the governing body of an Indian tribe that administers a youth corps program; or

(C) a local applicant administering a youth corps program.

(18) **PROJECT.**—The term "project" means an activity that results in a specific identifiable service or product that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

(19) **PUBLIC LANDS.**—The term "public lands" means any lands or waters (or interest therein) owned or administered by the United States or by an agency or instrumentality of a State or local government.

(20) **SECONDARY SCHOOL**.—The term "secondary school" has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

(21) **SERVICE-LEARNING**.—The term "service-learning" means a method—

(A) under which students learn and develop through active participation in thoughtfully organized service experiences that meet actual community needs and that are coordinated in collaboration with the school and community;

(B) that is integrated into the students' academic curriculum or provides structured time for a student to think, talk, or write about what the student did and saw during the actual service activity;

(C) that provides students with opportunities to use newly acquired skills and knowledge in real-life situations in their own communities; and

(D) that enhances what is taught in school by extending student learning beyond the classroom and into the community and helps to foster the development of a sense of caring for others.

(22) **SERVICE OPPORTUNITY**.—The term "service opportunity" means a program or project, including service learning programs or projects, that enables students or out-of-school youth to perform meaningful and constructive service in agencies, institutions, and situations where the application of human talent and dedication may help to meet human, educational, linguistic, and environmental community needs, especially those relating to poverty.

(23) **SPECIAL SENIOR SERVICE MEMBER**.—The term "special senior service member" means an individual who is age 60 or over and willing to work full-time or part-time in conjunction with a full-time national service program.

(24) **SPONSORING ORGANIZATION**.—The term "sponsoring organization" means an organization, eligible to receive assistance under this title, that has been selected to provide a placement for a participant.

(25) **STATE**.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau, until such time as the Compact of Free Association is ratified.

(26) **STATE EDUCATIONAL AGENCY**.—The term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)).

(27) **STUDENT**.—The term "student" means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.

(28) **SUMMER PROGRAM**.—The term "summer program" means a youth corps program authorized under this title that is limited to the months of June, July, and August.

(29) **YOUTH CORPS PROGRAM**.—The term "youth corps program" means a program, such as a conservation corps or youth

service program, that offers full-time, productive work (to be financed through stipends) with visible community benefits in a natural resource or human service setting and that gives participants a mix of work experience, basic and life skills, education, training, and support services.

SEC. 102. AUTHORITY TO MAKE STATE GRANTS.

The Commission may, in accordance with the provisions of this title, make grants to States, or to local applicants, to enable such States or applicants to carry out national or community service programs under subtitles B, C, D, or E.

Subtitle B—School-Aged Service

PART I—GENERAL PROGRAM

SEC. 110. SHORT TITLE.

This subtitle may be cited as the "Serve-America: The Community Service, Schools and Service-Learning Act of 1990".

SEC. 111. GENERAL AUTHORITY.

(a) **IN GENERAL**.—The Commission, in consultation with the Secretary of Education, may make grants under section 102 to States or local applicants for—

(1) planning and building State capacity (which may be accomplished through grants and contracts with qualified organizations) for implementing statewide, school-aged service-learning programs, including—

(A) preservice and in-service training for teachers, supervisors, and personnel from community organizations in which service opportunities will be provided that will be conducted by qualified individuals or organizations that have experience in service-learning programs;

(B) developing service-learning curricula, including age-appropriate learning components for students to analyze and apply their service experiences;

(C) forming local partnerships to develop school-based community service programs in accordance with this subpart;

(D) devising appropriate methods for research and evaluation of the educational value of youth service opportunities and the effect of youth service programs on communities;

(E) establishing effective outreach and dissemination to ensure the broadest possible involvement of nonprofit community-based organizations and youth-service agencies with demonstrated effectiveness in their communities; and

(F) integration of service-learning into academic curricula;

(2) the implementation, operation, or expansion of statewide, school-based service-learning programs through State distribution of Federal funds made available under this subtitle to projects and activities coordinated and operated by local partnerships among—

(A) local educational agencies; and

(B) one or more community partners that—

(i) shall include a public or private nonprofit organization that will make service opportunities available for participants, and that is representative of the community in which such services will be provided; and

(ii) may include a private for-profit business organization or private elementary and secondary school;

(3) the implementation, operation, or expansion of community service programs for school dropouts, out-of-school youth, and other youth through State distribution of Federal funds made available under this subtitle to projects and activities coordinated and operated by local partnerships among—

(A) one or more public or private nonprofit organizations that work with disadvantaged youth; and

(B) one or more community partners that shall include a public or private nonprofit organization that will make service opportunities available for participants; and

(4) the implementation, operation, or expansion of programs involving adult volunteers in schools, or partnerships of schools and public or private organizations, to improve the education of at-risk students, school dropouts, and out-of-school youth through State distribution of Federal funds made available under this part to projects and activities coordinated and operated by local partnerships among—

(A) local education agencies; and

(B) one or more public or private nonprofit organization or private for-profit business.

(b) **DIRECT GRANTS.**—In any fiscal year in which a State does not participate in programs under this subtitle, the Commission may use the allotment of that State to make direct grants for the purposes described in subsection (a) to local applicants in that State. The Commission shall apply the criteria described in section 114 in evaluating such local applications.

SEC. 112. ALLOTMENTS.

(a) **RESERVATIONS.**—Of the amounts appropriated to carry out this subtitle for any fiscal year, the Commission shall reserve not more than 1 percent for payments to Indian tribes, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands and Palau, until such time as the Compact of Free Association is ratified, to be allotted in accordance with their respective needs.

(b) **ALLOTMENT.**—The remainder of the sums appropriated to carry out this subtitle shall be allotted among the States as follows:

(1) From 50 percent of such remainder the Secretary shall allot to each State an amount which bears the same ratio to 50 percent of such remainder as the school-age population of the State bears to the school-age population of all States.

(2) From 50 percent of such remainder the Secretary shall allot to each State an amount which bears the same ratio to 50 percent of such remainder as allocations to the State for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 bears to such allocations to all States.

(c) **LIMITATION.**—For any period during which a State is carrying out planning activities under section 111(a)(1) prior to implementation under section 111(a)(2), a State may be paid not more than 25 percent of its allotment under this section.

(d) **REALLOTMENT.**—The amount of any State's allotment for any fiscal year under this section that the Commission determines will not be required for that fiscal year shall be available for reallocation to other States as the Commission may determine appropriate.

(e) **EXCEPTION.**—Notwithstanding this section, if less than \$20,000,000 is made available in each fiscal year to carry out this subtitle, the Commission shall award grants to States on a competitive basis.

(f) **DEFINITIONS.**—For purposes of this section:

(1) **SCHOOL-AGE POPULATION.**—The term "school-age population" means the population aged 5 through 17, inclusive.

(2) **STATE.**—The term "State" includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 113. STATE APPLICATION.

To be eligible to receive a grant under this subtitle a State, acting through the State educational agency, shall prepare and submit to the Commission, an application at such time, in such manner, and containing such information as the Commission shall reasonably require, including a description of the manner in which—

(1) local applications will be ranked by the State according to the criteria described in section 114, and in a manner that ensures the equitable treatment of local applications submitted by both local educational agencies and community-based organizations;

(2) service programs within the State will be coordinated with each other and with other Federally assisted education programs, training programs, social service programs, and other appropriate programs that serve youth;

(3) cooperative efforts among local educational agencies, local government agencies, community-based agencies, businesses, and State agencies to develop and provide service opportunities, including those that involve the participation of urban, suburban, and rural youth working together, will be encouraged;

(4) economically and educationally disadvantaged youths, including individuals with disabilities, youth with limited basic skills or learning disabilities, youth in foster care who are becoming too old for foster care, youth of limited English proficiency, homeless youth and youth with disabilities, are assured of service opportunities;

(5) service programs that receive assistance under this subtitle will be evaluated;

(6) programs that receive assistance under this subtitle will serve urban and rural areas and any tribal areas that exist within such State;

(7) training and technical assistance will be provided to local grantees by qualified and experienced individuals employed by the State or through grant or contract with experienced content specialist and youth service resource organizations;

(8) non-Federal assistance will be used to expand service opportunities for students and out-of-school youth;

(9) information and outreach services will be disseminated and utilized to ensure the involvement of a broad range of organizations, particularly community-based organizations;

(10) the State will keep such records and provide such information to the Secretary as may be required for fiscal audits and program evaluation;

(11) the State will give special consideration to providing assistance to projects that will provide academic credit to participants; and

(12) the State will assure compliance with the specific requirements of this subtitle.

SEC. 114. LOCAL APPLICATIONS.

(a) *IN GENERAL.*—A partnership that desires to receive financial assistance under this subtitle shall prepare and submit to the State Educational Agency a proposal that meets the requirements of this section. Such proposal shall be submitted at such time, in such manner, and containing such information as the State Educational Agency may reasonably require.

(b) *REQUIREMENTS OF PROPOSAL.*—A proposal submitted under subsection (a) shall—

(1) contain a written agreement, between the members of the local partnership, stating that the program was jointly developed by the parties and that the program will be jointly executed by the parties;

(2) establish and specify the membership and role of an advisory committee that shall consist of representatives of community-based agencies including community action agencies, service recipients, youth-serving agencies, youth, parents, teachers, administrators, agencies that serve older adults, school board members, labor, and business;

(3) describe the goals of the program which shall include goals that are quantifiable, measurable, and demonstrate any benefits that flow from the program to the participants and the community;

(4) describe service opportunities to be provided under the program that shall include evidence that participants will make a sustained commitment to the service project;

(5) describe the manner in which the participants in the program will be recruited, including any special efforts that will be utilized to recruit out-of-school youth with the assistance of community-based agencies;

(6) describe the manner in which participants in the program were or will be involved in the design and operation of the program;

(7) describe the qualifications, and responsibilities of the coordinator of the program assisted under this subtitle;

(8) describe preservice and inservice training for supervisors, teachers, and participants in the program;

(9) describe the manner in which exemplary service will be recognized;

(10) describe any potential resources that will permit continuation of the program, if needed, after the assistance received under this subtitle has ended;

(11) disclose whether the program plans include preventing and treating school-age drug and alcohol abuse and dependency; and

(12) contain assurances that, prior to the placement of a participant, the program will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program.

(c) *SCHOOL-BASED AND COMMUNITY-BASED SERVICE LEARNING PROGRAM.*—If an applicant under this section intends to operate a program described in section 111(a)(2) or 111(a)(3) such applicant, in addition to providing the information described in subsection (b), shall provide additional information that shall include—

(1) an assurance that the applicant will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to reflect on service experiences and expected learning outcomes;

(2) a disclosure of whether or not the participants will receive academic credit for participation in the program;

(3) the target levels of participants in the program and the target levels for the hours of service that such participants will provide individually and as a group;

(4) the proportion of expected participants in the program who are educationally or economically disadvantaged, including participants with disabilities;

(5) the ages or grade levels of expected participants in the program;

(6) other relevant demographic information concerning such expected participants; and

(7) assurances that participants in the program will be provided with information concerning VISTA, the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)), chapter 30 of title 38, United States Code, chapter 106 of title 10, United States Code, full-time Youth Service Corps and National Service programs receiving assistance under this title, and other service options and their benefits (such as student loan deferment and forgiveness) as appropriate.

(d) *PARTNERSHIP PROGRAM.*—If an applicant under this section intends to operate an adult role partnership program, under section 111(a)(4) such applicant, in addition to the information required to be included in the application under subsection (b), shall describe the students who are to be assisted through such program, including the ages and grade levels of such students.

SEC. 115. PRIORITY; PRIVATE SCHOOL PARTICIPATION.

(a) *IN GENERAL.*—In providing assistance under this subtitle, the State educational agency, or the Commission if section 111(b) applies, shall give priority to applications that describe programs that—

(1) involve participants in the design and operation of the program;

(2) are in the greatest need of assistance, such as programs targeting low-income areas;

(3) involve students from both public and private elementary and secondary schools or individuals of different ages, races, sexes, ethnic groups, disabilities and economic backgrounds serving together;

(4) are integrated into the academic program; or

(5) involve a focus on substance abuse prevention or school drop-out prevention.

(b) **ADULT VOLUNTEER AND PARTNERSHIP PROGRAM.**—In the case of an adult volunteer and partnership program (as described in section 111(a)(4)) the State educational agency, or the Commission, if section 111(b) applies, shall give priority to applications that contain a description of programs—

(1) that involve older Americans or parents as adult volunteers;

(2) that involve a partnership between an educational institution and a private business in the community;

(3) that include a focus on substance abuse prevention, school drop-out prevention, or nutrition; or

(4) that will improve basic skills and reduce illiteracy.

(c) **PARTICIPATION OF CHILDREN AND TEACHERS FROM PRIVATE SCHOOLS.**—

(1) **IN GENERAL.**—To the extent consistent with the number of children in the State or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary and secondary schools, such State or agency shall (after consultation with appropriate private school representatives) make provision—

(A) for the inclusion of services and arrangements for the benefit of such children so as to assure the equitable participation of such children in the programs or projects implemented to carry out the purposes and provide the benefits described in this subtitle; and

(B) for the training of the teachers of such children so as to assure the equitable participation of such teachers in the programs or projects implemented to carry out the purposes and provide the benefits described in this subtitle.

(2) **WAIVER.**—If a State or local educational agency or institution of higher education is prohibited by law from providing for the participation of children or teachers from private nonprofit schools as required by paragraph (1), or if the Secretary determines that a State or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children and teachers. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 1017 of the Elementary and Secondary Education Act of 1965.

SEC. 116. FEDERAL AND LOCAL CONTRIBUTIONS.

(a) **FEDERAL SHARE.**—

(1) **IN GENERAL.**—The Federal share of a grant or contract for a project under this subtitle may not exceed—

(A) 90 percent of the total cost of a project for the first year for which the project receives assistance under this subtitle;

(B) 80 percent of the total cost of a project for the second year for which the project receives assistance under this subtitle; and

(C) 70 percent of the total cost of a project for the third year for which the project receives assistance under this subtitle.

(2) **CALCULATION.**—The State and local share of the costs of a project may be in cash or in kind fairly evaluated, including facilities, equipment, or services.

(b) **WAIVER.**—The Secretary may waive the requirements of subsection (a) with respect to any project in any fiscal year if the Secretary determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

SEC. 117. USES OF FUNDS; LIMITATIONS.

(a) **STATE USES OF FUNDS.**—The State educational agency may reserve, from funds made available to such agency under this subtitle—

(1) not more than 5 percent of such funds for administrative costs for any fiscal year;

(2) not more than 10 percent of such funds to build capacity through training, technical assistance, curriculum development, and coordination activities, described in section 111(a)(1);

(3) not less than 60 percent of such funds to carry out school-based service learning programs described in section 111(a)(2);

(4) not less than 15 percent of such funds to carry out community-based service programs described in section 111(a)(3); and

(5) not more than 10 percent of such funds to carry out adult volunteer and partnership programs described in section 111(a)(4).

(b) **AUTHORIZED ACTIVITIES FOR LOCAL PROJECTS.**—

(1) **IN GENERAL.**—Local projects may use funds made available under this subtitle for the supervision of participating students, program administration, training, reasonable transportation costs, insurance, and for other reasonable expenses.

(2) **LIMITATION.**—Funds made available under this subtitle may not be used to pay any stipend, allowance, or other financial support to any participant, except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this subtitle.

PART II—HIGHER EDUCATION INNOVATIVE PROJECTS FOR COMMUNITY SERVICE

SEC. 118. HIGHER EDUCATION INNOVATIVE PROJECTS FOR COMMUNITY SERVICE.

(a) **PURPOSE.**—It is the purpose of this part to support innovative projects to encourage students to participate in community service

activities while such students are attending institutions of higher education.

(b) **GENERAL AUTHORITY.**—The Commission, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a combination of such institutions) and other public agencies and nonprofit organizations working in partnership with institutions of higher education—

(1) to enable the institution to create or expand community service activities for students attending that institution;

(2) to encourage student-initiated and student-designed community service projects;

(3) to facilitate the integration of community service into academic curricula, so that students can obtain credit for their community service activities;

(4) to encourage students to participate in community service activities that will engender a sense of social responsibility and commitment to the community;

(5) to encourage students to assist in the teaching of individuals with limited basic skills or an inability to read and write; and

(6) to provide for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize community service activities, taking into consideration the particular needs of a community and the ability of the grantee to actively involve a major part of the community in, and substantially benefit the community by, the proposed community service activities.

(c) **FEDERAL SHARE.**—

(1) **IN GENERAL.**—The Federal share of each grant awarded under this section shall not exceed 50 percent of the cost of the community service activities carried out with each such grant.

(2) **NON-FEDERAL SOURCES.**—That portion of the costs of programs that receive assistance under this subtitle that are to be paid from sources other than Federal funds may be paid in cash or in kind (fairly evaluated).

(d) **APPLICATION FOR GRANT.**—To receive a grant under this subtitle, an applicant shall prepare and submit to the Commission, an application at such time, in such manner, and containing such information as the Commission may reasonably require, including—

(1) a description of the proposed program to be established with assistance provided under the grant;

(2) a description of the human, educational, environmental or public safety service that participants will perform and the community need that will be addressed under such program;

(3) a description of whether or not students will receive academic credit for community service activities under the program;

(4) a description of the procedure for training supervisors and participants and for supervising and organizing participants in such proposed program;

(5) a description of the procedures to ensure that the proposed program provides participants with an opportunity to reflect on their service experiences.

(6) a description of the budget for the program; and

(7) assurances that, prior to the placement of a participant in the program, the applicant will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such project.

Subtitle C—American Conservation and Youth Corps

SEC. 120. SHORT TITLE.

This subtitle may be cited as the "American Conservation and Youth Service Corps Act of 1990".

SEC. 121. GENERAL AUTHORITY.

The Commission may make grants under section 102 to States or local applicants, to the Secretary of Agriculture, to the Secretary of the Interior, or to the Director of ACTION for the creation or expansion of full-time or summer youth corps programs.

SEC. 122. ALLOCATION OF FUNDS.

(a) **COMPETITIVE GRANT.**—The Commission shall award grants under this subtitle on a competitive basis to States or Indian tribes that have submitted applications under section 123.

(b) **DIRECT GRANTS.**—

(1) **IN GENERAL.**—In the case of a State that does not apply for a grant under this subtitle or have an application approved under section 123, the Commission may award grants directly to public or private nonprofit agencies with experience in youth programs within such State.

(2) **EVALUATION.**—

(A) **APPLICATION OF CRITERIA.**—The Commission shall apply the criteria described in section 123 in determining whether to award a grant to a local applicant under this subsection.

(B) **EQUITABLE ALLOCATION.**—If more than one local applicant within a State applies for funds, the Commission shall allocate funds among such applicants in such manner as the Commission considers equitable.

(3) **INDIAN TRIBES.**—An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

(4) **GRANT TO FEDERAL AGENCY.**—If a State has failed to establish a youth corps program and no local youth corps programs exist within such State, the Commission may make a grant to a Federal agency to directly administer a youth corps program.

(c) **LIMITATION.**—

(1) **CAPITAL EQUIPMENT.**—Not to exceed 10 percent of the amount of assistance made available to a program agency under this subtitle shall be used for the purchase of major capital equipment.

(2) **ADMINISTRATIVE EXPENSES.**—

(A) **BY PROGRAM AGENCY.**—Not to exceed 5 percent of the amount of assistance made available to a program agency

under this subtitle shall be used for administrative expenses.

(B) **BY STATE.**—Not to exceed 5 percent of the amount of assistance made available to a State under this subtitle shall be used for administrative expenses.

(d) **RESERVATION.**—

(1) **FEDERAL DISASTER RELIEF.**—The Commission shall reserve not to exceed 5 percent of the amounts made available in each fiscal year to make grants under this subtitle for Federal disaster relief programs.

(2) **INDIAN TRIBES.**—The Commission shall reserve not to exceed 1 percent of the amounts made available in each fiscal year to make grants under this subtitle to Indian tribes.

(e) **EQUITABLE FUNDING OF CONSERVATION AND SERVICE PROGRAMS.**—The Commission shall award an equal number of grants to conservation corps programs and youth corps programs.

SEC. 123. STATE APPLICATION.

(a) **SUBMISSION.**—To be eligible to receive a grant under this subtitle, a State or Indian tribe (or a local applicant if section 122(b) applies) shall prepare and submit to the Commission, an application at such time, in such manner, and containing such information as the Commission may reasonably require, including the information required under subsection (b).

(b) **GENERAL CONTENT.**—An application submitted under subsection (a) shall describe—

(1) any youth corps program proposed to be conducted directly by such applicant with assistance provided under this subtitle; and

(2) any grant program proposed to be conducted by such State with assistance provided under this subtitle for the benefit of entities within such State.

(c) **SPECIFIC CONTENT.**—To receive a grant under this subtitle to directly conduct a youth corps program, each applicant shall include in the application submitted under subsection (a)—

(1) a comprehensive description of the objectives and performance goals for the program to be conducted, a plan for managing and funding the program, and a description of the types of projects to be carried out, including a description of the types and duration of training and work experience to be provided by such program;

(2) a plan for the certification of the training skills acquired by participants and the awarding of academic credit to participants for competencies developed through training programs or work experience obtained under this subtitle;

(3) an age-appropriate learning component for participants that includes procedures that permit participants to reflect on service experiences;

(4) an estimate of the number of participants and crew leaders necessary for the proposed program, the length of time that the services of such participants and crew leaders will be required, the support services that will be required for such participants and crew leaders, and a plan for recruiting such participants, including educationally and economically disadvan-

taged youth, youth with limited basic skills or learning disabilities, homeless youth, youth with disabilities, youth who are in foster care who are becoming too old for foster care, and youth of limited English proficiency;

(5) a list of requirements to be imposed on the sponsoring organizations of participants in the program, including a requirement that a sponsoring organization that invests in a program that receives assistance under this subtitle, by making a cash contribution or by providing free training to participants, shall be given preference over a sponsoring organization that does not make such an investment;

(6) a description of the manner of appointment and training of sufficient supervisory staff (including participants who have displayed exceptional leadership qualities), who shall provide for other central elements of a youth corps, such as crew structure and a youth development component;

(7) a description of a plan to ensure the on-site presence of knowledgeable and competent supervisory personnel at program facilities;

(8) a description of the facilities, quarters and board (in the case of residential facilities), limited and emergency medical care, transportation from administrative facilities to work sites, accommodations for individuals with disabilities, and other appropriate services, supplies, and equipment that will be provided by such applicant;

(9) a description of the basic standards of work requirements, health, nutrition, sanitation, and safety, and the manner that such standards shall be enforced;

(10) a description of the plan to assign participants to facilities as near to the homes of such participants as is reasonable and practicable;

(11) an assurance that, prior to the placement of a participant under this subtitle, the program agency will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program;

(12) a description of formal social counseling arrangements to be made available to the participant;

(13) a plan for ensuring that individuals do not drop out of school for the purpose of participating in a youth corps program; and

(14) such other information as the Commission shall require.

(d) **GRANT PROGRAM.**—To be eligible to receive a grant under this subtitle, a State shall establish and implement a program to make grants to applicants within the State pursuant to subsection (b)(2) and, in the application submitted under subsection (a), such State shall describe the manner in which—

(1) local applicants will be evaluated;

(2) service programs within the State will be coordinated;

(3) economically and educationally disadvantaged youth, including youth with disabilities, youth with limited basic skills or learning disabilities, youth with limited English proficiency, homeless youth, and youth in foster care who are becoming too old for foster care, will be recruited.

(4) programs that receive assistance under this subtitle will be evaluated;

(5) the State will encourage cooperation among programs that receive assistance under this subtitle and the appropriate State job training coordinating council established under the Job Training and Partnership Act (29 U.S.C. 1501 et seq.);

(6) such State will certify the training skills acquired by each participant and the credit provided to each participant for competencies developed through training programs or work experience obtained under programs that receive assistance under this subtitle; and

(7) prior to the placement of a participant under this subtitle, the State will ensure that program agencies consult with each local labor organization representing employees in the area who are engaged in the same or similar work as the work that is proposed to be carried out by such program.

SEC. 124. FOCUS OF PROGRAMS.

(a) IN GENERAL.—Programs that receive assistance under this subtitle may carry out activities that—

(1) in the case of conservation corps programs, focus on—

(A) conservation, rehabilitation, and the improvement of wildlife habitat, rangelands, parks, and recreational areas;

(B) urban and rural revitalization, historical and cultural site preservation, and reforestation of both urban and rural areas;

(C) fish culture, wildlife habitat maintenance and improvement, and other fishery assistance;

(D) road and trail maintenance and improvement;

(E) erosion, flood, drought, and storm damage assistance and controls;

(F) stream, lake, waterfront harbor, and port improvement;

(G) wetlands protection and pollution control;

(H) insect, disease, rodent, and fire prevention and control;

(I) the improvement of abandoned railroad beds and rights-of-way;

(J) energy conservation projects, renewable resource enhancement, and recovery of biomass;

(K) reclamation and improvement of strip-mined land;

(L) forestry, nursery, and cultural operations; and

(M) making public facilities accessible to individuals with disabilities.

(2) in the case of human services corps programs, include participant service in—

(A) State, local, and regional governmental agencies;

(B) nursing homes, hospices, senior centers, hospitals, local libraries, parks, recreational facilities, child and adult day care centers, programs serving individuals with disabilities, and schools;

(C) law enforcement agencies, and penal and probation systems;

(D) private nonprofit organizations that primarily focus on social service such as community action agencies;

(E) activities that focus on the rehabilitation or improvement of public facilities, neighborhood improvements, literacy training that benefits educationally disadvantaged individuals, weatherization of and basic repairs to low-income housing including housing occupied by older adults, energy conservation (including solar energy techniques), removal of architectural barriers to access by individuals with disabilities to public facilities, activities that focus on drug and alcohol abuse education, prevention and treatment, and conservation, maintenance, or restoration of natural resources on publicly held lands; and

(F) any other nonpartisan civic activities and services that the Commission determines to be of a substantial social benefit in meeting unmet human, educational, or environmental needs (particularly needs related to poverty) or in the community where volunteer service is to be performed; or

(3) encompass the focuses and services described in both paragraphs (1) and (2).

(b) INELIGIBLE SERVICE CATEGORIES.—To be eligible to receive assistance under this subtitle, the activities conducted through programs referred to in subsection (a) shall not be conducted by any—

(1) business organized for profit;

(2) labor union;

(3) partisan political organization;

(4) organization engaged in religious activities, unless such activities do not involve the use of funds provided under this title by program participants and program staff to give religious instruction, conduct worship services, or engage in any form of proselytization; or

(5) domestic or personal service company or organization.

(c) LIMITATION ON SERVICE.—No participant shall perform services in any project for more than a 6-month period. No participant shall remain enrolled in projects assisted under this subtitle for more than 24 months.

SEC. 125. RELATED PROGRAMS.

An activity administered under the authority of the Secretary of Health and Human Services, that is operated for the same purpose as a program eligible to be carried out under this subtitle, is encouraged to use services available under this subtitle.

SEC. 126. PUBLIC LANDS OR INDIAN LANDS.

(a) LIMITATION.—To be eligible to receive assistance through a grant provided under this subtitle, a program shall carry out activities on public lands or Indian lands, or result in a public benefit.

(b) REVIEW OF APPLICATIONS.—In reviewing applications submitted under section 123 that propose programs or projects to be carried out on public lands or Indian lands, the Commission shall consult with the Secretary of the Interior.

(c) CONSISTENCY.—A program carried out with assistance provided under this subtitle for conservation, rehabilitation, or improvement of any public lands or Indian lands shall be consistent with—

(1) the provisions of law and policies relating to the management and administration of such lands, and all other applicable provisions of law; and

(2) all management, operational, and other plans and documents that govern the administration of such lands.

(d) **PARTICIPATION BY OTHER CONSERVATION PROGRAMS.**—Any land or water conservation program (or any related program) administered in any State under the authority of any Federal program is encouraged to use services available under this part to carry out its program.

SEC. 127. TRAINING AND EDUCATION SERVICES.

(a) **ASSESSMENT OF SKILLS.**—Each program agency shall assess the educational level of participants at the time of their entrance into the program, using any available records or simplified assessment means or methodology and shall, where appropriate, refer such participants for testing for specific learning disabilities.

(b) **ENHANCEMENT OF SKILLS.**—Each program agency shall, through the programs and activities administered under this subtitle, enhance the educational skills of participants.

(c) **PROVISION OF PRE-SERVICE AND IN-SERVICE TRAINING AND EDUCATION.**—

(1) **REQUIREMENT.**—Each program agency shall use not less than 10 percent of the assistance made available to such agency under this subtitle in each fiscal year to provide pre-service and in-service training and educational materials and services for participants in such a program. Program participants shall be provided with information concerning the benefits to the community that result from the activities undertaken by such participants.

(2) **AGREEMENTS FOR ACADEMIC STUDY.**—A program agency may enter into arrangements with academic institutions or education providers, including—

(A) local education agencies;

(B) community colleges;

(C) 4-year colleges;

(D) area vocational-technical schools; and

(E) community based organizations;

to evaluate the basic skills of participants and to make academic study available to participants to enable such participants to upgrade literacy skills, to obtain high school diplomas or the equivalent of such diplomas, to obtain college degrees, or to enhance employable skills.

(3) **COUNSELING.**—Career and educational guidance and counseling shall be provided to a participant during a period of in-service training as described in this subsection. Each graduating participant shall be provided with counseling with respect to additional study, job skills training or employment and shall be provided job placement assistance where appropriate.

(4) **PRIORITY FOR PARTICIPANTS WITHOUT HIGH SCHOOL DIPLOMAS.**—A program agency shall give priority to participants who have not obtained a high school diploma or the equivalent of such diploma, in providing services under this subsection.

(d) **STANDARDS AND PROCEDURES.**—

(1) **CONSISTENCY WITH STATE AND LOCAL REQUIREMENTS.**—Appropriate State and local officials shall certify that standards and procedures with respect to the awarding of academic credit and the certification of educational attainment in programs conducted under subsection (c) are consistent with the requirements of applicable State and local law and regulations.

(2) **ACADEMIC STANDARDS.**—The standards and procedures described in paragraph (1) shall provide that an individual serving in a program that receives assistance under this subtitle—

(A) who is not a high school graduate, participate in an educational curriculum so that such individual can earn a high school diploma or the equivalent of such diploma; and

(B) may arrange to receive academic credit in recognition of the education and skills obtained from service satisfactorily completed.

SEC. 128. AMOUNT OF AWARD; MATCHING REQUIREMENT.

(a) **AMOUNT OF AWARD.**—In determining the amount of a grant to be awarded to an applicant under this subtitle, the Commission shall consider—

(1) the number of participants to be served;

(2) the youth unemployment rate in the State; and

(3) the type of project or service proposed to be carried out with the assistance provided under this subtitle.

(b) **MATCHING REQUIREMENT.**—

(1) **FEDERAL SHARE.**—The Federal share of the cost of activities for which a grant is made to a State or local applicant under this subtitle shall not exceed 75 percent of the total cost of such activities.

(2) **DEMONSTRATION OF EFFECTIVENESS.**—In addition to the matching requirement in paragraph (1), the State or local applicant shall demonstrate to the satisfaction of the Commission that the effectiveness of the project will be enhanced by the use of Federal funds.

SEC. 129. PREFERENCE FOR CERTAIN PROJECTS.

(a) **IN GENERAL.**—In the consideration of applications submitted under section 123, the Commission shall give preference to programs that—

(1) will provide long-term benefits to the public;

(2) will instill a work ethic and a sense of public service in the participants;

(3) will be labor intensive, and involve youth operating in crews;

(4) can be planned and initiated promptly; and

(5) will enhance skills development and educational level and opportunities for the participants.

(b) **SPECIAL RULE.**—In the consideration of applications under this subtitle the Commission shall ensure the equitable treatment of both urban and rural areas.