

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 0072

9549 SENATE HEALTH EDUCATION & SOCIAL SERVICES

186

HB

367

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 367

Revision Date: _____
 Title: An act relating to part-time public school students;
and providing for an effective date
 Sponsor: Representative Dyson
 Requester: House HESS

Department Affected: Education
 BRU: K-12 Support
 Component: Foundation Program

COMPONENT SERIAL NO. 141

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS
MISCELLANEOUS						
TOTAL OPERATING

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

CHANGE IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY98) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

The department believes there is a cost associated with this proposed legislation but is unable to determine the fiscal impact.

Prepared by: Eddy Jeans, School Finance Manager

Phone: 465-8679

Division: Education Support Services

Date: _____

Approved by Commissioner: Shirley J. Holloway, Ph. D., Commissioner

Date: 2-10-98

Agency: Education

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SENATE COMMITTEE REPORT

DATE: 3/27/98

FURTHER: Finance

DATE TURNED
IN TO OFFICE:

4/30/98

HESS Committee considered HOUSE BILL NO. 367 am

"An Act relating to part-time public school students; and providing for an effective date."

and recommends:

- be replaced with S CS HB 367 (HES)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR#

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>			
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR:		CHAIR: <i>[Signature]</i>			✓

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

DOE	7/10/98		***
(Applies to original - CS)			

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

Mark Up -
Version Passed 4/22/98

SENATE CS FOR HOUSE BILL NO. 367(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE DYSON

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to part-time public school students; and providing for an
2 effective date."

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

4 * Section 1. AS 14.03.095(a) is amended to read:

5 (a) Except as provided in (b) of this section, a governing body shall, upon
6 request, allow a child, including a child who is also enrolled at a private school, is a
7 correspondence student, or is being home schooled, to enroll as a part-time student in
8 the district. A governing body may not discriminate between part-time and full-
9 time students or require that part-time students be enrolled after full-time student
10 enrollment is completed.

11 * Sec. 2. AS 14.03.095 is amended by adding a new subsection to read:

12 ~~(d) This section does not apply to interscholastic or extracurricular student~~
13 ~~activities.~~

14 * Sec. 3. AS 14.17.080 is amended by adding a new subsection to read:

1 (b) When reporting a district's ADM, a part-time student who is a
2 correspondence student may not be counted as more than one full-time equivalent
3 student.

4 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).



Alaska State Legislature

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REPRESENTATIVE FRED DYSON

HB 367 Sponsor Statement

"An Act relating to part-time public school students; and providing for an effective date."

From the beginning, HB 158, the part-time student bill from last Session, was intended and discussed in committee and on the floor as an anti-discrimination and equal access bill. The Anchorage, Valdez, and Kenai School Districts have implemented policies that require part-time students to wait at the back of the line until full-time students have had the opportunity to enroll. This clearly is discriminatory and contrary to the bill which states that a part-time student can only be denied enrollment if a full-time student would similarly be denied.

The Anchorage School District (ASD) has stated that the reason behind their policy comes from 4 AAC 05.035 (b) (1) "space is available in a course in which the student desires to enroll after full-time public school students have had an opportunity to enroll."

My intent from the bill's conception was to remove the discrimination against part-time students. This bill will effect that intent within the regulations, 4 AAC 05.035 (b) (1).

- E-mail -
representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>



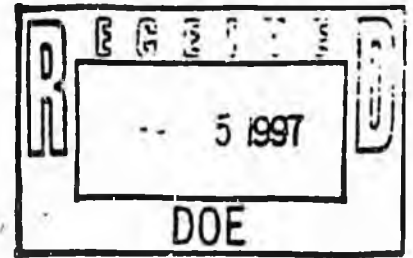
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REPRESENTATIVE FRED DYSON



MEMORANDUM

September 2, 1997

To: Eddy Jeans
School Finance Manager

From: Fred Dyson *FJD*
State Representative

RE: 4 AAC 05.035 and Memorandum Number 97-04

From the beginning, HB 158, the part-time student bill, was intended and discussed in committee and on the floor as an anti-discrimination and equal access bill. The Anchorage School District (ASD) and the Kenai School District have implemented policies that require part-time students to wait until full-time students have had the opportunity to enroll. This clearly is discriminatory and contrary to the bill which states that a part-time student can only be denied enrollment if a full-time student would similarly be denied.

The ASD has stated that the reason behind their policy comes from 4 AAC 05.035 (b) (1) "space is available in a course in which the student desires to enroll after full-time public school students have had an opportunity to enroll."

My intent from the bill's conception was to remove the discrimination against part-time students. In order for the regulations to follow the law, I respectfully request that 4 AAC 05.035 (b) (1) be modified as follows:

(1) space is available in a course in which the student desires to enroll [AFTER FULL-TIME PUBLIC SCHOOL STUDENTS HAVE HAD AN OPPORTUNITY TO ENROLL];

Thank you for your help. If you have further questions on this matter, please contact me or my staff aide, Lisa Torkelson, at (907) 694-6683.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

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REPRESENTATIVE FRED DYSON

MEMORANDUM

January 15, 1998

To: Shirley Holloway
Commissioner, Department of Education

From: Fred Dyson 
State Representative

RE: Proposed Regulation Change - 4 AAC 05.035
Memorandum Number 97-15

From the beginning, HB 158, the part-time student bill, was intended, and discussed in committee and on the floor as an anti-discrimination and equal access bill. The Anchorage School District (ASD) and the Kenai School District have implemented policies that require part-time students to wait until full-time students have had the opportunity to enroll. This clearly is discriminatory and contrary to the bill which states that a part-time student can only be denied enrollment if a full-time student would similarly be denied.

The ASD has stated that the reason behind their policy comes from 4 AAC 05.035 (b) (1) "space is available in a course in which the student desires to enroll after full-time public school students have had an opportunity to enroll."

My intent from the bill's conception was to remove the discrimination against part-time students. In order for the regulations to follow the law, I respectfully request that 4 AAC 05.035 (b) (1) be modified as follows:

(1) space is available in a course in which the student desires to enroll [AFTER FULL-TIME PUBLIC SCHOOL STUDENTS HAVE HAD AN OPPORTUNITY TO ENROLL]*;

Thank you for your help. If you have further questions on this matter, please contact me or my staff aide, Lisa Torkelson, at (907) 465-3467.

*New Text Underlined [DELETED TEXT BRACKETED]

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>

register _____, _____ 1998

EDUCATION

4 AAC 05.035(a) and (b) are amended to read:

(a) A district shall [MAY] permit its school to enroll part time public school students. A district [THAT PERMITS ENROLLMENT OF PART-TIME PUBLIC SCHOOL STUDENTS] shall adopt a policy that sets out how a school district shall comply with (b) of this section and how the school shall process a request for enrollment of a part-time public school student. The district shall make the policy available to an interested person.

(b) Subject to the policy that a district has set out under (a) of this section, a public school in the district shall [MAY] enroll a part-time public school student, including a private, correspondence, or home school under AS 14.30.010(b), if

(1) space is available in a course in which the student desires to enroll after full-time public school students have had an opportunity to enroll;

(2) the enrollment is at the request of the student or the student's parent, for purposes of this paragraph, "parent" has the meaning set out at 4 AAC 52.990;

(3) the student has met the prerequisites for the course that are required of a full-time public school student; and

(4) the enrollment does not result in an expenditure of public money for the direct benefit of a private educational institution.

register _____, _____ 1998 EDUCATION

(Eff. 6/2/95, Register 134: am / / , Register)

Authority: AS 14.03.080 AS 14.07.060 AS 14.30.010
AS 14.07.020

register ____, ____ 1998

EDUCATION

4 AAC 09.040 (c) is amended and a new (d) is added to read:

(c) A secondary student enrolled in an approved district correspondence study program or as a part-time public school student under 4 AAC 05.035, shall be counted on a full time equivalent basis as follows:

- (1) a student enrolled in one course in a semester equals 0.25 full-time equivalent;
- (2) a student enrolled in two courses in a semester equals 0.5 full-time equivalent;
- (3) a student enrolled in three courses in a semester equals 0.75 full-time equivalent;
- (4) a student enrolled in four or more courses in a semester equals 1.00 full-time

equivalent.

(d) An elementary student enrolled in an approved district correspondence study program or as a part-time public school student under 4 AAC 05.035, shall be counted on a full time equivalent basis as follows:

- (1) Elementary students enrolled in one hour or less per day equals .25 full-time equivalent, (less than 10 contact hours per week);
- (2) Elementary students enrolled in two hours per day equals .5 full-time equivalent, (10+ but less than 15 contact hours per week);
- (3) Elementary students enrolled in three hours per day equals .75 full-time equivalent, (15+ but less than 20 contact hours per week);

register _____ 1997

EDUCATION

(4) Elementary students enrolled in four hours per day equals 1.0 full-time equivalent, (20+ contact hours per week).

(Eff. 1/15/87, Register 101; am 12/13/87, Register 104; am 6/2/95, Register 134; am / / , Register)

Authority:	AS 14.07.020	AS 14.17.031	AS 14.17.160
	AS 14.07.060	AS 14.17.041	AS 14.17.170
	AS 14.17.010	AS 14.17.080	AS 14.17.200
	AS 14.17.022		



Homer High School

Kenai Peninsula Borough School District

Richard Patton, Principal

Keith Gebhardt, Assistant Principal

David Cloud, Athletic Director

Senator John Torgerson
State Capitol
Juneau, Alaska 99801-1182

I am writing concerned about the Bill before the legislature concerning part-time students.

This bill requires part-time students to be admitted on the same basis as full time students. There are serious problems with this concept.

I am the Principal of Homer High School and have been a Principal for almost eighteen years. I understand high schools well.

Homer High School allows part-time students in our school if there is room in the desired program. If there is not room, our full time students receive first consideration. Homer High School has eleven (11) part-time students currently which is the most of the thirty-six schools in the Kenai Peninsula Borough School Districts.

The bill before the legislature has some serious flaws. First, this bill would allow part-time students to replace full time students in our most desirable courses. This has been discussed last year at our PTSO (Parent/Teacher/Student Organization) meeting and the vast majority of parents would not favor any legislation that would ever lead a full time student to be displaced by a part-time student. Many of our students wait years for desired courses and work to attain a spot. To have a full time student displaced by a part-time student would not be fair. I am sure if you heard from all parents you would not even consider this bill.

Secondly, it is important for high schools to keep standards and one of our standards is that all students must take a full load. In our case, that is six courses during the day. In other words, we require students to be here at 8:30 A.M. and they do not leave until 3:15 P.M. To allow students a choice of part-time status would seriously weaken the standard and lessen our ability to hold reasonable academic standards and standards of attendance.

I strongly urge you to consider not passing this bill and would certainly be willing to talk in detail about the problems it would create.

Sincerely,

Richard F. Patton,
Principal Homer High School
cc: Rep. Gail Phillips

Alaska State Legislature



State Capitol
Juneau, AK 99801-1182
(907) 465-3720
(907) 465-2689

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Fax: (907) 465-3472

Speaker of the House of Representatives

April 7, 1998

Mr. Richard Patton
Principal
Homer High School
600 E. Fairview Ave.
Homer, AK 99603

Dear Mr. Patton:

Thank you for sending me a copy of your letter to Senator Torgerson regarding HB367 - allowing part-time students to enroll in high school courses with the same status as full-time students. I appreciate your comments explaining your objections to the bill's provisions.

The bill passed the House on Friday, March 27; I voted against it as having high school students come and go on a part-time basis seems counterproductive to instilling disciplined work ethic to succeed in college or the work place. I will see that a copy of your letter is sent to Senator Gary Wilken, chair of the Senate HESS Committee. You may wish to write or call him as well to explain your perspective as a long-time educator and principal.

Again, thank you for your input. Please continue to contact me if I may ever be of assistance.

Sincerely,

A handwritten signature in cursive script that reads "Gail Phillips".

Gail Phillips
SPEAKER OF THE HOUSE

GP:ps

cc: Sen. John Torgerson
Sen. Gary Wilken

cc:Mail for: Representative Fred Dyson

Subject: HB367 First Come, First Served

From: mcclure@alaska.net (L. A. McClure) at CC2MHS1 3/3/98 1:03 AM

To: Representative Fred Dyson at LAA_TRANS

Dear Representative Dyson,

I support HB 367.

I find it incredible that it should be assumed that a student enrolled in a public school should have priority over a student who is enrolled in both public and private schooling. I can think of absolutely no legitimate reason for placing one student before another in the goal of obtaining educational course(s) and schooling.

I can clearly see that state funded school officials would like to see all funds, all programs, and all students, go to state run schools to provide state officials with job security. However, that does not address the issues of providing quality education for all students including the students who are enrolled in alternative, private, homeschooling.

When will state officials get over their feelings of inadequacies and see the realities of alternative schooling? The statistics and results have been laid out. Yet state officials from the federal level all the way down chose to ignore the proof and results of alternative, private, and homeschooling to the point of stubbornness and obstinance.

Sincerely,

L. A. McClure

cc:Mail for: Representative Fred Dyson

Subject: HB 367

From: tcktn@ptialaska.net (Teresa Crevier) at CC2MHS1 3/2/98 9:20 AM

To: Representative Fred Dyson at LAA_TRANS

Monday, March 2, 1998

Dear Rep. Dyson:

Please exercise your support for HB 367. All students should be treated equally in their education whether full or part-time students.

Teresa A. Crevier

tcktn+AEA-ptialaska.net

cc:Mail for: Representative Fred Dyson

Subject: HB 367

From: mwilliams595@juno.com (Melinda M Williams) at CC2MHS1 2/27/98 9:14 AM

To: Representative Fred Dyson at LAA_TRANS

We ask you to support HB 367 which addresses discrimination against part-time students.

Thank you.

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Or call Juno at (800) 654-JUNO [654-5866]

cc:Mail for: Representative Fred Dyson

Subject: Part Time Student Status

From: AK49CURT@aol.com at CC2MHS1 2/27/98 1:57 PM

To: Representative Fred Dyson at LAA_TRANS

I am all for it. Part time students should get equal status with full timers. Reason for this, it is time the school district wakes up and really takes a good hard look at our educational system. All taxpayers pay for this perk, all should be able to be parttakers if they want to not by all means forced to. Melody Graham in Eagle River.

cc:Mail for: Representative Fred Dyson

Subject: HB 367

From: bearcub@alaska.net (Julia Enzenberger) at CC2MHS1 2/27/98 11:28 AM

To: Representative Fred Dyson at LAA_TRANS

I would like to speak in favor of HB 367 which allows part-time students the same treatment as full-time students when it comes to registering for classes.

This bill will help all students, part or full-time. Some times classes are not offered because there is insufficient enrollment and other times classes are crowded because there are not enough students for 2 classes, but too many to comfortable fit in one class. By allowing part-timers to register with full-timers the district will have a clearer picture of how many students want/need different courses.

It isn't right when part-time students can't enroll for AP Chemistry because the class is over-crowded, yet if they had been allowed to make their course selections known during primary registration the district would have seen a need for two AP Chemistry classes. Instead no part-times get to take AP Chemistry and the full-timers are in an over-crowded single class.

Any law that helps a student get a better education is a good law. This law would help students and it is a good law. Please vote in favor of HB 367.

JULIA ENZENBERGER
4885 Newcastle Way
Anchorage, AK 99503
908-561-4111

cc:Mail for: Lisa Torkelson

Subject: Re: HB 367 support
From: smiley@alaska.net at CC2MHS1 2/27/98 10:52 AM
To: Lisa Torkelson

I support this bill
It allows fair access to education for all students
Please pass this bill
Karen Hurley
333-3673

cc:Mail for: Representative Fred Dyson

Subject: HB367 YES!!!
From: wetherpp@corecom.net (Dennis Wetherell) at CC2MHS1 2/27/98 9:39 AM
To: Representative Fred Dyson at LAA_TRANS

Dear Rep. Dyson,

I am a parent of two children in the Mat-Su school district. I support HB367 because I believe all children should have the right to participate in public education programs. Furthermore, all children should be guaranteed equal access under the law. All parents, in one way or another, contribute tax monies to the public education system, even if their children are homeschooled or enrolled in private school. To deny these children equal access to public education opportunities just because they do not attend public schools full time is clearly a violation of the laws pertaining to a free appropriate public education.

Under current Alaska laws regarding reimbursement for part time students, there is not even a valid criticism that providing such services is a drain on district budgets. A part time student who attends 4 hours per day is considered a full time student for purposes of state reimbursement. Thus, it seems to me, that school districts actually make money by enrolling part time students.

Sincerely,

Dennis Wetherell

D. Wetherell
wetherpp@corecom.net

cc:Mail for: Representative Fred Dyson

Subject: Support for HB 367

From: dclover@ptialaska.net (Dave and Sue Clover) at CC2MHS1 2/27/98 9:04 AM

To: Representative Fred Dyson at LAA_TRANS

Dear Representative Dyson,

I cannot attend today's hearing but I would like express my support of HB 367, the bill to clarify the enrollment procedures for part-time students in the public schools. I agree that all students of the same grade level should be treated equally at registration. Public education should be equally accessible to all students of the State of Alaska. Thank you for your introduction of this bill.

On a personal note, my daughter has taken advantage of part-time enrollment to take French at the local middle school. In her first classroom experience she is doing well and has a "A" in the class. She is very conscientious about getting her homework done and being ready for school in the morning and she is usually up before any of the rest of the family.

The teacher mentioned that the only problems my daughter has had have been to forget her pencil a couple of times "unlike some of the students that do not want to be here" (in class). My daughter has mentioned that the teacher has had to send students to the hall because of the disruptions they cause in the class. Should students that want to learn and do not cause behavioral disruptions in class be discriminated against in registration in favor of full-time students that "do not want to be there?"

Again, thank you for your support and your introduction of this bill.

Sue Clover
dclover@ptialaska.net
4413 Julep Street
Juneau, AK 99801

cc:Mail for: Lisa Torkelson

Subject: Re: HB 367

From: charlieh@alaska.net (The Hardesty's) at CC2MHS1 2/26/98 9:10 PM

To: Lisa Torkelson at LAA_TRANS

Please register my family in support of HB 367. I know this is a very busy time of year for homeschoolers trying to finish up the year, but I'm sure that the support would be equally overwhelming as it was originally.

Thank you for fighting for equal rights for all children. This bill would certainly stand for equality. Thanks again.

Joanne Hardesty
Nikiski, Alaska

cc:Mail for: Representative Fred Dyson

Subject: HB 367

From: blessed@alaska.net (Charles & Terina Lochner) at CC2MHS1 2/27/98 8:38 AM

To: Representative Fred Dyson

Dear Hess Committee Members,

I would like to request your support of HB 367. As the Administrative Coordinator of a large homeschooling support group I have seen first hand the determination and dedication of families who choose to homeschool. For most, this choice has been made at great personal and financial sacrifice. These are families striving to provide the best education possible for their children. The ability to access public school facilities is invaluable to this goal. Many classes which are difficult or impossible for homeschooling parents to provide are available at the local school. (For instance, not many homeschooling families can afford to recreate a complete science chemistry lab in their home.) It is the ability to be flexible and to custom fit the curriculum to the child that makes homeschooling an outstanding educational choice. By allowing homeschooled children EQUAL access to public school classes we provide their families with another tool for developing a customized education for each child. This kind of education benefits the State of Alaska as well as our society as a whole.

Please vote yes on HB 367 and support the highest quality education for ALL of Alaska's children!

Sincerely,

Terina Lochner *
Administrative Coordinator
Valley Home Education Support Team (73 member families)
P.O. Box 877316
Wasilla, AK 99687

cc:Mail for: Representative Fred Dyson

Subject: <No subject>

From: tina@corecom.net (Tina Thomson) at CC2MHS1 2/26/98 5:19 PM

To: Representative Fred Dyson at LAA_TRANS

Please support HB 367 that would allow part-time and full time students the same privileges. Our home schooled students work just as hard and deserve this equal treatment. Please show your support for educational choice. I would appreciate this fair treatment.

Thank you,
Tina Thompson

cc:Mail for: Representative Fred Dyson

Subject: HB 367

From: halley@alaska.net (CATHERINE M.D. HALLEY) at CC2MHS1 2/27/98 8:20 AM

To: Representative Fred Dyson at LAA_TRANS

We are parents of two children that we home-school in the Valdez district. Valdez is considering a policy right now that would treat part time students as second class citizens, making them wait until all full time students have registered first. This is unfair and not right. We pay full taxes like everyone else and quite generously, I might add in Valdez, and to discriminate against anyone is not what the State of Alaska or the City of Valdez should have in mind. I urge you to support HB 367 to prevent such discrimination.

Catherine M.D. Halley

cc:Mail for: Representative Fred Dyson

Subject: HB 367

From: paulp@ptlaska.net (Paul & Tiffani Perry) at CC2MHS1 2/27/98 1:03 AM

To: Representative Fred Dyson at LAA_TRANS

cc: Lisa Torkelson at LAA_TRANS

Just a little note to you sir, and to all it may concern:

We home school, and although none of our children are in the "high school" grades as of yet, we are concerned that discrimination will be an issue. I believe, and hope that you will support and push for equal rights for equal students. I would like to think that if I had a student enrolled part time in a school that I pay full time "taxes" for, that they would not be bumped or passed over for a class so another student, also of full time "tax paying parents" could attend in their place. No special privileges, just equal ones for equal tax paying parents of tomorrows leaders.

Paul Perry
POB 7955
Nikiski, AK 99635
(907) 776-5633
email: paulp@ptlaska.net

cc:Mail for: Representative Fred Dyson

Subject: HB 367

From: rutter@alaska.net at CC2MHS1 2/26/98 8:23 PM

To: Representative Fred Dyson at LAA_TRANS

We strongly urge you to support HB 367, which would allow part-time students to register on a first-come, first-serve basis the same way full-time public school students register. The Valdez School District is considering a policy which would require that part-time students wait to register until after full-time students are registered. They can thereby be excluded if the district says that a class is full. This is nothing short of discrimination. Part-time students and their families are taxed at the same rate as every other citizen of Valdez, and should receive the same educational opportunities. We are all citizens of the State of Alaska, which places education as a top priority, and we believe that this applies to the education of all of our children.

Kathy J. Rutter
James B. Rutter III

cc:Mail for: Representative Fred Dyson

Subject: hb 367

From: psilveir@alaska.net (Paul Silveira) at CC2MHS1 2/26/98 7:53 AM

To: Representative Fred Dyson at LAA_TRANS

I am requesting that you support HB 367. As homeschoolers we think it would be appropriate to have first come first serve status in classes at the schools. We pay our taxes that staff and educate in the school without the opportunity to reap a benefit. An opportunity to utilize a class would be fair. Please inform me on the status of this bill after it comes up for vote. Thank you for your time. Sandy Silveira

cc:Mail for: Representative Fred Dyson

Subject: Equal Access to Public Schools

From: gdwarton@ebicom.net (Kip & Donna Warton) at CC2MHS1 2/10/98 6:27 AM

To: Representative Fred Dyson at LAA_TRANS

Representative Dyson

By way of introduction I am an Alaska Resident and registered voter in Eagle River on duty with the US Air Force in Mississippi.

My wife and I request you consider favorably the bill allowing partime part-time students equal access to classes in the public school. It would make the regulations conform to the original intent of last year's law (allowing part-time students at all), by mandating a non-discriminatory first-come, first-serve policy (not after all full-timers have enrolled).

Our children have attended both public schools and home-schools. Equal access is a must and should not be denied particularly given we pay property taxes which go toward educating all of our children in Alaska.

VR

Lt Col George & Donna Warton
7393 A Salem Dr
Columbus AFB MS 39701

601-434-6086

gdwarton@ebicom.net

E

cc:Mail for: Representative Fred Dyson

Subject: Part time school

From: lahamer@alaska.net (Lee Ann Hamerski) at CC2MHS1 2/7/98 12:26 F

To: Representative Fred Dyson at LAA_TRANS

Keep up the good work Mr. Dyson. We're behind you 100%
EQUAL ACCESS FOR EQUAL TAXES!!!
Lee Ann, Johann, Kristin, and Erik Hamerski
The Cottonwood Academy

POM for Representative Dyson



From: Mrs. Deanna Meyer
PO Box 55751

Telephone: 488-2331

North Pole, AK 99705

NON Constituant

Registered Voter: Y

Bill: HB 367 Title: PART-TIME PUBLIC SCHOOL STUDENT ENROLLMEN
Message:

I SUPPORT THIS BECAUSE I BELIEVE THAT ALL STUDENTS IN ALASKA SHOULD HAVE THE SAME OPPORTUNITY TO ATTEND A PUBLIC FACILITY TO ATTAIN THERE EDUCATION WHETHER IT BE FULL TIME OR PART TIME. THANK YOU.

Entered in FBX on 2/23/98 POMID: 1662 Stored

Distribution: 14

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 7 out of 7.

POM for Representative Dyson



From: Mrs. Renee Person
1259 Arctic Tern Dr

Telephone: 457-5887

Fairbanks, AK 99712

NON Constituant

Registered Voter: Y

Bill: HB 367 Title: PART-TIME PUBLIC SCHOOL STUDENT ENROLLMEN
Message:

I SUPPORT THIS BILL BECAUSE ALL ALASKAN STUDENTS SHOULD HAVE ACCESS TO PUBLIC EDUCATION REGARDLESS OF CURRENT EDUCATIONAL STATUS.

Entered in FBX on 2/20/98 POMID: 1529 Stored

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[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 6 out of 7.

POM for Representative Dyson



From: Mrs. Conny Robinson
5836 Poker Creek Cir

Telephone: 389-2733

Fairbanks, AK 99712

NON Constituant

Registered Voter: Y

Bill: HB 367 **Title:** PART-TIME PUBLIC SCHOOL STUDENT ENROLLMENT

Message:

I SUPPORT THIS BECAUSE ALL STUDENTS IN ALASKA SHOULD HAVE ACCESS TO PUBLIC FACILITIES SUPPORTED BY PUBLIC TAXES.

Entered in FAX on 2/20/98 POMID: 1521 Stored

Distribution: 10

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

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POM for Representative Dyson



From: Mrs. Sharon Smith
1017 Kodiak St

Telephone: 474-9457

Fairbanks, AK 99709

NON Constituant

Registered Voter: U

Bill: HB 367 **Title:** PART-TIME PUBLIC SCHOOL STUDENT ENROLLMENT

Message:

WE SUPPORT HB 367 BECAUSE WE BELIEVE THAT ALL OF OUR STUDENTS SHOULD BE TREATED FAIRLY. WE MUST REMEMBER THAT ALL ALASKANS ARE TAXPAYERS. EDUCATION IS IMPORTANT AND PARAMOUNT. NOW IS THE TIME FOR A QUALITY EDUCATION. TOMORROW COULD BE TOO LATE. OUR CHILDREN ARE PRECIOUS. THANKS SO MUCH.

Entered in FAX on 2/20/98 POMID: 1517 Stored

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[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 4 out of 7.

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: SCS HB 367 (HES)

1 Page 1, following line 10:

2 Insert a new bill section to read:

3 ****Sec. 2. AS 14.03.095 is amended by adding a new subsection to read:**

4 (d) This section does not apply to interscholastic or

5 extracurricular student activities.

6 Renumber the following bill sections accordingly.

SENATE CS FOR HOUSE BILL NO. 367(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE DYSON

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to part-time public school students; and providing for an
2 effective date."

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

4 * Section 1. AS 14.03.095(a) is amended to read:

5 (a) Except as provided in (b) of this section, a governing body shall, upon
6 request, allow a child, including a child who is also enrolled at a private school, is a
7 correspondence student, or is being home schooled, to enroll as a part-time student in
8 the district. A governing body may not discriminate between part-time and full-
9 time students or require that part-time students be enrolled after full-time student
10 enrollment is completed.

11 * Sec. 2. AS 14.03.095 is amended by adding a new subsection to read:

12 (d) This section does not apply to interscholastic or extracurricular student
13 activities.

14 * Sec. 3. AS 14.17.080 is amended by adding a new subsection to read:

1 (b) When reporting a district's ADM, a part-time student who is a
2 correspondence student may not be counted as more than one full-time equivalent
3 student.

4 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).



FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

520 Fifth Avenue

Fairbanks, Alaska 99701-4756

(907) 452-2000

March 17, 1997

Attention: Lisa
Representative Fred Dyson
Alaska State Capitol, Room 428
Juneau, AK 99801

MAR 20 1997

Dear Representative Dyson:

I am writing this letter in response to your staff's query regarding whether or not the Fairbanks North Star Borough School District has been implementing the requirements of 4 AAC 05.035 regarding part-time students. For the past several years, Fairbanks has allowed part-time students, both elementary and secondary, to attend schools/classes in our schools. These students are coded as part-time and (if they were enrolled during our October count period) are included in official student enrollments.

Each year, the staff in our student records office reviews the class schedules of all secondary students and calculates the part-time FTE of each student based on the number of classes in which they are enrolled. Your proposed House Bill No. 158 would not cause our district to do anything different from what we have already been doing for years.

If you have any questions about this, feel free to contact either Mr. Bob Shefchik, the Assistant Superintendent for Business and Finance or myself at 452-2000.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nicholas Stayrook".

Dr. Nicholas Stayrook, Director
Program Planning and Evaluation

cc: Bob Shefchik



Alaska State Legislature

- Interim (May-Dec) -
10928 Eagle River Rd., Suite 140
Eagle River, Alaska 99577
☎ (907) 694-6683
FAX (907) 694-1015

- Session (Jan-May) -
Alaska State Capitol
Juneau, Alaska 99801-1182
☎ (907) 465-2199
FAX (907) 465-4587

Toll free (800) 342-2199

REPRESENTATIVE FRED DYSON

May 8, 1998

To: Senator Gary Wilken
From: Rep. Fred Dyson *fd*
Re: HB 367 - Part-Time Students

Dear Gary,

I am at the tail end of a long fight to get the Anchorage School District (ASD) to stop discriminating against part-time students. It appears to me that our State Constitution (attached) is very clear that our responsibility is to educate ALL of our K-12 students. Last year we passed HB 158 (attached) that made our statues very clear that we must treat part time students the same as full time students. I assumed that this would be the end of the battle, but I was wrong. The ASD administration decided that they would make only minimal accommodations for the part timers (100 students out of 49,000) and presently require part-time students to wait for all other students to finish before allowing them to register for classes. The ASD is hiding behind the Department of Education (DOE) regulation 4 AAC 05.035 (attached).

I had assumed that the DOE would have altered this regulation to conform to the State Constitution and the law we passed last year, and there is still a possibility that they might during their June meeting. The State Board of Education unanimously endorsed the law we passed last year and I assume they will be consistent and endorse the regulation change that we are mandating with HB 367.

Most school districts in the state have gone out of their way to work with ALL of the K-12 students in their attendance area. Sitka, Mat-Su, Fairbanks and others have made an art form out of working with the homeschool, correspondence school, and private school kids and they are to be commended. The Anchorage School District administration is the only one in the state that has made a policy out of discriminating against part-timers.

There is nothing in this anti-discrimination bill that prohibits the various school administrations from giving a priority to a student (part or full-time) that needs a particular class for graduation. Nor is there anything in this legislation that keeps a school from requiring that a part time student have prerequisites or go through a standard pre-registration procedure. The bill only requires that the part-time students be treated the same. **No Discrimination!** This bill does nothing to mandate or alter how a school treats activities and interscholastic sports. Each school board can still adopt policies that best serve their district.

As near as I can tell, the only opposition to HB 367 comes from people in the professional education lobby that are worried about encouraging any kind of alternative education in our state. We have not had a single testimony from a parent or student against this effort to include part-timers in the regular registration process.

Please support this very small effort to eliminate the last bastion of institutional discrimination in our state by supporting HB 367. **Let's get education and educational choice back into the hands of Alaska's parents.**

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>

School District Policies

Anchorage School District

They offer enrollment to part-timers after full-timers have had a chance to enroll.

Copper Center

Shirley

They did not allow part-timers until this law (HB158), but she thinks it is a good idea. They haven't had a policy and will probably not be finished with one for another month or so. When asked how they would handle a part-timer requesting a class before the policy is finished, she did not seem to have an answer.

Fairbanks

Barb, Superintendent's office

Nick Stayrook, 452-2000, x367

North Pole HS (488-3761)

Lathrop High School (456-7794)

Have always allowed part-time students. Tiered registration system for Spring enrollment. Existing students at the end of the year, whether part or full time, are enrolled this way (Sr. first and on down). Part-timer class level based on number of credits in home and public school. Part-timers are mixed in with the others, no special treatment.

September is for new students and are dealt with on a first come, first serve basis, including part-time.

Notes:

They have enrolled part-timers for at least 12 years

Limiting factors to private school enrollees. High school has rotating 80 min. block period (4 periods a day). Plays havoc with 6 per. a day students.

(Monroe H.S.: more students enrolled before "rotating" schedule set up)

Homeschoolers - can get certification letters to show grade level

16,500 students total

Kenai

Ed McLain, Nan-Sec. 262-5846

Sally, Sec. to Superintendent and School Board

They offer enrollment to part-timers after full-timers have had a chance to enroll.

Mat-Su

Have always allowed part-time students. The woman wasn't sure how the policy would be changed to accommodate the new law, but gave me info. on how they currently handle student registration. For sports, they have a two course minimum. There is no tiered registration system in the high school. All students are looked at the same and are classified as a student wanting to register. They are all processed on a first come, first serve basis.

Sitka

Tom Kelsey, High School principal
Kathy van Horn, Secretary (747-3263)

They have always allowed part-timers. They begin with Freshmen in order to give them the most time in the building to figure out what to take. Seniors go last as they pretty much know what they have left to take. Their rules are flexible and a student who cannot make it to the school on a particular day, can come earlier or later to meet his/her schedule.

In the Spring, part-timers generally register for classes and their grade is based on the number of credits they have. But, they can register anytime even if they miss the regular registration period. The woman said that class level is easily determined by the school.

Part-Time Student Enrollment

Kenai School District	9/97	5/98
Kindergarten	0	3
1st grade	1	1
2nd grade	2	1
3rd grade	0	1
4th grade	0	4
5th grade	0	2
6th grade	2	4
7th grade	2	5
8th grade	3	6
Freshmen	4	3
Sophomores	8	5
Juniors	5	5
Seniors	<u>6</u>	<u>6</u>
Total part-time	32	46
KPBSD Correspondence	<u>+2</u>	<u>+17</u>
	44	63
Total students		10,312 (est. as of 5/4)
<i>Part-timers make up 0.61% (less than 1%)</i>		

Anchorage School District	10/97	5/98
Total part-time	95	131
Total students		47,857
<i>Part-timers make up 0.27% (less than 1%)</i>		

Fairbanks School District
 Nick Stayrook, 452-2000, x367
 North Pole HS (488-3761)

Lathrop High School (456-7794)

Have always allowed part-time students. Tiered registration system for Spring enrollment. Existing students at the end of the year, whether part or full time, are enrolled this way (Sr. first, then Jr., etc). Part-timer class level based on number of credits in home and public school. **Part-timers are mixed in with the others, no special treatment.** September is for new students and are dealt with on a first come, first serve basis, including part-time.

Total part-time (est.)	70
Total students (est.)	16,430
<i>Part-timers make up 0.42% (less than 1%)</i>	

SECTION 8. REAPPORTIONMENT BOARD. The governor shall appoint a reapportionment board to act in an advisory capacity to him. It shall consist of five members, none of whom may be public employees or officials. At least one member each shall be appointed from the Southeastern, Southcentral, Central, and Northwestern Senate Districts. Appointments shall be made without regard to political affiliation. Board members shall be compensated.

SECTION 9. ORGANIZATION. The board shall elect one of its members chairman and may employ temporary assistants. Concurrence of three members is required for a ruling or determination, but a lesser number may conduct hearings or otherwise act for the board.

SECTION 10. REAPPORTIONMENT PLAN AND PROCLAMATION. Within ninety days following the official reporting of each decennial census, the board shall submit to the governor a plan for reapportionment and redistricting as provided in this article. Within ninety days after receipt of the plan, the governor shall issue a proclamation of reapportionment and redistricting. An accompanying statement shall explain any change from the plan of the board. The reapportionment and redistricting shall be effective for the election of members of the legislature until after the official reporting of the next decennial census.

SECTION 11. ENFORCEMENT. Any qualified voter may apply to the superior court to compel the governor, by mandamus or otherwise, to perform his reapportionment duties or to correct any error in redistricting or reapportionment. Application to compel the governor to perform his reapportionment duties must be filed within thirty days of the expiration of either of the two ninety-day periods specified in this article. Application to compel correction of any error in redistricting or reapportionment must be filed within thirty days following the proclamation. Original jurisdiction in these matters is hereby vested in the superior court. On appeal, the cause

shall be reviewed by the supreme court upon the law and the facts.

ARTICLE VII. HEALTH, EDUCATION AND WELFARE.

SECTION 1. PUBLIC EDUCATION. The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

SECTION 2. STATE UNIVERSITY. The University of Alaska is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

SECTION 3. BOARD OF REGENTS OF UNIVERSITY. The University of Alaska shall be governed by a board of regents. The regents shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The board shall, in accordance with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.

SECTION 4. PUBLIC HEALTH. The legislature shall provide for the promotion and protection of public health.

SECTION 5. PUBLIC WELFARE. The legislature shall provide for public welfare.

PART-TIME ENROLLMENT IN A PUBLIC SCHOOL.

(a) A district may permit its schools to enroll part-time public school students. A district that permits enrollment of part-time public school students shall adopt a policy that sets out how a school in the district shall comply with (b) of this section and how the school shall process a request for enrollment of a part-time public school student. The district shall make the policy available to an interested person.

(b) Subject to the policy that a district has set out under (a) of this section, a public school in the district may enroll a part-time public school student, including a private, correspondence, or home school student, who is exempt from compulsory education at a public school under AS 14.30.010(b), if

→ (1) space is available in a course in which the student desires to enroll after full-time public school students have had an opportunity to enroll;

(2) the enrollment is at the request of the student or the student's parent; for purposes of this paragraph, "parent" has the meaning set out at 4 AAC 52.990;

(3) the student has met the prerequisites for the course that are required of a full-time public school student; and

(4) the enrollment does not result in an expenditure of public money for the direct benefit of a private educational institution.

(c) A district shall count a part-time public school student for foundation aid purposes according to 4 AAC 09.040(c).

(d) A district may permit dual enrollment of a part-time public school student at a public school and a private, correspondence, or home school, if the dual enrollment satisfies the requirements of compulsory education set out at AS 14.30.010.

(e) For the purposes of this section, "part-time public school student" means a pupil who attends a public school less than a day in session, as "day in session" is defined at AS 14.03.040.

History -

Eff. 6/2/95, Register 134

Authority -

AS 14.03.080

AS 14.07.020

AS 14.07.060

AS 14.30.010

AUG 08 1997

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

August 5, 1997

SUBJECT: Part-time attendance at public schools (Work Order No. 20-LS0630)

TO: Representative Fred Dyson
Attn: Lisa

FROM: Michael F. Ford 
Legislative Counsel

As you requested, I have reviewed the Anchorage School District's guidelines regarding part-time student enrollment. I agree with Representative Dyson's comments. Having part-time students enroll after full-time students seems to violate Article VII, sec. 1 of the Alaska Constitution that requires that public schools be open to all Alaskan children. This process also seems to violate AS 14.03.095(b)(1), that provides for denial of enrollment to a part-time student on the same basis as denial for a full-time student. The enrollment process should not distinguish between full and part-time students.

I don't understand the need for the district to have a description of the part-time student's instructional program. Except for determining qualification to enroll in the part-time class, this would not seem to be any concern of the district's. Also the requirement of a signed statement regarding expenditure of public funds for the direct benefit of a private educational institution seems misplaced. While this is a requirement of law (see AS 14.03.095(c)), as no money is received by the part-time student I don't see how this is an issue. I see this provision as a restriction on the district, not the student.

Please contact me if you have further questions.

MFF:pl
97-168.plm

Anchorage School District




. Attachment A

431 ENTRANCE GUIDELINES

431.11 (AP) PART-TIME STUDENTS

AUG 11 '97

Students attending private educational institutions, a correspondence program, or a home school, may enroll as part-time students in grades K-12, pursuant to AS 14.03.080 and 14.03.095. Part-time students must meet all conditions and terms of enrollment in courses that are required of full-time students. In addition, the following conditions apply:

1. Part-time students may enroll in courses on a space available basis.  The opportunity to enroll on a part-time basis will be extended after full-time students have had an opportunity to enroll. Applications for   The enrollment will be available at the Anchorage School District by August 15 each school year. Applications will be processed on a first-come first-served basis. Part-time students wishing to attend a specific class in an alternative school must, in addition, participate in the alternative school entrance process which may include a lottery and placement on a waiting list.
2. A part-time student may not enroll in a course if enrollment would be denied even if the enrollee were a full-time student.
3. Part-time students must meet all course prerequisites for individual courses that are required of full-time students. Determination that a particular course is available shall be made by Anchorage School District officials applying the same principles which would be used in considering whether to allow a full-time student to enroll in the course in question.
4. Part-time students may use the pupil transportation system on the same basis as full-time students. In all other circumstances, the part-time student and his/her family shall be responsible for the student's transportation to and from school.

Except when a part-time student is an authorized rider on an Anchorage School District bus, the ASD shall not be responsible for the health or safety of the student during his travel to or from an ASD school. Nor shall the ASD be liable to any third party for any damage which may be caused by a part-time student on his way to or from an ASD school. To that end, each part-time student and his/her family shall agree to defend and hold the ASD harmless from any claims which may arise from the actions of the student on his way to or from



Anchorage School District

4600 DeBar Road
P. O. Box 196614
Anchorage, Alaska 99519-6614
(907) 335-9551

SCHOOL BOARD

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Kelly Haney

Rita J. Holtzouse

SUPERINTENDENT

Bob Christal

VIA FAX

May 8, 1998

Alaska State Senators
State Capitol
Juneau, Alaska 99801-1182

Dear Senators:

In the absence of the Superintendent this week, I have been asked to respond to a letter you received from Representative Fred Dyson today regarding HB 367 (the Part-time Student Bill) which alleges that the Anchorage School District discriminates against part-time students. The Anchorage School District does not believe that we discriminate against these students.

The Anchorage School District has allowed the registration of part-time students since HB 158 passed last year. The practice used for part-time students is similar to that which allows seniors to register before anyone else to ensure that they are able to take all required classes in order to insure that they can graduate on time. In addition, we have also allowed our most senior classes to register for all classes first, thus preventing our juniors, sophomores, and freshman from equal access, if you will. We do not believe we are discriminating, but according our oldest students first access. We feel the same way about our full-time and part-time students.

In addition, I would like to restate the Anchorage School District's strong interest in the reinstatement of the language in Section 2 (d) of this proposed legislation, "This section does not apply to interscholastic or extracurricular student activities." This interest was expressed to Senator Lyda Green in a letter from Superintendent Bob Christal on April 24, 1998.

Thank you for your consideration of Anchorage's position on this matter.

Sincerely yours,

Carol Comeau

Assistant Superintendent, Instruction

OFFERED FOR THE SPONSOR

0-LS1415\F.2
Ford
5/8/98

AMENDMENT

OFFERED IN THE SENATE:

TO: SCS HB 367(HES)

SENATE FINANCE
COMMITTEE
Amendment Number: _____
Bill Number: SCS HB 367(HES)
Sponsor: _____ Date: 5/9/98
Logged In By: J. H. [unclear]

- 1 Page 1, following line 3:
- 2 Insert a new bill section to read:
- 3 "* Section 1. INTENT. It is the intent of the legislature that this Act apply only to public
- 4 school academic activities."

- 5 Page 1, line 4:
- 6 Delete "Section 1."
- 7 Insert "Sec. 2."

- 8 Renumber the following bill sections accordingly.

VIA FAX



**Anchorage
School
District**

4600 DeBarr Road
P.O. Box 196614
Anchorage, Alaska 99519-6614
(907) 333-9561

SCHOOL BOARD

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Treasurer

Kathi Gillespie

Kelly Haney

Rita J. Holthouse

SUPERINTENDENT

Bob Christal

April 24, 1998

Senator Lyda Green
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Senator Green:

I have spoken to Kathi Gillespie about House Bill No. 367 am.

The bill proposes to amend AS 14.03.095(a) regarding enrollment of part time students. Of particular concern to the Anchorage School District is that the subsection relating to not applying this amendment to interscholastic or extra-curricular student activities may be dropped. If the Legislature drops the portion relating to participation in activities, we will likely be placed in a very compromising position. I would hope that if that section is deleted that at least you would be willing to place on the public record that the legislative intent for this amendment is directed at academics and does not include requirements related to interscholastic or extra-curricular student activities.

If you could do that, we would very much appreciate this approach. It would be helpful to us in case in future years it became unclear as to how this provision of law were to be interpreted.

Thank you.

Sincerely,

Bob Christal
Superintendent

gl



NEA-ALASKA

Affiliated with the National Education Association

NEA-ALASKA POSITION PAPER

HB 367

February 12, 1998

NEA-Alaska believes that there should be a strong system of public education that is assessable by everyone. Our schools should be adequately funded so that student learning prepares future generations to become informed and responsible citizens and productive member of society. We support the primary function of the public schools to develop all children into capable and productive adult citizens in our society. Public schools are responsive to and responsible to the public interest. Society's interest in the public schools creates a public policy base that determines characteristics of governance, funding and legal parameters.

Private schools, by contract, are responsive to and responsible to the long-term interests of their sponsoring organizations. In order to attract students from the open market, they may provide some of the same socializing and educating services provided by public schools, but they are neither accountable under public policy standards nor required to be accessible to the public or individual students.

At a time when resources to the public schools are strained, we view HB 367 as a way to provide subsidizes to private schools that do not want a private school band, drama program, music program, or advanced science and math programs. The bill serves to weaken both public and private learning systems. Encouraging private schools to not offer full programs by relying on public schools to offer extra curricular programs and advanced science and math programs will only weaken both systems.

Advocates of HB 367 in effect seek a subsidy for nonpublic schools that they themselves do not want to fund. They want the public sector to subsidize the private sector. Should public funds be used to hire the debate, physics, chemistry, and calculus teachers, coaches, buy football uniforms, band instruments, pay for school maintenance and operation for children enrolled in religious and private schools? This development causes us a

concern over the break in the law on separation of church and state. Article VII, Section 1, of our Constitution provides, "No money shall be paid from public funds for the direct benefit of any religious or other private educational institution".

Currently private and religious schools may only elect to maintain permanent student records reflecting immunizations, physical examinations, standardized testing, academic achievement and courses taken at school, how will a public school district know that a student is eligible to participate in any extra curricular activity? If minimum grade points are required for participation, how will those academic eligibility minimums be determined when curriculums may not the same? Will a "B" average in a public school mean the same as a "B" average in a nonpublic school?

Does this bill effectively displace public school students in upper level elective classes? The lack of funding has caused public schools to limit the number of upper level electives that are offered. Does the section "A governing body may not discriminate between part-time and full-time students or require that part-time students be enrolled after full time student enrollment is completed." Mean that private school students would not have to compete for already limited space in upper level classes?

NEA- Alaska supports a parent and student's right to vote with their feet by choosing to leave a public school for some other school setting. The protection of separation of church and the state serves to guarantee the right of the people to practice their beliefs, religious or otherwise free from government intrusion or oversight.

To allow private school and home school students to "cherry pick" electives and cocurricular activities diminishes the opportunity for public school students and subsidizes private institutions with public tax dollars.

NEA-Alaska opposes HB 367.

HB

387

SENATE COMMITTEE REPORT

DATE: 3/31/98

FURTHER: Labor and Commerce

DATE TURNED
IN TO OFFICE:

4/6/98

HESS Committee considered CS FOR HOUSE BILL NO. 387(L&C)

"An Act relating to dentists."

and recommends:

be replaced with _____ CS _____

adopt previous _____ CS _____

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title
 new title

House Bill:

same title
 technical title
 new: SCR" _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Loren D. Simon</i>	✓	<i>J. Ellis</i>	✓		
		<i>Lyle Green</i>	✓		
CHAIR: <i>Con. White</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

<i>Commerce + Dev</i>	<i>Econ</i> <i>2/18/98</i>	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No: 1

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Bill Version: CSHB 387 (L&C)
(H) Publish Date: 2/20/98

Revision Date: _____
Title: An Act relating to dentists.
Sponsor: Rep. Therriault
Requestor: House Labor & Commerce

Department: Commerce and Economic Development
BRU: Occupational Licensing
Component: Operations
COMPONENT SERIAL NO. 1844

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
---------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)
HB 387 amends dental statute AS 08.36.070(a). New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Administrative Manager
Division: Occupational Licensing
Approved by Commissioner: Deborah B. Sedwick
Agency: Commerce and Economic Development

Phone: 465-2144
Date: 2/18/98
Date: 2-18-98

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Alaska State Legislature

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GENE THERRIAULT
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Fairbanks, Alaska 99701
Phone: (907) 488-0857
FAX: (907) 488-4271



Winter Session
State Capitol
Juneau, Alaska
99801-1192
(907) 465-4191
Fax: (907) 465-3884
House District 33

House Of Representatives

House Bill 387

"An act relating to dentists."

SPONSOR: Rep. Gene Therriault

SPONSOR STATEMENT:

House Bill 387 is intended to give the Board of Dental Examiners the ability to enter into a formal Memorandum of Agreement (MOA) with applicants or licensees who are unable to perform cardio-pulmonary resuscitation.

Currently, the board enters into MOAs when it determines that an applicant or licensee is physically unable to perform cardio-pulmonary. However, during a Legislative Audit conducted last year, it was discovered that the board possesses no statutory authority to enter into such an agreement.

This bill seeks to give that authority to the Board of Dental Examiners while preserving the spirit and intent of the statute: to protect the patients of dentistry.

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300
Juneau, AK 99811-3300
(907) 465-3830

FAX (907) 465-2347

Internet e-mail address:
legaudit@legis.state.ak.us

MEMORANDUM

TO: The Honorable Gene Therriault
Alaska State House

FROM: Randy S. Welker *Randy*
Legislative Auditor

DATE: October 24, 1997

RE: Report #08-4556-97 Selected Occupational
Licensing Investigations Issues

This memorandum is in response to your question regarding the circumstances involved with a specific dentist who had entered into a formal Memorandum of Agreement (MOA) with the Board of Dental Examiners. Specifically, you were concerned about the investigative actions of the Division of Occupational Licensing (OccLic) and the appropriateness of a requirement that the dentist continue to practice under the terms of the MOA.

As stated in our report, we were satisfied in general with the procedures followed by OccLic investigators in utilizing MOAs in policing regulated professions. All MOAs included in our audit scope were subject to the review and approval of the relevant licensing board prior to being finalized with the licensed individual. By verifying that OccLic consistently followed this procedure when putting MOAs in place, we were satisfied the licensing board involved was kept informed, had the opportunity to make amendments, and signed off on the terms included in each MOA. In our view, OccLic staff were acting within their authority and discretion with the appropriate oversight and input from the various licensing boards involved.

In the specific circumstances that triggered the audit request, a licensed dentist entered into an MOA with the Board of Dental Examiners. Although this particular MOA was originally developed at a time that preceded the period covered by our audit, we did review the board minutes of the discussion involved with its extension. Attached to this memorandum is an excerpt from the board meeting minutes where the extension of this particular MOA was discussed.

Presumably the board reviewed the terms of the original MOA, and approved an indefinite extension of its terms. This approval was made even though the accompanying letter from OccLic suggests that the Board was being indulgent when setting out the terms of the MOA. Essentially, the board agreed to permit the dentist to continue licensed practice if he made sure he had an individual who was qualified to perform cardiopulmonary resuscitation (CPR) present at all times while he was practicing dentistry. The board ratified this MOA extension, even though the licensing statutes specifically require the licensed individual to have the CPR certification.¹

Further, as reflected in the attached excerpt, the board approved a resolution to accept the conditions of the MOA as "...ongoing, rather than reviewing them every two years, unless there [is] a change of status." In our view, this resolution endorses the language in the OccLic letter notifying the licensee of the MOA extension. In that December 1996 letter (also attached to this memorandum - and originally supplied by your office), the OccLic investigator stated "[i]n the future you may renew your license without having to seek Board approval for the exception granted to you."

Our review of this particular case has raised concerns about whether the board can exercise such discretionary authority. From our reading of the statute it appears the board has, through the use of the MOA, permitted the dentist to continue practice under terms that are inconsistent with the requirements of statute. We have made inquiries of the Department of Law and will be notifying OccLic of our question regarding the board's authority and action in this area. We will keep your office apprised of any further developments in this area.

I hope this memorandum clarifies our analysis of the specific circumstances involved with this particular MOA. As commented previously, we found that in this case and in general, OccLic staff acted appropriately and within their purview with appropriate oversight and input from the licensing board involved. If you have any further questions regarding this issue please contact me at 465-3830.

Jim
x 817

Kent
x 3600
Eric
x 3573 -CC
120

¹AS 08.36.070(a)(13) states that the Board of Dentistry, shall

require, as a condition of license or license renewal issued by the board, that an applicant or licensee has at the time of licensing or renewal and maintains throughout the period of a license current certification in cardiopulmonary resuscitation techniques.

STATE

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

- 1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 269-5100
FAX: (907) 276-3697
- KEY BANK BUILDING
100 CUSHMAN ST., SUITE 400
FAIRBANKS, ALASKA 99701-4679
PHONE: (907) 451-2811
FAX: (907) 451-2846
- P.O. BOX 110300-DIMOND COURT HOUSE
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: ~~(907) 465-6785~~

(907) 465-2539

February 12, 1998

The Honorable Gene Therriault
House of Representatives
State Capital, Room 511
Juneau, Alaska 99801

Re: HB 387

Dear Mr. Therriault:

Your staff requested that this office write a letter addressing the legal effects of proposed House Bill 387. The bill proposes to amend the Dental Practice Act (AS 08.36) to permit the Board of Dental Examiners (Board) to enter into agreements with applicants and licensees to waive the cardiopulmonary resuscitation (CPR) requirements for licensure. Current Alaska law requires that the Board only issue or renew licenses to applicants or licensees that maintain CPR certification. AS 08.36.070(a)(13). In certain instances, this current requirement may be inconsistent with the American with Disabilities Act (ADA), 42 U.S.C. 12101-12213.

The ADA preempts conflicting state laws which provide lesser protection to individuals with disabilities. Specifically, federal regulations prohibit a public entity from administering a licensing program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of a disability. 28 CFR 35.130(b)(6). The regulation further prohibits a public entity from establishing requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of a disability. *Id.*

While this office has never concluded as a matter of law that the ADA preempts the provisions of AS 08.36.070, a question persists whether the two laws conflict. House Bill 387 would remove the question regarding AS 08.36.070(a)(13) and whether the Board licenses dentists and dental hygienists consistent with the ADA.

Representative Gene Therriault
Re: HB 387

February 12, 1998
Page 2

If you have further questions, please do not hesitate to call.

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL



By:

G. Ken Truitt
Assistant Attorney General

GKT/bm

STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110800
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2500
FAX: (907) 465-5442
TDD: (907) 465-5437

February 12, 1998

The Honorable Gene P. Therriault
House of Representatives
State Capitol, Room 511
Juneau, AK 99801-1182

Dear Representative Therriault:

As requested, our comments on HB 387 "An Act Relating to Dentists," are noted below.

This bill allows the Board of Dental Examiners to waive the cardiopulmonary resuscitation certification (CPR) requirement for dental applicants and licensees, if the licensee agrees to ensure that a person who is certified in CPR will be in the same room as the licensee whenever dentistry is practiced on a living patient.


The board currently has two Memorandum of Agreements permitting dentists, who have physical disabilities which permit them from obtaining CPR certification, to practice dentistry under conditions similar to this bill. The department supports the new statutory authority this bill provides.

The Department recommends narrowing the ability of applicants to request a waiver of the CPR requirement, to those individuals who have satisfactorily documented a physical disability that precludes them from successfully completing CPR certification.

Unless the waiver is limited to physical disabilities, there is a strong likelihood that numerous renewal applicants who fail to update the CPR cards will use the provisions of this bill to request board consideration of a waiver of the CPR requirement until they are able to obtain an updated CPR card.

Finally, the Legislature may want to consider whether the waiver should be extended to dental hygienists.

Sincerely,


Deborah B. Sedwick
Commissioner

DBS/BG/go2770
021298a

cc: Jeff Bush, Deputy Commissioner, DCED
Catherine A. Reardon, Director, Division of Occupational Licensing
Pat Pourchot, Legislative Director, Office of the Governor

February 13, 1998

Representative Gene Therriault
Alaska State Legislature

Dear Representative:

I wish to express my support for the intent of HB 387. As I understand this bill, the intent is to enable or facilitate the licencing of dentists in Alaska who may not be physically able, providing that they have certified staff present, or required by necessity to be able to perform cardiopulmonary resuscitation (CPR) while performing their professional functions.

I do not believe that dentists who suffer physical handicaps but who are still able to provide quality care to their patients should be barrred from practicing if provisons for patient protection can be accomplished. Nor do I believe that dentists who are performing non-clinical administrative functions should be required to be ready and able to perform CPR.

I am concerned that the language of HB 387, as I have seen it, would allow practicing dentists who are not in the above categories to apply for waivers when they have failed to obtain recertification for CPR. I would not like to see a "loophole" such as this created.

I absolutely approve of a bill to allow the Board of Examiners to grant waivers in the licensing process through Memorada of Agreement for dentists who are not capable or required by their job functions to perform CPR. I encourage the approval of a modification of HB 387 which has language which prevents potential implementation problems.

Please continue to pursue this legislation. If I may be of assistance in the future, do not hesitate to contact me.

Sincerely,
Kenneth L. Crooks, DDS

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

February 13, 1998

Representative Gene Therriault
Alaska State Legislature

Dear Representative:

I wish to express my support for the intent of HB 387. As I understand this bill, the intent is to enable or facilitate the licencing of dentists in Alaska who may not be physically able, providing that they have certified staff present, or required by necessity to be able to perform cardiopulmonary resuscitation (CPR) while performing their professional functions.

I do not believe that dentists who suffer physical handicaps but who are still able to provide quality care to their patients should be barrred from practicing if provisons for patient protection can be accomplished. Nor do I believe that dentists who are performing non-clinical administrative functions should be required to be ready and able to perform CPR.

I am concerned that the language of HB 387, as I have seen it, would allow practicing dentists who are not in the above categories to apply for waivers when they have failed to obtain recertification for CPR. I would not like to see a "loophole" such as this created.

I absolutely approve of a bill to allow the Board of Examiners to grant waivers in the licensing process through Memorada of Agreement for dentists who are not capable or required by their job functions to perform CPR. I encourage the approval of a modification of HB 387 which has language which prevents potential implementation problems.

Please continue to pursue this legislation. If I may be of assistance in the future, do not hesitate to contact me.

Sincerely,
Kenneth L. Crooks, DDS

HEB

407

SENATE COMMITTEE REPORT

DATE: 4/15/98

FURTHER:

DATE TURNED IN TO OFFICE: 4/24/98

Health, Education and Social Services Committee considered HOUSE BILL NO. 407

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

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Loren Sena</i>	✓	<i>Amended</i>	X		
		<i>By Bill</i>	X		
		<i>Linda Green</i>	-		
CHAIR: <i>Sam R. Lee</i>		CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>DOE - Ab Commission on Postsecondary</i>	<i>3/17/98</i>	✓	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
→			

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 407

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

Expenditures/Revenues (Thousands of Dollars)

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

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

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY98) cost:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

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

Continued

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

Phone 465-6743
 Date March 17, 1998

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

Date: March 17, 1998

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 407

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

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

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907/262-7574 hm

Session:

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

Representative Gary Davis

SPONSOR STATEMENT

House Bill 407

"An Act relating to repayment of teacher scholarship loans"

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

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

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

HB407/SS/2/18/98

*Representing House District 8
Cooper Landing, Funny River, Hope, Moose Pass, Seward, Sterling, Soldotna*

Representative_Gary_Davis@legis.state.ak.us

Alaska State Legislature

Interim:

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

Session:

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

Representative Gary Davis

SECTIONAL ANALYSIS

House Bill 407

"An Act relating to repayment of teacher scholarship loans"

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

HB407/SA/2/18/98

*Representing House District 8
Cooper Landing, Funny River, Hope, Moose Pass, Seward, Sterling, Soldotna*

Representative_Gary_Davis@legis.state.ak.us

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

April 17, 1997

Ladies and Gentlemen,

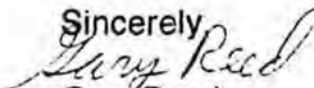
I am writing this letter to make you aware of a situation which exists and to make an appeal for your consideration.

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

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

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

Thank you very much.

Sincerely,

Gary Reed

May 8, 1997

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

phone: 907-486-5375

Dear Senator Mackie,

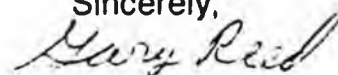
I recently sent the attached letter to the director of the Alaska State Teachers Scholarship Loan Program. In response I received the state form which is also enclosed.

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

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

Thank you very much for your time and attention.

Sincerely,


Gary L. Reed

Post-It Fax Note	7871	Date	5/14/97	# of Pages	2
To	GARY REED	From	LACEY	Co.	Sen. MACKIE
Co/Dept		Phone	486 4925	Fax #	5264
Phone #	486 9283				



STATE CAPITOL
 JUNEAU, ALASKA 99801-1182
 (907) 465-4925
 (800) 321-4925 (TOLL FREE)
 (907) 465-3517 (FAX)
 Senator_Jerry_Mackie@legis.state.ak.us

SENATOR JERRY MACKIE
 ALASKA STATE LEGISLATURE

May 14, 1997

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

Dear Commissioner Holloway:

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

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

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

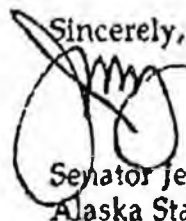
Ms. Reed's medical treatment requires visits to her rheumatologist regularly and physical therapy treatments twice a week; Anchorage is currently the only place in Alaska where she can receive this care. Unfortunately, this situation does not enable her to qualify for the loan program forgiveness clause.

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

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

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

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

Sincerely,


Senator Jerry Mackie
Alaska State Legislature

Enclosure

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

TONY KNOWLES, GOVERNOR

3030 VINTAGE BLVD
JUNEAU, ALASKA 99801-7103
VOICE (907) 441-2962
In Juneau 465-6740
TDD (907) 465-3143
FAX (907) 465-3293

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

May 19, 1997

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

Dear Senator Mackie,

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


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

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

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

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

Sincerely,


Diane Barrans
Executive Director ✓

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

STATE OF ALASKA

ALASKA STUDENT LOAN PROGRAMS

3030 VINTAGE BOULEVARD - JUNEAU, ALASKA 99801-7109

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

June 4, 1997

Gary Reed
1120 Rezanof Drive
Kodiak, AK 99615

POB 2612
SOLDOTNA AK

Dear Mr. Reed:

262-0925

RE: Lisa Reed

Account Number: 506-96-7082

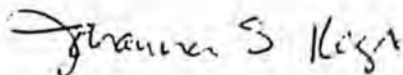
This letter is in response to your letter received in our office on April 21, 1997, regarding forgiveness benefits on your daughters Alaska Student Loan. I apologize for the delayed response.

The regulations governing the Alaska Teacher Scholarship Program states 20 AAC 15.250 (a) to qualify for to have a portion of a loan be paid by the state as a forgiveness benefit under AS 14.43.640(b), a borrower must under item (2) show proof of employment as a teacher in a rural elementary or secondary school, as defined in AS 14.43.700; "rural" means a community with a population of 5,500 or less that is not connected by road or rail to Anchorage or Fairbanks or with a population of 1,500 or less that is connected by road or rail to Anchorage or Fairbanks.

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

This is the commissions final decision on this issue unless you decide to appeal to the executive director under 20 AAC 15.915(c). In order to appeal this decision, you must write the executive director a letter that clearly states all your objections to this decision and any justification for the result you are requesting. Your appeal letter must be postmarked within 40 days after the date of this letter. You have the burden to prove by a preponderance of the evidence that you are entitled to the results you are requesting under the statues and regulations governing the Alaska Student Loan Program.

Sincerely,



Johanna S. Keys
Customer Service Officer

cc: Lisa Reed

HB

459

FISCAL NOTE

No: 4

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: CSHB 459 (HES)
(H) Publish Date: 3/11/98

Revision Date: _____
Title: Medicaid for for certain disabled persons
Sponsor: House (HES)
Requestor: (H) HESS

Dept. Affected: Health and Social Services
BRU: Medical Assistance
Component: Medicaid Non-Facility
COMPONENT SERIAL NO. 229
See also (SN#): 230, 243

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	40.1	136.0	116.3	116.0	115.4	114.8
MISCELLANEOUS						
TOTAL OPERATING	40.1	136.0	116.3	116.0	115.4	114.8

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

	FY99	FY00	FY01	FY02	FY03	FY04
1002 Federal Receipts	24.0	81.3	69.5	69.4	69.0	68.7
1003 GF Match	14.6	49.9	42.8	42.7	42.6	42.5
1004 GF						
1005 GF/Program Receipts	1.5	4.8	4.0	3.9	3.8	3.6
1037 GF/Mental Health						
Other (please specify)						
TOTAL	40.1	136.0	116.3	116.0	115.4	114.8

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Federal Balanced Budget Act of 1997 (P.L. 105-33) established a new optional Medicaid eligibility category for disabled persons who would be eligible for SSI and Medicaid, except that their earned income exceeds the limits for SSI and their family's earned income is below 250% of the federal poverty level for Alaska. States may impose a requirement that disabled workers pay a "buy-in" charge. This bill would elect this optional eligibility category for Alaska.

We believe that the only individuals who will take advantage of this new eligibility category will be existing SSI or APA applicants who would otherwise lose Medicaid because of their own increased earnings. We do not anticipate individuals using this new eligibility category to access Medicaid for the first time. Consequently, this option will not result in an increase in new Medicaid cases, but will only have the effect of extending the Medicaid eligibility of existing recipients for about one year.

EXISTING COPY

Prepared by: Kevin Henderson
Division: Medical Assistance

Phone: 465-3355
Date: 02/25/98

Approved by Commissioner: Karen Perdue
Agency: Department of Health & Social Services

Date: 3/2/98

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ANALYSIS (cont.):

This new eligibility category will benefit current SSI and APA recipients who are ready to go to work or increase their hours of work. Once in the work force for one year, we estimate that all of these individuals will be able to take advantage of employer based health insurance or will have earnings that make them ineligible for this eligibility group. Based upon analysis by the Division of Vocational Rehabilitation, we estimate that only 33 of the current SSI/APA and Medicaid recipients would taken advantage of this category if it were available for the entire FY 99. However, since EIS and MMIS system changes will delay implementation, only about half of those (17) would be able to participate in FY 99. In subsequent years, we would expect to see a general APA case load growth of 6.5% per year, but this would be offset by a reduction (about 3 per year) in the number of disabled individuals able to work. In addition, we expect about 25% of those who do go to work to acquire employer based health insurance immediately. The Medicaid buy-in for this group would begin January 1, 1999, meaning only one-half of the annual expenditures and program receipts would be realized in FY 99.

A nominal buy-in charge, determined using a sliding scale based on income, will be collected annually. We estimate the average buy-in charge to be equivalent to \$360 per year (\$12/month). The actual sliding fee schedule would be established through regulations.

Both expenditures and program receipts are allocated 48% to the Medicaid Non-Facilities component and 52% to the Medicaid Facilities component.

We anticipate the current federal financial participation rate to continue beyond FY 04. Currently the match rate is 59.8% federal and 40.2% state general funds.

We estimate an inflation factor of about 3% per year on the annual cost of providing medical care.

		FY99	FY00	FY01	FY02	FY03	FY04
Avg. Med. Cost Per Disable Worker		\$9,825	\$10,120	\$10,423	\$10,736	\$11,058	\$11,390
SSI/APA Recipients To work		17	32	31	30	29	28
Recipients into Health Insurance		0	4	8	8	7	7
Recipients with extended Medicaid		17	28	23	23	22	21
Additional Medicaid Expenditures		\$83,513	\$283,354	\$242,344	\$241,562	\$240,516	\$239,188
Non-Facilities	48%	\$40,086	\$136,010	\$116,325	\$115,950	\$115,448	\$114,810
Facilities	52%	\$43,427	\$147,344	\$126,019	\$125,612	\$125,068	\$124,378
<hr/>							
Avg. Annual Buy-in Fee =	\$360						
PROGRAM RECEIPTS		\$3,060	\$10,080	\$8,370	\$8,100	\$7,830	\$7,560
Non-Facilities	48%	\$1,469	\$4,838	\$4,018	\$3,888	\$3,758	\$3,629
Facilities	52%	\$1,591	\$5,242	\$4,352	\$4,212	\$4,072	\$3,931

STATE OF ALASKA
1998 LEGISLATIVE SESSION

FISCAL NOTE

No: 3

Bill Version: CSHB 459 (HES)
(H) Publish Date: 3/11/98

Revision Date: _____
Title: Medicaid for certain disabled persons

Dept. Affected: Health and Social Services
BRU: Medical Assistance Admin
Component: Health Purchasing Group
COMPONENT SERIAL NO. 243
See also (SN#): 229, 230

Sponsor: House (HES)
Requestor: (H) HESS

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	4.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	4.0	0.0	0.0	0.0	0.0	0.0

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	2.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	2.0	0.0	0.0	0.0	0.0	0.0
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	4.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Federal Balanced Budget Act of 1997 (P.L. 105-33) established a new optional Medicaid eligibility category for disabled persons who would be eligible for SSI and Medicaid, except that their earned income exceeds the limits for SSI and their family's earned income is below 250% of the federal poverty level for Alaska. States may impose a requirement that disabled workers pay a "buy-in" charge. This bill would elect this optional eligibility category for Alaska.

We believe that the only individuals who will take advantage of this new eligibility category will be existing SSI or APA applicants who would otherwise lose Medicaid because of their own increased earnings. We do not anticipate individuals using this new eligibility category to access Medicaid for the first time. Consequently, this option will not result in an increase in new Medicaid cases, but will only have the effect of extending the Medicaid eligibility of existing recipients for about one year.

Establishing of this new eligibility group will require the addition of a new Medicaid subtype code to the Medicaid Management Information System (MMIS). A one time expenditure for MMIS programming is shown for FY 99.

2/27/98
Prepared by: Kevin Henderson
Division: Medical Assistance

Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3355
Date: 02/25/98
Date: 3/2/98

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FISCAL NOTE

No: 2

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: CSHB 459 (HES)
(H) Publish Date: 3/11/98

Revision Date: _____
Title: Medicaid for certain disabled persons
Sponsor: House (HES)
Requestor: (H) HESS

Dept. Affected: Health and Social Services
BRU: Public Assistance
Component: Adult Public Assistance
COMPONENT SERIAL NO. 222
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	(33.0)	(190.5)	(311.0)	(427.7)	(540.4)	(649.3)
MISCELLANEOUS						
TOTAL OPERATING	(33.0)	(190.5)	(311.0)	(427.7)	(540.4)	(649.3)

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(33.0)	(190.5)	(311.0)	(427.7)	(540.4)	(649.3)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(33.0)	(190.5)	(311.0)	(427.7)	(540.4)	(649.3)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The federal Balanced Budget Act of 1997 (P.L. 105-33) established a new optional Medicaid eligibility category for disabled persons who would be eligible for SSI and Medicaid, except that their earned income exceeds the limits for SSI and their family's earned income is below 250 percent of the federal poverty level for Alaska. These disabled workers may be obligated to pay a "buy-in" charge. This bill would elect this optional eligibility category for Alaska.

We believe that some Adult Public Assistance (APA) recipients who do not pursue working because of the fear of losing their Medicaid coverage will either begin working or will work longer hours and become ineligible for APA. Based on an analysis by the Division of Vocational Rehabilitation, we estimate that 33 APA recipients could potentially lose eligibility because of increased earnings in FY99. We expect this number to decrease over time.

Prepared by: [Signature]
Division: Public Assistance
Approved by Commissioner: [Signature]
Agency: Department of Health & Social Services

Phone: 465-3347
Date: 02/25/98
Date: 3/2/98

ANALYSIS (cont.):**Assumptions:**

Of the 33 persons potentially ineligible under this legislation, we expect that one-half will increase their earnings and become ineligible for APA in FY99.

In the start-up year of FY99, savings are calculated using 6 months.

The savings assume that persons who become ineligible for assistance because of this legislation will remain ineligible.

Calculations:

	FY99	FY00	FY01	FY02	FY03	FY04
APA recipients affected each year	17	32	31	30	29	28
Cumulative # of APA recipients	17	49	80	110	139	167
Average monthly APA benefit	\$324	\$324	\$324	\$324	\$324	\$324
APA Program Savings	(\$33.0)	(\$190.5)	(\$311.0)	(\$427.7)	(\$540.4)	(\$649.3)

FISCAL NOTE

No: 1

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: CSHB 459 (HES)
(H) Publish Date: 3/11/98

Revision Date: _____
Title: Medicaid for certain disabled persons
Sponsor: House (HES)
Requestor: (H) HESS

Dept. Affected: Health and Social Services
BRU: Medical Assistance
Component: Medicaid Facilities
COMPONENT SERIAL NO. 230
See also (SN#): 229, 243

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	43.4	147.3	126.0	125.6	125.1	124.4
MISCELLANEOUS						
TOTAL OPERATING	43.4	147.3	126.0	125.6	125.1	124.4

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	26.0	88.1	75.3	75.1	74.8	74.4
1003 GF Match	15.8	54.0	46.3	46.3	46.2	46.1
1004 GF						
1005 GF/Program Receipts	1.6	5.2	4.4	4.2	4.1	3.9
1037 GF/Mental Health						
Other (please specify)						
TOTAL	43.4	147.3	126.0	125.6	125.1	124.4

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Federal Balanced Budget Act of 1997 (P.L. 105-33) established a new optional Medicaid eligibility category for disabled persons who would be eligible for SSI and Medicaid, except that their earned income exceeds the limits for SSI and their family's earned income is below 250% of the federal poverty level for Alaska. States may impose a requirement that disabled workers pay a "buy-in" charge. This bill would elect this optional eligibility category for Alaska.

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Prepared by: Kevin Henderson
Division: Medical Assistance
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3355
Date: 02/25/98
Date: 3/2/98

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ANALYSIS (cont.):

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A nominal buy-in charge, determined using a sliding scale based on income, will be collected annually. We estimate the average buy-in charge to be equivalent to \$360 per year (\$12/month). The actual sliding fee schedule would be established through regulations.

Both expenditures and program receipts are allocated 48% to the Medicaid Non-Facilities component and 52% to the Medicaid Facilities component.

We anticipate the current federal financial participation rate to continue beyond FY 04. Currently the match rate is 59.8% federal and 40.2% state general funds.

We estimate an inflation factor of about 3% per year on the annual cost of providing medical care.

		FY99	FY00	FY01	FY02	FY03	FY04
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Facilities	52%	\$43,427	\$147,344	\$126,019	\$125,612	\$125,068	\$124,378
<hr/>							
Avg. Annual Buy-in Fee =	\$360						
PROGRAM RECEIPTS		\$3,060	\$10,080	\$8,370	\$8,100	\$7,830	\$7,560
Non-Facilities	48%	\$1,469	\$4,838	\$4,018	\$3,888	\$3,758	\$3,629
Facilities	52%	\$1,591	\$5,242	\$4,352	\$4,212	\$4,072	\$3,931

SENATE COMMITTEE REPORT

DATE: 4/8/98

FURTHER: Finance

DATE TURNED
IN TO OFFICE:

4/17/98

HESS Committee considered CS FOR HOUSE BILL NO. 459(FIN) am
MEDICAID FOR LOW-INCOME DISABLED

and recommends:

- be replaced with S CS CSHB 459 (HES)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR#

SIGNING/DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

Applies to SB + CSSB

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
H+SS	3/2/98		40.1
H+SS	3/2/98		4.0
H+SS	3/2/98		(33.0)
H+SS	3/2/98		43.4

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

Adopted to CSHB 459 (FIN)am

AMENDMENT

OFFERED IN THE SENATE

TO: SB 253, Working Draft "E"

1 Page 4, line ¹⁵~~4~~, following "provision":

2 Insert "who"

3 Page 4, line ¹⁵~~4~~, following "is":

4 Insert "otherwise"

5 Page 4, line ¹⁶~~5~~, following "under":

6 Delete "AS 47.07 without the payment of "

7 Insert "under sec. 1 of this Act, beginning in the third month after a person becomes
8 eligible under sec. 1, shall pay"

9 Page 4, line ¹⁶~~5~~, following "premium"

10 Delete "or other cost-sharing charges until the effective date of regulations adopted
11 by the Department of Health and Social Services that set the"

12 Insert "calculated as a percentage of the net income of the person's family
13 according to the formula of $Y = [(X - 100) \div 15] - [0.75(N - 1)]$, where Y represents the total
14 annual premium to be paid, X represents the family income of the person expressed as a
15 percentage of the federal poverty level for the family of the size involved, and N represents
16 family size. A person in a family with a net income less than the applicable federal poverty
17 level for the family of the size involved shall pay no premium under this transitional

Provided by Robert Briggs

1 section. If a premium as calculated according to the formula in this section results in a
2 negative figure, then the person shall pay no premium under this transitional section. The
3 annual premium may be apportioned and paid on a monthly basis, and may be prorated
4 for eligibility provided for less than a full year. If a disabled person is unemployed at the
5 time of applying for this benefit, there shall be a grace period of two (2) months during
6 which no premium shall be required under this transitional section. The premium
7 required under this section shall be payable until the Department of Health and Social
8 Services by regulation establishes a system for setting and collection of a"

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 16, 1998

SUBJECT: Medicaid for Certain Disabled Persons
(SCS CSHB 459(HES), draft version "H")

TO: Senator Gary Wilken
Attn: Sheila Peterson

FROM: Terri Lauterbach
Legislative Counsel *T. Lauterbach*

Enclosed is a Senate CS for HB 459. It is in draft form for your review.

I have talked with Bob Briggs about his intent and believe that the enclosed draft coincides with his intent, but he has not reviewed the language.

Mr. Briggs sent me material to clarify the use of "net income" in his amendment. That material related to HCFA's determination that the term "income," as used in AS 47.07.020(b)(12), added by sec. 1 of this bill, does not mean "gross income," but, rather, refers to income computed according to SSI standards, with various deductions, including the SSI earned income disregard. So, I have added a reference to federal regulations in sec. 1, as well as in sec. 4, of the enclosed SCS.

Please let me know if I can be of further assistance on this matter. I recommend review of the SCS by DHSS staff for their input as to whether the bill is clear enough for them to implement.

TML:lmb
98-056.lmb
Enclosure

0-LS1504\H
Lauterbach
4/16/98

SENATE CS FOR CS FOR HOUSE BILL NO. 459(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing new eligibility for medical assistance for certain disabled
2 persons and giving their eligibility for services the highest priority among optional
3 services and groups under the medical assistance program; amending the definition
4 of 'personal care services in a recipient's home' as used in the medical
5 assistance program; moving midwife services from being the first to being the
6 14th service eliminated under the medical assistance program when there is
7 insufficient funding; and adjusting the priority of optional services and optional
8 eligible groups under the medical assistance program in order to reflect the new
9 priorities given to the newly-eligible disabled persons and to midwife services but
10 without otherwise changing the relative order of the other optional services and
11 optional groups."

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

1 * Section 1. AS 47.07.020(b) is amended by adding a new paragraph to read:

2 (12) disabled persons, as described in 42 U.S.C.
3 1396a(a)(10)(A)(ii)(XIII), who are in families whose net income, as determined under
4 applicable federal regulations or guidelines, is less than 250 percent of the official
5 poverty line applicable to a family of that size according to the federal Office of
6 Management and Budget, and who, but for earnings in excess of the limit established
7 under 42 U.S.C. 1396d(q)(2)(B), would be considered to be individuals with respect
8 to whom a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c;
9 a person eligible for assistance under this paragraph who is not eligible under another
10 provision of this section shall pay a premium or other cost-sharing charges according
11 to a sliding fee scale that is based on income as established by the department in
12 regulations.

13 * Sec. 2. AS 47.07.035 is amended to read:

14 Sec. 47.07.035. **Priority of medical assistance.** If the department finds that
15 the cost of medical assistance for all persons eligible under this chapter will exceed
16 the amount allocated in the state budget for that assistance for the fiscal year, the
17 department shall eliminate coverage for optional medical services and optionally
18 eligible groups of individuals in the following order:

- 19 (1) [MIDWIFE SERVICES;
20 (2)] clinical social workers' services;
21 (2) [(3)] psychologists' services;
22 (3) [(4)] chiropractic services;
23 (4) [(5)] advanced nurse practitioner services;
24 (5) [(6)] adult dental services;
25 (6) [(7)] emergency hospital services;
26 (7) [(8)] treatment of speech, hearing, and language disorders;
27 (8) [(9)] optometrists' services and eyeglasses;
28 (9) [(10)] occupational therapy;
29 (10) [(11)] mammography screening;
30 (11) [(12)] prosthetic devices;
31 (12) [(13)] medical supplies and equipment;