

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

9802 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

# POM for Representative Kohring



From: Ms Margaret Kenshalo  
PO Box 1586

Telephone: 745-3115

Palmer, AK 99645

NON Constituent

Registered Voter: Y

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

I AM VERY MUCH AGAINST THIS LEGISLATION.

Entered in MAT on 2/16/99 POMID: 625

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Message 8 out of 12.

POM for Representative Kohring



From: Ms Susan Blanton  
POB 1027

Telephone: 733-2142

Talkeetna, AK 99676

NON Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

**URGING YOU TO VOTE NO ON HB 5. I DON'T BELIEVE IN FUNDING PRIVATE  
INSTITUTIONS WITH PUBLIC MONEY.**

Entered in MAT on 2/16/99 POMID: 622

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Message 7 out of 12.

# POM for Representative Kohring



From: Mr Cary Birdsall  
POB 403

Telephone: 733-1032

Talkeetna, AK 99676

NON Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

**I URGE YOU TO PLEASE VOTE AGAINST HB 5. IT IS DESTRUCTIVE TO FUNNEL PUBLIC EDUCATION MONEY INTO PRIVATE ENTERPRISE.**

Entered in MAT on 2/16/99 POMID: 621

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Message 6 out of 12.

## POM for Representative Kohring



From: Mrs Margaret L Egelus  
PO Box 162

Telephone: 746-5610

Wasilla, AK 99654

NON Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

WE DESPERATELY NEED TO REVIEW ED FUNDING. PUBLIC SCHOOLS WILL SOON BE LEFT WITH ONLY SPECIAL ED KIDS WHOSE PARENTS CAN'T TRANSPORT THEM TO CHARTER OR HOME SCH & KIDS WHOSE PARENTS DON'T KNOW HOW BAD IT'S GETTING. PEOPLE MOVING TO THE AREA WANT TO KNOW ABOUT THE LARGE CLASS SIZES, LACK OF ACTIVITIES AND INCREASING NEEDS. AS A LONG TIME VOLUNTEER IN PUBLIC SCHLS AND REPUBLICAN VOTER, I ASK THAT YOU RETHINK YOUR POSITION ON ED. & GET MORE FUNDING

Entered in MAT on 2/16/99 POMID: 592

Distribution: 3

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Message 1 out of 12.

# POM for Representative Kohring



From: Ms Mary Gunderson  
HC 89 Box 621

Telephone: 733-2528

Willow, AK 99688

NON Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

**I URGE YOUR OPPOSITION TO HB 5.**

Entered in MAT on 2/16/99 POMID: 618

Distribution: 34

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Message 3 out of 12.

## POM for Representative Kohring



From: Ms Ruth McMullen  
POB 874814

Telephone: 373-2086

Wasilla, AK 99687

NON Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

**CURRENTLY I AM AGAINST HB 5. IT HASN'T BEEN WELL THOUGHT OUT, IT REALLY DAMAGES ALREADY-SUFFERING PUBLIC SCHOOLS.**

Entered in MAT on 2/16/99 POMID: 619

Distribution: 34

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Message 4 out of 12.

## POM for Representative Kohring



From: Ms Pat Gakin  
POB 871304

Telephone: 373-4717

Wasilla, AK 99687

Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

I AM URGING YOU TO PLEASE VOTE AGAINST HB 5.

Entered in MAT on 2/16/99 POMID: 620

Distribution: 34

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Message 5 out of 12.

**Subject: SSHB5 School Vouchers**

**Date: Thu, 18 Feb 1999 09:51:22 -0900**

**From: Karl.Schleich@MSB.Mat-Su.k12.ak.us (Karl Schleich)**

**To: House HESS Committee Members;**

TO: Health, Education & Social Services Committee Members  
Alaska House of Representatives

FM: Ley Schleich, MHA, CHES  
P. O. Box 874216,  
Wasilla, AK 99687-4216

Honorable House HESS Committee Members,

This is a follow-up to my testimony February 15th during the House HESS hearing on SSHB5, School Vouchers. At the hearing I had only time to comment that I was pleased to hear the right questions being asked about Mr. Kohring's voucher legislation. The concerns raised by Mr. Rose especially mirrored my own. I would like to expand on my thoughts regarding the school voucher proposal.

I agree that "education for our children is so important that better ways to improve upon it must be found" (Mr. Kohring's words). Tweaking the system isn't enough; dramatic changes are needed to make our education system something in which we can be fully confident and proud. The sooner the better.

My two children go to a "government school" because their parents want them to become educated and believe that our public schools can do the job. Period. I submit that this is the reason almost all children go to school. We have the means to have chosen any of the alternatives to public school here. We examined them and rejected them in favor of the public schools. The claim that government laws rather than choice compel people to send their children to "government schools" disregards an inherent belief in public education that most of my friends and I still feel. The statements sound similar to what I have read from Milton Friedman and others. I would ask them, as I ask you: if public schools were producing adequately educated graduates, would we be challenging whether compulsory education is a good thing?

I strongly disagree with the premise that parents should be exempt from paying for public schools if their children do not attend one. Is it not in the best interest of all members of society to have an educated populace? Is not education the very foundation upon which democracy rests? The recognition of the need for an educated population of voters was the motivation for the formation of a public education system in our country in the first place. (Interestingly, a public education system was created in response to the perceived failure of the private schools to educate kids.) Given this, educating our nation's youth then must be seen as the obligation of every citizen of this land, whether or not they choose public education for their own children and indeed, whether or not they even have children.

I believe the voucher system is the wrong remedy for our education woes for the following reasons:

1) It will undermine current positive reform efforts currently under way. The Legislature saw fit to enact the mandated standards and other pieces of the Quality Schools Initiative. The assessments, curriculum alignment, and modification of teaching practices and programs is a huge undertaking statewide. To lay vouchers, complete with DOE regulations and oversight, over the QSI efforts would do it in before we even have a chance

to make it work. I would add that it would diminish the credibility of the Legislature: why did you endorse QSI if you don't believe it will result in change?

2) It lacks assurances that the education dollars will actually be spent on education, and fails to assure that the education provided would be what children deserve and need. Sure some of the money would be used exactly as you and I would want it used, but not in all cases. Vouchers would present too big of an incentive for economically struggling or greedy individuals to misuse. Regulating this would be an expensive nightmare for DOE. Furthermore, the legislation does not require private or other educational institutions to be held to the same standards we require of our public schools, and leaves much opportunity for what I call "educational abuse or neglect," whether intentional or not. The voucher approach discounts and leaves vulnerable those children whose family situation is suboptimal, whose parents or guardians cannot or will not act in their child's best interest.

3) It divides rather than unifies. Mr. Kohring's "delightful range of educational settings" to me is misguided labeling and homogeneous grouping. I believe our children (and indeed, adults too) need to learn the skills of living in a diverse population. This is no small task and cannot be accomplished if we have learning environments that don't embrace a full variety of kids with many kinds of backgrounds and a full array of talents and needs. I think we can offer children and parents adequate choices of programs, teachers, and expectations without sacrificing the benefits of living and learning together. Indeed, I believe kids learn better when they are in a heterogeneous setting, as long as their classmates can demonstrate good learning behavior.

4) It would lead to inequality. I fear that vouchers' drain on the public school resources would negatively affect public school instruction to the point that many of the higher-achieving kids would bail out of public schools, leaving the lower achieving students without role models and high standards, setting off a powerful downward spiral of performance and continued exodus of achieving students. And too, the more skillful teachers would likely become discouraged or be offered a more attractive job in an "alternative" site, and we would experience a drain of teaching talent in the public schools as well.

Why wouldn't it be the "difficult" students that would seek alternatives? Because as I understand the voucher system non-public schools would be free to deny entrance or to expel these students if their performance or behavior was deemed unworthy or if the school was not prepared to address the child's specific needs. And these students can challenge even the best and best intentioned homeschool parent/teacher. Eventually, I believe these students will be back in the public school classrooms. Would their voucher money follow them?

These are my major concerns with the voucher system of education. I believe the motivation to try vouchers as an alternative comes from a true desire to improve our children's education. I appreciate the frustration of friends and acquaintances who have struggled with meeting their children's educational needs. And although our own children are thriving in school, I can't say that we would never determine that they need a different type of schooling. But I think it's wrong to look to the government to pay for it. Vouchers may be good for some kids, but they are not in the best interest of children in general, and they can divert our attention from making the necessary significant reforms in public education.

Thank you for considering my views. I look forward to following this issue as it unfolds in Juneau and our own community.

Sincerely,

Ley Schleich

P.S. I realize that being married to a public school principal makes me vulnerable to having my opinion dismissed as biased or self-serving. Please consider my thoughts on their own merit, and know that I am many things in addition to the wife of a school administrator. My husband and I don't agree on all matters, and I am speaking for myself. I have a long history of speaking out on a variety of public policy concerns and hope you will accept my comments without regard to my association with my husband. In the same vein, I hope you don't dismiss the comments of all public school employees as union-fed self-serving bureaucrats. I think members of both "sides" of this issue have useful insights and valid points to make.



## **ACSI Position Statement Concerning Tuition Tax Credits/Vouchers**

The Association of Christian Schools International recognizes the biblical principle of parental responsibility for the education of their children. The Association therefore supports tuition tax credits and vouchers that further parental involvement and choice in education.

ACSI supports any proposed voucher or tax credit legislation which:

1) Will allow parents to choose an education consistent with their religious beliefs.

2) Will not restrict a religious school in:

- Educational philosophy;
- Composition of the governing body;
- Staff selection; or
- Curriculum content and design.

Such legislation

1) Should not regulate the school's operational policies and/or student selection or retention policies.

2) Should contain language that any such tax credits or vouchers are not direct or indirect aid or assistance to the institution, but rather are a grant-in-aid to the parent(s).

3) Should require participating schools to be nondiscriminatory on the basis of race, sex, color, national, and ethnic origin.

Adopted by the ACSI Executive Board February, 1997

Representative Vic Kohring  
February 16, 1999  
Page Two

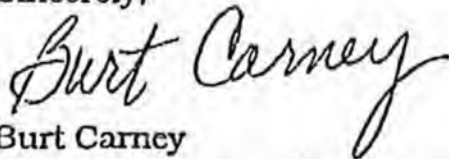
In a 1997 verdict, the U.S. Supreme Court ruled in *Agostini v. Felton* that public school employees could in fact provide remedial services on the premises of parochial schools. These courts have basically declared that tax credits, vouchers, and remedial services benefit of the child, not the recipient schools. It is simply getting harder for voucher and tax credit opponents to insist that the "separation of church and state" forbid such programs.

Sec. 14.31.020(c) - "whichever is less" wording on lines 8-9 is helpful for your bill's successful enactment. For your information, survey results among our member schools show typical pupil tuitions as follows: kindergarten - \$1715; elementary - \$2346; junior high or middle school - \$2546; and high school - \$2909 for the 1997-1998 school year. This information may help you with your fiscal notes.

Attached is a copy of ACSI's official position on tax credit and voucher legislation as passed by our Executive Board.

Representative Kohring, the association hopes that you and the bill's additional co-sponsors will have success in this endeavor. ACSI also should be on the record as supporting the concept of all parents having access to educational vouchers. Perhaps the bill could be amended with a phase-in approach that would accomplish that equity within a few years.

Sincerely,



Burt Carney  
ACSI Director, Legal/Legislative Issues



**ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL**  
INTERNATIONAL HEADQUARTERS

*"That in all things He might have preeminence" Colossians 1:18*



February 16, 1999

The Honorable Vic Kohring  
Alaska House of Representatives  
Juneau, AK 99801

Dear Representative Kohring:

**Support for AK HB 5 - Educational Vouchers**

Our association wishes to be "on the record" as supporting AK HB 5. ACSI, a non-profit, non-denominational organization, provides services to more than 4,000 member schools, 29 of which are located throughout Alaska.

The association contends that it is time to recognize changing trends in education on several fronts—political and legal.

Increasingly there has been calls for educational reform. Legislatures have considered and acted on several reform approaches such as charter schools, stricter teacher certification standards, and stricter curriculum standards and student testing. While each of these concepts have merit, it is also time to give parents the opportunity for full school choice when they make their educational decisions. One way this can begin in Alaska is to provide low-income parents an educational voucher so they can make school choices.

The annual *Phi Delta Kappa-Gallup Poll of the Public's Attitudes Toward the Public Schools* released in 1997, showed for the first time that a majority of parents with children in public schools (55%) supported government vouchers that would pay all or part of the tuition to any public, private, or church-related school that parents choose. The same survey also showed that the voucher proponents in the general public have risen from 43% in 1996 to 49% in 1997.

On the legal front, the U.S. Supreme Court has already affirmed the tuition tax credit program in Minnesota; the Wisconsin Supreme Court has re-affirmed the voucher program for Milwaukee, Wisconsin, which included parochial school participants, and this month the Arizona Supreme Court affirmed the state tax credit for donations to tuition organizations that benefited private and parochial schools.

# ALASKA STATE LEGISLATURE



*Interim:*  
600 East Railroad Avenue  
Wasilla, Alaska 99654  
(907) 373-1842  
Fax - (907) 373-4729

*Session:*  
State Capitol Building, Room 421  
Juneau, Alaska 99801-1182  
(907) 465-2186  
Fax - (907) 465-3818

REPRESENTATIVE VIC KOHRING  
DISTRICT 26

## **SPONSOR STATEMENT** **SPONSOR SUBSTITUTE HOUSE BILL 5** Representative Vic Kohring

"By any measure one wishes to apply, American schools still fail to provide many of our Nation's children with the education they need and deserve. Standardized test scores used to chart student performance have declined or remained static during the past three years. U.S. students score low in math and science when compared with their peers in other industrialized nations. The high school dropout rate remains unacceptably high.

Education reform measures have not generated the progress we need. It is now time to make basic structural changes in our system of education. President Bush and I view school choice as the cornerstone for restructuring America's system of elementary and secondary education.

The evidence favoring choice is too compelling to ignore. Often States and districts have implemented choice programs and witnessed dramatic educational improvements. Dropout rates decline. Teacher satisfaction improves. Test scores rise. Student behavior and attendance improve. Parents become more involved in their children's education.

Choice is successful because it improves schools from the bottom up. It encourages schools to develop distinctive "flavors" and unique qualities that meet the needs of students. Choice allows each school to excel at something special, rather than sinking to the lowest common denominator and suiting few.

No children, no matter their circumstances, should be held captive in a school that fails to meet their needs or is not doing a good job of educating. Choice offers youngsters a chance for a better education--and for a better life."

These are not my words, but the words of Lauro Cavazos, former U.S. Secretary of Education. I encourage your support for educational choice. Help pass Sponsor Substitute House Bill 5 for Alaska's future, its children.

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
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Rev. 6/98

Central Microfilm Services  
Department of Education & Early Development  
State of Alaska

# ALASKA STATE LEGISLATURE



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# ALASKA STATE LEGISLATURE

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REPRESENTATIVE VIC KOHRING  
DISTRICT 26

## SECTIONAL ANALYSIS SPONSOR SUBSTITUTE HOUSE BILL 5

**Section 1.** Adds a new chapter establishing an educational voucher program.

Section 14.45.150 - Requires the Department of Education to administer a pilot educational voucher program.

Section 14.45.155 - Allows a parent or guardian, who are below 200% of the federal poverty level, to apply for an educational voucher from the department. The value of a educational voucher is the actual cost of the child's education or the per student amount of state aid represented by the child in that school district, whichever is less. The educational voucher will be paid to the parent or guardian of the child, who is attending private, or home school, in quarterly payments. Allows the department to adopt regulations to administer the program.

Section 14.45.160 Provides that the legislature may appropriate money for educational vouchers. Provides for a pro rata reduction in each voucher if insufficient funds are appropriated.

**Section 2.** Provides a sunset clause that will repeal the educational voucher program June 30, 2004.

**Section 3.** Establishes an effective date.

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. SS HB 5

Revision Date/Time (Note if correction)	Dept. Affected	Education
Title	BRU	K-12 Support
education;	Component	New - Voucher Program
Sponsor	Representatives Kohring, Coghill	
Requester	House HES	Component Serial No. _____

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	****	****	****	****	****	
Miscellaneous						
<b>TOTAL OPERATING</b>	****	****	****	****	****	0.0

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	****	****	****	****	****	0.0

Estimate of any current year (FY99) cost: \_\_\_\_\_

**POSITIONS**

POSITIONS	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Full-time						
Part-time						
Temporary						

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

The legislation requires that the Department of Education administer an education voucher pilot program. The department is unable to evaluate the cost of the program as no data exists to show how many students would participate in the program or how that number would change over the life of the program that would sunset on June 30, 2004.

Prepared by <u>Eddy Jeans, School Finance Manager</u>	Phone <u>465-8679</u>
Division <u>Education Support Services</u>	Date/Time <u>2/16/99 11:41 AM</u>
Approved by Commissioner: <u>Shirley J. Holloway, Ph.D.</u>	Date <u>2/16/99</u>
Agency <u>Department of Education</u>	

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Juneau, Alaska 99801-2105

## MEMORANDUM

January 22, 1999

**SUBJECT:** Vouchers for education (Work Order No. 21-LS0347)

**TO:** Representative Allen Kemplen  
Attn: Chris

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

You have asked if the legislature could create a voucher system for state education. A system under which the state distributes vouchers worth a certain amount of money to be used for tuition in public or private schools would violate Article VII, section 1, of the state constitution. That section provides, in part:

No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

The Alaska Supreme Court has interpreted that section to mean that a tuition assistance program awarding students attending private colleges an amount equal to the difference between public and private college tuition is unconstitutional. Sheldon Jackson College v. State, 599 P.2d 127 (Alaska 1979).

Sheldon Jackson is directly relevant to the proposed voucher system. In that case, the Court established a three-part test for determining the validity of public programs that provide economic benefit to private schools. First, the Court looks at the breadth of the class to which the economic benefits are directed. Second, the Court looks at how the public money is to be used; i.e., whether the benefit to the private school is incidental to education (as with fire and police protection) or whether it amounts to direct aid to education (as with tuition and books). Third, the Court looks at the magnitude of the benefit to private education. Significantly, the Court noted that channeling funds to a private school through an intermediary (such as the student or parent) will not save an otherwise unconstitutional program providing aid to private schools.

In the Sheldon Jackson case, the Court struck down the state's tuition assistance program as violative of all three parts of the test. The class which the tuition assistance program benefitted consisted almost entirely of private schools, the funds were to be used directly for educational purposes (tuition), the benefit conferred on these schools was quite substantial, and the fact that the money was actually paid directly to the students, not the schools, did not

Representative Allen Kemplen

January 22, 1999

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mitigate the fact that the students were required to turn the money directly over to the private schools.

The proposed voucher system suffers the same infirmities as the tuition assistance program did. Although the tuition vouchers would be given to all students in the state, only students attending private schools would benefit since there is currently no tuition for attending public school. Thus, for the class of students attending public school, the vouchers would be meaningless. The effect would be the same as with the tuition assistance program: to benefit only the private schools.

This does not imply that a program giving equal benefit to public and private school students would survive judicial scrutiny, because any direct aid to private schools is constitutionally suspect. But the fact that the proposed voucher system benefits only private schools reduces the likelihood that the system is valid.

The second part of the test would also be violated because the vouchers would be used as a direct benefit to private education (tuition) rather than an incidental benefit.

It is not clear whether the third part of the test, the magnitude of the benefit, presents a problem. That would depend on the value of the vouchers in relation to the cost of the tuition. If the vouchers are to cover the entire cost of tuition, the benefit to private schools would be substantial, and consequently unconstitutional. While there is no precise line on this issue, the voucher would appear to be a substantial and unconstitutional benefit unless the voucher was a small percentage of the actual cost of tuition.

Finally, the fact that the vouchers would be given to students or parents of students would not save the voucher system. As with the tuition grant program the vouchers may be redeemed only through the private schools. Therefore, they confer a direct benefit on the private schools, in contravention of the constitutional prohibition.

The proposed voucher system is also potentially in violation of the "establishment" and "freedom of religion" clauses of Article I, section 4 of the Constitution of the State of Alaska. I am aware that a system in Wisconsin has survived a constitutional challenge under the First Amendment of the United States Constitution. However, the Court in Sheldon Jackson noted that first amendment cases upholding forms of assistance to religious schools have no relevance to the preceding analysis of Article VII, section 1 of the state constitution. The prohibition against state aid to any private schools in the Alaska Constitution is much broader than the prohibition under the First Amendment which relates only to religious schools. Thus, the United States Supreme Court case upholding a Minnesota program of tax credits for public and private school expenses against a First Amendment challenge (Mueller v. Allen, 463 U.S. 388 (1983)), as well as the voucher system approved in Wisconsin, are not relevant to the analysis of the proposed voucher system in Alaska. These cases did not consider the kind of prohibition against direct aid to private schools found in the Alaska Constitution. In other words, even if the voucher system could survive scrutiny

Representative Allen Kemplen  
January 22, 1999  
Page 3

under the First Amendment, it would still violate Article VII, section 1 of the state constitution.

In order to survive constitutional scrutiny under the state constitution, a voucher system would have to satisfy all three parts of the Sheldon Jackson test. It is difficult to imagine a voucher system, as I understand the voucher system to work, which would not violate the constitution. The system would have to benefit students in public as well as private schools without giving any substantial direct benefit to education in the private schools. By its nature, the voucher system seems to militate against this.

Finally, the problem could be circumvented by amending Article VII, section 1 of the state constitution. You should be aware, however, that an attempt to do this in 1976 was rejected by the voters of the state in a ballot proposition. As you probably know, a proposed constitutional amendment and statutory voucher system are before the House in HJR 6 and HB 5.

In conclusion, the proposed voucher system suffers serious constitutional problems to which I see no simple solution. Unless amended, the state constitution will not allow such direct benefit to private education.

If I may be of further assistance, please feel free to contact me.

MFF:jdr  
99-030.jdr

# Memorandum

To: Co-chairs: Representative Fred Dyson  
Representative John Coghill  
Alaska State Legislature  
House BESS Committee

From: Tim Peterson - President  
Kenai Peninsula Education Association  
1124 Walnut  
Kenai, Alaska 99611  
907 - 283 - 5177

Date: 02/16/99

Re: House Bill 5 - Sponsor substitute

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Please accept these thoughts regarding: Sponsor Substitute for House Bill 5 "An act relating to vouchers for education; and providing for an effective date."

We appreciate the concern of the legislature relative to improving education of Alaska's children. It is incumbent on all citizens of our great state to make every reasonable effort to provide a quality education for our children.

It is difficult to understand how this legislative act will meet that standard. The legislation seems to be predicated on the belief that home schooling and/or a private school education will provide an education equal to or better than that provided by the Alaskan public schools. Educational studies do not support that belief. To our knowledge there is no validated research comparing home schooling achievement in Alaska to that of the public schools.



Lawrence a. Wiget, Ed.D.  
Executive Director, Public Affairs  
Anchorage School District  
4600 DeBarr Rd.  
Anchorage, Alaska 99519

(w) 907-269-2255 (fax) 907-269-2340

TO: HOUSE HESS COMMITTEE MEMBERS

SUBJECT: HB 5: VOUCHERS FOR EDUCATION

DATE: FEBRUARY 16, 1999

Attached please find a copy of **A Resolution Opposing Private and Parochial School Vouchers** passed by the Anchorage School Board on April 13, 1999.

The Anchorage School Board urges policy makers to oppose efforts to use public tax dollars to finance private and parochial school vouchers. The Anchorage School Board also urges policy makers to work with local communities to ensure that our public schools provide world-class educational opportunities for children.

**Rationale.** Public schools educate every child, regardless of race, ability, religion, economic circumstance or special need. Public schools, through their elected school boards, are directly accountable to the citizens of the community for the expenditure of public funds.

Taxpayer-funded vouchers for private and parochial school tuition and fees drain scarce resources from public school classrooms and diminish revenues available for public schools.

# CORRECTION

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



Rev. 6/98

Central Microfilm Services  
Department of Education & Early Development  
State of Alaska

# Memorandum

To: Co-chairs: Representative Fred Dyson  
Representative John Coghill  
Alaska State Legislature  
House HESS Committee

From: Tim Peterson – President  
Kenai Peninsula Education Association  
1124 Walnut  
Kenai, Alaska 99611  
907 – 283 – 5177

Date: 02/16/99

Re: House Bill 5 – Sponsor substitute

---

Please accept these thoughts regarding: Sponsor Substitute for House Bill 5 "An act relating to vouchers for education; and providing for an effective date."

We appreciate the concern of the legislature relative to improving education of Alaska's children. It is incumbent on all citizens of our great state to make every reasonable effort to provide a quality education for our children.

It is difficult to understand how this legislative act will meet that standard. The legislation seems to be predicated on the belief that home schooling and/or a private school education will provide an education equal to or better than that provided by the Alaskan public schools. Educational studies do not support that belief. To our knowledge there is no validated research comparing home schooling achievement in Alaska to that of the public schools.

The use of public money to pilot home schooling and private school voucher programs is unwarranted. Increased public funds should assist public schools to better meet the needs of the students through smaller class numbers, up to date educational materials, and improved programs

How many children would be eligible for the program? What is the total cost of the program? Under what conditions could the state deny participation?

Will the parent or private school be required to meet certain standards? If so, how will those standards be established? What methods will be established to measure the academic achievement of each child? What will happen if the home school does not meet the requirements? Is the state likely to be drawn into litigation regarding the voucher program? What are the costs of such litigation?

The public's right to know how their monies are being used is paramount to a Democracy. Auditing and monitoring the use (or abuse) of public funds provided to a home schooling parent or a private school will prove a major problem for the state. The costs attached to monitoring and administering such a wide-open program could be staggering.

An additional concern is whether the voucher program envisioned by this legislation meets United States and Alaska constitutional standards.

Simply defining a private school as one that does not receive state or federal funding will not correct any legal conflict with the Alaska State Constitution. Even if the parent delivers the tuition money to the private school rather than the state writing a check to the private school the effect is still state funding to a private school which violates the Alaska State Constitution.

Based on the great number of unanswered questions regarding House Bill 5 the members of the Kenai Peninsula Education Association urge the legislature to oppose House Bill 5.



Lawrence a. Wiget, Ed.D.  
Executive Director, Public Affairs  
Anchorage School District  
4600 DeBarr Rd.  
Anchorage, Alaska 99519

(w) 907-269-2255 (fax) 907-269-2340

TO: HOUSE HESS COMMITTEE MEMBERS

SUBJECT: HB 5: VOUCHERS FOR EDUCATION

DATE: FEBRUARY 16, 1999

Attached please find a copy of **A Resolution Opposing Private and Parochial School Vouchers** passed by the Anchorage School Board on April 13, 1999.

The Anchorage School Board urges policy makers to oppose efforts to use public tax dollars to finance private and parochial school vouchers. The Anchorage School Board also urges policy makers to work with local communities to ensure that our public schools provide world-class educational opportunities for children.

**Rationale.** Public schools educate every child, regardless of race, ability, religion, economic circumstance or special need. Public schools, through their elected school boards, are directly accountable to the citizens of the community for the expenditure of public funds.

Taxpayer-funded vouchers for private and parochial school tuition and fees drain scarce resources from public school classrooms and diminish revenues available for public schools.

POSITION STATEMENT

**ANCHORAGE SCHOOL BOARD  
ANCHORAGE MUNICIPAL ASSEMBLY  
ASDR 97/98-12**

**A RESOLUTION OPPOSING PRIVATE AND PAROCHIAL SCHOOL  
VOUCHERS.**

**WHEREAS,** plans to create taxpayer-funded vouchers for private and parochial school tuition and fees drain scarce resources from public school classrooms; and,

**WHEREAS,** plans to allow tax breaks for private and parochial school tuition or expenses also diminishes revenues available for public schools; and,

**WHEREAS,** the public schools in the Anchorage School District educate 93 percent of the students in this community; and,

**WHEREAS,** the public schools educate every child, regardless of race, ability, religion, special needs and economic circumstance; and,

**WHEREAS,** the public schools are directly accountable to the residents of this community; and,

**WHEREAS,** research regarding the effects of voucher plans show insignificant gains in academic achievement for voucher students;

**NOW, THEREFORE,** be it resolved that tax revenues paid into the federal, state, or local treasuries by citizens of this community should be utilized to support public schoolchildren; and,


Be it further resolved that we urge policy makers to oppose any efforts to use public tax dollars to finance private and parochial school vouchers; and,

Be it further resolved that we urge policy makers to oppose providing tax breaks for the tuition and fees of private and parochial school; and,

Be it further resolved that we urge policy makers to work with our local community ensure that our public schools provide world-class educational opportunities for all our children.

**PASSED AND APPROVED** this 13th day of April, 1998.

**ANCHORAGE SCHOOL BOARD**

  
Debbie Ossiander, President

Kathi Gillespie  
Kelly Haney  
Dave Wercil

Rita Holthouse  
Harriet Drummond  
Peggy Robinson-Wilson

Bob Christal, Superintendent



# Alaska State Legislature

Please enter into the record my testimony to the House Health, Education & Social Service  
 committee name  
 committee on HB 5- Voucher , dated 2/16/99  
 bill/subject  
System for Education

Signed: Helene Antel Brooks, Esq.  
 Testifier

self

Representing (Optional)

HCO2 7516, Palmer, AK 99645

Address

(907) 745-3394 (a); (907) 746-1547 (h)

Phone No.

**COMMITTEE TESTIMONY** Regarding HOUSE BILL NO.5  
**"Voucher System for Education"**

My Name is Helene Antel Brooks. I am a wife, the mother of a student enrolled in the Mat-Su School District, an attorney, and a member of the Mat-Su School Board. I would have liked to present my views on this proposed piece of legislation in person; but, unfortunately other business commitments do not make that possible. These written comments will thus have to suffice.

It is with the utmost dismay that I find myself witness to intentional efforts by our elected representatives to dismantle the public school system. HB No. 5 is nothing more than a public attempt to validate parochial selfishness. Indeed, the public education system, not only in Alaska but across our great nation, is in need of care and revitalization. The appropriate response to this condition is to accept responsibility for it. The inappropriate response suggested by HB 5, is simply to run away. The temptation to flee public education by such means as a voucher system, is in reality a reflection of our inability to accept that we ourselves have created all of the alleged inadequacies of which we complain. As a society we have egregiously failed to support, nourish or adequately fund public education for several decades. We have diminished the potential success of our system of public education by abandoning it. The fault is not in the system; but, it is ours if public schools can no longer inspire and enable *all* young people to reach for the stars.

America was--and still is, a great experiment. It is based upon the precept that government is not something separate from the people. *Government is not they, it is we the people.* Democracy requires that we endeavor to *give all the same chances.* The weaker must grow strong and the ignorant more wise. The selfish must learn generosity. We must work together--not against each other, to strengthen our most vital public institution: education. If democracy as an institution is to live, we must recommit ourselves to it. We must not break that which binds diversity into a powerful whole by segregating ourselves into small pockets of like mindedness. Only as a diverse people united will we continue to stand.

America's system of public education gives both rich and poor, loved and unloved, the orphaned child and the child well cared for, the same chance to dream of limitless horizons. It is the cornerstone of our great nation. To even consider the voucher system proposed by HB 5, threatens to tear apart the American dream.

I am strongly opposed to HB 5

# STATE OF ALASKA

## DEPARTMENT OF EDUCATION OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

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

(907) 465-2800  
FAX (907) 465-4156

February 16, 1999

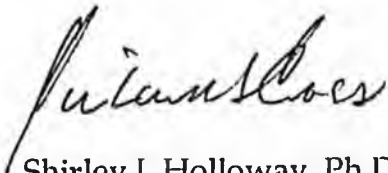
The Honorable Fred Dyson, Co-Chair  
House Health, Education and Social Services Committee  
Alaska State Legislature  
State Capitol, Room 104  
Juneau, AK 99801-1182

Dear Representative Dyson:

The State Board of Education has taken a strong position in opposition to any voucher plan that would take money from the public school system and give it to private schools. The Board is careful to note that it supports expanding parental choice within the public school system. Enclosed is the State Board of Education Motion passed January 21, 1999.

Thank you for your attention to the State Board of Education's position on this issue. Your Committee members and staff are invited to attend the upcoming Board meeting scheduled for February 24-26, at Goldbelt Place, 801 West 10<sup>th</sup> Street, Juneau. The Board plans to discuss school choice during its work session at 10:00 AM, Wednesday February 24.

Sincerely,



Shirley J. Holloway, Ph.D.  
Commissioner

cc: The Honorable John Coghill, Jr.

Enclosure

*Exact of Unapproved minutes of the  
Alaska State Board of Education meeting  
January 21, 1999*

The following motion was unanimously carried by the Alaska State Board of Education at its meeting held on January 21, 1999 in Juneau, Alaska.

The State Board of Education opposes any voucher plan that would take public money from public schools and give it to private schools. The Board supports expanding parental choice within public schools. The motion was seconded and carried by unanimous roll call vote.



# NEA-ALASKA

*Affiliated with the National Education Association*

## **SSHB 5 – Tuition Vouchers NEA-Alaska Position Statement**

SSHB 5 is an attempt to provide low income Alaskans with an educational voucher of an undetermined amount to educate children at home or at a private school. NEA-Alaska opposes SSHB 5 because it is unconstitutional, vouchers are too expensive and vouchers will not improve student performance in Alaska's public schools.

Article IX, sec. 6, Constitution of the State of Alaska states, "no money shall be paid from public funds for the direct benefit of any religious or other private educational institution."

At a time when the State of Alaska is faced with a \$1 billion deficit, a voucher proposal extending public funding to children enrolled in private and denominational schools and home schools is an extravagance we cannot afford. Our schools are not adequately and equitably funded now.

At a time when our public schools are required to set new educational standards and will be requiring students to pass difficult graduation examinations, weakening educational opportunities of public school children by diverting fiscal resources from public school classrooms to private and home providers is counter productive. Taking money away from these efforts and giving it to students who aren't required to meet similar standards, pass tests or improve learning is inconsistent with the legislature's quality school initiative embodied in SB 36. Giving public money to private and home schools that have no accountability to the public or have no requirement to meet quality school standards is a poor exercise in fiscal and instructional responsibility.

How much will SSHB 5 cost? In 1997, a year for which data exists, there were 157,691 children between the ages of 5 and 19 of which 129,940 were

enrolled in public school, central correspondence or Mount Edgecumbe. When factoring out an estimated 15,768 five year olds and 19 year olds who are not enrolled in kindergarten or public school, we estimate that there were over 11,900 school age children not enrolled in public schools. These children are either being educated at home, or are enrolled in private or denominational schools or are simply not being educated.

It would cost \$46.8 million to give 11,900 students a voucher the equivalent of the Base Student Allocation (\$3,940). If the voucher is increased because of the other variables that determine state aid – School Size Factor, District Cost Factor and Special Needs Factor – the expense spirals upwards radically. In comparison, during the last legislative session, \$26 million was provided districts under SB 36 of which \$13.2 million was distributed to schools to address adverse effects of the school size table, definition of schools and the district cost factor.

Costs could go up even further if a cash voucher serves as an incentive for parents to remove their children, who are enrolled in the public schools, and enroll them in either a home school or private school? The number of students who may fall in this category is unknown. However, if a student exits the public schools for home or private education with a voucher in his or her pocket, public schools will lose funding. The fixed costs of operating a school and staffing a school will continue; however, each departing student will reduce a school district's Base Student Allocation.

Which school districts will be impacted the most by cash vouchers – urban or rural? In 1996-97, the last year home schools reported enrollment, 986 students attended 483 home schools that reported to the Department of Education. Approximately 82% of the home schools were located in urban settings while the balance of 18% were in rural settings including communities like Nome, Sterling, Willow and Chevak. In 1998-99, of those private religious schools reporting, 65% of private religious schools were in urban areas with 86% of the reported total statewide enrollment for private religious schools. In 1998-99, of the eleven private non-religious schools reporting, 73% were in urban areas with 83% of the reported total statewide enrollment for private non-religious schools. Given this distribution of home school and private enrollment, cash vouchers will have the greatest impact on urban schools where the largest number of home and private schools exist. If new funding is appropriated for a vouchered education

instead of a public education or if current funding is diverted from public classrooms to pay for the voucher, urban schools will be hurt most.

The only variable limiting voucher distribution is a parent's standing in relation to the federal poverty line. How many Alaskans with school age children fall above or below this line? SSHB 5 invites those with household incomes greater than 200 times the federal poverty guideline to receive an education voucher. The poverty level for a family of four in 1997, as reported by the Census Bureau, was \$16,400. We assume that any household of four with income of \$32,800 or less would qualify for a no strings attached cash voucher. If the 1997 Alaska per capita income is \$24,945, how many parents will qualify?

A significant barrier for low-income families seeking greater choices for their child's education is lack of transportation. Many families do not have the means to provide transportation for their children to attend other school alternatives, let alone private schools. The bill seems to accommodate greater benefit to those who educate at home.

If only a modest sum of money is appropriated for SSHB 5's voucher program, the bill provides for an unencumbered incentive for any qualifying parent to apply to receive the education cash. As the legislature demands greater accountability from schools, it makes no sense to add to the cost of education through cash vouchers.

Currently schools are working to implement new standards, preparing students to pass exit exams and designing new curriculum and opportunities for children. We oppose weakening those efforts through vouchers.

We believe in a strong system of public education. Schools have been critical to Alaska's economic, social and cultural development. Public education is critical to our state's future and its continued development. Public schools demonstrate the very spirit of our democracy by accepting and educating all students regardless of means or position in life. If our state does not continue to inspire that purpose, our most precious resource, our children, will be wasted.

NEA-Alaska wants to provide A+ Schools for Alaska's Kids. Cash vouchers do not contribute to making our schools A+.

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. SS HB 5

Revision Date/Time (Note if correction)	Dept. Affected	Education
Title	BRU	K-12 Support
education;	Component	New - Voucher Program
Sponsor	Representatives Kohring, Coghill	
Requester	House HES	Component Serial No. _____

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	****	****	****	****	****	
Miscellaneous						
<b>TOTAL OPERATING</b>	****	****	****	****	****	0.0

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	****	****	****	****	****	0.0

Estimate of any current year (FY99) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The legislation requires that the Department of Education administer an education voucher pilot program. The department is unable to evaluate the cost of the program as no data exists to show how many students would participate in the program or how that number would change over the life of the program that would sunset on June 30, 2004.

Prepared by	Eddy Jeans, School Finance Manager	Phone	465-8679
Division	Education Support Services	Date/Time	2/16/99 11:41 AM
Approved by Commissioner:	Shirley J. Holloway, Ph.D.	Date	2/16/99
Agency	Department of Education		

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FAX (907) 465-2029  
Mail Stop 3101


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

## MEMORANDUM

January 20, 1999

**SUBJECT:** Emergency school voucher program (Work Order No. 21-LS0312)

**TO:** Representative Fred Dyson

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

You have asked if it is possible to create a school voucher program that exists only to alleviate a temporary overcrowding situation in public schools. I believe that such a voucher system would still violate the prohibition against using public funds for the direct benefit of a religious or private educational institution contained in Article VII, section 1, of the state constitution. See Sheldon Jackson College v. State, 599 P.2d 12 (Alaska 1979). The fact that there may be a serious need for alleviating the overcrowding and that it is a temporary use of the voucher program does not mean that the constitutional restriction could be avoided.

The constitutional problem could be eliminated by amending Article VII, section 1, of the state constitution. It would be possible to include some type of constitutional exception that encompasses the overcrowding situation you have in mind.

As I am sure you are aware, there is a proposed voucher program presently introduced in the House (HB 5) and a proposed constitutional amendment (HJR 6).

Please contact me if you have further questions.

MFF:glc  
99-017.glc

**HB**

**15**

LEGISLATIVE INFORMATION OFFICE  
119 N. CUSHMAN, SUITE 101  
FAIRBANKS, AK 99701  
452-4448

DATE: 3/16/99

Please accept the enclosed original(s) of written  
testimony for the

(H) HES teleconference scheduled on

HB15 3/16/99. A copy of this testimony was  
transmitted to your committee via fax.

Thank you,

*N. Kelly*



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the HOUSE H.E.S.S.  
 Committee on HB 15 Committee Name Dated 3-16-99  
Bill / Subject

THE STATE EMPLOYEES WHO WORK FOR THE EXECUTIVE AGENCIES, REPRESENTED AT THIS HEARING, WHO TESTIFIED TO THE COMMITTEE TODAY, HAVE LIED, DISSEMBLED, OBFUSCATED, AND CORRUPTED THE TRUTH OF CHILDREN'S PROCEEDINGS, WHILE PRETENDING THAT THEIR VICTIMS DO NOT EXIST, OR SHOULD NOT BE HEARD.

AS A PARENT, I WAS DENIED DUE PROCESS, AND MY CHILD WAS TORTURED, BY STATE AGENTS.

SIGNED:

Scott Trafford Calder SCOTT TRAFFORD CALDER  
 Testifier

P.O. 75011 FAIRBANKS, AK. 99707

Representing

(907) 474-0174

Address / Phone Number

# FISCAL NOTE

**STATE OF ALASKA  
1999 LEGISLATIVE SESSION**

**BILL NO. CSHB 15 (HES)**

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Law  
 Title "An Act relating to the rights of foster parents of a BRU Civil Division  
child in need of aid." Component Human Services  
 Sponsor Representative Rokeberg  
 Requester House HESS Committee Component Serial No. 2208

**Expenditures/Revenues (Thousands of Dollars)**

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	15.5	15.5	15.5	15.5	15.5	15.5
Travel	0.1	0.1	0.1	0.1	0.1	0.1
Contractual	2.7	2.7	2.7	2.7	2.7	2.7
Supplies	0.2	0.2	0.2	0.2	0.2	0.2
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>

<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	18.5	18.5	18.5	18.5	18.5	18.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>

Estimate of any current year (FY99) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

CSHB 15 (HES) permits a foster parent who is opposed to a proposed transfer of a child-in-need-of-aid from the foster parent's placement setting to ask the court for a hearing on the proposed change. A hearing will be granted if the foster parent provides information to the court showing that the proposed placement change will put the child's health or safety at risk. The court can deny the placement if clear and convincing evidence shows that the child's health and safety will be at risk.

Anytime an additional hearing is added to the legal process, costs are increased. The Department of Law anticipates that foster parents will challenge placement changes approximately 40 times per year. Preparing for the hearing will require approximately 3 hours of attorney time, the hearing itself will take an average of 3 hours, and 2 hours will be

Prepared by Joan M. Kasson *Joan M. Kasson*  
 Division Attorney General's Office  
 Approved by Commissioner Bruce M. Botelho *Bob Botelho* Attorney General  
 Agency Department of Law

Phone 465-5370  
 Date/Time 4/30/99, 2:57 PM  
 Date 4/30/99

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**ANALYSIS CONTINUATION**

needed to respond to motions. Not all of the challenges are likely to go to a full-blown hearing, however, so a more conservative estimate of 5 hours of additional attorney time per case is used for this analysis.

Using the departments FY00 standard attorney cost schedule of \$92.49 per hour, the estimated fiscal impact of the committee substitute would be \$18,498 (40 cases x 5 hours x \$92.49). The cost schedule includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses.

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 19, 1999

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 4/29/99

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 15

HOUSE BILL NO. 15

FOSTER PARENT RIGHTS TO DISCLOSE INFO

"An Act relating to disclosure of information about certain children; and amending Rule 22, Alaska Child in Need of Aid Rules."

recommends it be replaced with the following committee substitute

CS HB 15 (HES)

[ ] the same title [X] a new title

[ ] additional referral to \_\_\_\_\_ Committee

[ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal note(s) \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Paul [unclear]</i>			✓	
<i>Paul [unclear]</i>	✓		.	
<i>John [unclear]</i>			✓	
<i>Bill [unclear]</i>			✓	
<i>Tom [unclear]</i>			✓	

CHAIR'S SIGNATURE *Paul [unclear]*

*John [unclear]*

**Subject: Re: HB 15 Fiscal Notes**

**Date:** Tue, 16 Mar 1999 14:29:55 -0900

**From:** Shari Kochman <shari\_kochman@gov.state.ak.us>

**Organization:** Alaska Office of the Governor

**To:** Wes Keller <Wes\_Keller@legis.state.ak.us>

**CC:** Elmer A Lindstrom <elmer\_lindstrom@health.state.ak.us>

no -- please don't produce a committee fiscal note. this should come from dhss. i apologize for delay and will get it to you asap.

Wes Keller wrote:

>

> Hello Shari, Is it safe to assume that HB 15, Foster Parents rights

> to disclose, has zero fiscal impact and that we should create a House

> HESS zero f.n.? Please advise. Thanks

>

> Wes

# ALASKA STATE LEGISLATURE

## House of Representatives

### COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE COMMITTEE, CHAIRMAN  
JUDICIARY COMMITTEE, MEMBER  
LEGISLATIVE COUNCIL, MEMBER  
SPECIAL COMMITTEE ON UTILITY RESTRUCTURING, MEMBER  
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &  
TOURISM, MEMBER

e-mail: Representative\_Norman\_Rokeberg@legis.state.ak.us



INTERIM:  
716 WEST 4TH AVENUE, SUITE 640  
ANCHORAGE, AK 99501  
PHONE: (907) 269-0117  
FAX: (907) 269-0119

SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, AK 99801-1182  
PHONE: (907) 465-4968  
FAX: (907) 465-2040

## Representative Norman Rokeberg

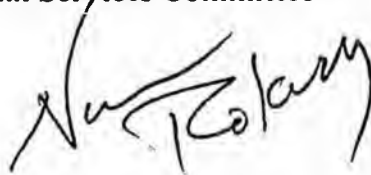
### MEMORANDUM

**TO:** Rep. Fred Dyson, Co-Chairman  
Rep. John Coghill, Co-Chairman  
House Health, Education & Social Services Committee

**FROM:** Rep. Norman Rokeberg

**DATE:** March 8, 1999

**RE:** House Bill 15  
An Act relating to disclosure of information about certain children;  
and amending Rule 22, Alaska Child in Need of Aid Rules



I would request that House Bill 15 be scheduled for a hearing before your committee.

Attached are the following:

- a. House Bill 15
- b. Sponsor Statement
- c. Sectional Analysis
- d. Proposed amendment LS0131\A.1, Lauterbach, 2/1/99. This would add language concerning the "child's family" to the current legislation. I would appreciate your consideration of this amendment.
- e. August 7, 1998, memorandum from Terri Lauterbach, Legislative Counsel

I would request that the hearing be teleconferenced to Anchorage and Fairbanks.

If you have any questions, please do not hesitate to contact me.

# ALASKA STATE LEGISLATURE

## House of Representatives

### COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE COMMITTEE, CHAIRMAN  
JUDICIARY COMMITTEE, MEMBER  
LEGISLATIVE COUNCIL, MEMBER  
SPECIAL COMMITTEE ON UTILITY RESTRUCTURING, MEMBER  
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &  
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## Representative Norman Rokeberg

### SPONSOR STATEMENT HOUSE BILL 15

**An Act relating to disclosure of information about certain children; and amending Rule 22, Alaska child in Need of Aid Rules**

House Bill 15 allows foster parents to speak to public officials (i.e., legislators, legislative staff, ombudsman, etc.) about a foster child and enables the foster parent to disclose to that public official confidential information about the foster child. That information must then be treated as confidential by the public official.

Legislative counsel was asked in August of 1998 if a foster parent could legally disclose confidential information about a foster child to a legislator. The answer was: "There are no Alaska Statutes that allow a foster parent to disclose this kind of confidential information to a legislator." While there are exceptions in the statute for parents and legal guardians (AS 47.10.092), no such exception is available for foster parents.

It is difficult to describe this matter because I wish to keep the name of the constituent (a foster parent) confidential and I cannot fully describe the situation without giving identifying clues. My constituent was concerned about the reunification plan in place for a foster child. Despite the foster parent's best efforts to work with the Department of Health and Social Services, Division of Family & Youth Services, the foster parent was being told that all was fine with the reunification plan, which called for the foster child to be back in the natural parents home in short order. The foster parent had information that some of the problems which caused the foster child to be placed in foster care were not solved. The state staff at the Department and the Division did not fully investigate these concerns until such time as other state agencies got involved. In other words, the Division and the Department ignored the foster parent. The concerns raised by the foster parent were valid. In the end, the reunification plan did not go forward.

The foster parent did breach confidentiality by contacting legislators; however, the nature of the situation and the lack of investigation by the Department and the Division forced my constituent into a sad position -- one that could cause her to lose her foster parent credentials. House Bill 15 will allow a foster parent to discuss such matters concerning the foster child with a legislator; the foster parent, under this proposal, will still not be able to discuss the family of the foster child with a public official.

I would encourage your support of this legislation.

ED1:02/01/99

SPONSOR STATEMENT

# ALASKA STATE LEGISLATURE

## House of Representatives

### COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE COMMITTEE, CHAIRMAN  
JUDICIARY COMMITTEE, MEMBER  
LEGISLATIVE COUNCIL, MEMBER  
SPECIAL COMMITTEE ON UTILITY RESTRUCTURING, MEMBER  
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TOURISM, MEMBER



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e-mail: Representative\_Norman\_Rokeberg@legis.state.ak.us

## Representative Norman Rokeberg

### SECTIONAL ANALYSIS HOUSE BILL 15

**An Act relating to disclosure of information about certain children; and  
amending Rule 22, Alaska Child in Need of Aid Rules**

**Prepared by Rep. Norman Rokeberg**

**Section 1: Grants exception for foster parents (current or previous) to discuss with listed public officials confidential information concerning a foster child. Public officials to whom confidential information is given may not disclose such information about the child to a person not authorized to receive it.**

**Section 2. Amends Rule 22, Alaska Child in Need of Aid Rules, to conform to Section 1 above.**

**ED1:02/01/99**

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: HB 15

- 1 Page 1, line 1, following "children":
- 2       Insert "and their families"
  
- 3 Page 1, line 7, following "child":
- 4       Insert "or the child's family"
  
- 5 Page 1, line 13, following both occurrences of "child":
- 6       Insert "or the child's family"
  
- 7 Page 2, line 5, following "child":
- 8       Insert "or the child's family"
  
- 9 Page 2, line 8, following "children":
- 10       Insert "and their families"

# LEGAL SERVICES

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

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
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130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

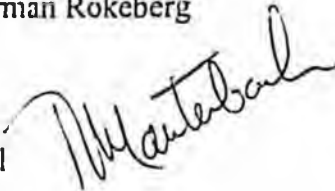
AUG 12 1998

## MEMORANDUM

August 7, 1998

**SUBJECT:** Disclosure of confidential information by a foster parent to a legislator (Work Order No. 21-LS0034)

**TO:** Representative Norman Rokeberg  
Attn: Janet Seitz

**FROM:** Terri Lauterbach  
Legislative Counsel 

You have asked whether it was legal in May 1998 or is legal now for a foster parent to disclose confidential information about a foster child and the foster child's family to a legislator.

There are no Alaska Statutes that allow a foster parent to disclose this kind of confidential information to a legislator.

As you know, the general rule is that foster children's records are confidential and may not be disclosed. AS 47.10.090 governs court records, and AS 47.10.093 governs agency records. There are exceptions, such as when a court orders disclosure (AS 47.10.090(d) and AS 47.10.093(a)) and when agencies like DHSS need to disclose information to guardians ad litem, school officials, and persons who provide services for a foster child (AS 47.10.093(b)).

With regard to disclosures to legislators in particular, there is an exception in AS 47.10.092 that is applicable to parents and legal guardians. This exception, as of May 1998, allowed parents and legal guardians to disclose confidential information to a legislator about the child, but not about the child's family. Under sec. 35, ch. 99, SLA 1998, this exception will expand on September 14, 1998, to include information about the child's family. However, even under ch. 99, SLA 1998, the exception will not apply to foster parents. Foster parents will continue to be bound by the general rule against disclosure of confidential information about their foster children and their foster children's families.

SSHB 340 and CSSSHB 340(HES) contained a bill section that would have expanded the exception in AS 47.10.092 to include foster parents and grandparents. The exception would have allowed a foster parent to disclose confidential information to a legislator about a foster child, but not about the foster child's family. So, even this legislation, if enacted, would not

Representative Norma. .okeberg

August 7, 1998

Page 2

have allowed a foster parent to disclose to a legislator confidential information about a foster child's family.

I have enclosed a copy of sec. 35, ch. 99, SLA 1998, which will take effect in September. In case you are interested in proposing legislation in this area, I have also enclosed a copy of sec. 12, CSSSHB 340(HES), which was considered, but not enacted, this year. Please let me know if I can be of further assistance.

TML:pl  
98-133.plm

Enclosure

Effective Sept. 14, 1999

1 (h) The court may order the termination of parental rights and responsibilities  
2 of one or both parents under AS 47.10.080(c)(3) and commit the child to the custody  
3 of the department. The rights of one parent may be terminated without affecting the  
4 rights of the other parent.

5 (i) The department shall concurrently identify, recruit, process, and approve a  
6 qualified person or family for an adoption whenever a petition to terminate a parent's  
7 rights to a child is filed. If the court issues an order to terminate under (j) of this  
8 section, the department shall report within 30 days on the efforts being made to recruit  
9 a permanent placement for the child if a permanent placement was not approved at the  
10 time of the trial under (j) of this section. The report must document recruitment efforts  
11 made for the child.

12 (j) No later than six months after the date on which the petition to terminate  
13 parental rights is filed, the court before which the petition is pending shall hold a trial  
14 on the petition unless the court finds that good cause is shown for a continuance.  
15 When determining whether to grant a continuance for good cause, the court shall take  
16 into consideration the age of the child and the potential adverse effect that the delay  
17 may have on the child. The court shall make written findings when granting a  
18 continuance.

19 (k) The court shall issue an order on the petition to terminate within 90 days  
20 after the last day of the trial on the petition to terminate parental rights.

21 \* Sec. 34. AS 47.10.090(e) is amended to read:

22 (e) The court's official records under this chapter may be inspected only with  
23 the court's permission and only by persons having a legitimate interest in them. A  
24 foster parent is considered to have a legitimate interest in those portions of the  
25 court's records relating to a child who is placed by the department with the foster  
26 parent or who the department proposes for placement with the foster parent.

27 \* Sec. 35. AS 47.10.092(a) is amended to read:

28 (a) Notwithstanding AS 47.10.090 and 47.10.093, a parent or legal guardian of  
29 a child [MINOR] subject to a proceeding under AS 47.10.005 - 47.10.142  
30 [AS 47.10.010 - 47.10.142] may disclose confidential or privileged information about  
31 the child or the child's family [MINOR], including information that has been lawfully

1 obtained from agency or court files, to the governor, the lieutenant governor, a  
 2 legislator, the ombudsman appointed under AS 24.55, the attorney general, and the  
 3 commissioners of health and social services, administration, or public safety, or an  
 4 employee of these persons, for review or use in their official capacities. The  
 5 department shall [MAY] disclose additional confidential or privileged information and  
 6 make copies of documents available for inspection [DOCUMENTS] about the child  
 7 or the child's family [MINOR] to these state officials or employees for review or use  
 8 in their official capacities upon request of the official or employee and submission  
 9 of satisfactory evidence that a parent or legal guardian of the child has requested  
 10 the state official's assistance in the case as part of the official's duties. A person  
 11 to whom disclosure is made under this section may not disclose confidential or  
 12 privileged information about the child or the child's family [MINOR] to a person not  
 13 authorized to receive it.

14 \* Sec. 36. AS 47.10.093(b) is amended to read:

15 (b) A state or municipal agency or employee shall [MAY] disclose  
 16 appropriate information regarding a case to

17 (1) a guardian ad litem appointed by the court or to a citizen review  
 18 board or local review panel for permanency planning authorized by AS 47.14.200 or  
 19 47.14.220;

20 (2) a person or an agency requested by the department or the child's  
 21 legal custodian to provide consultation or services for a child [MINOR] who is subject  
 22 to the jurisdiction of the court under AS 47.10.010 as necessary to enable the  
 23 provision of the consultation or services;

24 (3) foster parents or relatives with whom the child is placed by the  
 25 department as may be necessary to enable the foster parents or relatives to  
 26 provide appropriate care for the child who is the subject of the case, to protect the  
 27 safety of the child who is the subject of the case, and to protect the safety and  
 28 property of family members and visitors of the foster parents or relatives;

29 (4) school officials as may be necessary to enable the school to provide  
 30 appropriate counseling and support services to the child [MINOR] who is the subject  
 31 of the case, to protect the safety of the child [MINOR] who is the subject of the case,

1 or employees for review or use in their official capacities upon request of the official  
 2 or employee and submission of written evidence that a parent or legal guardian  
 3 of the child has requested the state official's assistance in the case as part of the  
 4 official's duties. A person to whom disclosure is made under this section may not  
 5 disclose confidential or privileged information about the child or the child's family  
 6 [MINOR] to a person not authorized to receive it.

7 \* Sec. 12. AS 47.10.092 is amended by adding a new subsection to read:

8 (d) Notwithstanding AS 47.10.090 and 47.10.093, current or previous foster  
 9 parents or grandparents of a child subject to a proceeding under AS 47.10.010 -  
 10 47.10.142 may disclose confidential or privileged information about the child,  
 11 including information that has been lawfully obtained from agency or court files, to  
 12 the governor, the lieutenant governor, a legislator, the ombudsman appointed under  
 13 AS 24.55, the attorney general, and the commissioners of health and social services,  
 14 administration, or public safety, or an employee of these persons, for review or use in  
 15 their official capacities. The department shall disclose additional confidential or  
 16 privileged information about the child and make copies of all documents in the file  
 17 about the child available for inspection to these state officials or employees for review  
 18 or use in their official capacities upon request of the official or employee and  
 19 submission of written evidence that a current or previous foster parent or a grandparent  
 20 of the child has requested the official's assistance in the case as part of the official's  
 21 duties. A person to whom disclosure is made under this section may not disclose  
 22 confidential or privileged information about the child to a person not authorized to  
 23 receive it.

24 \* Sec. 13. AS 47.10.093(b) is amended to read:

25 (b) A state or municipal agency or employee shall [MAY] disclose  
 26 appropriate information regarding a case to

27 (1) a guardian ad litem appointed by the court or to a citizen review  
 28 board or local review panel for permanency planning authorized by AS 47.14.200 or  
 29 47.14.220;

30 (2) a person or an agency requested to provide consultation or services  
 31 for a child [MINOR] who is subject to the jurisdiction of the court under

**HB**

**16**

# MEMORANDUM

State of Alaska  
Department of Administration  
Division of Senior Services

To: Alison Elgee  
Deputy Commissioner

Date: May 11, 1999

From Kay L. Burrows  
Director  
Division of Senior Services

Phone: 269-3666  
Fax: 269-3689  
Email: Kay\_Burrows@admin.state.ak.us

## RE: Timeline for review of Assisted Living Regulations

As you know, over the course of the last few months, we have decided that it is time to review the Statutes and Regulations of the State of Alaska as they pertain to Assisted Living Licensing. I am proposing the following workplan for that review:

May 1999: Identify Steering Committee for Assisted Living regulation review work

June through August 1999: Conduct meetings with stakeholders; i.e. assisted living providers, care coordinators, Medicaid Division staff, etc., to identify problem areas with existing regulations/statutes

August - September 1999: Conduct public forums in Anchorage, Fairbanks, South East and the Kenai Peninsula to discuss problem areas with interested Alaskans

September - October 1999: Work with Steering Committee to develop draft regulations and possible statute changes.

October 1999: Review new draft regulations and any necessary statute changes with Long Term Care Task Force and other interested parties.

November 1999: Complete public review process and promulgate regulations.

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. HB 16

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: Transfer assisted living licensure to the BRU: Institutions and Administration  
Department of Health and Social Services Component: Mental Health/DD Admin  
 Sponsor: Croft COMPONENT SERIAL NO. 310  
 Requestor: State Affairs, HES See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY00	FY01	FY02	FY03	FY04	FY05
PERSONAL SERVICES	(25.0)	(25.0)	(25.0)	(25.0)	(25.0)	(25.0)
TRAVEL	(5.1)	(5.1)	(5.1)	(5.1)	(5.1)	(5.1)
CONTRACTUAL	(5.0)	(5.0)	(5.0)	(5.0)	(5.0)	(5.0)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(35.1)</b>	<b>(35.1)</b>	<b>(35.1)</b>	<b>(35.1)</b>	<b>(35.1)</b>	<b>(35.1)</b>

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

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

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	(10.1)	(10.1)	(10.1)	(10.1)	(10.1)	(10.1)
1037 GF/Mental Health	(25.0)	(25.0)	(25.0)	(25.0)	(25.0)	(25.0)
Other (please specify)						
<b>TOTAL</b>	<b>(35.1)</b>	<b>(35.1)</b>	<b>(35.1)</b>	<b>(35.1)</b>	<b>(35.1)</b>	<b>(35.1)</b>

**POSITIONS:**

FULL-TIME						
PART-TIME	-1					
TEMPORARY						

Estimate of any current year (FY99) cost: \$0.0

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

In FY95, the Division received \$100.0 through Ch 130 SLA 1994 for implementation of SB 249 - Regulation of Assisted Living Homes. The funds were appropriated into the MHDD Administration component. In FY96, \$10.1 of program receipt authority was awarded to receive and expend the licensing fees collected in support of the program. The \$110.1 provides funding for 1.5 FTE positions, a full-time community care licensing specialist and a half-time developmental disabilities program specialist. The total cost of these positions is \$90.0. Travel costs are \$15.0 a year. Another \$5.1 is allocated for training, phone, and supplies. These two positions provide for initial licensing of new homes, renewal of license for existing homes bi-annually, and investigations of allegations of neglect or abuse as required by regulation.

Prepared by: Leonard Abel, Ph.D. Phone: 465-3370  
 Division: Mental Health and DD Date: 03/05/99  
 Approved by Commissioner: Karen Perdue, Commissioner Date: 3/5/99  
 Agency: Department of Health & Social Services

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## ANALYSIS (cont.):

The annual licensing on-site reviews also includes technical assistance to assure compliance with regulations and statutes. These positions also work on finding and developing new assisted living homes.

Because assisted living homes serve persons with mental illness or a developmental disability, additional services need to be provided to assure that assisted living home staff have the skills and knowledge needed. Assisted living home administrators and their staff have a wide range of skills and knowledge. In order to be proactive with health and safety issues for division beneficiaries living in assisted living more is required than what would be done by a DMA licensing unit. By moving the licensing function, the technical assistance that the Division provides could be lost.

Two positions, a full-time community care licensing specialist and a half-time developmental disabilities program specialist currently license and monitor the quality of life in over 130 assisted living homes. The types of activities that need to be done to supplement the licensing process are:

1. Education and training in safety matters such as First Aid, CPR, Mandt Training, medication training, decomposition signs in a resident (emotionally/mental), facility management training. Unfortunately there is staff (because of a high turnover and low salary) without knowledge on how to properly work with mentally ill or developmentally disabled consumers.
2. The development of the standards of care and the organization of a team that could apply the standards to the homes during annual visits to assure quality care are needed.
3. Coordination with the Division of Senior Services for providing technical assistance is also needed. There are currently 133 DMHDD assisted living home licenses and 85 licensed homes by the Division of Senior Services. DMHDD has persons with developmental disabilities or mental illness living in Division of Senior Services licensed homes.
4. Annual site reviews are needed to ensure health and safety minimums are in place and that appropriate care is being provided that assures the Quality of Life rights are being met.
5. The development of additional enhanced assisted living homes is needed to assist with the planned downsizing of API.

The DMHDD effort will require retention of the full-time position to handle the volume of work. This position is either a developmental disabilities specialist or a mental health clinician.

This position is at a Range 19, with an estimated salary of \$65.0 and travel budget of \$10.0. A total of \$75.0 of the original \$110.1 will be retained by DMHDD.

DMHDD will transfer the remaining funds to the Division of Medical Assistance to support the half-time position. A total of \$35.1 will be transferred, as described in the Expenditures/Revenues section above.

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. HB 16

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: Transfer assisted living licensure to the Dept. of Health & Social Services BRU: Medical Assistance Admin  
 Sponsor: Representative Croft Component: Certification & Licensing  
 Requestor: House (STA) COMPONENT SERIAL NO. 245  
 See also (SN#): \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

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

OPERATING	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
PERSONAL SERVICES	554.6	554.6	554.6	554.6	554.6	554.6
TRAVEL	94.9	113.8	136.6	163.9	196.7	236.1
CONTRACTUAL	166.7	67.3	68.6	70.1	71.9	74.1
SUPPLIES	24.8	29.8	35.7	42.9	51.5	61.8
EQUIPMENT	63.6	1.0	1.0	1.0	1.0	1.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>904.6</b>	<b>766.5</b>	<b>796.5</b>	<b>832.5</b>	<b>875.7</b>	<b>927.6</b>
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGES 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	904.6	766.5	796.5	832.5	875.7	927.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>904.6</b>	<b>766.5</b>	<b>796.5</b>	<b>832.5</b>	<b>875.7</b>	<b>927.6</b>

Estimate of any current year (FY1999) cost: \$0.0

**POSITIONS:**

FULL-TIME	9	9	9	9	9	9
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

The fiscal impact on Health Facilities Licensing & Certification would be considerable with the transfer of all assisted living licensure. There are 225 assisted living homes (ALH) with a current growth rate of 20%. Licenses presently are good for 2 years. Under current regulations, ALH homes with 1-2 beds are not required to have a license, but may request a "Voluntary License." ALH homes with 3 beds or greater must have a license. Licensure inspections are generally done biennially with a sample inspected on an annual bases.

Calculations for this FN assumes a need for increased oversight of ALHs. In light of this, it is anticipated that licensure surveys (inspections) would be conducted annually on all ALHs including the 1-2 bed homes with voluntary licenses of which there are 78.

Prepared by: Shelby Larsen *BL* Phone: (907)561-8081  
 Division: Medical Assistance Date/Time: 3/5/99 7:46 AM  
 Approved by Commissioner: Karen Perdue, Commissioner Date: 3/5/99  
 Agency: Department of Health & Social Services

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**ANALYSIS (cont.):****Personal Service needs are calculated as follows:**

6 Health Facilities Surveyor I positions (Range 18);  
 1 Health Facilities Surveyor II (Supervisor Range 20)  
 1 Administrative Clerk III  
 1 Administrative Assistant I

The Health Facilities Surveyor I and II positions are based on the estimated hours required to perform annual surveys including follow up visits to ensure compliance following a standard licensure survey, initial surveys of new AL homes, background check implementation and complaint investigations. Total required surveyor hours including travel and office time is estimated to be about 10,150. One FTE is estimated to have 1,450 available hours annually after subtracting holidays and minimal annual and sick leave.

Recommended professional surveyors would include Social Workers or equivalent and Registered Nurses. This mix is based on a national survey of survey agencies which license both ALHs and nursing homes. All these states use RNs for survey activities and some utilize social workers to complement the teams.

It is estimated that the Administrator would require at least 35% of his time to this program. This was included in salaries and benefits. Additionally, because this would result in a 75% increase in workload and responsibility for the administrator, and at the suggestion of the DMA Director, costs related to a reclassification of this position up one range was factored in.

**Travel expenditures were calculated as follows:**

AL homes were divided into 3 categories. The following represents the estimated average number of days required for each category and the estimated number of surveyors required.

Beds	Number of homes	Average survey days	Est. # of surveyors
1-15 beds	200 homes	1.73 days	1.2
16-50 beds	15 homes	3.5 days	2.3
51-> beds	5 homes	4.5 days	3.25

Survey activities include annual survey of all homes, initial surveys, follow up survey, and complaint investigations. Travel costs were calculated on actual airfare, lodging, car rental and per diem costs to the locations of each home. Administrative travel is based on an estimated 5 program related annual trips to Juneau.

Travel cost increases for FY2001 through FY2005 were based on the 20% growth rate.

**Contractual costs**

Contractual costs for FY2000 include required relocation of HFL&C. New office Space was based on a cost of \$1.85/sq. ft./month. It would be necessary to relocate HFL&C, including existing staff. This would require new office space for the 20 employees for a total need of 5150 sq. ft. This is a one time cost of \$100,100.

**Additional one time expenses related to relocation include:**

- \* Computer system connectivity - \$10,000
- \* Computer system wiring/Lan installation - \$1,500

**ANALYSIS (cont.):****Additional contractual costs include:**

- \* Office space - \$60,922 (Current office space costs were subtracted from estimated total)
- \* Maintenance/repair of office equipment - \$1,353
- \* Office copier/equipment rental - \$3,505
- \* Insurance & Bonds, Risk Management

The additional contractual cost increases for FY2001 through FY2005 were based on the 20% growth rate.

**Supplies estimated for FY2000 include:**

- \* Communication/postage - \$15,342 (based on a percentage of current costs multiplied by the increase % of staff required)
- \* Supplies - \$6,517 (based on a percentage of current costs multiplied by the increase % of staff required)
- \* Printing/binding/subscriptions - \$3,158 (based on a percentage of current costs multiplied by the increase % of staff required)

Supply cost increases for FY2001 through FY2005 were based on the 20% growth rate.

**Equipment costs include:**

- \* Computers (work stations) - \$22,500 (one time expense)
- \* Computers (laptop for onsite reports) - \$7,611 (one time expense)
- \* Server - \$15,000 (one time expense)
- \* Battery Backup/UPS/HUB - \$5,000 (one time expense)

Equipment costs for FY2001 through FY2005 were estimated at a minimum \$1,000/year.

These estimates represent resources that would be expected in order to run an effective ALH licensure program, and to ensure ALHs are providing safe and adequate services. It provides for necessary complaint investigations.

**Fees**

Licensure fees if collected would not be expected to offset expenditures by much. Licensure fees currently collected by DMHDD and Senior Services would be estimated to bring the following if annual licensure was required:

Annual application fees	- \$14,175
Additional bed fees	- \$24,500
Total	- \$38,675

This does not include any fees paid by voluntary licensed ALHs.

This Fiscal Note does not include program receipts as a funding source.

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. HB 16

Revision Date: \_\_\_\_\_  
Title: Licensure of Assisted Living Facilities  
Sponsor: Representative Croft  
Requestor: (H) STA

Department Affected: Administration  
BRU: Senior Services  
Component: Protection, Community Services, & Administration  
COMPONENT SERIAL NO. 2083

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	(72.3)					
TRAVEL	0.0					
CONTRACTUAL	(5.0)					
SUPPLIES	(0.8)					
EQUIPMENT	0.0					
LAND & STRUCTURES	0.0					
GRANTS, CLAIMS	0.0					
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(78.1)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(78.1)					
1005 GF/Program Receipts	0.0					
1037 GF/Mental Health	0.0					
OTHER						
<b>TOTAL</b>	<b>(78.1)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 99) cost: \$ \_\_\_\_\_

POSITIONS:

FULL-TIME	-1.5					
PART-TIME						
TEMPORARY						

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

The Division of Senior Services currently licenses 90 assisted living homes. The statute change would remove responsibility for licensing and investigation from the Department of Administration. The Division has 1.5 FTE positions available currently for that function. This would move the responsibility to the Department of Health and Social Services. The Division of Senior Services would continue to be responsible for Assisted Living technical assistance and development of assisted living homes statewide for all homes who support the elderly and adults with physical disabilities.

Prepared by: Kav L. Burrows  
Division: Senior Services

Phone: (907) 269-3665  
Date: \_\_\_\_\_

Approved by Commissioner: Robert Poe Jr.  
Agency: Department of Administration

Date: 4/12/99

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## REPRESENTATIVE ERIC CROFT

### Sponsor Statement

#### House Bill 16

#### *"Consolidated Licensing for Assisted Living Care Facilities"*

House Bill 16 seeks to eliminate a perceived conflict of interest in the Department of Administration (DOA), Division of Senior Services (DSS) and Division of Alaska Longevity Services. Consequently, DSS licenses Pioneers' Homes of Alaska and DALs operates and budgets the Homes in addition to licensing other assisted care facilities. This has resulted in concern about the ability of DSS/DALS to objectively license/operate the Homes and other assisted living care facilities.

HB 16 will transfer licensing of all assisted living care facilities from DOA to the Department of Health and Social Services, Division of Medical Assistance (DMA). Changing the location of the licensing function will remove any conflict of interest now present.

HB 16 will also streamline licensing of assisted living care facilities, in addition to the Pioneers' Homes, by housing them in one division. Currently, the licenses of senior mental health and nursing home facilities are issued by DMA, while the licenses of assisted living facilities are issued by DSS/DALS. This bill will ensure all licensing for senior assisted living will be under one division and department, thus eliminating the need for two departments and divisions doing similar work.

HB 16 is based on one of the recommendations of the Office of the Long-Term Care Ombudsman.



# 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

January 22, 1999

**SUBJECT:** House Bill 16: Sectional analysis (Work Order No. 21-LS0155\A)

**TO:** Representative Eric Croft

**FROM:** Jack Chenoweth  
Assistant Revisor of Statutes

The principal purpose of the Act is to eliminate the division of licensing authority involving assisted living facilities that exists between the Department of Administration and the Department of Health & Social Services by combining the entire licensing responsibility in the latter department.

Licensing authority for assisted living facilities is generally set out in AS 47.33. The actual division of authority appears in existing AS 47.33.410(a). The chapter incorporates a definition of "licensing agency" that reflects the distinction.

The principal operative provisions of the bill are those that eliminate the division of authority--the repeal of AS 47.33.410(a) made in **bill section 16** and the revision of the definition of "licensing agency" in AS 47.33.990, amended in **bill section 15**.

The amendments made in **bill sections 1 - 14** and the repeal of the provisions in AS 47.33.410(b), 410(c), and 410(e) made in **bill section 16** are conforming amendments that eliminate references to the "Department of Administration" and that substitute references to a single "licensing agency" in appropriate places.

Standard "Applicability" and "Transition" provisions are set out in **bill sections 17 and 18** to ensure continuation of the obligations, rights, and remedies that are in effect on the date of the Act's taking effect.

**Bill section 19** gives the measure a July 1, 1999, effective date, the start of the next state fiscal year.

JBC:jdr  
99-032.jdr

SECTIONAL ANALYSIS

Lisa Caress-Beu

2420 Chinook Avenue

Anchorage, AK 99516

907.345.0515 tel.fax

Lisa.Be@qci.net

April 12, 1999

Representative Jeanette James, Chair

House State Affairs Committee

Juneau, AK 99801

For distribution to the members of the House State Affairs Committee:

I am unable to attend the hearing on HB16 on April 13, 1999 at 8:00am but would like to send my testimony to be considered.

In my opinion, HB16 represents a needed change within the licensing and enforcement system of the Pioneers' Homes and other Assisted Living Homes within Alaska. Currently statutes and regulations are frequently not enforced, violations are not issued and investigations are unproductive, even when they are enforced, it is not done uniformly or on a timely basis. The licensing division of Health and Social Services is experienced in enforcement of the more established nursing home statutes and regulations. This experience would be helpful in increasing the effectiveness of Assisted Living Home licensing. The dual housing of these two offices seems a logical step for proper administration.

Senior citizens of Alaska, particularly those in long term care facilities, deserve careful consideration of their plight. Vulnerable adults would benefit greatly from a more effective licensing and enforcement division to protect and oversee their conditions of care.

Representative Croft, along with Senator Ellis, has investigated the current system and found that changes are needed. Senators Ward, Wilken, Green and others have held hearings and have found that licensing violations certainly have not been issued to the Pioneers' Homes. Please support these needed changes by passage of this bill.

Sincerely,



Lisa Caress-Beu

**HB**


**17**



# Representative Tom Brice

## ALASKA STATE LEGISLATURE

119 N. Cushman, Ste. 205  
Fairbanks, AK 99701  
907-456-7423 / Fax: 451-9293  
*While in Juneau*  
State Capitol  
Juneau, AK 99801-1182  
907-465-3466

To: Representative Norman Rokeberg, Chairman House Labor & Commerce  
From: Representative Tom Brice   
Date: February 9, 1999  
Re: Section Analysis, HB 17 PERS Credit for Noncertificated Employees

**Section 1** amends AS 39.35.160 adding a subsection explaining that noncertificated employees who choose to have credited service counted under Teachers' Retirement System (TRS) formula have to pay a contribution surcharge for the service and the amount of the surcharge is the difference the employer would have had to pay for the extra time. Thus, the employee must pay for the cost.

**Section 2** amends 39.35.300 concerning employment with the state, to require that when determining how long a noncertificated employee of a state boarding school or the Alaska Vocational Technical Center has worked in a year, the employee can irrevocably choose to use the formula that is set out in the TRS for figuring credited service for members of TRS. Under that formula, an employee who works 172 days or more in a year is entitled to a full year of credited service. A year is figured from July 1 to June 30.

Noncertificated employees who wish to use the TRS formula must make the decision within 180 days after the effective date. Employees who are hired on or after the effective date must make the decision within the first 90 days of their employment.

**Section 3** makes similar changes to AS 39.35.310, concerning employment with other employers under the Public Employees' Retirement System. It permits an employee to choose to have the formula that is set out in TRS for figuring credited service for members of TRS to be used when determining how long a noncertificated employee of a school district or regional educational attendance area has worked in a year. Time limits and choices are irrevocable as stated in section 2.

#### **Section 4**

Provides that the Act takes effect July 1, 1999



# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. HB 17 (L&C)

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to the calculation of employee contributions and credited service in the public employees' retirement system ..."  
 Sponsor: Representative Brice  
 Requestor: (H) L&C

Department Affected: Administration  
 BRU: Centralized Administrative Services  
 Component: Retirement and Benefits  
 COMPONENT SERIAL NO. 64

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	72.4	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>72.4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1037 GF/Mental Health	0	0	0	0	0	0
OTHER (1029 P/E Retire)	72.4	0	0	0	0	0
<b>TOTAL</b>	<b>72.4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimate of any current year (FY 99) cost: \$ 0

**POSITIONS:**

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

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

The \$72.4 is needed to hire contractors to update the division's computer system to accommodate the proposed changes. In addition to contractor time, division staff will dedicate time to make system changes and the impacted school districts may also need to update their systems.

This change would affect approximately 6,660 current PERS members.

Prepared by: Guy Bell, Director  
 Division: Retirement and Benefits

Phone: 465-4470  
 Date: \_\_\_\_\_

Approved by Commissioner: Robert Poe Jr.  
 Agency: Department of Administration

Date: 3/5/99

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**Representative Tom Brice**  
**ALASKA STATE LEGISLATURE**

119 N. Cushman, Ste. 205  
Fairbanks, AK 99701  
907-456-7423 / Fax: 451-9293

*While in Juneau*  
State Capitol  
Juneau, AK 99801-1182  
907-465-3466

Memorandum

To: Representative Fred Dyson, Chairman, Health, Education and Social Services

From: Representative Tom Brice *TB*

Date: March 16, 1999

RE: HB 17 PERS Credit for Noncertificated Employees

I respectfully request that this bill be scheduled for a hearing in your committee. Attached are all the pertinent backup materials requested.



# Representative Tom Brice

## ALASKA STATE LEGISLATURE

119 N. Cushman, Ste. 205  
Fairbanks, AK 99701  
907-456-7423 / Fax: 451-9293  
*While in Juneau*  
State Capitol  
Juneau, AK 99801-1182  
907-465-3466

### Section Analysis

#### HB 17 PERS Credit for Noncertificated Employees

**Section 1** amends AS 39.35.160 adding a subsection explaining that noncertificated employees who choose to have credited service counted under Teachers' Retirement System (TRS) formula have to pay a contribution surcharge for the service and the amount of the surcharge is the difference the employer would have had to pay for the extra time. Thus, the employee must pay for the cost.

**Section 2** amends 39.35.300 concerning employment with the state, to require that when determining how long a noncertificated employee of a state boarding school or the Alaska Vocational Technical Center has worked in a year, the employee can irrevocably choose to use the formula that is set out in the TRS for figuring credited service for members of TRS. Under that formula, an employee who works 172 days or more in a year is entitled to a full year of credited service. A year is figured from July 1 to June 30.

Noncertificated employees who wish to use the TRS formula must make the decision within 180 days after the effective date. Employees who are hired on or after the effective date must make the decision within the first 90 days of their employment.

**Section 3** makes similar changes to AS 39.35.310, concerning employment with other employers under the Public Employees' Retirement System. It permits an employee to choose to have the formula that is set out in TRS for figuring credited service for members of TRS to be used when determining how long a noncertificated employee of a school district or regional educational attendance area has worked in a year. Time limits and choices are irrevocable as stated in section 2.

#### **Section 4**

Provides that the Act takes effect July 1, 1999



# Representative Tom Brice

## ALASKA STATE LEGISLATURE

119 N. Cushman, Ste. 205  
Fairbanks, AK 99701  
907-456-7423 / Fax: 451-9293

*While in Juneau*  
State Capitol  
Juneau, AK 99801-1182  
907-465-3466

### REPRESENTATIVE TOM BRICE SPONSOR STATEMENT FOR HB 17

Alaska has many noncertificated employees in its schools who work nine, ten or eleven months out of the year along with their certificated counterparts. The certificated employees receive a full year credit for the part of the year they work while the noncertificated employee only get credit for the actual time worked. Because of this, a nine month employee has to work 40 years to receive a 30 year retirement.

This bill addresses the inequity in state law and PERS system by giving noncertificated school employees who work a comparable amount of days the option to use the same retirement formula that certificated employees use. This bill will allow those noncertificated school district employees to receive the same amount of credit toward retirement as those certificated employees who work the same amount of time and receive a full year of credit toward retirement.

The cost of changing the PERS system, under this bill, will be supported by the employees, rather than increasing the burden to school districts. Employees currently active in the system will have 180 days to opt into the new program. New employees will have the option to participate within 90 days of inception. That is within beginning employment within the system.

Thank you for your consideration.



(7)

Date Referred to Committee: January 19, 1999

FURTHER REFERRALS:

Date of Committee Action: 15 March 1999

The LABOR AND COMMERCE Committee considered:

HI

HOUSE BILL NO. 17

PERS CREDIT FOR NONCERTIFICATED EMPLOY.

"An Act relating to the calculation of employee contributions and credited service in the public employees' retirement system for noncertificated employees of school districts, regional educational attendance areas, the Alaska Vocational Technical Center, and the state boarding schools; and providing for an effective date."

recommends it be replaced with the following committee substitute \_\_\_\_\_ [ ] the same title [ ] a new title

[ ] additional referral to \_\_\_\_\_ Committee [ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

[x] fiscal note(s) DOA [ ] fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_ [ ] zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>John P. Harris</i>	✓			
<i>Samuel Medina</i>	✓			
<i>Don Ducep</i>	✓			
<i>Sam Sander</i>	✓			
<i>Chitt</i>	✓			
<i>Don</i>	✓			
<i>Sam Kelly</i>	✓			

CHAIR'S SIGNATURE *Sam Kelly* 3-15-99

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. HB 17 (L&C)

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to the calculation of employee contributions and credited service in the public employees' retirement system ..."  
 Sponsor: Representative Brice  
 Requestor: (H) L&C

Department Affected: Administration  
 BRU: Centralized Administrative Services  
 Component: Retirement and Benefits  
 COMPONENT SERIAL NO. 64

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	72.4	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>72.4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1037 GF/Mental Health	0	0	0	0	0	0
OTHER (1029 P/E Retire)	72.4	0	0	0	0	0
<b>TOTAL</b>	<b>72.4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimate of any current year (FY 99) cost: \$ 0

**POSITIONS:**

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

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

The \$72.4 is needed to hire contractors to update the division's computer system to accommodate the proposed changes. In addition to contractor time, division staff will dedicate time to make system changes and the impacted school districts may also need to update their systems.

This change would affect approximately 6,660 current PERS members.

Prepared by: Guy Bell, Director  
 Division: Retirement and Benefits

Phone: 465-4470  
 Date: \_\_\_\_\_

Approved by Commissioner: Robert Poe Jr.  
 Agency: Department of Administration

Date: 3/5/99

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EDUCATION SUPPORT STAFF ASSOCIATION  
2118 Cushman Street  
Fairbanks, Alaska 99701  
(907) 456-4435

February 18, 1999

Rep. Tom Brice  
House of Representatives  
State Capitol  
Juneau, AK 99801-1182

Dear Rep. Brice:

On behalf of the Executive Board of the Education Support Staff Association, I want to thank you sincerely for your sponsorship of HB 17 to provide nine and 10-month classified school district employees with credit for full-year retirement under the Public Employee Retirement System.

As you are well aware, this change would mean that classified and certified staff would be treated the same way for the first time when it comes to earning retirement credit. This is only fair to employees who work in the service of students and the public.

Your bill would benefit approximately 450 employees in the Fairbanks North Star Borough School District and approximately 6,000 statewide.

We hope that you will request a prompt hearing on the bill in the Labor & Commerce Committee. Our members will also be urging the chairperson to schedule hearings soon.

Again, thank you very much for your efforts to help school district classified staff to provide for a more secure retirement after their years of work for students.

Sincerely,

Ray Eddy  
Political Action Committee Chairperson

P.S. Thank you also for sponsoring HB 1. ESSA supports this bill to benefit our public employee colleagues.



# General Teamsters Local 959 State of Alaska

*Affiliated with International Brotherhood of Teamsters*

ANCHORAGE, ALASKA 99503, 520 E. 34TH AVE. (907) 565-8122 FAX (907) 565-8285 GERALD L. HOOD, Secretary-Treasurer

FAIRBANKS, ALASKA 99707, P.O. Box 70609 (907) 452-2959 FAX (907) 452-5051  
JUNEAU, ALASKA 99801, 306 Willoughby (907) 586-3225 FAX (907) 586-1227  
KENAI, ALASKA 99611, P.O. BOX 3150 (907) 283-4498 FAX (907) 283-8030

March 8, 1999

MAR 09 1999

*Representative Norman Rokeberg, Chair  
Representative Andrew Halcro, Vice Chair  
Labor and Commerce Committee  
State Capitol  
Juneau, AK 99801*

Re: *HB 17 PERS Credit For Non-Certified Employees*

*Dear Representatives Rokeberg & Halcro:*

*Teamsters Local 959 represents non-certified employees most predominantly in the Anchorage School District. Several hundred of those members actually work less than twelve months of the year due to the nature of their jobs. As we understand HB 17, it would allow those members, by individual choice, the opportunity to receive the same credited year as their certified counterparts for purposes of retirement. Any increased cost under this bill would be born by the employee, not the employer (Anchorage School District).*

*We urge your support and passage of this bill to allow, by employee choice, the opportunity to increase their credited service time as is currently the option for the certified employees.*

*Sincerely,*

TEAMSTERS LOCAL 959

  
Gerald L. Hood  
Secretary-Treasurer

*/ljr*

cc: *Representative Jerry Sanders  
Representative Lisa Murkowski  
Representative John Harris  
Representative Tom Brice  
Representative Sharon Cissna*



POSITION STATEMENT



# Alaska State Legislature

Please enter into the record my testimony to the House Labor & Commerce  
committee name

committee on HB 17, dated 3/12/99  
bill/subject

*Pers Credit for Non-Certificated  
Employees.*

Signed: Jackie Nelson-Rizardi  
Testifier

DGESPA Delta-Greely Educational  
Representing (Optional) Support Personnel  
Association

Address HC 60 Bx 4180, Delta Jet,  
AK (907) 895-4217  
Phone No.

3/86 Legislative Information Office

1084

## MY TESTIMONY IN SUPPORT OF HB 17

In asking for your SUPPORT of HB 17, non-certificated school employees are seeking a move toward EQUITY with other education, state and seasonal employees. You, as legislators are afforded this benefit for a 121 day work year. Many City and Borough elected officials receive a full year's credit in PERS unless otherwise compensated when by their choice they have the option to waive out of PERS. School Board members who meet an average of two (2) to (3) times a month receive a full year's retirement under PERS. We work approximately 180 days plus and DO NOT receive a full year's credit in PERS!

Other seasonal employees across the State, such as those employed by the Highway Department, Fish and Game, Forestry, do not receive a full year's credit under PERS, but they are otherwise compensated by being ELIGIBLE for UNEMPLOYMENT BENEFITS when they are NOT working. We are NOT even allowed to collect unemployment. Even the most aggressive job seekers amongst us cannot find employers, who pay more than the minimum wage, to hire us (no matter how qualified) for a two (2) to three (3) month period in the Summer!

Privately contracted school employees, such as bus drivers work less hours per day, as a rule, but the exact same work year, and though not in PERS, they too are eligible for UNEMPLOYMENT COMPENSATION, while we are NOT!

2014

Prior to about 1992, many more non-certificated school employees were twelve-month employees thereby eligible for a year-for-a-year's credit in PERS. With Districts receiving less and less funding for education year after year, they have sought to recoup financially by slashing our hours, benefits, and work years, etc. I began twenty years ago as a nine-month school employee and my work year has been methodically eroded to a bare eight (8) months and \$1,000 less pay for my efforts, that's with a 2% raise last year! As education continues to be inadequately funded, we see more and more districts, with your support looking to the RIP to alleviate their financial stress by having more and more employees of longevity, certificated and non-certificated, retiring. These are usually the folks at the top of the salary schedule, so the savings can be tremendous. What some people don't realize is that unlike certificated employees, it can cost the districts more to pay our three (3) years than they save by offering us the RIP because they have to pay PERS for a full twelve-month year for each of the three years whether we work twelve (12) months or NOT. It's usually NOT.

Non-certificated employees have been penalized long enough! When there are budget crunches in school districts, we are "selected" as the first to be hit. We have a history of being discriminated against in the areas of benefits, unemployment compensation, job security, contracting out, the right to bargain,

3064

**and this, retirement credit in PERS!**

**We are not asking for charity, but simply a benefit afforded other education, state and seasonal employees! After working in the same school job for nineteen (20) years, I currently, at almost 47 year's old, have only just over seven and a half (7 1/2) year's retirement credit in PERS! You do the math, I figure that I may not even LIVE LONG ENOUGH to see retirement!!**

**I had to wait until I was "permitted " to bargain, in 1989, before I even got into PERS. Non-certificated school employees with twenty (20) to thirty (30) years in their jobs can't AFFORD to retire unless they brought PERS credit with them from a previous employer. I am a professional as are my co-workers and members. We only ask that you treat us as professionals with EQUAL RIGHTS under the law. Please don't continue this INEQUITY. Let this Legislature be known as a body of fairness and foresight, NOT one that chooses to continue the INEQUITIES of the past!**

**PLEASE DO PASS HB 17 !! Thank you for your time.**

4064

3/15/99

## NEA-Alaska Position Paper Full Year Credit

We seek legislation to cause equitable treatment between teachers and school employees. After twenty years of service in an Alaska school district a teacher receives twenty years of credit for purposes of retirement. In contrast a school secretary, custodian, or school bus driver working the same 20 years receives only 15 years of service credit. For a support worker it will take 26.7 years to receive an equivalent of 20 years credit. It takes a support employee working a nine-month school term 40 years to get 30 years of service credit. It takes the same employee 6.8 years to vest in the retirement system instead of five.

Recent legislative changes have made it harder for school support staff members to vest in order to qualify for health insurance at retirement. Now a newly employed school support employee working on a nine-month contract must work 13.3 years instead of the 10-year vesting requirement in order to be able to receive health insurance.

It's not difficult to understand why retirement incentives have not been made available to school support employees. For a school district to RIP a nine-month employee, the district must pay a twelve-month retirement credit and the savings that would accrue are lost in the purchasing of the extra year. To provide a three-year incentive, a school district would have to purchase four work years.

Meanwhile a support employee has limited opportunities to seek summer employment in many communities in Alaska. In particular jobs that allow the employee to add to their PERS time during the summer months are virtually non-existent.

We seek equity. We realize the importance of the work provided by support staff who work shoulder to shoulder with teachers and administrators. The societal pressures are many times the same for support staff as for teachers.

We find that Alaska's population continues to grow; increasing student enrollment causes increased work demands on support staff. They too are required to make ends meet. They work to do more with less each year. The stress of work is as prevalent with them as with teachers.

In 1997 and 1998 Alaska schools hired the largest number of new teachers ever. We do not have statistics on support staff turn over. Support staff generally represents a stable work force within schools and communities. But if teacher turnover statistics are any indicator of possible support turnover, we face a developing hiring crisis. Alaska must initiate efforts now to attract and retain teachers and support staff so that we can maintain excellent schools for children.

SB 9 and 16 and HB 17 are steps in the right direction establishing a degree of equity with other employees and elected officials of school districts. School board members who participate in PERS receive a year's credit for attendance and work related to their duties as members of the board. Support employees ask for the same benefit and they are willing to pay for it.

School employees have heard others argue that they are treated no differently than seasonal workers. School support employees are treated different in ways other than retirement. For example, seasonal workers are entitled to unemployment benefits during non-work time. School support staff are specifically excluded from unemployment benefits during non-work time. Most school employees are precluded from getting summer job opportunities because the school year runs into early June and most tourist related jobs begin in early May.

In addition school support employees have seen benefits and hours reduced. In the public sector, they have become the lowest paid.

March 3, 1999

Honorable Senators & Representatives:

I urge you to give serious consideration of passing House Bill 17 and Senate Bill 16 regarding changes to public employees' retirement (PERS).

As a school district employee for the last eleven years, I've now just accrued seven years toward my retirement. I'm working eight hours a day for ten months of the year but get retirement on a pro-rated basis.

This is not equitable treatment for personnel under the PERS retirement system when teachers, under the TRS system, receive a years retirement for nine months of employment.

In my opinion all state employess should be treated equally and fairly in regard to their retirement benefits.

Thank You,

Linda Yost  
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