

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
7429 SENATE HEALTH EDUCATION & SOCIAL SERVICES

Alaska Debt Presentation
Alaska Department of Revenue
February 12, 1992

Overview, Bond Terms.

The total state debt burden includes general obligation debt, other debt funded through general fund appropriations, and debt for which debt service is met from other sources. Debt funded from the general fund is called state-supported debt. Debt funded from other sources carries varying degrees of commitment by the state to make up for any shortfall.

The use of debt by the state steadily decreased during the 1980's. No general obligation debt has been issued since October of 1983. All authorized general obligation debt has been issued.

Ongoing programs such as Alaska Housing Finance Corporation and the Alaska Student Loan Corporation will continue but total state and state agency debt issuance and the amount outstanding will probably decline. Lease-financing issuance will likely continue but will for the most part be the conversion of existing long-term operating leases to achieve savings. The one exception is the possible issuance of lease debt to finance the construction of a new capitol building.

I. State general obligation debt.

Alaska's general obligation indebtedness peaked at just over \$1 billion in October, 1983, and will be \$156.9 million at the end of this fiscal year. Over 89% of all general obligation debt issued by the state will have been repaid at the end of this fiscal year even though the state is just over 30 years old. Outstanding general obligation debt will have diminished to less than \$150 million by this time next year. The final debt service payment will be made on October 1, 1999.

The current level of GO debt puts the state in the neighborhood of \$349 of GO debt per capita and \$16 of debt per \$1000 of personal income. Both measures indicate very moderate levels of GO debt.

General obligation debt service exceeded 5% of unrestricted revenues during the last half of the 1980's. It is not expected to do so again unless additional debt is issued since debt repayment is on such a steep schedule and the amounts are becoming quite small.

II. State-supported debt.

The State Bond Committee classifies all debt for which debt service must be appropriated out of the general fund as state-supported debt. That includes state lease debt, University of Alaska debt (since the University depends upon state general fund appropriations for most of its revenue) and reimbursement of municipal general obligation debt issued for school construction.

All debt to be paid out of the general fund has decreased from \$1,682 million outstanding on June 30, 1984 to \$862 million on June 30, 1991, and will be about \$732 million on June 30, 1992. However, the largest component of state-supported debt, namely school debt reimbursement, has only just recently begun to decrease.

Under a program enacted in 1970 the state reimburses municipalities for most or all of debt service on general obligation debt issued for school construction without any limit on the timing or amount except that reimbursement is subject to appropriation and the debt carries the general obligation of the municipality. The program was created in part to offer a measure of equity to larger municipalities since very small municipalities receive school construction funding through direct state appropriation.

The Alaska Legislature halted growth in the program in 1990, requiring that school construction bonds must have been authorized by the voters before March 31, 1990 in order to qualify for reimbursement. The program was replaced by a needs-based appropriation process for schools throughout the state.

The retirement of this program seems to indicate that state-supported debt will now decline in the 1990's similarly to the fall-off in general obligation debt during the 1980's.

Debt service on state-supported debt has been as much as 15.8% of unrestricted revenues. State-supported debt service will amount to 8.5% or less this year and then fall off quite rapidly under the middle scenario of the Fall revenue forecast.

Tables which accompany this narrative show annual state-supported debt service for outstanding debt and with debt service on an additional \$750 million of general obligation debt measured against forecasted revenues.

III. State guaranteed debt.

The only program which has the state guaranty is the Alaska Housing Finance Corporation veterans mortgage program. The State Bond Committee includes only those bonds which are not collateralized under the category of state guaranteed debt. The amount of state guaranteed debt which is not collateralized was \$135.1 million on June 30, 1991, having decreased at an annual rate of 21% during the past seven years. The amount of collateralized and noncollateralized guaranteed debt was \$293.2 million on June 30, 1991. The AHFC veterans mortgage program is expected to continue to decline as the number of qualifying veterans in the Internal Revenue Code continues to decline.

IV. State moral obligation debt.

The state has pledged its moral obligation to debt issued by a number of state agencies. The amount of moral obligation debt outstanding on June 30, 1991 was \$1,370 million, down from

a high of just over \$1.6 billion in 1987. The Alaska Aerospace Development Corporation, created in 1991 can issue bonds which carry the moral obligation but issuance greater than \$1 million in any year requires legislative authorization.

The newest issuer of moral obligation debt is the Alaska Student Loan Corporation which has issued moral obligation debt each year since 1988. Total issuance by the Corporation has been \$162,955,000.

On November 20, 1991, AHFC issued \$325.6 million of revenue refunding bonds which did not carry the state moral obligation pledge. However, the bonds being refunded did carry that pledge so the total amount of state moral obligation debt decreased to around \$1 billion.

V. Other state and state agency debt.

The amount of outstanding state and state agency debt reached as much as \$7.5 billion during 1986. Since that time the amount has decreased as AHFC debt has decreased. The first year-to-year decline in AHFC debt occurred in 1987.

Most state agency issuance has been mortgage-backed bonds issued by AHFC and large enterprise development projects such as the Delong Mountain revenue bonds for the development of the Red Dog mineral deposit in Northwest Alaska and the Bradley Lake Hydroelectric Power Revenue bonds for a project on the Kenai Peninsula.

The State Bond Committee entered into an interest rate swap in the notional amount of \$16,060,000 on August 26, 1991, thereby committing to issue International Airports refunding bonds in 1993 when International Airports Revenue Bonds Series F can be called. There are no plans to issue new International Airports debt.

VI. Debt Policy and Prospective Issuance.

Representatives from both Moody's Investors Service and Standard & Poor's Corporation visited the State Bond Committee in October and November, respectively, last year. The following is what they were told about debt policy:

Strong indicators of the debt viewpoint held by state government are the introduction of legislation to require an automatic deposit of state revenues into a debt retirement fund and the enactment of legislation curtailing automatic reimbursement of municipal school debt service mentioned earlier. The debt retirement legislation as introduced by the administration would have required deposits of petroleum revenues directly into a debt retirement fund. Governor Hickel intends to continue backing an automatic deposit into the debt retirement fund.

There has been little consideration of general obligation debt authorization in recent years. Most issuance of state-supported debt will probably consist of state building lease-

financings. The Department of Administration has been investigating the issuance of an estimated \$85 million to convert existing operating leases to lease-purchase obligations in order to achieve savings. The administration has been looking at a lease-financing for the construction of a new capitol which might cost \$57 million. Each of these financings would require legislative authorization.

The Alaska Court System plans to finance a new courthouse in the City of Kenai using a lease-financing. The Department of Corrections intends to convert the existing lease of the Wildwood Correctional Facility to a lease-financing. Those two lease-financings are expected to be about \$4.5 and \$7 million, respectively, do not require legislative authorization and may take place within the next few months.

To the extent the state continues to engage in lease-financing, the issuance of that debt will be integrated into its overall policy for all state-supported debt: reasonable maturities, level or declining debt service, and a declining claim on unrestricted revenues for debt service. The debt service profile for state-supported debt will continue to show a rapid pay-down.

The amount of University debt may grow by small increments for the next few years. A policy recently adopted by the University Board of Regents commits to keeping debt service to less than 5% of its revenues, limiting the final maturity of any debt, maintaining level or declining debt service and coordinating debt issuance plans with the State Bond Committee.

State agency debt issuance will continue but total debt of state agencies will probably continue to decline for at least the next few years and perhaps beyond. The Alaska Student Loan Corporation will issue student loan backed revenue bonds next spring. There is no near-term plan to issue debt by the Alaska Aerospace Development Corporation. Any new large enterprise development financed with the issuance of state agency debt will likely take place in some future fiscal year.

The largest prospective debt-financed project I know of is the anticipated \$300 million North Slope waste disposal facility revenue bond financing planned by the North Slope Borough. The State Bond Committee has thus far allocated \$74,705,000 of the private activity bond volume limit to that financing. Issuance of part of the bonds is expected during 1992.

Along with what was of interest to the rating agencies, the State Bond Committee has followed a number of practices over the years. The Committee has issued debt through competitive sales, awarding the bonds to the lowest true-interest-cost bidder, whenever possible and advised some agencies to adopt the use of competitive sales. The Committee has recommended the competitive selection of underwriters whenever a competitive sale is not appropriate.

The Committee has an obligation to communicate regularly with the credit rating agencies because of the existence of ongoing ratings and of outstanding bonds. The Committee

has often urged the use of unspent bond proceeds to repay debt. The Committee has actively refrained from taking advantage of many of the devices which have sometimes allowed some issuers to override the Internal Revenue Code. The Committee has set 3% as the net present value savings requirement in refinancing decisions.

The Committee has used an independent financial advisor since 1984 and paid its financial advisor through a fixed retainer. For the past four years the contract with bond counsel has specified that counsel cannot be paid for work not related to a particular bond issue.

VII. Credit Rating

State of Alaska general obligation bonds have been rated AA- by Standard & Poor's Corporation and Aa by Moody's Investors Service since 1980. The ratings have never been higher. There have been times when a rating decrease seemed to be a possibility. All other energy dependent states and provinces were downgraded at least once during the 1980's.

The rating agencies have always taken the time to understand the circumstances which are unique to the Alaska credit. The extreme dependence on petroleum revenues and the resulting predominance of state spending in the economy set Alaska apart from the thousands of other credits rated by the agencies. At the same time, the strong savings effort, tremendous liquidity and careful use of leverage set Alaska apart from many other issuers.

Throughout the past 12 months the State Bond Committee has been making the case for a rating upgrade. At this time we expect reviews of the Alaska credit to be published by each agency within the very near future.

State of Alaska
Ratio of Debt Service to Unrestricted Revenues
Fall 1991 Revenue Estimates of the Department of Revenue
Draft Report Assuming Issuance of \$750 Million GO Debt, Level Debt Service
7 Year Final Maturity, True Interest Cost 5.65%, \$132.7 Million Additional Debt Service FY 94-FY 00

Fiscal Year	Unrestricted Revenue (\$ Millions)			(1) State GOB's			(2) UA			(3) ASHA			(4) Lease-Purchase Obligations			(5) School Debt (Muni)			Total Debt Service		
	Low	Mid	High																		
1977	874.3	874.3	874.3	4.8	4.8	4.8	0.2	0.2	0.2	1.1	1.1	1.1	0.0	0.0	0.0	1.0	1.0	1.0	7.1	7.1	7.1
1978	764.9	764.9	764.9	6.5	6.5	6.5	0.2	0.2	0.2	1.3	1.3	1.3	0.0	0.0	0.0	1.5	1.5	1.5	9.6	9.6	9.6
1979	1133.0	1133.0	1133.0	5.3	5.3	5.3	0.2	0.2	0.2	0.9	0.9	0.9	0.0	0.0	0.0	2.0	2.0	2.0	8.3	8.3	8.3
1980	2501.2	2501.2	2501.2	3.0	3.0	3.0	0.1	0.1	0.1	0.4	0.4	0.4	0.0	0.0	0.0	1.0	1.0	1.0	4.4	4.4	4.4
1981	3718.2	3718.2	3718.2	2.6	2.6	2.6	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	1.0	1.0	1.0	4.0	4.0	4.0
1982	4108.4	4108.4	4108.4	2.4	2.4	2.4	0.1	0.1	0.1	0.2	0.2	0.2	0.0	0.0	0.0	0.9	0.9	0.9	3.6	3.6	3.6
1983	3631.0	3631.0	3631.0	4.0	4.0	4.0	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	1.0	1.0	1.0	5.3	5.3	5.3
1984	3390.1	3390.1	3390.1	4.9	4.9	4.9	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	2.7	2.7	2.7	7.9	7.9	7.9
1985	3260.0	3260.0	3260.0	5.2	5.2	5.2	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	2.9	2.9	2.9	8.4	8.4	8.4
1986	3075.5	3075.5	3075.5	5.3	5.3	5.3	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	3.5	3.5	3.5	9.2	9.2	9.2
1987	1799.4	1799.4	1799.4	8.6	8.6	8.6	0.1	0.1	0.1	0.4	0.4	0.4	0.3	0.3	0.3	6.4	6.4	6.4	15.8	15.8	15.8
1988	2305.8	2305.8	2305.8	6.4	6.4	6.4	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	4.7	4.7	4.7	11.5	11.5	11.5
1989	2186.2	2186.2	2186.2	6.2	6.2	6.2	0.1	0.1	0.1	0.3	0.3	0.3	0.2	0.2	0.2	5.0	5.0	5.0	11.8	11.8	11.8
1990	2507.2	2507.2	2507.2	4.8	4.8	4.8	0.1	0.1	0.1	0.3	0.3	0.3	0.2	0.2	0.2	4.3	4.3	4.3	9.7	9.7	9.7
1991	2985.4	2985.4	2985.4	3.2	3.2	3.2	0.1	0.1	0.1	0.2	0.2	0.2	0.2	0.2	0.2	4.2	4.2	4.2	7.9	7.9	7.9
1992	2121.8	2434.6	2681.9	3.2	2.8	2.5	0.1	0.1	0.1	0.3	0.3	0.2	0.3	0.2	0.2	5.9	5.1	4.6	9.8	8.5	7.7
1993	1809.1	2374.3	2875.6	3.3	2.5	2.1	0.2	0.2	0.1	0.3	0.2	0.2	0.3	0.2	0.2	6.3	4.8	4.0	10.4	7.9	6.6
1994	1834.1	2429.3	3226.3	9.1	6.9	5.2	0.1	0.1	0.1	0.2	0.1	0.1	0.3	0.2	0.2	5.5	4.2	3.1	15.2	11.5	8.6
1995	1990.1	2537.8	3674.6	7.8	6.1	4.2	0.1	0.1	0.1	0.1	0.1	0.0	0.3	0.2	0.1	4.6	3.6	2.5	12.8	10.1	7.0
1996	2012.9	2592.8	3914.4	7.7	5.9	3.9	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	3.8	3.0	2.0	11.8	9.2	6.1
1997	2146.4	2721.2	4094.4	7.0	5.5	3.6	0.1	0.1	0.0	0.0	0.0	0.0	0.2	0.2	0.1	2.5	2.0	1.3	9.8	7.8	5.2
1998	2057.2	2642.2	4102.1	7.1	5.6	3.6	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	2.5	2.0	1.3	10.1	9.4	6.1
1999	1864.7	2431.3	4029.9	7.6	5.8	3.5	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	2.6	2.0	1.2	10.6	8.1	4.8
2000	1699.1	2223.4	3828.1	8.0	6.1	3.5	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	2.3	1.8	1.0	10.7	8.2	4.6
2001	1552.6	2047.9	3642.7	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.3	0.1	1.4	1.1	0.6	1.9	1.4	0.8
2002	1436.0	1922.4	3601.8	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	0.7	0.5	0.3	1.1	0.8	0.4
2003	1338.4	1789.6	3493.9	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.4	0.3	0.1	0.6	0.4	0.2	1.0	0.8	0.4
2004	1242.9	1673.4	3875.8	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.4	0.3	0.1	0.6	0.5	0.2	1.1	0.8	0.3
2005	1143.9	1549.9	4035.4	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.4	0.3	0.1	0.4	0.3	0.1	0.9	0.7	0.3

(1) State of Alaska general obligation bonds

(2) University of Alaska bonds

(3) Alaska State Housing Authority lease revenue bonds

(4) Debt issued to finance Seward Student Service Center, Spring Creek Correctional Center, and Palmer Courthouse

(5) State reimbursement of municipal general obligation debt issued to finance school construction for debt issued through October 1, 1991

State of Alaska
Ratio of Debt Service to Unrestricted Revenues
Fall 1991 Revenue Estimates of the Department of Revenue
Draft Report Assuming Issuance of \$750 Million GO Debt, Level Debt Service
5 Year Final Maturity, True Interest Cost 5.4%, \$175.2 Million Additional Debt Service FY 94-FY 98

Fiscal Year	Unrestricted Revenue (\$ Millions)			(1) State GOB's			(2) UA			(3) ASHA			(4) Lease-Purchase Obligations			(5) School Debt (Muni)			Total Debt Service		
	Low	Mid	High																		
1977	874.3	874.3	874.3	4.8	4.8	4.8	0.2	0.2	0.2	1.1	1.1	1.1	0.0	0.0	0.0	1.0	1.0	1.0	7.1	7.1	7.1
1978	764.9	764.9	764.9	6.5	6.5	6.5	0.2	0.2	0.2	1.3	1.3	1.3	0.0	0.0	0.0	1.5	1.5	1.5	9.6	9.6	9.6
1979	1133.0	1133.0	1133.0	5.3	5.3	5.3	0.2	0.2	0.2	0.9	0.9	0.9	0.0	0.0	0.0	2.0	2.0	2.0	8.3	8.3	8.3
1980	2501.2	2501.2	2501.2	3.0	3.0	3.0	0.1	0.1	0.1	0.4	0.4	0.4	0.0	0.0	0.0	1.0	1.0	1.0	4.4	4.4	4.4
1981	3718.2	3718.2	3718.2	2.6	2.6	2.6	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	1.0	1.0	1.0	4.0	4.0	4.0
1982	4108.4	4108.4	4108.4	2.4	2.4	2.4	0.1	0.1	0.1	0.2	0.2	0.2	0.0	0.0	0.0	0.9	0.9	0.9	3.6	3.6	3.6
1983	3631.0	3631.0	3631.0	4.0	4.0	4.0	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	1.0	1.0	1.0	5.3	5.3	5.3
1984	3390.1	3390.1	3390.1	4.9	4.9	4.9	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	2.7	2.7	2.7	7.9	7.9	7.9
1985	3260.0	3260.0	3260.0	5.2	5.2	5.2	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	2.9	2.9	2.9	8.4	8.4	8.4
1986	3075.5	3075.5	3075.5	5.3	5.3	5.3	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	3.5	3.5	3.5	9.2	9.2	9.2
1987	1799.4	1799.4	1799.4	8.6	8.6	8.6	0.1	0.1	0.1	0.4	0.4	0.4	0.3	0.3	0.3	6.4	6.4	6.4	15.8	15.8	15.8
1988	2305.8	2305.8	2305.8	6.4	6.4	6.4	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	4.7	4.7	4.7	11.5	11.5	11.5
1989	2186.2	2186.2	2186.2	6.2	6.2	6.2	0.1	0.1	0.1	0.3	0.3	0.3	0.2	0.2	0.2	5.0	5.0	5.0	11.8	11.8	11.8
1990	2507.2	2507.2	2507.2	4.8	4.8	4.8	0.1	0.1	0.1	0.3	0.3	0.3	0.2	0.2	0.2	4.3	4.3	4.3	9.7	9.7	9.7
1991	2985.4	2985.4	2985.4	3.2	3.2	3.2	0.1	0.1	0.1	0.2	0.2	0.2	0.2	0.2	0.2	4.2	4.2	4.2	7.9	7.9	7.9
1992	2121.8	2434.6	2681.9	3.2	2.8	2.5	0.1	0.1	0.1	0.3	0.3	0.2	0.3	0.2	0.2	5.9	5.1	4.6	9.8	8.5	7.7
1993	1809.1	2374.3	2875.6	3.3	2.5	2.1	0.2	0.2	0.1	0.3	0.2	0.2	0.3	0.2	0.2	6.3	4.8	4.0	10.4	7.9	6.6
1994	1834.1	2429.3	3226.3	11.4	8.6	6.5	0.1	0.1	0.1	0.2	0.1	0.1	0.3	0.2	0.2	5.5	4.2	3.1	17.5	13.2	9.9
1995	1990.1	2537.8	3674.6	10.0	7.8	5.4	0.1	0.1	0.1	0.1	0.1	0.0	0.3	0.2	0.1	4.6	3.6	2.5	15.0	11.7	8.1
1996	2012.9	2592.8	3914.4	9.8	7.6	5.0	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	3.8	3.0	2.0	13.9	10.8	7.2
1997	2146.4	2721.2	4094.4	8.9	7.1	4.7	0.1	0.1	0.0	0.0	0.0	0.0	0.2	0.2	0.1	2.5	2.0	1.3	11.8	9.3	6.2
1998	2057.2	2642.2	4102.1	9.2	7.2	4.6	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	2.5	2.0	1.3	12.1	9.4	6.1
1999	1864.7	2431.3	4029.9	0.5	0.4	0.2	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	2.6	2.0	1.2	3.5	2.7	1.6
2000	1699.1	2223.4	3828.1	0.2	0.1	0.1	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	2.3	1.8	1.0	2.9	2.2	1.3
2001	1552.6	2047.9	3642.7	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.3	0.1	1.4	1.1	0.6	1.9	1.4	0.8
2002	1436.0	1922.4	3601.8	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	0.7	0.5	0.3	1.1	0.8	0.4
2003	1338.4	1789.6	3493.9	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.4	0.3	0.1	0.6	0.4	0.2	1.0	0.8	0.4
2004	1242.9	1673.4	3875.8	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.4	0.3	0.1	0.6	0.5	0.2	1.1	0.8	0.3
2005	1143.9	1549.9	4035.4	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.4	0.3	0.1	0.4	0.3	0.1	0.9	0.7	0.3

(1) State of Alaska general obligation bonds

(2) University of Alaska bonds

(3) Alaska State Housing Authority lease revenue bonds

(4) Debt issued to finance Seward Student Service Center, Spring Creek Correctional Center, and Palmer Courthouse

(5) State reimbursement of municipal general obligation debt issued to finance school construction for debt issued through October 1, 1991

State of Alaska
Ratio of Debt Service to Unrestricted Revenues
Fall 1991 Revenue Estimates of the Department of Revenue

Fiscal Year	Unrestricted Revenue (\$ Millions)			(1) State GOB's			(2) UA			(3) ASHA			(4) Lease-Purchase Obligations			(5) School Debt (Muni)			Total Debt Service		
	Low	Mid	High																		
1977	874.3	874.3	874.3	4.8	4.8	4.8	0.2	0.2	0.2	1.1	1.1	1.1	0.0	0.0	0.0	1.0	1.0	1.0	7.1	7.1	7.1
1978	764.9	764.9	764.9	6.5	6.5	6.5	0.2	0.2	0.2	1.3	1.3	1.3	0.0	0.0	0.0	1.5	1.5	1.5	9.6	9.6	9.6
1979	1133.0	1133.0	1133.0	5.3	5.3	5.3	0.2	0.2	0.2	0.9	0.9	0.9	0.0	0.0	0.0	2.0	2.0	2.0	8.3	8.3	8.3
1980	2501.2	2501.2	2501.2	3.0	3.0	3.0	0.1	0.1	0.1	0.4	0.4	0.4	0.0	0.0	0.0	1.0	1.0	1.0	4.4	4.4	4.4
1981	3718.2	3718.2	3718.2	2.6	2.6	2.6	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	1.0	1.0	1.0	4.0	4.0	4.0
1982	4108.4	4108.4	4108.4	2.4	2.4	2.4	0.1	0.1	0.1	0.2	0.2	0.2	0.0	0.0	0.0	0.9	0.9	0.9	3.6	3.6	3.6
1983	3631.0	3631.0	3631.0	4.0	4.0	4.0	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	1.0	1.0	1.0	5.3	5.3	5.3
1984	3390.1	3390.1	3390.1	4.9	4.9	4.9	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	2.7	2.7	2.7	7.9	7.9	7.9
1985	3260.0	3260.0	3260.0	5.2	5.2	5.2	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	2.9	2.9	2.9	8.4	8.4	8.4
1986	3075.5	3075.5	3075.5	5.3	5.3	5.3	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	3.5	3.5	3.5	9.2	9.2	9.2
1987	1799.4	1799.4	1799.4	8.6	8.6	8.6	0.1	0.1	0.1	0.4	0.4	0.4	0.3	0.3	0.3	6.4	6.4	6.4	15.8	15.8	15.8
1988	2305.8	2305.8	2305.8	6.4	6.4	6.4	0.1	0.1	0.1	0.3	0.3	0.3	0.0	0.0	0.0	4.7	4.7	4.7	11.5	11.5	11.5
1989	2186.2	2186.2	2186.2	6.2	6.2	6.2	0.1	0.1	0.1	0.3	0.3	0.3	0.2	0.2	0.2	5.0	5.0	5.0	11.8	11.8	11.8
1990	2507.2	2507.2	2507.2	4.8	4.8	4.8	0.1	0.1	0.1	0.3	0.3	0.3	0.2	0.2	0.2	4.3	4.3	4.3	9.7	9.7	9.7
1991	2985.4	2985.4	2985.4	3.2	3.2	3.2	0.1	0.1	0.1	0.2	0.2	0.2	0.2	0.2	0.2	4.2	4.2	4.2	7.9	7.9	7.9
1992	2121.8	2434.6	2681.9	3.2	2.8	2.5	0.1	0.1	0.1	0.3	0.3	0.2	0.3	0.2	0.2	5.9	5.1	4.6	9.8	8.5	7.7
1993	1809.1	2374.3	2875.6	3.3	2.5	2.1	0.2	0.2	0.1	0.3	0.2	0.2	0.3	0.2	0.2	6.3	4.8	4.0	10.4	7.9	6.6
1994	1834.1	2429.3	3226.3	1.8	1.4	1.1	0.1	0.1	0.1	0.2	0.1	0.1	0.3	0.2	0.2	5.5	4.2	3.1	7.9	6.0	4.5
1995	1990.1	2537.8	3674.6	1.2	0.9	0.6	0.1	0.1	0.1	0.1	0.1	0.0	0.3	0.2	0.1	4.6	3.6	2.5	6.2	4.8	3.3
1996	2012.9	2592.8	3914.4	1.1	0.8	0.5	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	3.8	3.0	2.0	5.2	4.1	2.7
1997	2146.4	2721.2	4094.4	0.8	0.6	0.4	0.1	0.1	0.0	0.0	0.0	0.0	0.2	0.2	0.1	2.5	2.0	1.3	3.7	2.9	1.9
1998	2057.2	2642.2	4102.1	0.7	0.5	0.4	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	2.5	2.0	1.3	3.6	2.8	1.8
1999	1864.7	2431.3	4029.9	0.5	0.4	0.2	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	2.6	2.0	1.2	3.5	2.7	1.6
2000	1699.1	2223.4	3828.1	0.2	0.1	0.1	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	2.3	1.8	1.0	2.9	2.2	1.3
2001	1552.6	2047.9	3642.7	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.3	0.1	1.4	1.1	0.6	1.9	1.4	0.8
2002	1436.0	1922.4	3601.8	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.3	0.2	0.1	0.7	0.5	0.3	1.1	0.8	0.4
2003	1338.4	1789.6	3493.9	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.4	0.3	0.1	0.6	0.4	0.2	1.0	0.8	0.4
2004	1242.9	1673.4	3875.8	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.4	0.3	0.1	0.6	0.5	0.2	1.1	0.8	0.3
2005	1143.9	1549.9	4035.4	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.4	0.3	0.1	0.4	0.3	0.1	0.9	0.7	0.3

(1) State of Alaska general obligation bonds

(2) University of Alaska bonds

(3) Alaska State Housing Authority lease revenue bonds

(4) Debt issued to finance Seward Student Service Center, Spring Creek Correctional Center, and Palmer Courthouse

(5) State reimbursement of municipal general obligation debt issued to finance school construction for debt issued through October 1, 1991



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669

PHONE (907) 262-4441

February 25, 1992

DON GILMAN
MAYOR

The Honorable Jalmar Kerttula
PO Box V
Juneau, AK 99811

FEB 28 1992

Dear Senator ^{Jay} Kerttula:

This letter is written to reiterate our recent discussion concerning the public school building and renovation program. As we both know, the public school facility needs for elementary and secondary education are going to continue to grow. The past program, while providing the mechanism for state and local partnership in funding the construction of schools, left something to be desired because abuses of the system were too easy. Too many 'other' facilities were built in the guise of schools such as swimming pools, auditoriums, community centers, etc. As a result, the school system now has to provide not only basic education but community recreation, community schools, and a myriad of other items which are drains on the resources of the school operating funds.

The repeal of the reimbursement program accomplished a couple of objectives: it stopped the growth of State obligation for local school bonds, and it helped to illustrate the major rebuilding and refurbishing needs of the rural Alaska school system. It did not result in a solution for the growing school construction needs of the major population areas of the state, including the Mat-Su Borough and the Kenai Peninsula Borough.

I would like to offer some suggestions as a way of spurring discussion and possibly new legislation to address this topic. In order to provide a system for construction of schools in the state of Alaska we must:

1. Assume and accept the premise that for a long time in the future we are going to have a dual school system in this state whether we like it or not. As a result, the State will have to continue funding 100% of those needs.

2/25/92

Page 2

2. Mandate that the State Department of Education define a basic school for the purposes of state participation in construction. The basic school design could even be a prototype design which could be used in many school districts throughout the state. Costs incurred by deviating from the basic school design would have to be borne by the local community.

3. Set a provision for participation in financing the basic school. From 1971 to 1976 school bonds were reimbursed on an up to 50% basis. In 1981 up to 100% reimbursement was provided by statute. Somewhere between 50% and 80% of construction costs should be provided in any new program. I recommend a 70%-30% split, but that is arbitrary and mechanical. In any event, the local community should not have to borrow the State's percentage of the construction cost.

4. Create a mechanism for the State to finance its share of the funds for construction. I believe that State G.O. bonds could be authorized by the voters and issued at the time the construction was ready to go forward and only after the community had provided evidence that its financing was in place. The municipal bond bank could be used to coordinate the funding.

There are a number of reasons why it is good public policy for local funds to be required to finance school construction. Usually the community will maintain a facility for which it has to pay. Users of the facility will be responsible for paying for the facility. However, I believe that the most compelling reason is to curb the tendency to build monolithic edifices to architects.

Jay, my staff and I stand ready to assist in any way we can. I believe that funds for all state programs and projects are going to be nearly non-existent after this year. We must prepare a way to continue to have adequate educational facilities in the future. My grandchildren deserve no less.

Sincerely,



Don Gilman

Kenai Peninsula Borough Mayor

DG:lc

S B

365

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. Senate Bill 365

Revision Date: _____ Dept. Affected Health & Social Services
 Title: Living wills and do not resuscitate orders BRU: State Health Services
 Component: Public Health Administration
 Sponsor: Craft
 Requestor: HES COMPONENT SERIAL NO. 0-60-40602-292

Expenditures/Revenues

(Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES						
TRAVEL	1.0					
CONTRACTUAL	9.3					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.3	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

GENERAL FUND	FY93	FY94	FY95	FY96	FY97	FY98
FEDERAL FUNDS						
OTHER						
TOTAL	10.3	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	FY93	FY94	FY95	FY96	FY97	FY98
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

The department would need to contract out the writing of the regulations which are mandated by SB 365. A contract for 3 months of writing and walking the regulations through the adoption procedure would cost \$6.0. Additional costs associated with the adoption procedure are as follows:
 Printing - \$0.5, Mailings - \$0.3, Advertising \$1.5, 2 Teleconferences @ \$7.0

Prepared by: Peter M. Nakamura, MD, MPH *P.M.N.* Phone: 465-3090
 Division: Public Health Date: 1/29/92
 Approved by Commissioner: Theodore A. Mala, MD, MPH *Theodore A. Mala* Date: 30 Jan 1992
 Agency: Department of Health and Social Services

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

ALASKA STATE LEGISLATURE

119 North Cushman, #201
Fairbanks, Alaska 99701
(907) 452-4882
Fax: 452-3254



Room 125, State Capitol
Juneau, Alaska 99801-1182
(907) 465-3834
Fax: 586-6246

Shirley Craft
Alaska State Senator

To: Senator Arliss Sturgulewski, Chair, *AS*
Senate Health, Education and Social Services Committee

From: Senator Shirley Craft

Date: January 30, 1992

Re: **Senate Bill 365**
"An Act relating to living wills and do not resuscitate orders; and providing for an effective date."

BACKGROUND

Do not resuscitate (DNR) orders are a request by an individual to not be resuscitated upon cardiopulmonary failure. A DNR order can be obtained through an oral request to your doctor or by filling out a DNR order form. If an individual has an incurable or painful illness, he or she may not want to be resuscitated.

Physicians, emergency response personnel and home care nurses all use different guidelines when responding to DNR orders. SB 365 would streamline DNR procedures for all health care professionals, and provide added assurance that an individual's wish will be carried out.

SB 365 PROVIDES FOR THE FOLLOWING:

SB 365 reinforces an individual's wish to not be resuscitated by requesting the Department of Health and Social Services to develop: (1) DNR identification such as bracelets, necklaces, forms and wallet size cards; and (2) regulations for standard DNR procedures.

DNR identification will help alert medical personnel who may not be familiar with the individual, or his or her wish to not be resuscitated. For instance, in the case of a motor vehicle accident or an emergency situation occurring at home when the individual's doctor or next of kin are not available.

A health care provider, other than a physician, is required to comply with DNR protocol, when they are presented with DNR identification.

DNR Orders
January 30, 1992
Page 2

Physicians or medical personnel who act in accordance with a DNR order, will not be subject to civil or criminal liability, or be found guilty of unprofessional conduct.

Physicians or medical personnel who do not feel comfortable complying with a DNR order, must transfer the individual to a facility that will comply or to the individual's home.

Physicians or medical personnel who are aware of the individual's DNR order, but do not honor the request, will be penalized up to \$1,000.00 and be held responsible for the actual costs associated with their failure to comply. (These requirements are the same stipulations required by state law for living wills, in section 5, of AS 18.12.070.)

The Alaska statutes address living wills, but do not enforce an individual's choice to not be resuscitated. I urge your early scheduling and favorable consideration of this measure. I would be happy to answer any questions you may have and provide further information upon request.

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR CRAFT

TO: SB 365

Page 3, lines 4 - 6:

Delete "persons who cause or participate in providing cardiopulmonary resuscitation or other life-sustaining procedures after an oral or written request communicated to them by a person who possesses DNR identification;"

Page 3, line 7:

Delete "(4)"

Delete "providing,"

Delete the second "1"

Page 3, after line 8:

Insert a new bill section to read:

"* Sec. 5. AS 18.12.060 is amended by adding a new subsection to read:

(c) A person who causes or participates in the providing of cardiopulmonary resuscitation or other life-sustaining procedures after an oral or written request to do so communicated to the person by another who possesses DNR identification is not subject to civil or criminal liability for failing to honor the intent of the DNR identification nor is the person guilty of unprofessional conduct for that action. The health care facility in which actions described in this subsection are undertaken is also not subject to civil or criminal liability for the failure to honor the intent of DNR identification."

Renumber the following bill sections accordingly.

Page 5, line 11:

Delete "13"

Insert "14"

Page 5, line 13:

Delete "14"

Insert "15"

AMENDMENT

OFFERED IN THE SENATE,

BY SENATOR CRAFT

TO: SB 365

Pg. 4, line 16:

after the word "or" insert "the use, withholding, or
withdrawal of"

The State Medical Association suggests this amendment to
make the language uniform with the other sections of the bill -
(see pg. 4 line 15 where "use, withholding or withdrawal" is used.)

Pg. 4, line 17:

after procedures, leave in IN THE EVENT OF A TERMINAL
CONDITION.

The State Medical Association feels that deleting this
phrase will actually weaken the bill, and therefore suggests that
it be left in.

Section 9 is stating that:

In the event of a terminal illness no presumption will
be made concerning the intention or intended treatment of someone
who does not have "do not resuscitate" identification or a "do not
resuscitate" order.

make it a form:

hat will that my cedures. in deci g physi the dy te pain. d water)

untarily

is (date)

BY TWO IED TO

the ab-complies

Sec. 18.12.020. Revocation of declaration. (a) A declaration may be revoked at any time and in any manner by which the declarant is able to communicate an intent to revoke, without regard to mental or physical condition. A revocation is only effective as to the attending physician or any health care provider acting under the guidance of that physician upon communication to the physician or health care provider by the declarant or by another to whom the revocation was communicated.

(b) The attending physician or health care provider shall make the revocation a part of the declarant's medical record. (§ 1 ch 144 SLA 1986)

Sec. 18.12.030. Recording determination of terminal condition and contents of declaration. When an attending physician who has been provided a copy of a declaration determines that the declarant is in a terminal condition, the physician shall record that determination and the contents of the declaration in the declarant's medical record. (§ 1 ch 144 SLA 1986)

SB365 (18.12.035)*

(18.12.037)

Would be inserted here.

The other portions of the bill will amend existing Statute

Sec. 18.12.040. Treatment of qualified patients. (a) A qualified patient has the right to make decisions regarding use of life-sustaining procedures as long as the patient is able to do so. If a qualified patient is not able to make these decisions, the declaration governs decisions regarding use of life-sustaining procedures.

(b) This chapter does not prohibit the application of any medical procedure or intervention, including the provision of nutrition and hydration, considered necessary to provide comfort care or alleviation of pain. The declaration may provide that the declarant does not want nutrition or hydration administered intravenously or by gastric tube.

(c) The declaration of a qualified patient known to the attending physician to be pregnant is given no effect as long as it is probable that the fetus could develop to the point of live birth with continued application of life-sustaining procedures. (§ 1 ch 144 SLA 1986)

Opinions of attorney general. — Subsection (c) is constitutionally problematic. Under settled case law, a woman has a constitutional right to make a determination regarding her pregnancy during the first two trimesters of her pregnancy. Subsection (c), in essence, would take this constitutionally recognized right from a woman who has expressed her wishes, and perhaps even alter the form declaration to state her specific wishes, regarding life-sustaining measures during her first two trimesters of pregnancy. The ineffective-

ness of the declaration does not, however, deprive the pregnant and terminally ill woman of any other lawful means to effect the withholding or withdrawal of medication. When an incompetent person's life cannot be saved in any meaningful sense by modern medicine, and the patient's family and the attending physician are in agreement that life-sustaining procedures would only prolong the process of death, it appears reasonable that life-sustaining procedures would be withheld or withdrawn. June 6, 1986. Op. Att'y Gen.

POSITION PAPER

SENATE BILL NO. 365

A Bill for an Act entitled: "An Act relating to living wills and do not resuscitate orders; and providing for an effective date."

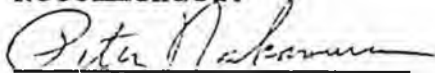
ANALYSIS

SB 365 complements current statutes on the rights of the terminally ill by adding specific recognition of do not resuscitate (DNR) orders to the existing legislation on the rights of the terminally ill to make a declaration relating to the use of life-sustaining procedures. A new section (18.12.035), allows attending physicians to issue do not resuscitate orders, requires the Department of Health and Social Services, with the approval of the State Medical Board, to issue regulations adopting a standardized protocol governing the withholding of cardiopulmonary resuscitation by physicians and other health care providers, and establishes the requirements under which health care providers other than physicians must comply with do not resuscitate orders. Section 18.12.037 requires the Department of Health and Social Services to develop standardized designs for DNR identification cards, forms, necklaces, and bracelets to indicate that the possessor has executed a living will or that a DNR order has been issued by a physician. Other provisions of the Bill amend existing statutory provisions by including DNRs along with living wills in areas such as immunities for health care providers acting under the provisions of living wills and DNR orders, penalties, etc.

Do not resuscitate orders are issued only in the case of terminal illness. Existing statutes on living wills appear to apply only to physicians, persons participating in the withholding or withdrawal of life-sustaining procedures from a qualified patient under the direction of with the authorization of a physician, and health care facilities in which the withholding or withdrawal occurs. Under existing practice, emergency response providers (EMT's and paramedics) are required to institute cardiopulmonary resuscitation on site even if the sick person has a living will. A properly executed DNR order and procedural protocol recognized by all concerned parties would help to avoid futile and unwanted interventions. Similarly, within health care institutions, DNR orders are necessary in the absence of a living will when attempts at resuscitation serve only to prolong the process of dying.

POSITION

The Department of Health and Social Services supports enactment of: SB 365.

Recommended:

Peter M. Nakamura, MD, MPH
Director
Division of Public Health

Approved: 1/30/92

Theodore A. Mala, MD, MPH
Commissioner
Health and Social Services

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

311 C STREET, SUITE 550
ANCHORAGE, ALASKA 99501
(907) 561-7615

While in Juneau
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

March 13, 1992

Alfred E. Sundquist
3384 Mt. Vernon Ct.
Anchorage, Alaska 99503

Dear Al:

Thank you for your letter in support of SB 365 "An Act relating to living wills and do not resuscitate orders." As chairman of the Senate Health, Education and Social Services Committee, I held a hearing on this bill on February 18. Senate Bill 365 did pass out of my committee on that date with my "do pass" recommendation.

This legislation is now in the Senate Judiciary Committee and I would encourage you to let the members of that committee know of your support for this bill. Senate Judiciary Committee members are Senators Halford, Chairman; Rodey; Adams; Collins; and Frank.

Again, thank you for letting me know of your support for SB 365.

Kindest regards,

A handwritten signature in cursive script that reads "Arliss".

Arliss Sturgulewski
Alaska State Senator

Alfred E. Sundquist
3384 Mt. Vernon Ct.
Anchorage, AK 99503
March 11, 1992

The Honorable Arliss Sturgulewski
Room 427
State Capital
Juneau, AK 99801-1182

Dear Senator Sturgulewski;

I am writing in support of Senate Bill 365 which I understand is currently under review by your HES Committee.

This is the bill that enhances the Living Will Statute, A.S. 18.12, by including the withholding of cardiopulmonary resuscitation with the withholding of withdrawal of other life sustaining procedures from a qualified patient. Such withholding would seem to be entirely compatible with the intent and purpose of the Living Will Statute which provides patients with personal choice in the treatment of their terminal illness.

Your early and favorable action on this bill will be much appreciated.

Sincerely,

Alfred E. Sundquist

103 58-55
2/18/92
A. W. Pass
12-11-92
S. J. W.

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: HOWARD O. WITHRON, CHAIRMAN
TITLE: LEGISLATIVE COMMITTEE
ADDRESS: 3407 SPEHARD ROAD, #14
CITY: ANCHORAGE ZIP: 99503
PHONE: 561-7069
BILL NO: SB 365
SUBJECT: LIVING WILLS AND DNR ORDERS
MESSAGE: I URGE AMENDMENTS AS INDICATED AND SENT FOR A FLOOR VOTE. /CMR

POMID: 03153734
DATE: 92/04/15
TIME: 15:37:34
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES SENATORS

BAKER	COLLINS
BARNES	COTTEN
BROWN	HALFORD
BRUCKMAN	KERTTULA
CHOQUETTE	MENARD
B.DAVIS	PEARCE
DONLEY	POURCHOT
ELLIS	RODEY
FINKELSTEIN	UEHLING
GRUENBERG	ADAMS
HANLEY	FRANK
LEMAN	
MARTIN	
M.A.MILLER	
PARNELL	
R.PHILLIPS	
ZAWACKI	

S B

3 6 6

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB366

Revision Date January 22, 1992 Dept. Affected Health and Social Services
 Title: "An act providing for establishment of BRU: Family and Youth Services
work camps for juveniles adjudicated delinquent." Component: Central Office
 Sponsor: Senator Collins
 Requestor: Senate HSS Committee COMPONENT SERIAL NO. 0259

Expenditures/Revenues

(Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	7.3	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	1.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	1.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	9.3	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE						

FUNDING:

(Thousands of Dollars)

GENERAL FUND	9.3	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	9.3	0.0	0.0	0.0	0.0	0.0

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)

SB366 would allow the Department to establish juvenile work camps for youth adjudicated delinquent. This fiscal note is for the administrative costs associated with the adoption of standards and regulations for the design, construction, repair, maintenance, and operation of all juvenile work camps. This would include the adoption of formal regulations, the publication of standards for accreditation of work camp programs, consistent with the accreditation of other state youth correction programs.

This fiscal note does NOT fund the operation of a work camp.

Prepared by: Brian Saylor, Deputy Commissioner *Brian Saylor*
 Division: Division of Family and Youth Services
 Approved by Commissioner: *[Signature]*
 Agency: Department of Health and Social Services

Phone: 465-3030
 Date: March 3, 1992
 Date: 3/3/92

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

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 366

Revision Date: _____

Department Affected: Administration

Title: An Act providing for establishment of work camps for juveniles adjudicated delinquent.

BRU: Office of Public Advocacy

Sponsor: Collins

Component: Office of Public Advocacy

Requestor: Senate Health, Education and Social Services

COMPONENT SERIAL NO.

		4	3
--	--	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	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.)

Prepared by: Brant McGee, Public Advocate
 Division: Office of Public Advocacy

Phone: 274-1684
 Date: January 29, 1992

Approved by Commissioner: Nancy Bear Usara
 Agency: Administration

Date: 2/18/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Alaska State Legislature

During Session
State Capitol
Juneau, Alaska 99801-1182
(907) 465-2828

During Interim
311 C Street, Suite 540
Anchorage, Alaska 99503
(907) 561-2040

Senator Virginia Collins

SB 366

Juvenile Work Camps

SB 366 allows for the establishment of juvenile work camps, or "boot camps," for youths who are adjudicated delinquent.

Eager to improve the effectiveness and reduce the cost of juvenile corrections, many states are experimenting with boot camps for juvenile offenders. The purpose is to scare kids straight so they won't end up in adult prisons.

The intent behind SB 366 is to permit courts to place juvenile delinquents in work camps patterned after Nevada's China Spring Youth Camp -- a setting that stresses academics, physical labor, and structured discipline.

At China Spring, the boys start their day by cleaning the dormitory and, after breakfast, the kitchen. They attend school from 8:00 to 3:30 then work on such projects as digging ditches for water and sewer lines, hauling wood, raising chickens, and farming. After work, they have a mandatory hour for studies and another hour for counseling for problems such as alcohol and drug abuse.

Although there are no cost estimates for an Alaska boot camp, we do know that the U.S. Justice Department awarded Ohio's Cuyahoga County a \$779,000 grant for an 18-month pilot boot camp program housing 30 boys at a time.

Many members of the public have called in support of the bill because they see it as a measure tough on crime. SB 366 seeks not to replace the current corrections system, but to enhance it -- and perhaps dissuade young criminals from returning to a life a crime.



Alaska State Legislature

During Session
State Capitol
Juneau, Alaska 99801-1182
(907) 465-2828

During Interim
3111 C Street, Suite 540
Anchorage, Alaska 99503
(907) 561-2040



Senator Virginia Collins

Section by Section Analysis of SB 366 (Boot Camps for Juvenile Delinquents)

Section 1 -- Authorizes the Alaska Department of Health and Social Services to place delinquent minors in juvenile work camps.

Section 2 -- Allows the department to accept donations for use in construction of work camps.

Section 3 -- Instructs the department to submit a construction plan of the work camps.

Section 4 -- Allows cities to operate and maintain work camps.

Section 5 -- Empowers the department to adopt regulations for operating the camps.

Section 6 -- Prescribes the conditions of confinement after the court commits a minor to the custody of the department (namely, that a juvenile should be detained in a place separate from incarcerated adults).

Section 7 -- Defines "juvenile work camp".





JAN 17 1992

(702) 782-9870

Post Office Box 218 • Minden, Nevada 89423

DOUGLAS COUNTY

January 13, 1992

Senator Virginia Collins
Alaska State Legislature
Post Office Box V
Juneau, Alaska 99811

Dear Senator Collins:

Pursuant to your request, enclosed please find a brief history of China Spring. You may also wish to obtain a copy of Nevada Revised Statutes 234.297 to 244.299 as amended in Chapter 31 of the 1960 Nevada State Legislature.

Please advise if we can be of further assistance.

Sincerely,

Michael J. Harper
Director

MJH:sc

CHINA SPRING YOUTH CAMP

LOCATION

2.5 miles south of Bodie Flat, in Douglas County, approximately nine miles from Minden and Gardnerville. The mailing address is Post Office Box 218, Minden, Nevada 89423.

HISTORY

In 1979 District Judge Howard McKibben, Chief Probation Officer James Estabrook and members of the local community perceived a need for a juvenile placement facility to serve as an alternative to the Nevada Youth Training Center at Elko. Jewel and Stoddard Jacobsen, of Gardnerville, donated forty acres of land for the project. China Spring Youth Camp obtained an energy conservation grant, service clubs assistance, and an additional community fund raising effort raised \$80,000.00. During the summer of 1981, using a CETA Youth Work Project Grant and with the cooperation of local contractors, a road was cut into the property. In August of 1983, the Camp was opened and operated until July of 1985.

The Camp underwent major renovations from 1985 to 1987. It was reopened in June of 1987 with a 30 bed capacity and is presently a self-contained facility located in a wilderness setting. The facility utilizes solar energy, "state of the art" in energy conservation. The Camp consists of seven facilities: a dormitory, messhall, office/laundry, hatchery, school facility and administrative offices. The Camp has its own water system.

Since China Spring Youth Camp re-opened, the staff has continued to develop in-house programs designed to give the residents every opportunity to make meaningful and positive changes in their lives. Each day is filled with academics, physical training, work projects and counseling. Each resident learns self discipline and task completion.

The China Spring Youth Camp is currently capable of housing 30 mid-level juvenile offenders. We offer a staff secured facility that provides a structured environment that develops self discipline, confidence and improved academic standing. The Camp has accepted placement from all Nevada Judicial Districts.

MISSION

The China Spring Youth Camp is a regional training, residential facility for mid-level juvenile offenders. The Camp is established as a staff-secured facility whose purpose is to provide the structure and programs necessary for the resident youth to

overcome their delinquent and anti-social behaviors, and to facilitate a positive reintegration into the family and the community.

GOALS

1. To modify the behavior patterns of residents by providing an opportunity for achievement in a controlled and structured environment.
2. To work with the residents through the different programs to enable him to have the skill to function appropriately when he re-enters his home, school and community.

COMMITMENT CRITERIA/PROCEDURE

1. The child be adjudicated a delinquent child within the purview of Chapter 62 of the Nevada Revised Statutes.
2. Child to be committed to the care and custody and control of the Superintendent of the Nevada Youth Training Center at Elko.
3. That commitment be suspended and the child be placed on formal probation with the condition that he successfully complete the program.

The above procedure will allow for the sending county to maintain jurisdiction of the child upon the release from the Camp and his return to the community.

CAMP DISCIPLINE

The China Spring Youth Camp Program is based on accountability and achievement. The Camp is not a punitive institution. The clients of the Camp are taught social and personal responsibility in a structured environment in which privileges are earned. For every privilege granted to a client, an equal responsibility is assigned.

EDUCATION

Educational programming is provided by the Douglas County School District. General academic programs are offered. Additional instruction is available in the use of computers and vocational classes. Apprenticeships are implemented in welding, cooking and various agricultural activities.

Emphasis in the educational setting is on obtaining the basic skills that facilitate their integration into society and the work place. As most residents have had academic problems, additional emphasis is placed on making up any credits they may be deficient in for graduation.

COUNSELING

The youth at Camp need direction, guidance and the experience of taking personal responsibility for their actions. The Camp is committed to an intensive, dedicated, caring and professional approach. The staff work to enable the youth to take charge of their lives and develop the confidence and self esteem to satisfactorily adjust to the community.

Each resident is involved in private and individual counseling. The Camp has on staff, state certified alcohol and drug counselors, and a program administrator for alcohol and drugs.

Residents are involved in counseling that includes programs from the Bureau of Alcohol and Drug Abuse, reality therapy, behavior modification, personal hygiene, personal finance, ethics, the youth and the law, goal setting, job search skills and others in an ongoing process.

STAFF

The China Spring Youth Camp employs and trains a professional counseling staff. Staff members must possess skills that lend themselves to all areas of the program. The resident must have access to a skilled counselor on a 24 hour a day basis. China Spring Youth Camp staff does not perform straight supervision duties, with their skills they set the tone for an environment conducive to behavioral change.

TREATMENT

The residents shall have a treatment plan completed within the first thirty (30) days of residence. The plan will be prepared by staff counselors in cooperation with the resident. The plan shall include the following goals: behavioral, educational, psychological, family and community, and work.

WILDERNESS PROGRAM

The developmental concept of wilderness training is to provide an opportunity for achievement in a setting dissimilar from the settings of a juvenile offenders non-achievement. Any person's

ability to become proficient in the social skills necessary to become a contributory element of society is dependent on the individual's concept of self worth, his perception of his functional social abilities, and his degree of self discipline.

In an attempt to overcome a history of societal failure, a youth referred to the China Spring Wilderness Program is given an opportunity to achieve in a highly structured setting. The program functions by providing problem solving tasks set in a unique physical social environment which impels the learner to mastery of these tasks.

The participants are exposed to natural laws and their consequences. Unlike many of society's laws, the problems they present tend to be straightforward, but often, their solutions require flexibility and creativity. In the wilderness setting, the youth is no longer able to rationalize his failures as being the fault of another person or institution. The counselors provide the instruction and the expertise necessary for the youth to be successful; it is the youth's efforts, however, that will determine his success. Once a youth has learned that the degree of his success is limited, only by his efforts and knowledge, that lesson is transferred to the other elements of camp life and into a redevelopment of self awareness and self esteem, and this changes the direction of his problem solving behavior in the general society.

ADDITIONAL TRAINING

Residents are involved in daily activities that provide benefits to the Camp and develop new skills for the residents. These have included community projects of laying sod at schools and county facilities, landscaping of Camp grounds, care of chukar project, building maintenance, fence building, gardening, construction tasks and vocational training.

FOOD SERVICES

The Food Service Unit is responsible for providing nutritious, well balanced meals that will ensure the necessary daily dietary requirements for each resident. Meals will be in compliance with guidelines set by the United State Department of Health and Welfare in conjunction with the National School Lunch Program through the State Department of Education.

MEDICAL SERVICES

Medical services are available 24 hours a day.

AFTERCARE

The children who are released from China Spring Youth Camp will return to their original jurisdiction. The committing Probation Officer or Youth Parole Service retains custody of the child and is kept informed of the residents progress. Family counseling for the children who reside in outlying counties will be provided by Rural Clinics Community Mental Health Center of the State of Nevada.

FUTURE GOALS

As the Camp continues to grow many goals and projects still lie ahead. As the need arises, China Spring Youth Camp is prepared to expand to a capacity of 40 residents. Nevada has a rapidly growing population and consequently increasing need for residential juvenile facilities. The State of Nevada already faces continual over crowding at its training center. China Spring Youth Camp provides a viable low cost alternative to expansion of State facilities.

Future projects include the construction of a vocational arts building, completion of athletic fields, an additional water well and a reservoir for increased fire protection.

2963

COUNTIES: GOVERNMENT

244.297

Effective date. — The 1985 amendment departments for expenses or losses incurred in fighting fires on state property, see NRS 475.230 and 475.235.
Effective April 6, 1985.
Cross references. — As to claims of fire

2661 E I N

2963. Assumption of certain rights, duties, liabilities and obligations.

When the board of county commissioners establishes a fire department, that department:

JAN 13

1. Assumes all rights, duties, liabilities and obligations of any fire department in any unincorporated town in the county which is subject to the provisions of NRS 269.500 to 269.625, inclusive.

2. Assumes all rights, duties, liabilities and obligations of any county fire protection district only upon dissolution of the district as provided in chapter 474 of NRS. (1979, p. 926.)

2965. Boundaries of area of service

Subject to the limitations contained in subsection 2, a board of county commissioners which establishes a county fire department shall establish the boundaries of the area which it is to serve, and may alter those boundaries by ordinance.

The area to be served by the fire department must not include any territory within the boundaries of an incorporated city. (1979, p. 926; 1981, p. 927.)

Cross references. — As to dissolution of protection district when territory entirely included within service area of county fire department, see NRS 474.570.

2987. Levy of tax; accounting for proceeds of tax.

A board of county commissioners which establishes a county fire department shall levy a tax for its support on all property within the boundaries of the service area of the fire department, and shall establish a separate fund in the county treasury for the receipt and expenditure of and accounting for the proceeds of this tax. (1979, p. 927.)

JUVENILE FORESTRY CAMPS

297. Establishment; commitments by juvenile court.

The board of county commissioners of any county may establish by ordinance juvenile forestry camps to which children may be committed by the juvenile court of the county as provided in NRS 62.211. (1960, p. 35.)

Cross references. — As to instruction of children detained in juvenile forestry camps, see NRS 388.550 to 388.570.

244.298. Provisions of ordinance creating camp.

The ordinance creating a juvenile forestry camp shall include, but shall not be limited to, provisions for:

1. An advisory council of 15 members, one of whom shall be a judge of the juvenile court for the county, one the county sheriff and one the chief of police of the largest incorporated city, if any, in the county;
2. The powers and duties of the advisory council;
3. The appointment of a director of the juvenile forestry camp;
4. The powers, duties and compensation of the director;
5. The employment of other necessary personnel;
6. The adoption of minimum standards of operation; and
7. Programs of education and training of committed juveniles. (1960, p. 35.)

244.299. Labor, studies and activities of children committed to camp.

Children committed to juvenile forestry camps may be required to labor on the buildings and grounds thereof, or to perform any other work or engage in any studies or activities prescribed by the board of county commissioners or the juvenile court of the county. (1960, p. 35.)

PARKS AND RECREATION

244.300. Parks, golf courses and recreational centers: Operation; maintenance.

1. The county commissioners of the several counties, in addition to the powers now conferred upon them by law, are authorized and empowered to operate, manage, improve and maintain all public parks, golf courses and other public recreational centers and areas, the construction of which has either been initiated or completed, and the title to which is held by the county.

2. For the purposes of this section, title is held by the county when the county has the right to acquire a clear title by discharging a fixed encumbrance, whether created by purchase contract, mortgage or deed of trust. (1939, p. 68; CL 1929 (1941 Supp.), § 2049.01; 1959, p. 567; 1965, p. 104; 1967, p. 701.)

244.305. Acquisition of land for park, recreational and memorial purposes.

1. The boards of county commissioners of the several counties may acquire by purchase, contracts of purchase, which may or may not extend beyond their respective terms of office, gift, or in any other manner, parcels of land for park, recreational and memorial purposes.

C. The director shall establish contact with appropriate private industrial, marketing, architectural and engineering firms, business associations and planning organizations for the purpose of encouraging the incorporation of fallout shelters in privately owned buildings, structures, mines, etc., and, upon request, will make available to such firms and organizations, without charge, through the State Civil Defense and Disaster Agency, a professional shelter analyst who will render advice as to the most practicable and economical method of applying shelter slanting techniques to the building or structural design under consideration. (Ord. 190 §9, 1971).

2.24.100 Unlawful acts--Penalty. It shall be a misdemeanor, punishable by a fine not to exceed five hundred dollars or by imprisonment for not to exceed six months, or both, for any person during a disaster emergency:

A. To willfully obstruct, hinder or delay any member of the emergency operations organization in the enforcement of any lawful rule or regulation imposed upon him by virtue of this chapter;

B. To do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to imperil the lives or property of inhabitants of this county, or to prevent, hinder or delay the protection thereof, or to give or be likely to give assistance to the enemy.

C. To wear, carry or display, without authority, any means of identification specified by the State Civil Defense and Disaster Agency or the county. (Ord. 190 §10, 1971).

Chapter 2.26

CHINA SPRING YOUTH CAMP

Sections:

- 2.26.010 Definitions.
- 2.26.020 Purpose and authorization.
- 2.26.030 Land for camp.
- 2.26.040 Creation and membership of advisory council.
- 2.26.050 Meetings and quorum of council.
- 2.26.060 Council powers and duties.
- 2.26.070 Executive committee meetings and duties.
- 2.26.080 Powers of executive committee.
- 2.26.090 Camp director's duties.
- 2.26.100 School facilities at camp.
- 2.26.110 In lieu of commitment to school of industry.

Sections: (Continued)

- 2.26.120 Labor on camp buildings and grounds.
- 2.26.140 Financial procedures.
- 2.26.150 Commitment to camp.

2.26.010 Definitions. The following terms, whenever used or referred to in this chapter, shall have the following meanings, except in those instances where the contents clearly indicate otherwise:

- A. Camp. "Camp" means the China Spring Youth Camp.
- B. Council. "Council" means the China Spring advisory council.
- C. Executive Committee. "Executive committee" means the executive committee of the China Spring advisory council.
- D. Director. "Director" means the director of the China Spring Youth Camp. (Ord. 415 §1(part), 1983).

2.26.020 Purpose and authorization. Pursuant to NRS 234.297-244.299 as amended in Chapter 31 of the 1960 Session of the Nevada Legislature, a juvenile forestry camp is authorized and established in Douglas County to be known as the "China Spring Youth Camp," and is established to provide appropriate facilities for the housing of wards of the juvenile court in the county, so that such wards may be kept under direct supervision of the juvenile court and in order to more advantageously apply the salutary effect of home and family environment upon them, and also in order to secure a better classification and segregation of such wards according to their capacities, interests and responsiveness to control and responsibility, and to give better opportunity for reform and encouragement of self-discipline in such wards. (Ord. 415 §1(part), 1983).

2.26.030 Land for camp. The camp shall be known as "China Spring Youth Camp," and shall consist of such lands acquired for said purpose in Douglas County, state of Nevada. (Ord. 415 §1(part), 1983).

2.26.040 Creation and membership of advisory council. There is created an advisory council of the China Spring Youth Camp, which shall consist of fifteen members as follows:

- A. The judges of departments One and Two of the Ninth Judicial District Court of the state of Nevada, the sheriff, the district attorney, the chief juvenile probation officer for the Ninth Judicial District Court and ten other members to be appointed at large by the board of county commissioners. Four of the at-large members must reside in the East Fork Township and four of the at-large members must reside in the Tahoe Township.

B. Appointments of the members at large shall be made for the term of two years, but any member at large may, for cause, be removed from office at any time by the unanimous vote of the members of the board of county commissioners.

C. Members of the council shall be selected with special reference to their ability and fitness to effectuate the purpose of this chapter. (Ord. 415 §1(part), 1983).

2.26.050 Meetings and quorum of council. A. Members of the council shall meet at such times and such places as they shall deem necessary, but a general meeting of the council shall be held at quarterly intervals.

B. The council shall prescribe rules and regulations for its own management and government, but it shall have only such powers and duties as may be authorized by law.

C. Nine members of the council, one of whom must be a district court judge, shall constitute a quorum, and such quorum may exercise all the power and authority conferred on the council. (Ord. 415 §1(part), 1983).

2.26.060 Council powers and duties. The council shall be the advisory body for the China Spring Youth Camp and shall have the following advisory powers and duties:

A. To advise concerning the organization and administration of the youth camp;

B. The director of the camp shall report to the council upon all matters pertaining to the administration of his office, and he shall request the advice and counsel of the council concerning the policies thereof; but the director shall be responsible for the conduct and policies of the youth camp, except as otherwise provided herein;

C. To report to the board of county commissioners in all matters which they deem pertinent to the camp, and pertaining to any particular matters previously requested by the board of commissioners;

D. To advise or make recommendations relative to the policy of the state and county concerning minors adjudged delinquent, in need of supervision, or abused or neglected;

E. To advise the director with respect to the preparation and amendment of rules and regulations to give effect to the provisions of this chapter;

F. To exercise any other advisory powers necessary or reasonably implied within the provisions and purposes of this chapter;

G. To keep minutes of the transactions of each meeting, regular or special, which shall be public records and filed with the senior district court judge;

H. To adopt and maintain a program of public information as to the operation and needs of the camp;

I. At the first meeting held in each calendar year,

the advisory council shall elect five of its members as an executive committee, but one member of the executive committee shall be a judge of the district court, one member of the executive committee shall be engaged in active law enforcement work, and one member of the executive committee shall be the chief juvenile probation officer of the county. (Ord. 415 §1(part), 1983).

2.26.070 Executive committee meetings and duties. Members of the executive committee shall meet at such times and such places as they shall deem necessary; three members of the executive committee shall constitute a quorum. The chairman of the executive committee shall be the district court judge. The executive committee shall prescribe rules and regulations for its own management and government, but it shall have only such powers and duties as may be authorized by law. (Ord. 415 §1(part), 1983).

2.26.080 Powers of executive committee. A. The internal affairs of the camp shall be under the management and control of the executive committee, and the executive committee is empowered to adopt minimum standards of operation for the camp.

B. The executive committee is empowered to appoint a director of the China Spring Youth Camp, and is empowered to determine the powers, duties and compensation of the director.

C. The executive committee shall appoint all other persons employed at the camp.

D. The director and all employees at the camp shall be responsible to the executive committee and shall serve at the pleasure of the executive committee.

E. The executive committee is empowered to determine the programs of education and training of committed juveniles, but the educational program shall conform to the laws of the state of Nevada. (Ord. 415 §1(part), 1983).

2.26.090 Camp director's duties. The director shall be the executive administrative head of the China Spring Youth Camp and, as such, shall have the following duties:

A. To exercise general supervision of and make and revise rules and regulations for the government of the camp, but not inconsistent with the rules and regulations made by the executive committee;

B. To make and revise rules and regulations for the preservation of order and the enforcement of discipline;

C. To be responsible for and to supervise the fiscal affairs and responsibilities of the camp, and to purchase such supplies and equipment as may be necessary from time to time, but the purchase of such supplies shall follow the regulations for county purchases; provided, however, that all mandates of law are complied with;

D. To make reports to the executive committee and council;

E. To keep a complete and accurate record of all proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents pertaining to his office;

F. To invoke any legal, equitable or special procedures for the enforcement of the condition, operation and functioning of the camp and anticipated needs of the camp;

G. To submit an annual report to the board of county commissioners of the condition, operation and functioning of the camp and anticipated needs of the camp;

H. To keep the public informed with respect to the activities and operation of the camp and to disseminate other information which will acquaint the public with juvenile correctional problems. (Ord. 415 §1(part), 1983).

2.26.100 School facilities at camp. A. The director shall make arrangements for implementing NRS Title 34, with respect to the China Spring Youth Camp.

B. The director shall cause a department of instruction to be organized for the wards of the China Spring Youth Camp with programs of study corresponding as far as practicable with programs of study given in the elementary and high schools of the state.

C. The ultimate purpose of all such instruction, training, employment and industries shall be to qualify wards for profitable and honorable employment and to enable them to lead useful lives after their release. (Ord. 415 §1(part), 1983).

2.26.110 In lieu of commitment to school of industry. Wards of the juvenile court who would otherwise be committed by the juvenile court to the Nevada School of Industry at Elko or Caliente, Nevada, may be committed by the juvenile court to the China Spring Youth Camp in lieu of commitment to the Nevada School of Industry. (Ord. 415 §1(part), 1983).

2.26.120 Labor on camp buildings and grounds. Children committed to juvenile forestry camps may be required to labor on the buildings and grounds thereof or to perform any other work or engage in any studies or activities prescribed by the board of county commissioners or the juvenile court of the county. (Ord. 415 §1(part), 1983).

2.26.140 Financial procedures. A. Funds to carry out the provisions of this chapter may be provided by the board of county commissioners by budget appropriation from the general fund, and shall be paid out on claims as other claims against the county are paid.

B. Participating funds may be received from other governmental agencies, but all funds are to be under strict budget control.

C. The executive committee and director are authorized to accept gifts or bequests of funds or property to the camp.

D. Monetary gifts or bequests may be deposited in a special fund to be known as the "China Spring Youth Camp Gift Fund." The fund shall be established with one or more banks of reputable standing. This fund shall be a continuing fund without reversion and the money in the fund shall be used for camp purposes only and expended in accordance with the terms of the gift or bequest. The money may be withdrawn from said fund only upon the signatures of at least two members of the executive committee. All receipts and expenditures of money into and out of said fund shall be accounted for in a manner approved by the county auditor's office and there shall be filed quarterly with the auditor's office such financial reports as that office may require.

E. The executive committee and director are authorized to buy and sell hay, grain, produce, livestock and such other farm supplies and equipment as may be necessary from time to time. Money obtained from the sale of such items shall be deposited in the county treasury in a fund to be known as the "China Spring Youth Camp contingent fund." The fund shall be a continuing fund without reversion, and shall be expended for supplies and equipment needed by the camp in accordance with the provisions of the county budget act. The money in the fund shall be paid out on claims as other claims against the county are paid. All claims shall be approved by the director and executive committee before they are paid. The director shall keep, or cause to be kept, a record of all transactions pertaining to the fund.

F. The director and executive committee are authorized to accept funds and valuables of inmates for safekeeping pending their discharge, and are directed to deposit such funds in one or more banks of reputable standing. The director shall keep, or cause to be kept, a fair and full account of such funds and valuables, and shall submit reports to the executive committee and advisory council relative to such funds and valuables as may be required from time to time.

G. The director may establish a wards' commissary or store, which shall exist for the benefit and use of the wards. So far as practicable, sales of supplies and materials to the wards shall be at cost. The director shall keep, or cause to be kept, a record of all transactions of the commissary.

H. The China Spring Youth Camp commissary fund is created and shall be used to purchase supplies and materials for resale to the wards, to provide money for needy wards, and for other incidentals as may be deemed necessary by the director. All money drawn from the fund shall be repaid wherever possible.

I. The director is directed to deposit the fund in one or more banks of reputable standing and to maintain a small sum as petty cash at the commissary. (Ord. 433 §1, 1985: Ord. 415 §1(part), 1983).

2.26.150 Commitment to camp. A. It shall be lawful for the courts, or appropriate state agencies empowered to make commitments, to commit to the camp those minor persons between the ages of eight and eighteen years whom they have found to be delinquents in need of supervision, or abused or neglected, as provided by law. Before any such person is conveyed to the camp, it shall be ascertained from the director whether adequate facilities are available to provide for the necessary care to such person. The director shall fix the time at which such person shall be delivered to the camp. The director shall accept such person unless there are not adequate facilities available to provide the necessary care, or there are not adequate funds available for the support of the camp or, in the opinion of the director, such person is not suitable for admission to the camp.

B. The court or other committing agency may order, when committing a minor to the care, custody and control of the camp, the expense of his support and maintenance to be paid in whole or in part by his parents, guardian or other person liable for his support and maintenance. The moneys so ordered paid shall be paid to the director, who shall immediately deposit the sum in the county treasury to be credited to the appropriate fund. (Ord. 415 §1(part), 1983).

Chapter 2.28

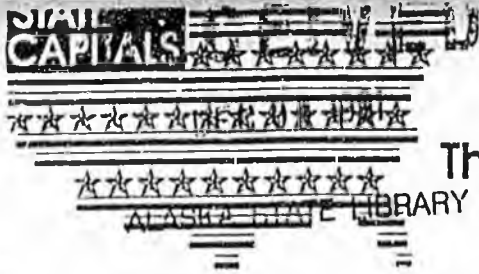
HISTORIC DISTRICT COMMISSION*

Sections:

- 2.28.010 Established--Membership.
- 2.28.020 Chairman--Election and duties.
- 2.28.030 Rules and regulations adoption.
- 2.28.040 Quorum.
- 2.28.050 Meetings--Hearings.

2.28.010 Established--Membership. There is established in Genoa an historic district commission, the members of

* For statutory provisions authorizing counties to take care of and preserve property of the county, see NRS §244.265.



OUTLOOK

The
from the STATE CAPITALS

AN IMPARTIAL ANALYSIS OF STATE AND MUNICIPAL ACTION ACROSS THE COUNTRY

ISSN 0471-3475
December 2, 1991
Vol. 45 No. 34

COMPLIMENTS OF THE
ALASKA STATE LIBRARY

States, counties opening boot camps for juveniles

and some private firms providing prison health care

In This Issue:

Boot Camps:

2/County gets federal funds for camp *Ohio*

2/State building three camps *Massachusetts*

2/Boot camp under-used *Virginia*

Privatization:

3/State privatizes medical care *Massachusetts*

3/Examining health care proposals *South Dakota*

4/Inmates may be sent to county treatment center *Oklahoma*

Eager to improve the effectiveness and reduce the cost of juvenile corrections, states and counties around the nation are experimenting with boot camps for youthful offenders. The camps, which stress hard physical labor and stern discipline, are designed to scare kids straight so they won't end up in adult prisons. It's unclear yet whether the camps are effective, but many officials, most recently in Massachusetts and Ohio, have said they have high hopes for them. Another notable trend in state justice policy is driven by tight budgets. Numerous states are looking at hiring private firms to provide medical care to prison inmates. Prison medical costs are soaring, at least partially because many inmates entering prison suffer from serious health problems caused by their addictions to drugs or alcohol. Some states, too, have aging prison populations with expanded health care needs. Privatizing prison health care is controversial, since it results in the loss of state jobs. Sometimes the private firm rehires the former state workers, but frequently at lower salaries than they were paid by the state. Privatizing also raises a key issue: Can private firms supply the same quality of care as state workers? To keep current with both of these trends, read Public Safety & Justice Policies: From the STATE CAPITALS each week.

Boot Camps:

Ohio county to open experimental boot camp

Some juvenile offenders in Cuyahoga County, Ohio, will be sentenced to a boot camp style of detention starting early next year to get a dose of discipline and self-confidence they may need.

The Justice Department's Office of Juvenile Justice and Delinquency Prevention has awarded Cuyahoga County Juvenile Court a grant worth \$779,000 to fund a pilot boot camp program, which is to serve as a model for other such camps elsewhere. The county is a partner in the experiment with the Northeastern Family Institute of Boston, a private, non-profit human services agency that will manage the 18-month program.

Cuyahoga County's program is one of three in the country to receive funding for a boot camp experiment. The others are social service programs in Mobile, Alabama, and Denver, Colorado. A Justice Department spokesman said the agency intends to expand research and evaluation of boot camps and other shock incarceration programs across the country.

Starting in April, 30 boys at a time will be sent for 90-day stays at the Cuyahoga County camp, at the county's Youth Development Center in Hudson

Village. Youths will be sent there as an alternative to six- to nine-month stays at traditional juvenile detention homes such as the state-run Cuyahoga Hills Boys School.

While living at the camp, the youths will rise early and face a number of physical challenges, such as obstacle courses and wilderness survival training. The object is to teach physical conditioning and self-discipline.

"There's a high emphasis on rehabilitation, not punishment, so there's a better chance of changing their behavior so they don't repeat it," said Elsie Day, director of community services for the county's juvenile court. "It also builds self-esteem from doing physically challenging things. These kids often have poor self-esteem, which is why they get involved in negative activities."

She said the camp, though styled after military boot camps, would not be as militaristic or as strict as adult boot camps. The program will involve traditional aspects of juvenile detention, such as schooling and counseling, Day said. After completing the camp, youths will spend several more months in counseling and rehabilitation programs.

Massachusetts plans three juvenile boot camps

Massachusetts Gov. William F. Weld and Lt. Gov. Paul Cellucci have broken ground for the first of three military-style

boot camps for youthful offenders.

The \$6 million facility will house 256 inmates in four boot-camp-style buildings featuring open bunking. In all, seven buildings will be built on the 12-acre grounds at the Bridgewater Correctional Complex.

"Innovative programs such as boot camps help us utilize scarce secure prison beds for those truly needing traditional facilities," Weld said. At the same time, Cellucci said, the boot camp approach is an attempt to change the habits of young offenders before they become career criminals. The sites for the remaining two boot camps have not been announced yet.

Virginia boot camp is underused

Virginia Department of Corrections officials say the state's new boot camp is being underused and that the State Crime Commission should determine if more inmates can be included in the program.

Under the new program, judges can sentence first-time, non-violent offenders to the boot camp where they undergo a 90-day regimen of drilling, hard labor and education. If they complete the program, they are released under supervision for a year.

The program was designed to ease prison crowding and to return the prisoners to society with a better sense of self.

Currently, the program has 52 participants, though it has room for 96.

Privatization:

Massachusetts hires private firm to provide health care

Massachusetts has hired a Florida company to provide health care at the state's prisons, a move that Gov. William Weld says will save the state from \$8 million to \$14 million a year.

The contract, to Emergency Medical Services Associates, was the first Weld administration move to privatize a state service. Weld said it would not be the last. Weld said almost 400 state employees could lose their jobs, but EMSA can hire those workers when the contract takes effect Jan. 1.

"This contract is an excellent example of the privatization approach we plan to employ throughout state government," he said. "It's not a matter of the private sector versus the public sector, it's a matter of monopoly versus competition."

EMSA, of Ft. Lauderdale, Florida, was the low bidder at \$28.7 million, Public Safety Secretary Thomas Rapone said. Four national companies competed for the contract.

"The amount of savings reflects the fact that the state has been paying too much for prisoner medical services in the past," said Weld. "We pay

something like \$4,000 per inmate per year, and other comparable states spend closer to \$2,000 per inmate per year, so that was a red flag that really led us to look in this area for privatization."

EMSA currently operates health care services for three prisons — a 2,000-bed prison in southern Florida, an 1,800-bed county jail in West Palm Beach, Florida, and a 5,000-bed prison in Virginia.

Alabama, Arkansas, New Mexico, Kansas, Maryland and Delaware contract prison health care services, according to Massachusetts officials. Thirteen other states contract out up to 80 percent of health services, and six others contract a little more than half their health services to private companies, the officials said.

Weld said EMSA would cut outside medical visits by inmates from the current average of about 500 a week to 500 a month, and would be penalized \$100 for every outside trip above that limit. Rapone said the privatization also would alleviate medical malpractice suits filed against the state by inmates. He said there were "an inordinate amount" of such suits pending.

Previously, the state and a private firm, Goldberg Medical Associates, had provided medical care to prisoners. Goldberg Medical's \$12 million contract expires Dec. 31. Weld said he next would look to privatize the

prison system's food delivery services.

South Dakota wants to expand privatization

The South Dakota Corrections Department won't pick a company to provide health care for the whole prison system for several months, Secretary Lynne DeLano says.

The department is now doing a cost analysis of five proposals submitted over the summer, she said. It also is studying if the companies should submit bids.

The prison system now has several contracts with individual health-care providers. Over the summer, it asked two Sioux Falls hospitals and three out-of-state companies that specialize in corrections health care for plans on providing every kind of medical service for all its facilities.

The services would include physicians, nurses, mental health care, and inmate and staff education. DeLano said the Corrections Department would save money by having one company provide all health care.

The department's director of finance, Richard Decker, said regular medical expenses at the State Penitentiary increased from \$492,000 in 1989 to \$638,000 in 1991. They're projected to hit \$640,000 next year, he said.

Regular costs at the co-ed Springfield Correctional Facility

STATE LEGISLATIVE REPORT



PRISON BOOT CAMPS: POLICY CONSIDERATIONS AND OPTIONS

by

Kae M. Warnock
Staff Assistant
and
Donna Hunzeker
Senior Policy Specialist

Vol. 16, No. 1 March 1991

GOVERNMENT
6731

an Information Service of the National Conference of State Legislatures
dway, Suite 700, Denver, Colorado 80202. William T. Pound, Executive Director

INTRODUCTION

A new breed of correctional facility has evolved out of concerns over increased drug crime and prison overcrowding, and the belief that traditional prisons often fail to rehabilitate offenders. In addition, there has been growing public sentiment that offenders be held accountable for their crimes and that serious offenders serve longer sentences. This has added to prison crowding and motivated state policymakers to search for intermediate sanctions for less-serious offenders.

Boot camps--also known as shock incarceration, special alternative incarceration or regimented inmate discipline--are military-style facilities distinguished by reveille, close-order drills, marching and demanding physical requirements. Participants are usually young adult offenders with no prior incarceration who are serving time for their first non-violent felony conviction. Offenders attend a boot camp program for a shorter duration than a standard prison sentence, 60 to 180 days depending on the state program, and then ordinarily are released on parole for an additional year or more. Boot camps are politically popular because the public sees the programs as "tough on crime." Corrections officials often like the programs because the stringent rules and schedules provide a more controlled environment for offenders than standard incarceration.

LEGISLATIVE ACTIVITY

Boot camps for young adult offenders now operate in at least 23 states, and another seven states are in the process of setting up boot camp programs.

Oklahoma and Georgia opened the first boot camp programs in 1983. Most states with programs have added them just since 1987, and considerable legislative activity has occurred since 1989. Sixteen states enacted enabling legislation in the 1989 or 1990 sessions: Arkansas, Colorado, Connecticut, Illinois, Indiana, Kansas, Missouri, Nevada, New Hampshire, New Mexico, Ohio, Tennessee, Texas, Virginia, Wisconsin and Wyoming. Eight states--Alabama, Arizona, Florida, Georgia, Louisiana, Michigan, New York and South Carolina--enacted enabling legislation between 1983 and 1989. At least five states -- Idaho, Maryland, Mississippi, North Carolina and Oklahoma--operate boot camps under department of corrections regulatory authority. At least one county, Los Angeles, is operating a one-year pilot project.(Figure 1)

POLICY CONSIDERATIONS

Prison-bound or probation-bound offenders

Perhaps the central policy issue to be addressed in considering or expanding boot camp programs is whether the program will be used to divert prison-bound offenders or as a more intensive, punitive form of probation.

In at least 19 states, statutes specify boot camps as an alternative for prison-bound offenders, with the intent of providing shorter more intensive terms in a boot camp for some offenders who would have served a longer prison term. In most states that statutorily divert prison-bound offenders to boot camp, the length of the original sentence is not specified by statute. In states that do designate original sentence length for program eligibility, the offender may be trading a sentence as short as three years for six months in a boot camp (New York) or a sentence as long as 15 years for 120 days in a boot camp (Alabama).(Appendix A)

In at least five states, probation-bound offenders are targeted by statute in order to provide boot camps as a sentencing option for offenders for whom straight probation was considered too lenient. Probation-bound offenders are diverted into the boot camp program by the sentencing judge. Both Connecticut and Georgia statutes allow the court to use boot camp as a condition of probation, and Arizona uses it as a condition of intensive probation.(Appendix A)

Tennessee is the only state found to have two separate statutes; one targets prison-bound offenders and the other targets probation-bound offenders. Theoretically, prison-bound and probation-bound offenders could serve side-by-side in the same boot camps. As yet, however, no probation-bound offenders have been sent to Tennessee's boot camp, according to the department of corrections.

Ten states give the court primary discretion to determine whether otherwise prison-bound or probation-bound offenders are sentenced to boot camps. Often, offenders sentenced to boot camps by a judge must also then be screened and accepted by the Department of Corrections (DOC).(Appendix A)

In about 12 states, the department of corrections has considerable discretion for diverting prison-sentenced inmates into boot camps. In six of these states, the DOC's discretion is somewhat diluted because the court maintains jurisdiction and continues to oversee and review the offender's case throughout the program.(Appendix A)

Target offenders

Most states specify that participants in boot camps be non-violent felony offenders who have never served time in a prison. A majority of the states target a specific age group either by statute or by DOC policy, the most common range being from 17 to 25 years of age. New Mexico and Wisconsin target certain drug offenders for the program. Several states statutorily exclude certain crimes such as murder, first degree rape, first degree kidnapping, first degree robbery, capital or life felonies, sex offenses, child abuse or child sexual abuse. Many state laws require that offenders be physically and mentally fit. At least five states have boot camps for women.

PROGRAM OBJECTIVES

The most frequently stated goals of boot camps are to reduce prison overcrowding, deter offenders from crime, rehabilitate young adult offenders and reduce corrections costs.

Reducing Prison Overcrowding

Several states have authorized boot camps, with reduction of prison overcrowding as a goal of the program. In Arkansas, offenders are evaluated according to a set of guidelines adopted by the Board of Correction, under statutory language which says the program is "designed to reduce inmate population by diverting eligible offenders from long-term incarceration." (Ark. Stat. Ann. 12-28-701 to 12-28-705 (1989)) The Florida law indicates that "Due to severe prison overcrowding, the Legislature declares the construction of a basic training program facility is necessary to aid in alleviating an emergency situation." (Fla. Stat. Ann. 958.04 (West 1990))

However, an analysis done by Abt Associates, Inc. for the National Institute of Justice (NIJ), of the U.S. Department of Justice in 1989 said that in comparing maximum annual capacity in boot camps in a number of states to total prison population, the potential effect of boot camps on prison overcrowding is small. Boot camp capacity as a percent of prison population ranged from 1.1 percent in Florida to 11.6 percent in Mississippi according to the NIJ analysis. Boot camps averaged about 4.7 percent of total prison populations in the states examined. Current selection criteria for participants would, therefore, limit the number of facilities needed to a relatively small number.(1,p.12)

Deterrence and Rehabilitation

Another commonly stated purpose of boot camps is to deter offenders from committing additional crimes by giving them a "taste" of prison. This may be particularly true where boot camps are used as a more punitive form of probation. Many boot camps operate within a conventional state prison, but participants are separated from the general population. This gives offenders a "close, sobering exposure to the realities of prison life, but without subjecting them to abuse, exploitation or corruption by hardened criminals," according to the NIJ study. (1,p.xi)

Physical exercise combined with drills and discipline is seen as having rehabilitative value by some policymakers and program managers. Shock incarceration, according to Donald J. Hengesh, director of Special Alternatives Incarceration in Michigan, teaches inmates "self-esteem, self-discipline, self-responsibility and how to work...more importantly [the program] push(es) these individuals to achieve at levels that they never knew they could achieve at before."(2,p.3)

Some programs have added confidence-building exercises, and several require participants to quit smoking. North Carolina includes a Ropes Challenge program, which works first on building group skills such as getting a team over a 12 foot wall, then on individual confidence building such as walking a balance beam suspended 30 feet in the air. In Louisiana, program participants in the Orleans Parish are able to run 12 miles upon completion of the program.(1,p.23)

Most programs do not rely solely on military drills for their rehabilitation, many also include drug and alcohol counseling, reality therapy, individual counseling, literacy training and other pre-release programs. In New York, offenders are placed in a therapeutic community emphasizing community living and socialization skills.(1,p.5) Education also is emphasized in the New York program, with offenders required to spend 12 hours per week in classes. A 1990 report of the New York State Department of Correctional Services, Division of Program Planning, Research and Evaluation, said the academic achievement of boot camp participants is somewhat less than inmates in comparison New York facilities, but boot camp inmates both start with more skill deficiencies and spend less time in the program.(4,pp.35-36) Although many states' boot camp programs offer education, at least two states offer no adult basic education because of the difficulty in doing so in any meaningful way in the short period of time offenders are in the boot camp program.(1,p.27)

At least 10 state statutes specify that offenders receive drug and alcohol education or treatment in boot camps. As mentioned earlier, in New Mexico and Wisconsin certain drug offenders are targeted for the program. In Tennessee, however, some drug offenders are statutorily excluded.

Some states provide considerable pre-release assistance and direction. For example, in Maryland, parole agents visit the offenders before they are released, examine their home environments and make arrangements for offenders to meet with job placement assistance counselors. In at least one state, DOC officials recommend to the sentencing judge that drug offenders be required to attend out-patient drug counseling upon release, and in a few other states the statute specifies that drug offenders be sent to drug treatment or educational programs upon release. Two states--Indiana and Wisconsin--statutorily require drug treatment upon release from boot camp.

Cost Issues

Many boot camps are set up on the grounds of existing correctional facilities and share kitchen, medical and administrative services, contributing to cost-efficient start-up. However, per diem costs may be as much or more than standard prison because of higher staff to inmate ratios.(1,p.16)

The 1989 NIJ study indicated that cost savings come primarily from the shorter terms participants serve. For states to save money, the researchers conclude, they must admit inmates who otherwise would have served longer prison terms. Florida data show that time served in boot camps is about 215 days shorter than what participants would have spent in prison, suggesting savings to the state.(3,p.22) In New York, a 1990 report by the Department of Correctional Services research division estimated that despite higher per diem costs than other prison facilities, a total savings of \$55.6 million was realized for 1,158 boot camp participants. This includes an

estimated \$36.6 million saved in capital construction and \$19.0 million saved in care and custody costs, mostly because inmates were housed for a shorter time.(4,pp.33-34)

A 1990 report by the South Carolina State Reorganization Commission for the state legislature examined the criminal histories of the offenders in the boot camp program to determine how many offenders were actually being diverted from prison and whether any offenders were being diverted from probation. Of the 664 offenders who were placed in the boot camp program between July 1987 and January 1989, 244 were diverted from prison and 420 were diverted from probation. Still, the net cost savings of diverting 244 offenders from prison, after taking into account the costs added by placing 420 probation-bound offenders into boot camps, was determined to be \$1.4 million.

None of the cost analyses known have attempted to compute the return-to-crime factor into costs. Perhaps eventually, fiscal studies will combine recidivism data with cost data and analysis of who is being diverted into boot camp programs.

EVALUATIONS AND OUTCOMES

Whether or not boot camps meet the intended objective of rehabilitation of the offender is also an important policy consideration. To date, however, most outcome analyses are either anecdotal, short-term or inconclusive.

Studies by the National Institute of Justice (NIJ) of the U.S. Department of Justice in 1989 and the U.S. Government Accounting Office (GAO) in 1988 concluded that available data are not sufficient to support the theory that boot camps reduce recidivism, overcrowding or prison costs.(1,p.35)(1,p.1)

The NIJ study looked at recidivism rates for graduates of boot camps in Georgia and Oklahoma and found them to be about the same as those of offenders released from prison. In fact, the Georgia DOC found that after a three year follow-up, 38.5 percent of the offenders who participated in boot camp returned to prison, compared to 38 percent recidivism of released prison inmates. Oklahoma found that almost half the boot camp graduates had returned to prison compared to 28 percent in a comparison group of prison inmates over a 29-month period.(1,p.4)

A few states also have tracked the return to crime or subsequent incarceration of boot camp participants. The Florida Department of Corrections released a study in 1989 of their program showing that boot camp graduates had a re-incarceration rate of 5.59 percent versus 7.75 percent for a comparison group; however, the study only contained data for a 13-month period.(3,p.ii)

A 1990 report of the South Carolina State Reorganization Commission showed that among 437 boot camp participants, 16 percent have had a subsequent conviction or had their probation revoked for a technical violation. Of these convictions and violations, 97 percent occurred during the first 12 months after completing boot camp. The most recent study, based on 1984 data, of recidivism for all people released (including all crimes and criminal histories) in that state showed a 16 percent recidivism rate for one year.(6,p.24)

The New York Department of Correctional Services research division report of 1990 on the state's Shock program said, "Despite being incarcerated for shorter periods of time, the Shock graduates appear to be returning at a rate similar to a selected comparable group of inmates...." But the report also notes that Shock graduates come back for offenses less serious than the comparison group, and more often for rule violations rather than for convictions on new crimes.(4,p.51-52) Georgia, Louisiana and New York are currently conducting studies and several other states have indicated they will be tracking recidivism rates as well.

Several states require the department of corrections (DOC) to report to the legislature on the progress of the boot camp programs. In Colorado, for example, the DOC is to provide a report that includes such information as: whether offenders are being diverted from probation or prison, whether bed space is being saved, and whether the recidivism rate for graduates of the program are equal to or lower than that of similar offenders committed to the DOC.

The National Institute of Justice currently is working on a multi-site survey to evaluate seven boot camp programs. The evaluation will address selection decisions, community supervision upon release, program characteristics and program location; however, the outcome of the study is not expected to be decisive. The study should be released by early next year.

The Bureau of Justice Assistance has offered funds to states for boot camp start-up and demonstration. New York and Texas have grants to implement and evaluate effectiveness of boot camps targeted for drug offenders.(7,p.47)

FEDERAL INTEREST AND INCENTIVES

Title XVIII of the federal Crime Control Act of 1990 authorizes \$220 million for "correctional options," including, "four grants in each fiscal year, in various geographical areas throughout the United States, to public agencies for correctional options (including the cost of construction) that provide alternatives to traditional modes of incarceration and offenders release programs." Programs must provide appropriate intervention for young offenders; security and discipline; services such as counseling, drug treatment, education and job training; reduction in criminal recidivism; reduction in correctional costs; and development of industrial and service skills. Also available are grants to public agencies to "establish, operate, and support boot camp prisons."

Priority is given to applicants who show potential for developing or testing innovation alternatives, as well as those that demonstrate overall quality and programming in a boot camp program. States operating over capacity in correctional facilities are also given priority. The law also identifies military facilities that may be used as sites for correctional programs funded under this chapter.

As of January 1991, funds for these grants were not yet appropriated. The Federal Crime Control Act of 1990 also authorizes the Federal Bureau of Prisons to use shock incarceration (boot camp) programs. Title XXX specifies military-style regimented training, discipline and labor, and also requires that appropriate job training, education and drug and alcohol counseling be in place. As yet there are no boot camp facilities operating for federal offenders.(8)

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), in conjunction with the Bureau of Justice Assistance, will develop and test up to three boot camps for juvenile offenders, with awards to be made in April 1991 for 18-month test sites. In addition, the National Institute of Justice will fund an independent evaluation of the OJJDP programs, also to begin in 1991.

CONCLUSION

The lofty goals of reducing prison overcrowding, controlling corrections costs and providing for criminal deterrence and rehabilitation are only marginally achievable through boot camp prison programs.

By shortening the period of incarceration for prison-bound offenders, boot camps can have a minimal effect on prison overcrowding and costs. However, cost savings tend to be elusive in programs requiring special start-up and operational costs, yet which target less than 5 percent of the prison population. It is important to note that programs which target only probation-bound offenders are not likely to realize cost savings nor do they have any effect on prison populations.

Increased justice-system costs may in fact result from sending probation-bound offenders to boot camps.

Real savings, of course, can be realized if boot camp programs are successful in reducing subsequent criminal behavior in participants. As yet, however, long-term, comprehensive recidivism evaluations are absent from an evaluation of whether boot camps are good policy. Ultimately, an objective analysis of programs' rehabilitative value compared to or in combination with drug treatment, work and education programs, likely will be key to determining success or failure.

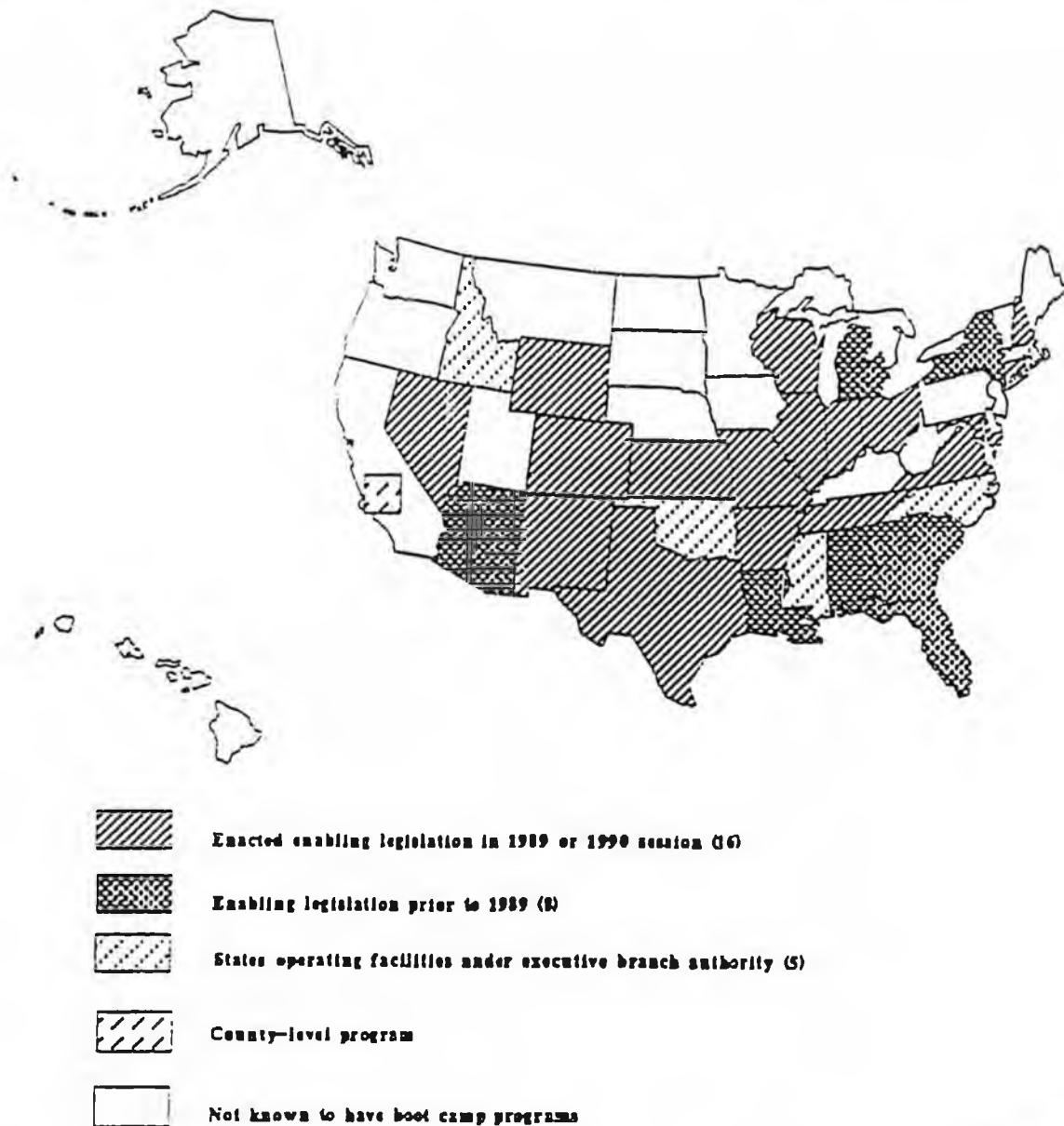
In current practice, boot camps do respond to the need for intermediate sanctions tougher than probation and which depart significantly from traditional prison by stressing offender accountability and change. A corrections leader has said boot camps are the "first sexy idea" corrections has had in almost two decades, and therefore should be given time to develop and be refined. Others have warned that military drills without attention to the social ills of illiteracy, unemployment and drug abuse are a wasted effort.

As with most state initiatives, considerable variation is seen in how states have designed and operated boot camp programs. Their experiences, as highlighted in this document, can begin to guide policymakers' decisions on future use of boot camps as a sentencing option.

REFERENCES

- 1.) *Shock Incarceration: An Overview of Existing Programs*. Washington, D.C.: National Institute of Justice, U.S. Department of Justice, June 1989.
- 2.) U.S. Congress, House Committee on the Judiciary. *Shock Incarceration Act of 1990*, 101st Cong. 2d sess., 1990.
- 3.) *Boot Camp Evaluation*. Florida: Department of Corrections. March 1989.
- 4.) *The Second Annual Report to the Legislature: Shock Incarceration in New York State: The Corrections Experience*. Albany, N.Y.: Department of Corrections. January 1990.
- 5.) *Prison Boot Camps: Too Early to Measure Effectiveness*. Washington, D.C.: United States General Accounting Office. September 1988.
6. *An Evaluation of the Omnibus Criminal Justice Improvements Act of 1986*. Columbia, SC: State Reorganization Commission. March 1990.
- 7.) Doris Layton Mackenzie. "Boot Camp Prisons: Components, Evaluations and Empirical Issues." *Federal Probation*, September 1990.
- 8.) U.S. Congress, *Crime Control Act of 1990*, Chapter B, Section 515 (a) (1-3), 101st Cong. 2d sess., 1990.

Figure 1.
Boot Camp/Shock Incarceration Facility Use In the States



Source: *Shock Incarceration: An Overview of Existing Programs* (Washington, D.C.: National Institute of Justice, U.S. Department of Justice, June 1990)
 NCSL Original Research

Appendix A
State Statute Specifications for Boot Camps

State	Amount of Legislative Direction	Offender Eligibility Requirements	Prison Alternative/Enhanced Probation	Distinctive Program Features	Who Has Discretion to Select Candidates?
Alabama Ala. Code §15-18-8 (1989)	Moderate	Lists crimes not eligible, sentence of 15 years or less	PA	Unspecified	Court upon consultation with DOC, retained jurisdiction
Arizona Ariz. Rev. Stat. Ann. §13-915 (West 1989)	Moderate	Age, never been incarcerated as adult, no physical impairments, no contagious disease	EP	Academic education	Court - condition of intensive probation
Arkansas Ark. Stat. Ann. §12-28-701 to 705 (1989)	Minimal	Unspecified	PA	Unspecified	DOC
Colorado Colo. Rev. Stat. Art. 17.27.7 (1990)	Moderate	Age, nonviolent, no previous sentence in a correctional facility, free of physical & mental defects	PA	Educational & vocational assessment & training, job seeking skills, health education, drug/alcohol education & treatment.	Executive director returned to sentencing court upon completion for sentence reduction
Connecticut Conn. Gen. Stat. §18-101c (1989)	Moderate	Age, convicted of other than a class A felony, no physical or mental limitations	EP	Community work, job skills application & communication, separate from general inmate population, judge may require education, employment, restitution, approved residence upon release.	Court
Florida Fla. Stat. Ann. §956.04 (West 1990)	Moderate to Considerable	Age, crime is a felony if committed before 21st birthday, not previously classified under this statute, lists ineligible crimes, no physical limitations, not previously incarcerated.	PA	Training in decisionmaking, personal development, drug counseling, rehabilitation programs	Court commits to custody of DOC, DOC requests sentencing court approval.
Georgia Ga. Code Ann. §42-8-35.1 (1989)	Minimal	Age, no contagious disease, not physically or mentally handicapped	EP	Unspecified	Court - with DOC approval.
Illinois Ill. Ann. Stat. ch. 38, §1003/ -1-1 to §1003A-1-6 §1005-6-3 to 3.4 (1990)	Moderate	Age, never imprisoned as adult for felony, lists crimes not eligible, sentenced to imprisonment of 5 years or less, no mental disorder or disability, written consent.	PA	Drug counseling, mandatory supervised release	Court - upon its independent assessment
Indiana Ind. Code Ann. §11-14 (1950)	Considerable	Age, male, committed to DOC to serve max. sentence of not more than eight years, suspendable sentence, no previous conviction or incarceration, not previously in a military or correctional boot camp, not mentally impaired.	PA	Separate from general inmate population, skills for living and rehabilitation, job skills, treatment for drug/alcohol abuse & emotional or mental problems, education - remedial & GED, vocational assessment, transition program includes education, counseling, community service drug/alcohol treatment, assisted reintegration.	Committed to DOC, DOC reports to court, court may recommend offender but still must be approved by DOC, voluntary withdrawal.
Kansas Kan. Stat. Ann. §75-52.127 (1989)	Minimal	Unspecified	Unspecified	Unspecified	Court
Louisiana La. Rev. Stat. Ann. C.Cr.P. Art. 901.1 (West 1990)	Considerable	First offender, suspended sentence of seven years or less at hard labor, has probation revoked on technical violation, otherwise eligible for parole, 1st or 2nd felony, never served time in a state prison, voluntary.	PA	Intensive parole supervision upon release	Sentenced to Dept. of Public Safety & Corrections, court recommends or Div. of Probation & Parole refers to court.

State	Amount of Legislative Direction	Offender Eligibility Requirements	Prison Alternative/Enhanced Probation	Disruptive Program Features	Who Has Discretion to Select Candidates?
Michigan Mich. Stat. Ann. §28.2356(3-5) & §28.1133(2) (Callahan 1990)	Minimal to Moderate	Age, never served sentence of imprisonment, likely to be sentenced to imprisonment, not physically or mentally handicapped.	PA	Unspecified	Court - with consent of offender
Missouri Mo. Ann. Stat. §217.378 (Vernon 1991)	Minimal to Moderate	Age, on felony probation, violated probation, no prior felony conviction.	PA	Unspecified	Court
Nevada Nev. Rev. Stat. §209.356 (1989)	Moderate	Age, male, convicted of nonviolent felony, never incarcerated for more than 6 months, otherwise eligible for probation.	EP	Training in recognition & prevention of drug/alcohol abuse, stress management, prepare for & obtain job.	Court returned to court upon completion
New Hampshire N.H. Rev. Stat. Ann. §651 (1989)	Minimal	Unspecified	PA	Intensive community supervision	Court upon recommendation of DOC
New Mexico N.M. Stat. Ann. §31-18-22 §33-1-17 (1990)	Moderate to Considerable	Adult male & female offenders, lists ineligible crimes, DOC to adopt regulations for screening, voluntary	PA	Substance abuse counseling & treatment, GED prep, training in decisionmaking & personal development & pre-release skills.	Court upon recommendation of corrections department
New York N.Y. Corr. Law §865-867 (McKinney 1990)	Minimal to Moderate	Age, within 3 years of parole, lists ineligible crimes, must volunteer	PA	6 month, rehabilitation therapy	Screening committee requests answer from court approving or disapproving, court must respond within 25 days or automatically approved.
Ohio 118th Gen'l Assembly §5120.031 (1990)	Considerable	Age, convicted of or pleaded guilty to 3rd or 4th degree felony, lists ineligible crimes, never sentenced to 30 days or more in reform or penal institution, nonviolent	PA	Substance abuse education, employment & social skills, psychological treatment, GED prep, 30-60 days in halfway house with self help & GED prep, intensive supervision parole for remainder of sentence.	Judge sentences to Dept. of Rehabilitation & Correction, progress reports to sentencing court.
South Carolina S.C. Code Ann. §24-21-475 (Law. Co-op 1986)	Minimal	Age, convicted of nonviolent offense for which a five years or more sentence can be imposed, not physically or mentally handicapped, no contagious diseases.	PA	Unspecified	Judge - as condition of probation
Tennessee Tenn. Code Ann §40-20-201 to 207 §40-26-130 (1989)	Minimal	Age, not physically or mentally handicapped, prison or probation of 6 years or less, no contagious diseases, lists ineligible crimes.	PA & EP	Treatment programs	Judge - as condition of probation
Texas Tex. Code of Crim. Proc. Ann. Art. 42.12 (Vernon 1990)	Minimal	Otherwise eligible for probation, age, not physically or mentally handicapped, never been incarcerated for felony.	PA	Unspecified	Court
Virginia Va. Code §19.2 - 316.1 & §53.1 - 67.1 (1990)	Considerable	Age, nonviolent felony, never been sentenced to incarceration as adult voluntary	PA	Counseling, remedial education, drug education, vocational assessment, upon release employment, vocational or other educational programs may be required, voluntary withdrawal.	Court orders commitment to DOC for evaluation, DOC recommends
Wisconsin Wis. Stat. Ann. §302.045 (West 1990)	Moderate	Must volunteer, age, already incarcerated, has substance abuse problem, no psychological, physical or mental limitations, lists ineligible crimes	PA	Personal development counseling, substance abuse treatment & education, intensive supervision parole program for drug abusers.	DOC
Wyoming Wyo. Stat. §7-3-1003 (1989)	Minimal	Is serving sentence at state penitentiary, age, no previous incarceration, lists ineligible crimes.	PA	Separation from general inmate population	Board of Charities & Reform

The Anchorage Times

"Putting Alaska first"

BILL J. ALLEN *Publisher* GENE AREHART *President*
WILLIAM J. TOBIN *Asst. Publisher* JAMES H. SLACK *General Manager*

J. RANDOLPH MURRAY *Editor*
PAUL JENKINS *Managing Editor*
DENNIS FRADLEY *Editor, Editorial Page*

Robert B. Atwood, *Publisher Emeritus*

SCARED STRAIGHT Juvenile 'boot camps'

SENS. VIRGINIA Collins and Rick Halford are co-sponsoring a bill that should help focus resources on preventing crime. At least that's how some other states regard the idea of "boot camps" for juvenile delinquents.

Some call it being "scared straight." And that's exactly how countless service men and women, and veterans, remember their days in boot camp.

Of course, a boot camp for budding criminals would have to differ in important ways from boot camp for potential soldiers, sailors and marines. For one thing, those running it would have to tread an even finer line between being tough with the minors and being abusive. And they would have to care that much more about their charges and the youngsters' success, tempering their strictness with compassion.

But the basic premise would be similar to the military model, employing the drill sergeant technique of demanding discipline, hard work, respect for authority, and obedience. There would also be an academic component.

Several states have begun experimental "boot camp" programs for juvenile offenders and the U.S. Justice Department has awarded Ohio's Cuyahoga County a \$779,000 grant to fund an 18-month pilot program. This project will entail sending 30 boys for 90-day stays to the boot camp as an alternative to the six- to nine-month stays at traditional juvenile detention homes.

NO ONE knows yet how much such a program would cost in Alaska, but it is not too early to be talking about it. And it's not too early to investigate the possibility of qualifying for a federal grant to begin a pilot program like the one underway in Ohio.

Currently, Southcentral area juvenile offenders are housed at McLaughlin Youth Center (\$7.5 million authorized for fiscal 1992). Although the teen-agers incarcerated there are juveniles, their crimes are adult crimes: robberies, burglaries, drug dealing, assault, prostitution — and worse. These are often youngsters who are well on their way to lives of crime. And many are already repeat offenders.

The Collins-Halford bill aims not to supplant the current correctional system, but to enhance it — and perhaps prevent young criminals from turning up again and again in the correctional system.

It's certainly worth a try. If intervention can take place early in a young offender's crime career, the savings to society will be immeasurable. And it could easily save a youngster's life.

We are sure we'll be hearing more of this bill as it winds its way through the Legislature.

TAKING A STAND

Irresponsibility in our nation sends negative messages to youth offenders

For 25 years, well-meaning souls have been busy establishing inalienable rights to protect American youths. You won't find a paddle in a physical education teacher's desk or a teen-age murderer's name in the paper. This process of ensuring rights to kids has left out one major component: responsibility. If you break the rules, you should pay. Unfortunately, few kids today understand this simple equation.

Considering the social climate of the last two decades, it's not surprising that responsibility is missing from our children's understanding of the world.

We've become a nation of finger-pointers. If you get fired from your job, sue the boss. If a complicated injury doesn't heal, sue the doctor. Run the red lights because we all know they are meant for someone else to obey. We routinely assign responsibility, but seldom accept it.

Adults can begin reversing this epidemic by showing a willingness to accept responsibility, live by the rules, and an intention to enforce these rules through punishment and corrective programs. Juvenile or adult — no one's



Jay Page

AT: 3.3.92
rights should be abused, and no one should be allowed to escape the consequences of abusing those rights.

One step toward teaching responsibility is changing the practice of not identifying convicted juveniles in the media. Nothing is gained by having offenders' names disassociated from their criminal behavior. In fact, anything that helps make an offender face up to the crime committed should be encouraged.

Offenders should also be required to meet face to face with their victims. This would foster the healing process for the victim

Legislators and state officials must take a long, hard look at a justice system bogged down by excessive protections for rights. Add to this a sharp increase in juvenile crime, violence and gang-like activity, and what do you get? An ineffective system rapidly becoming worse.

and teach the law breaker about personal responsibility.

The juvenile justice system in Alaska, however ideally designed, has been rendered ineffectual because of our mollycoddling of offenders. The system is beyond overburdened. Court dockets are jammed, McLaughlin Youth Center is over capacity and probation officers have more active files than is humanly possible to monitor.

First-time juvenile offenders who could be turned around are not getting help. They sit in holding tanks with hard-core repeat offenders who reinforce criminal behavior. Punishment, if it ever comes, is so removed from the time of the criminal act, a kid

doesn't recognize causality. It is past time to revamp the system.

Many states have admitted to the shortcomings of their juvenile systems and have introduced programs that are working. One successful program is juvenile boot camps. The camps are for non-violent offenders under the age of 18 who would otherwise face incarceration.

In addition to serving as a sanction against criminal behavior, the boot camps promote traditional moral values, increase academic achievement and provide discipline through physical conditioning and team work in a regimented daily schedule. Programs that address substance abuse and other problems contributing to

criminal behavior are also incorporated into the camps' system. The kids get a hug when they need it and a reprimand when that is needed.

Boot camps have resulted in fewer repeat offenders. Often their biggest proponents are the kids who spent time there. Derrick Thomas, all-pro lineman for the Kansas City Chiefs, spent time in a boot camp, or Marine Institute as it's called in his native Florida. As a teen in Miami, he was found guilty of burglary. Thomas credits his stay in the boot camp as being the singular experience that turned his life around.

In Georgia, boot camps are built next to existing correctional facilities and, like Marine barracks, they are simple, inexpensive structures. The federal Office of Juvenile Justice and Delinquency Prevention, as well as other agencies, offer financial assistance to states and municipalities for boot camps and other effective programs.

Legislators and state officials must take a long, hard look at a justice system bogged down by excessive protections for rights.

Add to this a sharp increase in juvenile crime, violence and gang-like activity, and what do you get? An ineffective system rapidly becoming worse.

We don't want to talk about it, but we all share the responsibility for what is happening. We have trouble times 10 and it's time to find solutions.

We must reorganize the juvenile justice system so it is effective in preventing, punishing and rehabilitating young offenders. Punishment must be immediate to the criminal act so cause and effect are understood. Schools and, more important, families should be encouraged to teach the concept of responsibility.

If something is broken, fix it. Believe me, the system is broken. Join me in taking personal responsibility to see that it is fixed — for your kids, our kids, for us all.

Jay Page is a member of the Anchorage Chamber of Commerce crime committee, the Mayor's Blue Ribbon Panel on Youth and Violence, and the board of Boys and Girls Club and Junior Achievement. Opinions expressed in Taking a Stand do not necessarily reflect the editorial position of The Anchorage Times.

S B

3 7 1

FISCAL NOTE

No. 1

Bill Version: SB 371

(S) Publish Date: 1-27-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____
 Title: Educational programs for children with disabilities.
 Sponsor: _____
 Requestor: Governor

Department Affected: Education
 BRU: Educational Program Support
 Component: Office of Special and Supplemental Services

COMPONENT SERIAL NO.	1	6	6	
----------------------	---	---	---	--

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-					

CAPITAL	-0-					
---------	-----	--	--	--	--	--

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-					
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	-0-					

POSITIONS:

FULL-TIME						
PART-TIME						--
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact.

Prepared By: John Rish Phone: 465-2970
 Division: Educational Program Support Date: 1/13/92
 Approved by Commissioner: [Signature] Date: 1/12/92
 Agency: _____

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF EDUCATION

GOLDBELT PLACE
801 WEST 10TH STREET, SUITE 200
JUNEAU, ALASKA 99801-1894

OFFICE OF THE COMMISSIONER

April 3, 1992

The Honorable Arliss Sturgulewski, Chairman
Senate HESS Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Sturgulewski:

The purpose of this letter is to formally request your assistance in scheduling SB 371, and apologize for not making this request sooner.

I have attached for your information a letter dated February 28, 1992, to Representative Grussendorf which underscores the financial consequences which are contingent on the passage of this bill.

If you have any questions or require additional information please contact me.

Sincerely,



Jerry Covey
Commissioner

by KEC

Enclosures

cc: Lori Nottingham, Office of the Governor

STATE OF ALASKA

HB 419 ✓

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

GOLDBELT PLACE
801 WEST 19TH STREET, SUITE 200
JUNEAU, ALASKA 99801-1894

February 28, 1992

The Honorable Ben Grussendorf
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

In response to your request for information on the fiscal impact of HB 419, failure to pass HB 419 could result in the loss of \$5,454,981 in federal grant funds under programs for children with disabilities. At present Alaska's State Plan for fiscal years (FY) 1992-94 under Part B of the Individuals with Disabilities Education Act has conditional approval by the United States Department of Education and is contingent upon federal acceptance of changes to Alaska statutes and regulations making them consistent with Part B requirements. (See attached letter.)

The following sections of HB 419 address changes required by the U.S. Department of Education:

Section 8. Alaska statute presently prevents a school district from initiating a due process hearing except to prove that its evaluation of a child is correct. Federal statute permits a school district and a parent to initiate hearings on all hearable topics. This proposed change will allow school districts to initiate hearings for the same reasons a parent initiates hearings.

Section 17. The U.S. Department of Education has specified that the definition of consent must contain the required federal components as presented here.

Section 19. The reauthorization of P.L. 94-142, as amended by P.L. 101-476, now named Individuals with Disabilities Education Act (IDEA), includes rehabilitation counseling as a related service.

Section 21. IDEA adds two new categories of children with disabilities; autism and traumatic brain injury. Alaska Statute does not have a definition of educational records which is required by the U.S. Department of Education. Federal language is mirrored.

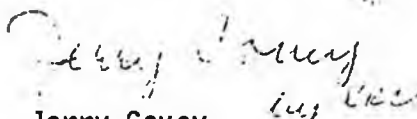
Letter, Representative Grussendorf
February 28, 1992
Page 2

In addition, throughout HB 419 the term "handicapped" is changed to "children with disabilities" which is the new and less degrading term used in IDEA.

The change proposed in Section 3 was initiated by the Alaska Department of Education in order to relieve school districts of the requirement to re-evaluate identified gifted students every three years. This change will free school psychologists and other assessment personnel from needless hours of testing students whose scores are unlikely to vary substantially over time.

The remaining proposed amendments were initiated by the Alaska Department of Law in order to clarify the intent of the statutes.

Sincerely,


Jerry Covey
Commissioner

Enclosure



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND
REHABILITATIVE SERVICES

SEP 3

Honorable Steve Hole
Acting Commissioner of Education
State Department of Education
Pouch F
801 West Tenth Street
Juneau, Alaska 99811

Dear Commissioner Hole:

I am pleased to inform you that Alaska's State Plan for fiscal years (FY) 1992-94 under Part B of the Individuals with Disabilities Education Act (Part B) has been conditionally approved. Therefore, it is my pleasure to enclose your State's Part B grant award for FY 1992.

Our conditional approval of your State Plan is based on our review and acceptance of the following documents submitted by the Alaska State Department of Education (AKSDE) to the Office of Special Education Programs (OSEP):

- (1) The Part B State Plan for FY 1992-94, including documentation that the State has in effect a policy which assures the availability of a free appropriate public education for all children with disabilities, aged 3 through 5;
- (2) Additional letters and attachments (dated July 5, July 31, August 12, August 13, August 15 and August 22, 1991) that respond to OSEP's June 25, 1991 list of required changes in the Plan.

In the August 22, 1991 letter, AKSDE assured that it will take steps to ensure that, throughout the period of this FY 1992 grant award, all public agencies in the State that provide special education and related services to children with disabilities will operate their programs in a manner fully consistent with Part B, including those areas in which the current State statutes and regulations do not conform to the Part B requirements. AKSDE further assured that it had sent a memorandum to those agencies informing them that they must operate their programs in a manner fully consistent with Part B, and submitted a copy of that memorandum to OSEP.

- (3) Your signed assurance statement regarding implementation of the new Part B State Plan requirements that were added by P.L. 101-476.

The documents identified in the preceding paragraph, together with this conditional approval letter, collectively constitute Alaska's conditionally approved Part B State Plan for FY 1992-94. Therefore, all of the documents listed in subparagraphs 2 and 3, above, the assurance statement regarding P.L. 101-476, and this conditional approval letter must be appended to your copies of the FY 1992-94 State Plan. AKSDE must indicate in the beginning of the Plan that these documents have been placed in an appendix.

As part of its FY 1992-94 Part B State Plan, your agency has made assurances required by 34 CFR §76.101, including the following: (1) "the State agency has the authority under State law to perform the functions of the State under the [Part B] program;" and (2) "the Plan is the basis for State operation and administration of the program" (see 34 CFR §§76.104(a)(2) and 76.104(a)(8)). The enclosed Part B grant award for FY 1992 is made with the understanding that the assurances made by your agency pursuant to 34 CFR §76.104 mean that your agency has, and will exercise, the authority to ensure that all public agencies in the State comply with all provisions of the plan; and that those agencies have been informed that they must comply with any additional requirements that your agency has established in the plan that are not also set forth in State statute or regulation.

I would like to remind you of the post-approval notification provision in 34 CFR §300.284, which requires your agency to "give notice in newspapers or other media, or both, that the plan is approved. The notice must name places throughout the State where the plan is available for access by any interested persons." Once the notice has been published, a copy should be submitted to OSEP.

The following paragraphs describe the actions that your agency must take to enable the State Plan to move from conditional to full approval:

As soon as your agency has prepared drafts of the revised State Plan documents, copies of those documents (e.g., proposed regulations and legislative bills) should be submitted to OSEP for review to ensure that they meet all of the conditions necessary for full approval.

Where your agency has assured OSEP that it will amend its regulations and statute, the State Plan also must be amended so that it is consistent with the regulations and statute.

In addition, your agency must revise its monitoring system to ensure compliance with the amendments.

Where amendments to the plan are necessary because of regulatory or statutory changes, your agency may either insert each of the amendments in the appropriate section of the plan, or append the amendments to the plan. If your agency chooses to append some or all of the amendments, it must indicate in the beginning of the plan that such amendments have been placed in an appendix.

As soon as possible, but no later than July 1, 1992, your agency must provide OSEP with copies of all amended State Plan documents, including the revised regulations that have been adopted by the State Board of Education, the revised statute that has been enacted by the State Legislature, and the required amendments to the monitoring system.

Once a determination has been made that your State Plan meets all of the conditions necessary for full approval, we will send you a formal notice of our approval. Your agency then must (1) formally notify public agencies and other interested parties throughout the State that the amended documents have been approved, and (2) make the entire plan, as amended, available to parents and other members of the general public.

Your State's Part B grant award for FY 1993 (i.e., the grant period beginning July 1, 1992) will be issued as funds become available for obligation at the Federal level, and if, in addition to meeting the conditions noted above, the following criteria are met:

- (1) The State meets the conditions of eligibility required under section 612 of the Act, including having in effect an approved Part B State Plan for the period of the FY 1993 award;
- (2) Your agency submits amendments to the Part B State Plan to conform to the changes required by P.L. 101-476, and those amendments are approved by OSEP; and
- (3) Your agency provides OSEP with copies of (a) all required certifications, including ED Form 80-0013, and (b) all required reports, including the Annual Data Report and Annual Performance Report.

The enclosed grant award for FY 1992 is made with the continued understanding that this Office may, from time to time, require clarification of information within your State Plan. These

Page 4 - Honorable Steve Hole

inquiries are necessary to allow us to appropriately carry out our responsibilities related to Part B.

We appreciate your ongoing commitment to the provision of quality educational services to children and youth with disabilities.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert R. Davila".

Robert R. Davila
Assistant Secretary

Enclosure

cc: Jim Rich



U.S. DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

OFFICE OF SPECIAL EDUCATION
AND
REHABILITATIVE SERVICES

GRANT AWARD NOTIFICATION

1	RECIPIENT NAME AK STATE DEPARTMENT OF EDUCATION STATE OFFICE BUILDING - POUCH F JUNEAU, AK 99811	4	AWARD INFORMATION PR/AWARD NUMBER H173A10019 ACTION NUMBER 01 ACTION TYPE NEW AWARD TYPE FORMULA
	2		PROJECT TITLE Preschool Grant
3		EDUCATION STAFF Please direct program inquiries to Nancy Safer (202)732-1109 U.S. Department of Education MES Building, Room 4630 400 Maryland Avenue, SW Washington, DC. 20202 Please direct financial inquiries to Jeanette Johnson (202)401-0112 U.S. Department of Education FOB-6, Room 3083 400 Maryland Avenue, SW Washington, DC. 20202	6
	8	LEGISLATIVE & FISCAL DATA AUTHORITY: Individuals with Disabilities Education Act PROGRAM TITLE: Preschool Grants CFDA 84.173A APPROPRIATION 91 1/20300 FY 91 CAN E002571 OBJECT CLASS 4110 AMOUNT 902,773	

8

LEGISLATIVE & FISCAL DATA

AUTHORITY: Individuals with Disabilities Education Act

PROGRAM TITLE: Preschool Grants


CFDA 84.173A

APPROPRIATION	FY	CAN	OBJECT CLASS	AMOUNT
91 1/20300	91	E002571	4110	902,773

9

TERMS AND CONDITIONS OF AWARD

When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.


 Dr. Robert Davila
 AUTHORIZED OFFICIAL

9/11/91
 DATE

Ver. 1

58371

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 27, 1992

*The Honorable Richard I. Eliason
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear President Eliason:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to educational programs for exceptional children. The bill, if enacted into law, would amend existing statutes and add new sections, primarily related to educational programs for children with disabilities. The bill also makes minor amendments to statutes related to gifted children.

Educational programs for children with disabilities receive substantial money from the federal government. Receipt of federal money is contingent upon compliance with the federal requirements. The statutory changes in this bill are necessary to keep Alaska in compliance with federal requirements and to allow the department to adopt conforming regulations if this bill is enacted into law. The changes must be in effect by July 1 of this year.

This legislation is also housekeeping in nature, in that it makes several clarifying amendments regarding procedures and terms.

I urge your early and favorable consideration of this important legislation.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel
Governor

To _____

Date _____ Time _____

While You Were Out

M Mark Grober

of _____

Phone 832-5227

AREA CODE NUMBER EXTENSION

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
WAS IN TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	URGENT	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>		

Message _____

SB 371 wants to
testify on this!
through operator
BR = 258-5010
465-3193 third party
bill

Law Offices of Marc Grober

Box 467

Nenana, Alaska 99760

(907) 832-5227

April 23, 1992

Senate HESS Committee Members

Via FAX

Re: Senate Bill 371

Madame Chair and Members of the Committee:

By way of introduction, I am an attorney and have practiced in this state since 1977. I have been concerned with the quality of state-funded services to youth and the handicapped. I have served on a number of Boards involved in health issues and was a founding director of our local regional health care agency. I have been active in the areas of early childhood services and special education for some time and have clients involved in special education litigation. I believe I know of what I am about to tell you.

I would like to address my initial comments to possible allegations that you might hear from DOE in support of this Bill.

1. *You may be told that the Bill has the support of the Governor's Council. This is false.* In fact the Council, which is by law the advisory committee on special education, was not asked for a formal endorsement of the Bill. The Council's schedule and the timing of the Department's push on this Bill preclude such a review.

2. *You may be told that parents of gifted children support the Bill. This is false.* The Bill includes language almost identical to that appearing in SB278, introduced by Sen. Kerttula in the last legislature. According to one of the Senator's aides, SB278 was offered because the bill was allegedly drafted and supported by parents of gifted children. Investigation indicated that it was drafted by DOE and then circulated by "educators" of the gifted who apparently didn't want to be troubled with the cost and "bother" of assuring that IEP's for gifted children continued to be appropriate as the child developed. When parents found out about the bill there was an outcry it SB278 was abandoned to die in this committee.

Federal law requires regular evaluations for an exceptional child in order to gauge the child's progress and assure that his IEP continues to be appropriate as he develops. Evaluations must be conducted at least every three

years or whenever a parent demands one as a guarantee of minimal service (though DOE has regularly viewed this floor as a ceiling!) This is not a bothersome hurdle, but a vital component, assuring that expert specialists will continue to monitor and evaluate a child. Failure to maintain such protections will inevitably result in an inability to guarantee that the child's program is meeting the child's needs. Since federal law does not apply to gifted students, DOE wants to drop these services to these children.

3. *You may be told that the state will be absolutely barred from receiving millions of dollars of federal funds. This is false.* You must first understand that Alaska has never been found to be in compliance with federal special education law. In fact, the State's last federal audit was a disastrous failure. Nevertheless, it has been the policy of this federal administration to continue funding special education in states which are in violation of IDEA. Alaska has continued to receive funding though it has been found to be in gross violation of federal law for years and continues to violate the mandated protections on an almost universal level.

4. *You may be told that the federal Education Department (USED) has required the specific changes sought in the Bill. This is false.* Pursuant to an Alaska Public Records Act request directed to DOE I sought, obtained and reviewed all documents in DOE's possession which pertain to the proposed legislation. Not one of those documents evidences a requirement that these specific changes be made to Alaska statutes. I have also made a FOIA request to USED for all correspondence and documents exchanged between DOE and USED. These documents have now arrived and are available to you on request.

5. *You may be told that the amendments benefit parents and children. This is false.* In fact, the amendments drastically reduce parents' authority and responsibility. If the bill passes, it is entirely probable that a "problem child" who is not otherwise eligible for services could be identified by the district, evaluated and certified as "emotionally impaired" (district jargon for children that don't meet the strict clinical criteria for seriously emotionally disturbed but are children that a district wants to target for removal from the classroom), removed from his classroom, transported to a remote school without his parents, placed in foster care, and subjected to psychiatric treatment, all without the consent of the child's parents.

This Bill is a green flag for the wholesale shipping of Native children from the bush to urban centers without any regard for their families. If you don't think this can happen, think again. This Bill would only legitimize a practice that for all intents and purposes is going on right now right under your eyes.

School psychologists have testified that they are not familiar with the clinical nature of SED eligibility and that children are often certified as EI in

order to put them in a program that they might not otherwise qualify for. Foster care is typical for severely involved children from rural districts. Psychiatric care is well within the range of services that can be offered as "special education" (including but not limited to the administration of mind-altering drugs.) Parents not satisfied with non-compliance are told to take their children elsewhere. The prospects are all too real.

6. *You may be told that this Bill simply ensures that all parties are guaranteed due process. This is false.* The IDEA is remedial; it was adopted to force districts to serve exceptional children. This is accomplished with a carrot and stick: the additional federal funding is the carrot and the granting of substantial rights to parents to assure that their children are served is the stick. The parents, not the districts, are empowered to protect their children. This Bill affords districts the right to initiate hearings, with the parents' absolute right to refuse to consent to evaluation, initial placement and relocation the obvious target.

USED has required that DOE comply with federal law that requires that the state provide the districts with procedures for overriding parental refusals. Such a procedure exists in that if the state or district really believes that a parent is withholding consent to programming, treatment or services that are absolutely necessary to the child's welfare the state or district may proceed under the CINA statutes without further administrative reduction of parental rights. The CINA statutes are carefully designed to balance the state's and parents' interests in a child's welfare. If the problem does not rise to such serious dimensions as would warrant such action it should not be subject to the radical "remedy" proposed by DOE. The comments to the federal regulations directly address this issue in this specific light.

You must also understand that a parent's rights, though guaranteed under the law, are extremely precarious and uncertain. The right to a hearing means a hearing before a hearing officer selected solely by the district from a list of available persons selected, screened and "trained" by the Department (DOE refuses to "accept" certain persons from qualifying to act as hearing officers.) Districts pay the hearing officer's fees. Hearing officers that don't please the district are not selected again.

Parents usually can't afford the due process hearings, and the hearing process inevitably results in the filing of a further lawsuit (even where a parent prevails he will undoubtedly be forced to file suit to enforce the decision). It is not unusual to find such cases still being litigated long after the child is no longer of school age. Some districts have expended more on attorney fees opposing parents in due process matters than would have been expended if the district had simply provided the services the parents requested!

Resources for parental advocacy are extremely limited and most of the funding for parental advocacy is controlled by DOE, which has refused to fund programs for parents that provide experience and practice with educational professionals in model situations, substantive instruction in parental rights, etc. so that a parent can really be prepared for the dynamics of the process they are faced with. Agencies that do receive state funding must always be concerned about the continuation of that funding.

And then there are the districts. Recently a parent came to me in tears. Having run the gamut of "service" agencies she had told the district superintendent that she was going to retain an attorney. The superintendent told her that if she retained counsel she would be doing her child potentially irreversible damage. Educators are so compassionate...

7. *You may be told that this Bill has no effect on independent evaluations. This is false.* At present a parent is entitled to an independent evaluation at any time. The district must pay for that evaluation unless the district demands a hearing for the purpose of determining whether the district's evaluation is more "appropriate" than the evaluation obtained by the parents. The Bill would essentially enable the district to pre-empt this process by allowing the district to convene a hearing before a so-called impartial hearing officer prior to the time the independent evaluation can be performed! This would essentially bring the law into conformance with present day unlawful practices (where districts advise parents that they have a right to independent evaluations where appropriate) and largely remove the threat of a truly valuable independent evaluation.

Independent evaluation is critical in Alaska where many evaluations are performed by persons inadequately trained or unqualified in the area in which they are evaluating. Credentials are inadequate to guarantee competence and professional who create technical difficulties for a district are not likely to obtain or keep their job.

8. *You may be told that the Bill is necessary to protect privacy. This is false.* Pertinent federal statutes are designed to protect the privacy of the parent and child. DOE is again turning the tables and is attempting to protect the districts from the inquiring minds of their consumers. There is absolute, on-going and effective resistance by districts to the idea that parents should have access to the specific credentials of special educators and any records of the special educators performance. Federal law does not go as far as the proposed amendments and the language is clearly not designed to benefit the child.

9. *You may be told that the Bill is necessary to clarify existing nomenclature. This is laughable.* This Bill makes the pertinent terminology

even more confusing. The amendments are poorly crafted and do not suit this purpose.

* * *

Can all this really be true? Can DOE be really so adverse to the interests of the very people it is supposed to serve? **YOU SHOULD UNDERSTAND THAT IN THIS BILL DOE IS IN FACT ATTEMPTING TO MANIPULATE EVEN YOU. DOE HAS ALREADY ASSURED USED THAT THE BILL WILL BE PASSED (SO MUCH FOR YOUR ROLE AND THE ENTIRE LEGISLATIVE PROCESS).** DOE has in fact hatched a very clever scheme it believes will force your hand.

DOE was required by USED to prepare a plan that assures compliance with federal law (largely as a result of the disastrous federal audit) and was funded based upon these assurances. In order to be able to effect the changes that DOE sought and has been unable to effect, DOE put these changes in the plan, even though USED did not specifically require them. Since USED has funded DOE based upon these assurances, DOE received a letter from USED, one that you have or will be receiving from DOE, that states that funding is contingent upon compliance with "the plan", a plan that now includes the proposed statutory changes! USED personnel have expressed serious concerns about this subterfuge and will likely be investigating this issue as part of a pending review of current Alaska non-compliance problems. I have pointed out above that there is no likelihood that funding will be terminated, and the "assurances" have apparently just this week been published for public comment. None of this is cast in stone and "the plan" will conform to what you have to say, not to what DOE has been hatching in the dark. I bring these machinations to your attention so that you can fully understand that Governor/Treasury Secretary John Connelly's comments that the biggest obstacle to progress in education is educators themselves rings very, very true in this state. This state should certainly be in compliance with federal law, but I think it inappropriate to rely on the Alaska Department of Education for advice on compliance; DOE hasn't been able to effect compliance with existing laws, let alone be expected to give qualified advice on how to correct the problems.

Children aren't being served, parents aren't being advised of their rights, funds are being squandered on publication of dozens of different forms while few, if any, of the IEPs in this state would meet federal muster. If you doubt my contentions, then take no action on this bill this session and wait until the 1992-1993 school year when this state will be the subject of another federal audit. The audit will provide ample evidence of who is trying to pull the wool over whose eyes. Require that the Governor's Council on the Gifted and Handicapped hold extensive public hearings and debates on the issues of why

Alaska is not in compliance, what is required, etc. That is, after all, their federally mandated role!

I could tell you hours of horror stories and provide you with reams of documents evidencing the points I have discussed. Clearly we don't have the time to explore all this material at this juncture. Moreover, there is an existing infrastructure that is supposed to generate and distill this kind of testimony (and obviously hasn't!) Is it surprising that this infrastructure is largely run by the same Departmental people who have been unable to comply with the laws in the first place?

DOE is trying to rush this Bill through the legislature in two weeks. It has already threatened that the state will lose funds if the Bill isn't passed and has repeatedly claimed that the USED has demanded the specific statutory changes reflected in the Bill. DOE is trying to stampede you, and it has been my experience that whenever someone tries to give you the rush, its likely because their position can't stand up to careful scrutiny. If this matter was as critical as DOE claims, it certainly could have asked for hearings in January. DOE has known since October that its proposals would not receive a warm welcome from the public. Yet here it is April 13th, 1992 and you are being asked to push this Bill through. Take your time. Listen to the parents that will be sending in their comments in the next few days. If you want to find out about compliance, talk to the head of the federal team that will audit Alaska, talk to attorneys and advocates representing parents and children in special education matters. If you want to talk about improvements in the laws, I'd be happy to present you with a whole series of proposals designed to empower parents, protect children, afford accountability and hold special education up to the scrutiny it deserves. I am at your disposal.

Thank you for your attention and consideration.

Sincerely,

Marc Grober



TO SENATE AND HOUSE HESS

Dear Senator Sturgulewski,

I am the parent of a gifted/learning disabled child. I strongly oppose SB 371 as a severe restriction of my rights as a parent to raise my child. I have dealt with the local school district for a number of years and have found that even with the laws as they stand now, the district will not offer my child a free appropriate education. SB 371 would further limit my ability to protect my child from districts unwillingness to provide FAPE. This bill is for the benefit of the state and the districts and does not benefit the child or the parents. It is also not mandated by the federal government. I am fed up with the good old boy network in this state's DOE.

I am also distressed that this bill was rushed into hearing at such short notice. I would like to have had more time to tell of current abuses that would be horribly magnified if this bill passes.

Sincerely,
Suzanne Wilson
PO Box 116
Nenana, AK 99760

Suzanne Wilson

FAX: One page

TO: State of Alaska HESS COMMITTEE/Senate and House

APRIL 14, 1992

FROM: DAVID SHAW
Box 377
Nenana, AK 99760
Phone: 832-5445 or 5676
Fax 832-5491

As the parent of 23 year old Downs Syndrome son, I am opposed to the passage of Senate Bill 371 and House Bill #419. My son has been going to school in Anchorage since 1975 and graduated in 1991 from Diamond High. He has done very well and I am pleased with my decision to remove him from Nenana Public School and enroll him in the Anchorage school system. The end product is delightful to experience.

HOWEVER he was not sent to Anchorage over my objection. It is that portion of this bill to which I object. It is my understanding that Federal Law requires local school districts to provide schooling for special education programs. Hopefully, this is being done. But a school district should never be allowed to send children away for special education over the objection of parents, simply because the district wishes not to deal with a particular special need.

Melissa:

Here's the stack!

Jimmy
Rep. Gonzales

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GONZALES

NAME: BARBARA JONES
TITLE:
ADDRESS: P.O. BOX 56052
CITY: NORTH POLE
PHONE: 474-8411
BILL NO: HB 419
SUBJECT: SPECIAL EDUCATION/RELATED SERVICES
MESSAGE: PLEASE VOTE NO ON HB 419 AND SB 371.

ZIP: 99705

EOM-FZ

PONID: 07115750
DATE: 92/04/13
TIME: 11:57:50
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES SENATORS

CARNEY	COTTEN
B.DAVIS	FISCHER
C.DAVIS	HOFFMAN
HANLEY	MENARD
LINCOLN	STURGULEWSKI
H.A.MILLER	

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GONZALES

NAME: BRUCE WILSON
 TITLE:
 ADDRESS: PO BOX 116
 CITY: NENANA
 PHONE: 832-5594
 BILL NO: SB 371
 SUBJECT: SPECIAL EDUCATION/RELATED SERVICES
 MESSAGE: SB 371 AND HB 419: MUST NOT PASS THESE TWO BILLS. IT GIVES WAY TOO MUCH POWER TO THE SCHOOL DISTRICTS. EOM/MJO

ZIP: 99760

POMID: 07114203
 DATE: 92/04/13
 TIME: 11:42:03
 LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES SENATORS

CARNEY	COTTEN
B.DAVIS	FISCHER
C.DAVIS	HOFFMAN
HANLEY	MENARD
LINCOLN	STURGULEWSKI
M.A.MILLER	

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GONZALES

SB 371
HB 419

NAME: CHERYL BRODY
 TITLE:
 ADDRESS: P.O. BOX 347
 CITY: NENANA
 PHONE: 832-5208
 BILL NO: SB 371
 SUBJECT: SPECIAL EDUCATION/RELATED SERVICES
 MESSAGE: THIS ALSO PERTAINS TO HB 419. AS A PARENT, I OPPOSE SB 371 AND HB 419. THE BILLS ARE DESIGNED TO FURTHER ASSIST LOCAL DISTRICTS AND THE STATE TO AVOID THEIR OBLIGATION UNDER THE STATUTES AND ARE NOT IN THE BEST INTERESTS OF SPECIAL EDUCATION STUDENTS OR THEIR PARENTS. PLEASE VOTE NO ON THESE BILLS. EOM-FZ

ZIP: 99760

POMID: 07191700
 DATE: 92/04/14
 TIME: 19:17:00
 LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES SENATORS

CARNEY	COTTEN
B.DAVIS	FISCHER
C.DAVIS	HOFFMAN
HANLEY	MENARD
LINCOLN	STURGULEWSKI
M.A.MILLER	

**A Brief Analysis of
Recent Proposals
to Amend
Title 14 Chapter 30
of the
Alaska Statutes
Concerning
Special Education
and Services for
Exceptional Children**

A comparison of the existing statutes with the October 1991 draft of proposed legislation circulated by Ak. DOE and HB 419 (now pending before the House HESS Committee) with commentary by the author, Ms. Tess Nott.

Changes Proposed in HB 419:**Existing Alaska Statutes Provide:**

<p>Sec. 1 would add subsection (b) stating statutes are intended to comply with requirements of federal law including IDEA.</p>	<p>Sec. 180 states the purpose of AS 14.30.180-350, appropriate education for exceptional children.</p>
<p>Sec. 2 would remove "or guardian".</p>	<p>Sec. 191(a) "A school district must obtain consent of the child's parent or guardian before an initial evaluation or placement in a program of special education and related services.</p>
<p>Sec. 3 Children with disabilities would be reevaluated at least once every 3 years, but districts would not be required to conduct reevaluations of gifted children.</p>	<p>Sec. 191(b) All exceptional children must be provided with education reevaluation at least once every 3 years following initial placement.</p>
<p>Sec. 4 would remove the phrase "or guardian".</p>	<p>Sec. 191(c) "Before a school district initiates or refuses a change in a child's placement or program, the district shall notify the child's parent or guardian."</p>
<p>Sec. 5 would remove the phrase "or guardian".</p>	<p>Sec. 191(d) The district must provide the parent or guardian with consultation about evaluation before placement.</p>
<p>Sec. 6 would remove wording stating a district may request a hearing.</p>	<p>Sec.191(e) provides a parent who disagrees with district evaluation the right to obtain an independent evaluation. The district must pay for the evaluation unless the district requests a hearing and the hearing officer finds the district evaluation appropriate.</p> <p>In either case, the results of the independent evaluation must be considered for educational programming and may be considered in hearing under paragraph (f).</p>
<p>Sec. 7 removes "or guardian".</p>	