

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 00/2

10195 HOUSE HEALTH EDUCATION & SOCIAL SERVICES 40

**HB**

**54**

# Alaska State Legislature

Legislative Committees:  
House Finance Committee

Legislative Budget Subcommittees:  
University of Alaska  
Department of Natural Resources  
Department of Environmental Conservation



119 N. Cushman Street Suite 207  
Fairbanks, Alaska 99701  
(907) 456-8172  
FAX (907) 451-9293

While in Session  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4457  
FAX (907) 465-3519

## Representative John Davies District 29

### Sponsor Statement CSHB 54

This legislation is designed to encourage Alaskans to live and work in Alaska after graduating from a post-secondary school or university. Our student loan program has the unintended effect of encouraging the brain-drain from Alaska by helping to finance our students who attend out-of-state schools. Since students are likely to gain employment near the school from which they graduate, by helping them study outside, we help them stay outside.

This bill provides a financial incentive for students to stay in or return to Alaska by offering a reduced interest rate on their student loan if they choose employment in Alaska after graduation. As long as a person remains in Alaska the lower rate would be in effect; so the longer the residence, the greater the benefit. It is expected that the present level of capitalization of the student loan program could finance this lower interest rate. While it may reduce or eliminate the dividend that the program pays to the general fund, it would not require any other general fund subsidy.

This incentive will encourage our students to seek employment in Alaska. After investing in 12 or more years of education for our children, we should encourage them to utilize their skills and talent close to home. This will provide a more stable work force and help to keep families closer together.



# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB54(EDU)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): 2/14/01/4:00PM Education  
Title: An Act relating to the rate of interest applicable to student loans; and providing for an effective date. BRU: ACPE  
Sponsor: Rep. Davies Component: Student Loan Operation  
Requester: (H) HESS Component Number: 213

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	0.0	177.6	360.8	549.5	743.5	942.3
<b>TCTAL OPERATING</b>	<b>0.0</b>	<b>177.6</b>	<b>360.8</b>	<b>549.5</b>	<b>743.5</b>	<b>942.3</b>

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

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	177.6	360.8	549.5	743.5	942.3
1005 Gr/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>1,7.6</b>	<b>360.8</b>	<b>549.5</b>	<b>743.5</b>	<b>942.3</b>

Estimate of any current year (FY2001) cost: 0.0

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

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This legislation prospectively changes the terms and conditions of loans issued under the Alaska Student Program to allow for an interest rate reduction for any borrower who has completed a career education program or received an undergraduate degree and is employed within the state.

HB54 recognizes that Alaska Student Loans are made available through the sale of bonds issued and subject to the terms of a Trust Indenture. Bond covenants would prevent use of corporation cash to fund the reimbursement proposed.

Operationally, a data management process would need to be developed and staff designated to track the employment status of borrowers remaining in or returning to Alaska.

To estimate the cost of this legislation, loan originations are assumed to be \$50,000,000 each year beginning with the 2001-2002 academic year. Based on 35% eligibility, two scenarios are provided to show funding requirements for a 50 basis point and 100 basis point reduction as provided in this legislation. Costs shown above are the more conservative estimates of 100 basis points.

Prepared by: Sheila King, Finance Officer Phone 465-6757  
Division: Finance Date/Time 2/14/01 4:00 PM  
Approved by: Diane Barrans, Executive Director Date 2/14/2001  
Agency: Alaska Commission on Postsecondary Education

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

\*Estimate of funds required to fund the interest rate reduction on loans originated on or after July 1, 2001, assuming \$50 million in new loans issued each year :

Assumes 35% eligibility:

	2002	2003	2004	2005	2006	2007
50 basis point reduction	0.0	89.0	181.3	276.9	375.6	477.5
100 basis point reduction	0.0	177.6	360.8	549.5	743.5	942.3

Based on these assumptions, the costs would peak at year 15 (2017) at \$1.6 million (50 basis points)/ \$2.9 million (100 basis points).

# Alaska State Legislature

Legislative Committees:  
House Finance Committee

Legislative Budget Subcommittees:  
University of Alaska  
Department of Natural Resources  
Department of Environmental Conservation

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FAX (907) 451-9293

While in Session  
State Capitol  
Juneau, Alaska 99801-1102  
(907) 465-4457  
FAX (907) 465-3519

Representative John Davies  
District 29

## MEMORANDUM

To: Representative Fred Dyson

From: Representative John Davies *J.N.D.*

Date: February 19, 2001

RE: CSHB 54 – Hearing Request

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I would like to request a hearing before the House Health, Education, and Social Services Committee for my bill CSHB 54:

**“An Act relating to the rate of interest applicable to student loans; and providing for an effective date.”**

Please let me know if you have any questions. Thank you.



# Alaska State Legislature

*Legislative Committees:*  
House Finance Committee

*Legislative Budget Subcommittees:*  
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*While in Session*  
State Capitol  
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(907) 465-3457  
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## Representative John Davies District 29

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# 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


State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

January 30, 2001

**SUBJECT:** Sectional Summary of HB 54 - student loans.

**TO:** Representative John Davies  
Attn: Amy

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

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

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

**Section 1.** Technical amendment.

**Section 2.** Provides for a reduced interest rate for individuals who receive a student loan and who return to work in Alaska. Requires the Commissioner on Postsecondary Education to determine the exact interest rate. Provides that a reduced rate of interest may not be granted if the reduction affects administration of the student loan program.

**Section 3.** Provides that the Act applies to loans and to employment occurring after July 1, 2001.

**Section 4.** Effective date.

MFF:glc  
01-076.glc

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

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Temporary						

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Prepared by: Sheila King, Finance Officer Phone 465-6757  
 Division: Finance Date/Time 2/14/01 4:00 PM  
 Approved by: Diane Barrans, Executive Director Date 2/14/2001  
 Agency: Alaska Commission on Postsecondary Education

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

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Based on these assumptions, the costs would peak at year 15 (2017) at \$1.6 million (50 basis points)/ \$2.9 million (100 basis points).

**Alaska Association of School Administrators  
Resolution #3  
Teacher Loan Forgiveness**

WHEREAS, nothing is more effective at raising student achievement than quality teachers; and

WHEREAS, Alaska and the United States are experiencing a teacher shortage; and

WHEREAS, teacher turnover is at best disruptive and at worst disabling to education reform, and is an especially an acute problem in : al Alaska; and

WHEREAS, the need for committed, quality teachers has never been greater; and

WHEREAS, Alaska Student Loans serve a valuable public purpose by enabling thousands of Alaska students to attend colleges and universities each year; and

WHEREAS, Alaska Student Loan program terms have been higher than those available through private lenders and have only recently been reduced and remain more expensive than those offered by federal loan programs; and

WHEREAS, the current Teacher Scholarship Loan program serves only a limited number of students each year, and those are limited to rural districts; and

WHEREAS, the Alaska student loan forgiveness program that ended in the 1980's enticed many educated Alaskans to return to our state where, by the time the forgiveness cycle had run its course, those young people had established homes and families; and

WHEREAS, Alaska benefits when Alaskans return to make their homes in our state; and

WHEREAS, the federal Department of Education now forgives the first \$5000 of federal student loans for teachers who work five years in needy schools; and

WHEREAS, demographic trends make it unlikely that Alaska educational institutions will even under the best of circumstances, be able to produce more than one third of the teachers our schools need each year; and

WHEREAS, the investment needed to fund a teacher loan forgiveness program would pay great dividends to Alaska in the form of better schools, teachers, and more capable students;

**THEREFORE IT IS RESOLVED** the Alaska Association of School Administrators calls upon the Alaska Commission of Post-secondary Education, the Governor, and the Legislature to reinstate a loan forgiveness program for teachers and administrators working under contract in Alaska schools.

ADOPTED: Petersburg, October 7, 2000



# Let's Attract the Brightest and Best into Education Careers

## THE APPLICANT POOL IS THINNING

By Darroll Hargraves  
Executive Director, ACSA

When does a crisis become a catastrophe? It's a question we'd better start asking now. Why? Because, for communities across Alaska and our nation, the pipeline is drying up as school systems try to attract the qualified teachers and administrators they need to provide leadership for children's education in Alaska.

The sense of urgency couldn't be greater, according to "The Shrinking Applicant Pool," a commentary in the November 8, 2000, issue of *Education Week*. The author, University of Memphis professor Thomas Glass, knows his stuff. In fact, he has conducted studies of the American school superintendency for the 1990s and for the first decade of the 21<sup>st</sup> century. He did not look specifically at Alaska, but what he learned reflects the story in Alaska.

Alaska has been blessed with magnificently talented and dedicated people who have served as superintendents and principals. However, a recent study indicates that our nation's nearly 14,000 school districts will be faced with hiring 8,000 new superintendents during the first eight years of the 21<sup>st</sup> century, primarily because of retirements and people simply leaving the field. Another study revealed that 55 percent of rural, 45 percent of suburban, and 47 percent of urban school districts are currently facing a shortage of qualified candidates for the principalship. And we may see 33% of the superintendents vacate their position each year. Where does that leave us? It sets us up for a leadership gap in some of the most important public positions in our democracy.

Glass points out reasons for "thin applicant pools" which may apply to Alaska:

- strains in board-superintendent relations;
- salary that is inadequate to cover the responsibility and risk;
- spouses who find it difficult to move because they hold professional positions in their communities;
- a search process that is often so public and intrusive that it can put administrators at risk in their present positions;
- a growing tendency for superintendents and most of the rest of us to be increasingly concerned about quality of life, no matter what the salary;
- media that are poised for attack at the drop of an application;
- family concerns, ranging from the ability to afford quality housing to moving children at sensitive ages;
- retirement systems that are not portable from state-to-state;
- vacancy notices that seem to exclude new candidates, and school boards that change after a few years and want to hire "their own superintendent."

What's at stake? The education of our children and the future of our state and nation are on the block! While it is hard to break old habits, perhaps the time has come to face some of the problems Glass has pointed out.

What question should we be asking? I suggest we rev up discussion. How can we continue to attract the brightest and best in our society into careers in education—in this case, the superintendency?"

I'd like to enhance Glass' suggestions with key questions that should guide us in our discussions. Here are a few:

- School systems are often the largest institution in the community, with a larger staff and budget, more extensive physical plant, and responsibility for delivering a vitally important service to hundreds or thousands of people. Are we willing to consider

what the leaders of these organizations would make if they were CEOs or top managers of similar sized businesses?

- Are we willing to offer extended contracts that will attract outstanding education leaders who would like a bit more job security?
- Is it possible for us to realize that superintendents are overburdened by never-ending demands, that they are always on call, and that they need help to get the job done? Too often, administrators are forced to shift focus from what makes a difference in the classroom to dealing with the whim of a single-issue person with friends in high places that drives some people right out of education.
- Can we accept the fact that anyone who is a leader of learning must also continue to learn? Too often, when educators attend a conference, someone yells, "Junket." Most people in professional life understand that travel and conferences, coupled with ongoing concern about making sure everything is moving ahead on the home front, is very hard work.
- Can outstanding school board members convince some of their colleagues that micro-management and treating educators with only a marginal level of respect will jeopardize education for children?
- Is it possible for administrators, teachers, school boards, and communities to work as a team on behalf of even better education for students?

These are issues each and every community must face if we hope to prepare our children for life in a new century and new millennium. When you come down to it, ensuring the best possible education for Alaska's children will ultimately be the most important thing we ever do.

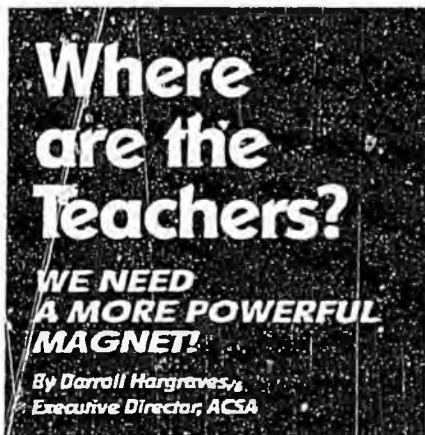


Alaska Association of Elementary School Principals  
 Alaska Association of Secondary School Principals  
 Alaska Association of School Administrators  
 Sponsor of the Alaska Staff Development Network

326 Fourth St. Suite 404 • Juneau, Alaska 99801-1101  
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 E-mail: [acsa@ptlalaska.net](mailto:acsa@ptlalaska.net) • HOME PAGE: [www.ptlalaska.net/~acsa](http://www.ptlalaska.net/~acsa)

## Alaska Council of School Administrators

Excerpt from the *ACSA Education Bulletin* January 2000 Issue



### What's the problem?

### What's getting the attention?

Interesting isn't it? During the past few years, public attention has been focused on funding, construction, standards, and testing. Each of these issues is important. However, whenever superintendents get together to talk about immediate and future concerns, another issue tops the agenda—the need to recruit, hire, and keep certified and qualified teachers and administrators.

**The recent announcement by the University of Alaska that a five-year program will be required for certification will further reduce the number of Alaskans to fill positions in our schools.**

Alaska is not alone. In fact, teacher shortages are entering a critical stage across the nation. U.S. Secretary of Education Richard Riley consistently expresses a concern about the ability of our schools to attract the very brightest and best into education careers. As student enrollments continue to climb nationally, demand is outstripping supply at a time when the hurdles are being lifted even higher. For example, the shortage is becoming even more acute because many states are increasing their standards

for teachers and some are requiring them to have majors in the subjects they teach or to pass qualifying tests. The recent announcement by the University of Alaska that a five-year program will be required for certification will further reduce the number of Alaskans to fill positions in our schools.

Salaries have not kept pace with what talented people can make outside the classroom. A recent Quality Counts 2000, 50-state survey, conducted by *Education Week*, found that one in five college graduates who began teaching in 1993-94 left within three years. The brightest novice teachers, as measured by their college-entrance exams, were the most likely to leave, the study revealed.

**There was a time, not so long ago, when Alaska was a magnet for educators.**

What's at stake here? The immediate concern for many educators is having excellent teachers in the classroom—preparing students to pass exit exams that are looming in their future. Even more importantly, they are concerned about preparing students for life in the 21st century.

There was a time, not so long ago, when Alaska was a magnet for educators. Our salaries were the highest in the nation. Our recruiters could promise adventure, good hunting and fishing, and a lifestyle that attracted exceptional talent. Let's face it. What worked in the past is not getting us the number and level of certified, qualified educators we need today and will need in the future.

While average teacher salaries in Alaska are still above the national average, we are now caught in what the *New York Times* calls a bidding war. That war has spread from coast to coast, and we are not winning. In fact, we are being out-manuevered as never before. Take, for example, the incentives being offered in several states. California is offering \$10,000

interest-free loans for buying a home, \$30,000 bonuses for attaining advanced certification, and \$11,000 to repay college loans. In Texas, \$2,000 signing bonuses are becoming commonplace. Southern states such as Florida, Georgia and Mississippi have districts paying bonuses of up to \$6,000 to retain quality teachers.

As crises show signs of becoming catastrophes, some state legislatures and state departments of education have gotten the ball rolling on bringing retired teachers and administrators back into the system. Those early retirement incentives that were sold, in some case, as a way to remove the "dead wood" are now looking more like they've caused a "brain drain."

Salaries are a major problem, both for teachers and administrators. Alaska's largest districts provide an example of how noncompetitive our salaries are. These districts have budgets, enrollments, numbers of employees, physical plants, and demands comparable to large districts outside the state that are paying their superintendents nearly double. In fact, an Alaska board member recently admitted to the media that their superintendent is underpaid and speculated that if the present superintendent left and had to be replaced, it would require an additional \$50,000. Even that level of an increase would be low compared to salaries paid in comparable districts outside.

Granted, we need to pay attention to standards, facilities, and a number of other critical issues. At the same time, let's not forget that our ability to attract and keep outstanding teachers and administrators is basic to everything we hope to accomplish. Alaska needs a constant flow of quality, certifiable educators. While the problem may not be completely solved during this session of the Legislature, we simply must make sure that it receives the attention it deserves. The future of our kids depends on it.

# LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY  
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## MEMORANDUM

January 30, 2001

**SUBJECT:** Sectional Summary of HB 54 - student loans.

**TO:** Representative John Davies  
Attn: Amy

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

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

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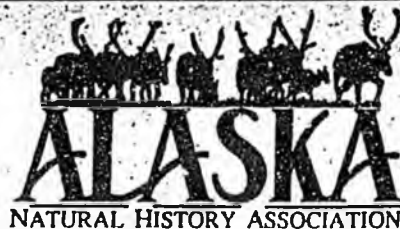
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**Section 3.** Provides that the Act applies to loans and to employment occurring after July 1, 2001.

**Section 4.** Effective date.

MFF:glc  
01-076.glc



Alaska Public Lands Information Center  
250 Cushman Street, Suite 1A, Fairbanks, AK 99701  
(907) 456-0530

Jennifer Bell  
Branch Manager  
January 24, 2001

Fairbanks Representative John Davies  
1998 Kittiwake Dr.  
Fairbanks, AK 99709

Dear Mr. Davies;

My name is Jennifer Bell and I am a 21-year-old Business Administration major at UAF with an emphasis on Management and Organizations. I am writing this letter in support of your House Bill 54, which deals with rewarding Alaska students who graduate and remain in Alaska to work. I was very excited to read of your proposal in last Thursday's Daily News-Miner (January 18) as I think it is an excellent idea. I will be graduating in May of this year and have had no intention whatsoever of remaining here to work. I have already had several excellent job leads in places such as Phoenix and Dallas, and fully intended to accept a position once I graduated. Once I read the article, though, I really began to think about my job opportunities here in the state. I immediately got on the Internet and searched for jobs in Alaska and found several potential positions. Your bill would definitely encourage me to remain here and use my skills and education to better Alaska, rather than taking them to the Lower 48. I firmly believe that the incentive would be great for many other students also, and that the cost would be far outweighed by the advantage that it would bring to Alaska. I hope that the House Special Committee on Education takes your proposal seriously and that House Bill 54 will pass. If I can be of any help on the matter please let me know. Thank you for your time.

Sincerely,

Jennifer Kathleen Bell

**Subject: Alaska Student Loan partial forgiveness bill**

**Date: Sat, 27 Jan 2001 12:07:45 EST**

**From: Astridrider@aol.com**

**To: Representative\_John\_Davies@legis.state.ak.us**

Rep. Davies,

I support your efforts to offer incentives to people in all professions regarding the forgiveness clause in keeping qualified people in the State of Alaska. In our case, our son will graduate from college this coming May and is applying to Medical Schools. He has expressed a desire to stay in Alaska upon graduation. I do not know how your bill applies to graduate students, but I do think what you are trying to accomplish is indeed a worthwhile effort.

Sincerely,  
Mrs. Patrick Rider

**Subject:** Alaska Student Loans

**Date:** Sat, 3 Feb 2001 13:59:00 -0900

**From:** "Action Rehab" <rehab@alaska.net>

**To:** <Representative\_John\_Davies@legis.state.ak.us>

**CC:** "Stephanie Yates" <syates10@hotmail.com>

Dear Mr. Davies,

Currently I am not in Fairbanks (I'm in Juneau working), however I am a registered voter of Fairbanks. My parents have informed me that you have headed up a bill this legislative session that addresses student loans.

I attended UAF for my undergrad degree. Afterwards I had to attend an out-of-state college to receive my Master's in Physical Therapy, since this program is not offered in our state. To attend that program, I paid out-of-state tuition and acquired a large student loan debt, for which AK Student Loan holds \$25,000 of that debt. I began paying on this loan as of 1-00 with one of my loans charging a 9% interest rate. My question is if a bill is passed to decrease the interest rate charged on student loans, would it only encompass student loans that are taken out after 7-01-01 or would it also change current loans?

My concern in this matter is that if this bill does not address current loans that we are not adequately serving our recently higher educated population. While I was in high school, the complete forgiveness of student loans was overturned and if we now enact legislation for future loans, we are not addressing the concerns of students educated over the past ten years. In addition, the bill seems to only address undergrad programs. I feel that our state's university system lacks professional programs for medical professions (including physical therapy) therefore our students must go out of state to receive this education, which is typically beyond an undergrad degree. We need to create incentives for our professionals to come back to our State because we need these students/professionals. In essence, I feel a bill of this nature should reduce the interest for all students currently paying or who will be paying on AK student loans in the future. In addition, the bill should allow this rate to be effective for loans taken out for undergrad and graduate programs. Thank you for your time.

Sincerely,

Stephanie Yates

1150 Ivy Drive

Fairbanks, AK 99709

907-479-8031

**HB**

**65**

# STATE OF ALASKA

## DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030  
FAX: (907) 465-3068

January 18, 2001

Honorable Fred Dyson, Chairman  
House Health, Education and  
Social Services Committee  
State Capitol; Room 104  
Juneau, AK 99801-1182

Dear Chairman Dyson,

The Department of Health and Social Services respectfully requests a hearing in the House Health, Education and Social Services Committee on House Bill 65 "An Act relating to a new optional group of persons eligible for medical assistance who require treatment for breast or cervical cancer; and providing for an effective date."

Recently Congress enacted PL 106-354, effective October 1, 2000, that creates a new eligibility group of women diagnosed with breast or cervical cancer through the breast and cervical cancer early detection program funded by the Center for Disease Control (CDC). The Department of Health and Social Services has participated in the CDC program for some time.

House Bill 65 would add this new eligibility group to the Medicaid statute so that the women diagnosed through the early detection program can receive treatment paid for by Medicaid. The department estimates that approximately 40 women would benefit from the legislation in FY 2002.

A copy of the fiscal note submitted to the legislature at the time of introduction is attached. Your favorable consideration of this request will be most appreciated.

Sincerely,



Elmer A. Lindstrom  
Special Assistant to the Commissioner

CC: Mike Abbott, Legislative Director  
Office of the Governor

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: \_\_\_\_\_  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
 Title: Relating to eligibility of certain women screened BRU: Medical Assistance Adm  
to have breast and cervical cancer for Medicaid Component: Medicaid State Programs  
 Sponsor: Rules  
 Requester: \_\_\_\_\_ Component Number: 967

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
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Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	589.2	636.3	687.2	742.2	801.6	865.7
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>589.2</b>	<b>636.3</b>	<b>687.2</b>	<b>742.2</b>	<b>801.6</b>	<b>865.7</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts	413.4	446.5	482.2	520.8	562.5	607.5
1003 GF Match	175.8	189.8	205.0	221.4	239.1	258.2
1004 GF						
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Other (Specify Type)						
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Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 Legislation recently adopted by Congress creates a new Medicaid eligibility group for women diagnosed with cancer who were screened under the Breast and Cervical Cancer Detection Program funded through the Centers for Disease Control. Medicaid eligibility for these women lasts through treatment and includes all Medicaid covered services. The four grantees in Alaska diagnosed 39 women with breast cancer and 33 women with cervical cancer last year. Sixty-one percent of the breast cancer patients and eighteen percent of the cervical cancer patients were Alaska Native. Alaska Native women are not eligible for coverage under this option as they have creditable health insurance coverage as defined in the Public Health Service Act. Average Medicaid expenditures in FY 00 for women treated with these cancers were \$17,500 and \$12,100 respectively. Assumptions for this fiscal note were a federal match rate of 70.17 percent for FY02 (the State Children's Health insurance match rate) and an eight percent growth rate for each succeeding year.

Prepared by: Nancy Weller, State Federal and Tribal Relations *NW* Phone 465-3355  
 Division: Medical Assistance Date/Time 1/5/01 2:42 PM  
 Approved by: Karen Herdum, Commissioner Date 1/8/01  
 Agency: Department of Health and Social Services

For distribution information, call the Governor's Legislative Office



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April 11, 2001

Dear Representative Dyson:

On March 21<sup>st</sup>, Alaska Breast Cancer Advocacy Partners (ABCAP) co-sponsored a rally on the Capitol steps for SB38 and HR65, the Breast and Cervical Cancer Treatment bills. Petition cards and letters from that rally will be presented to you under separate cover today. We urge you to consider a hearing on this bill.

HR65 finishes what Congress started in 1990 by providing treatment for women screened through the Breast and Cervical Cancer Screening Program. Approximately 42 women per year are estimated to benefit from this legislation. The potentially fatal cancer diagnosis, combined with thousands of dollars in medical bills, is devastating to these women who have worked all their lives, many in small businesses that do not offer medical coverage.

We urge the House of Representatives to move forward with this bill to save women's lives for the small sum of \$175,000 per year, with a matching appropriation from the federal government of over \$400,000.

We urge you to call on your colleagues in HESS to help pass this legislation in the current session and show women in Alaska that you are concerned about breast cancer and you care.

Sincerely,

Carla Williams

State Coordinator for the National Breast Cancer Coalition  
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**Subject: My friend, Edie**

**Date:** Wed, 11 Apr 2001 21:21:37 -0700

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> when you suffered from cancer, you had an excellent health care package  
> and because of that you survived.  
> My friend Edith Flynn was not so lucky. She was a 41 year old single  
> mother of 3. She wasn't on welfare. She chose instead to babysit other  
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907/258-2702

**Subject: POM - Public Opinion Message Regarding SB38**

**Date:** Wed, 4 Apr 2001 10:20:24 -0700

**From:** "Erica Reinikka" <Erica\_Reinikka@usw.salvationarmy.org>

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Kind Regards,  
Erica Reinikka

Erica L. Reinikka  
425 South 156th Street, Apt 233-A  
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206-431-8327

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# STATE OF ALASKA

## DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030  
FAX: (907) 465-3068

January 18, 2001

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House Health, Education and  
Social Services Committee  
State Capitol; Room 104  
Juneau, AK 99801-1182

Dear Chairman Dyson,

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**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
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 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_  
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 Requester: \_\_\_\_\_

Dept. Affected: Health & Social Services  
 BRU: Medical Assistance Adm  
 Component: Medicaid State Programs  
 Component Number: 967

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

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Prepared by: Nancy Weller, State Federal and Tribal Relations *NW* Phone 465-3355  
 Division: Medical Assistance Date/Time 1/5/01 2:42 PM  
 Approved by: Karen Fierdie, Commissioner Date 1/8/01  
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For distribution information, call the Governor's Legislative Office

# STATE OF ALASKA

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OFFICE OF THE COMMISSIONER

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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts	413.4	446.5	482.2	520.8	562.5	607.5
1003 GF Match	175.8	189.8	205.0	221.4	239.1	258.2
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>589.2</b>	<b>636.3</b>	<b>687.2</b>	<b>742.2</b>	<b>801.6</b>	<b>865.7</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Legislation recently adopted by Congress creates a new Medicaid eligibility group for women diagnosed with cancer who were screened under the Breast and Cervical Cancer Detection Program funded through the Centers for Disease Control. Medicaid eligibility for these women lasts through treatment and includes all Medicaid covered services. The four grantees in Alaska diagnosed 39 women with breast cancer and 33 women with cervical cancer last year. Sixty-one percent of the breast cancer patients and eighteen percent of the cervical cancer patients were Alaska Native. Alaska Native women are not eligible for coverage under this option as they have creditable health insurance coverage as defined in the Public Health Service Act. Average Medicaid expenditures in FY 00 for women treated with these cancers were \$17,500 and \$12,100 respectively. Assumptions for this fiscal note were a federal match rate of 70.17 percent for FY02 (the State Children's Health Insurance match rate) and an eight percent growth rate for each succeeding year.

Prepared by: Nancy Weller, State Federal and Tribal Relations Phone 465-3355  
 Division: Medical Assistance Date/Time 1/5/01 2:42 PM  
 Approved by: Karen Fierdige, Commissioner Date 1/8/01  
 Agency: Department of Health and Social Services

For distribution information, call the Governor's Legislative Office

# STATE OF ALASKA

## DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030  
FAX: (907) 465-3068

January 18, 2001

Honorable Fred Dyson, Chairman  
House Health, Education and  
Social Services Committee  
State Capitol; Room 104  
Juneau, AK 99801-1182

Dear Chairman Dyson,

The Department of Health and Social Services respectfully requests a hearing in the House Health, Education and Social Services Committee on House Bill 65 "An Act relating to a new optional group of persons eligible for medical assistance who require treatment for breast or cervical cancer; and providing for an effective date."

Recently Congress enacted PL 106-354, effective October 1, 2000, that creates a new eligibility group of women diagnosed with breast or cervical cancer through the breast and cervical cancer early detection program funded by the Center for Disease Control (CDC). The Department of Health and Social Services has participated in the CDC program for some time.

House Bill 65 would add this new eligibility group to the Medicaid statute so that the women diagnosed through the early detection program can receive treatment paid for by Medicaid. The department estimates that approximately 40 women would benefit from the legislation in FY 2002.

A copy of the fiscal note submitted to the legislature at the time of introduction is attached. Your favorable consideration of this request will be most appreciated.

Sincerely,



Elmer A. Lindstrom  
Special Assistant to the Commissioner

CC: Mike Abbott, Legislative Director  
Office of the Governor

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: \_\_\_\_\_  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
 Title: Relating to eligibility of certain women screened BRU: Medical Assistance Adm  
to have breast and cervical cancer for Medicaid Component: Medicaid State Programs  
 Sponsor: Rules  
 Requester: \_\_\_\_\_ Component Number: 967

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	589.2	636.3	687.2	742.2	801.6	865.7
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>589.2</b>	<b>636.3</b>	<b>687.2</b>	<b>742.2</b>	<b>801.6</b>	<b>865.7</b>

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

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1003 GF Match	175.8	189.8	205.0	221.4	239.1	258.2
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<b>TOTAL</b>	<b>589.2</b>	<b>636.3</b>	<b>687.2</b>	<b>742.2</b>	<b>801.6</b>	<b>865.7</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Legislation recently adopted by Congress creates a new Medicaid eligibility group for women diagnosed with cancer who were screened under the Breast and Cervical Cancer Detection Program funded through the Centers for Disease Control. Medicaid eligibility for these women lasts through treatment and includes all Medicaid covered services. The four grantees in Alaska diagnosed 39 women with breast cancer and 33 women with cervical cancer last year. Sixty-one percent of the breast cancer patients and eighteen percent of the cervical cancer patients were Alaska Native. Alaska Native women are not eligible for coverage under this option as they have creditable health insurance coverage as defined in the Public Health Service Act. Average Medicaid expenditures in FY 00 for women treated with these cancers were \$17,500 and \$12,100 respectively. Assumptions for this fiscal note were a federal match rate of 70.17 percent for FY02 (the State Children's Health Insurance match rate) and an eight percent growth rate for each succeeding year.

Prepared by: Nancy Weller, State Federal and Tribal Relations Phone 465-3355  
 Division: Medical Assistance Date/Time 1/5/01 2:42 PM  
 Approved by: Karen Herdige, Commissioner Date 1/5/01  
 Agency: Department of Health and Social Services

For distribution information, call the Governor's Legislative Office

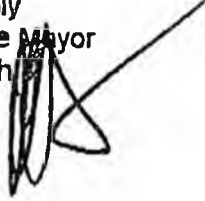
Assembly Members: Von Gemmingen, Abney, Fairclough, Clementson, Taylor, Sullivan, Traini, Kendall, Tesche, Tremaine, Van Etten

CLERK'S OFFICE

APPROVED

Date: 4-17-01

Submitted by: Chair of the Assembly  
At the Request of the Mayor  
Prepared by: Department of Health & Human Services  
For Reading: APRIL 17, 2001



ANCHORAGE, ALASKA  
AR NO. 2001-114

1 A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE ENDORSING AND  
2 SUPPORTING PASSAGE OF STATE LEGISLATION RELATING TO HEALTH CARE  
3 COVERAGE FOR PERSONS DIAGNOSED WITH BREAST OR CERVICAL CANCER.

4  
5 WHEREAS, Senate Bill 38 and House Bill 65 have been introduced in the Alaska  
6 Legislature which allows Alaska to opt into a federal-state expanded Medicaid coverage plan to  
7 treat uninsured women who have been diagnosed with breast or cervical cancer through the  
8 Centers for Disease Control's Breast & Cervical Cancer Early Detection Program; and  
9

10 WHEREAS, since the Breast & Cervical Cancer Detection Program began in 1995, 277  
11 cases of breast and cervical cancer have been detected through the Program; and  
12

13 WHEREAS, in 1997 Alaskan women had a 119.4 rate per 100,000 population age-  
14 adjusted to 1970 U.S. population for breast cancer and 8.8 rate for cervical cancer; and  
15

16 WHEREAS, in 1997 Anchorage women had 138 cases of breast cancer and 8 cases of  
17 cervical cancer; and  
18

19 WHEREAS, the Department of Health & Human Service's Reproductive Health Clinic  
20 provided over 2,000 breast and cervical cancer screenings in the year 2000 with 30 women  
21 having biopsy proven cancerous changes and six requiring treatment that was delayed up to a  
22 year due to a lack in financial resources; and  
23

24 WHEREAS, the Municipality of Anchorage has sponsored mammography screening at  
25 various municipal sites on an annual basis; and  
26

27 WHEREAS, the Anchorage Women's Commission at their April 10, 2001 meeting  
28 passed and approved a resolution urging the Mayor and Assembly to fully support SB38 and  
29 HB65.  
30

31  
32 NOW, THEREFORE, the Anchorage Assembly resolves:

33  
34 **Section 1.** That the Assembly endorses and recommends passage of Senate Bill 38  
35 and House Bill 65.  
36

37 **Section 2.** That, upon passage and approval, the Municipal Clerk forward a copy of  
38 this resolution to the State Legislature.  
39

40 PASSED AND APPROVED by the Assembly this 17<sup>th</sup> day of April, 2001.

1 | Endorsement of Senate Bill 38 and House Bill 65 Relating to Health Care Coverage  
2 | for Persons Diagnosed with Breast or Cervical Cancer  
3 | Page 2  
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*Fay Von Henniger*  
Chair

10 | ATTEST:  
11 |  
12 | *Debbie Cantrell*  
13 | Deputy  
14 | Municipal Clerk

*Municipality of Anchorage*

*Department of the Assembly*

Office of the Municipal Clerk

FAX (907) 343-4313

**FAX TRANSMISSION COVER SHEET**

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Date: 4/19/01

To: Dyren, Chair Fax: 465-4589

From: James, 343-4311

4 page(s), including this cover sheet.

Subject: Issue 65

Note:

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Visit us on the Internet!  
[www.muni.org/Assembly](http://www.muni.org/Assembly)



George P. Wuarich,  
Mayor

# Municipality of Anchorage

## Department of Health and Human Services

825 "L" Street

P.O. Box 196650 Anchorage, Alaska 99519-6650

<http://www.ci.anchorage.ak.us>



April 20, 2001

Representative Fred Dyson  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, AK 99801-1182

Dear Representative Dyson,

The Anchorage Women's Commission and the Anchorage Municipal Assembly unanimously voted, on April 10<sup>th</sup> and 17<sup>th</sup> respectively, to endorse Senate Bill 38 and House Bill 65. Both resolutions urge the Alaska State Legislature to pass these critical bills which would allow Alaska to opt into a Medicaid program to gain federal dollars for treating uninsured women diagnosed with breast or cervical cancer (under the Center for Disease Control Breast and Cervical Cancer Early Detection Program).

If you have any questions or concerns regarding the enclosed information, please contact me at (907) 343-6718.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jewel Jones', written over a horizontal line.

Jewel Jones  
Director  
Department of Health & Human Services

CLERK'S OFFICE

APPROVED

Date: 4-17-01

Submitted by: Chair of the Assembly  
At the Request of the Mayor  
Prepared by: Department of Health  
Human Services  
For Reading: APRIL 17, 2001

ANCHORAGE, ALASKA  
AR NO. 2001-114

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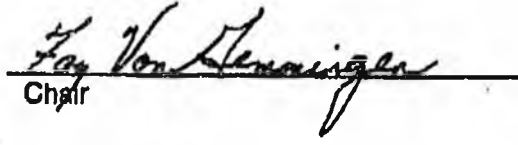
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1 | Endorsement of Senate Bill 38 and House Bill 65 Relating to Health Care Coverage  
2 | for Persons Diagnosed with Breast or Cervical Cancer  
3 | Page 2

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Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 367-2001

Meeting Date: APRIL 17, 2001

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**From:** Mayor

**Subject:** Endorsement of Senate Bill 38 and House Bill 65 Relating to Health Care Coverage for Persons Diagnosed with Breast or Cervical Cancer

Breast cancer is the most common invasive cancer for Alaskan women. Early detection increases the treatment options and the survival rates. Localized breast cancer has a 97% survival rate; if the cancer has spread regionally, the rate is 76% and if the cancer has metastasized the rate drops to 21%.

Cervical cancer rates have declined steadily since the Pap smear test became available. When detected at an early stage even invasive cervical cancer is one of the most successfully treatable cancers with a 91% survival rate.

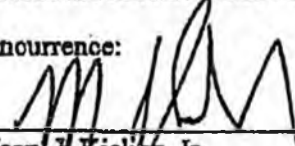
Currently the federal government pays for screening and diagnosis for low-income and uninsured women through the Center's for Disease Control's Breast & Cervical Cancer Early Detection Program. However, once cancer is diagnosed, there is no mechanism for providing treatment. Senate Bill 38 and House Bill 65 support the option to accept federal funds to expand Medicaid coverage for treatment for low-income women with no other coverage.


The attached resolution is being submitted to demonstrate support for this legislation and to urge the Alaska State Legislature to pass SB38 and HB65.

RECOMMENDATION:

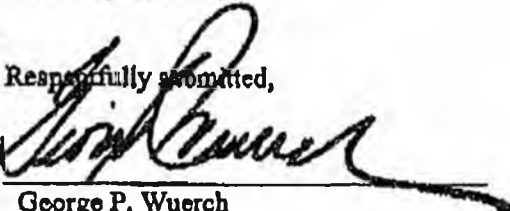
THE ADMINISTRATION RECOMMENDS THE ASSEMBLY RESOLUTION BE APPROVED DEMONSTRATING SUPPORT FOR PASSAGE OF SB38 AND HB65.

Concurrence:

  
\_\_\_\_\_  
Harry J. Kieling, Jr  
Municipal Manager

Prepared by:  
  
\_\_\_\_\_  
Jewel Jones, Director  
Department of Health & Human Services

Respectfully submitted,

  
\_\_\_\_\_  
George P. Wuerch  
Mayor



George P. Wuerch,  
Mayor

# Municipality of Anchorage

## ANCHORAGE WOMEN'S COMMISSION

P.O. Box 198850  
Anchorage, Alaska 99519-8850  
<http://www.ol.anchorage.ak.us>



Telephone:  
(907) 343-6730

WHEREAS, the Anchorage Women's Commission exists to advise the Mayor and Assembly on matters pertaining to the status of women and is particularly concerned with improving opportunities for women in the community including recommendations on legislative and administrative action pertaining to women's issues; and

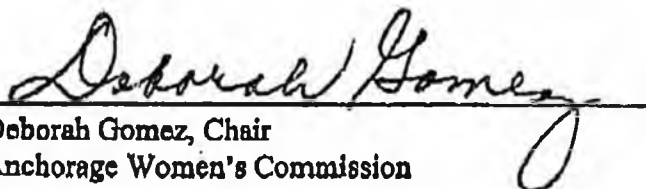
WHEREAS, the federal government has expanded Medicaid coverage for cancer treatment to women diagnosed with breast or cervical cancer through the Centers for Disease Control's Breast and Cervical Cancer Early Detection Program (BCCEDP); and

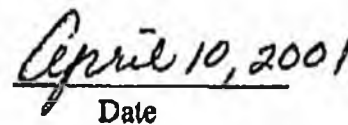
WHEREAS, Governor Tony Knowles introduced legislation (SB38 and HB65), which allows Alaska to opt into a federal-state insurance program (Medicaid), to gain federal dollars to treat uninsured women who have been diagnosed with breast or cervical cancer diagnosed by the Center for Disease Control's screening program; and

WHEREAS, the state's share of the cost is approximately \$175,000, based on the current Alaskan population; and

WHEREAS, early detection and treatment is curative, thereby maintaining the quality of life for the individual, the family, and the community as a whole;

BE IT THEREFORE RESOLVED that the Anchorage Women's Commission strongly recommends the Mayor and Assembly fully support SB38 and HB65, an Act relating to a new optional group of persons eligible for medical assistance who require treatment for breast or cervical cancer.

  
Deborah Gomez, Chair  
Anchorage Women's Commission

  
Date



Municipality of Anchorage  
Department of Health and Human Services  
Facsimile Cover Sheet

---

**To: Representative Fred Dyson**  
Company: HESS Committee  
Phone: 907-465-3759  
Fax: 907-465-4587

**From: Jewel Jones**  
Company: MOA Health & Human Services  
Phone: 907-343-6718  
Fax: 907-343-6740

Date: April 20, 2001  
Pages including cover page: 6

**Comments:**





NANCY  
BONNETT



April 19, 2001

TESTIMONY TO THE HOUSE HESS COMMITTEE ON HB 197

My name is Marie Darlin and I live at Fireweed Place here in Juneau.

I represent AARP, as Coordinator of the Capital City Task Force. You have on file a letter from our State Legislative Committee in support of HB 197.

I merely wish to reiterate that AARP has been interested in the additional help given to families by use of the 5 Wishes outline. It definitely helps in planning for health care needs with more complete advance directives from the elderly or disabled person.

I would also direct your attention to Recommendation 10 of the January 1999 Long Term Care Task Force Report. It speaks to the importance of advance directives and the need for public education regarding their availability. I have attached a copy.

Thank you for the opportunity to testify.

*Marie Darlin*  
Marie Darlin  
586-3637  
FAX 463-3580



---

## ADVANCE DIRECTIVES

---

RECOMMENDATION  
**10**

The Task Force encourages the Alaska Health Fair, Alaska Commission on Aging, AARP, and other related organizations to provide educational information on the importance of advance directives and encourage the use of advance directives in the provision of health care.

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*“Advance directives help all individuals maintain control over their health care decisions.”*

Advance directives are legal documents, prepared in advance of any incapacitating condition, stating the author's preference for health care. Advance directives help all individuals maintain control over their health care decisions even after the loss of decision-making capability. The Task Force heard testimony in support of the concept of planning medical decisionmaking through the use of living wills and durable powers of attorney for health care.

*“A person does not give up any control with an advance directive.”*

In a *living will*, the applicant describes a specific preference for medical treatment if terminally ill or near death. With this document, even if the patient cannot communicate, he/she ensures that his/her desires have been conveyed to the doctors and family members. Alaska's living will has a checklist that helps describe the type of care desired.

A *durable power of attorney* for health care is a legal document that expresses an individual's wishes about health care treatment and appoints someone to speak for the patient if the person becomes seriously ill or injured and cannot speak. Once signed and witnessed, this document becomes part of the individual's medical record.

A person does not give up any control with an advance directive. As long as the individual is able to make decisions, he/she is the decisionmaker. An advance directive only applies when one cannot speak or otherwise provide instruction to caregivers. The document can be changed or revoked at any time, as many times as wished.<sup>21</sup>

*“AARP has established an education network to inform its membership on many issues facing us as we age.”*

The Alaska Health Fair plans and stages over 120 health fairs annually throughout Alaska, reaching approximately 40,000 people in both urban and rural settings. This outreach venue provides an excellent opportunity to inform many citizens on the various advance directives honored in Alaska.

In addition, the American Association of Retired Persons has established an education network to inform its membership on many issues. The Alaska Commission on Aging also regularly circulates information on resources available to all Alaskans as we age. Together their added voices will increase the education effort on the advance directives available.



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 367-2001

Meeting Date: APRIL 17, 2001

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**From:** Mayor

**Subject:** Endorsement of Senate Bill 38 and House Bill 65 Relating to Health Care Coverage for Persons Diagnosed with Breast or Cervical Cancer

Breast cancer is the most common invasive cancer for Alaskan women. Early detection increases the treatment options and the survival rates. Localized breast cancer has a 97% survival rate; if the cancer has spread regionally, the rate is 76% and if the cancer has metastasized the rate drops to 21%.

Cervical cancer rates have declined steadily since the Pap smear test became available. When detected at an early stage even invasive cervical cancer is one of the most successfully treatable cancers with a 91% survival rate.

Currently the federal government pays for screening and diagnosis for low-income and uninsured women through the Center's for Disease Control's Breast & Cervical Cancer Early Detection Program. However, once cancer is diagnosed, there is no mechanism for providing treatment. Senate Bill 38 and House Bill 65 support the option to accept federal funds to expand Medicaid coverage for treatment for low-income women with no other coverage.

The attached resolution is being submitted to demonstrate support for this legislation and to urge the Alaska State Legislature to pass SB38 and HB65.

RECOMMENDATION:

THE ADMINISTRATION RECOMMENDS THE ASSEMBLY RESOLUTION BE APPROVED DEMONSTRATING SUPPORT FOR PASSAGE OF SB38 AND HB65.

Concurrence:

Harry J. Kieling, Jr  
Municipal Manager

Prepared by:

Jewel Jones, Director  
Department of Health & Human Services

Respectfully submitted,

George P. Wuerch  
Mayor



---

April 11, 2001

Dear Representative Dyson:

On March 21<sup>st</sup>, Alaska Breast Cancer Advocacy Partners (ABCAP) co-sponsored a rally on the Capitol steps for SB38 and HR65, the Breast and Cervical Cancer Treatment bills. Petition cards and letters from that rally will be presented to you under separate cover today. We urge you to consider a hearing on this bill.

HR65 finishes what Congress started in 1990 by providing treatment for women screened through the Breast and Cervical Cancer Screening Program. Approximately 42 women per year are estimated to benefit from this legislation. The potentially fatal cancer diagnosis, combined with thousands of dollars in medical bills, is devastating to these women who have worked all their lives, many in small businesses that do not offer medical coverage.

We urge the House of Representatives to move forward with this bill to save women's lives for the small sum of \$175,000 per year, with a matching appropriation from the federal government of over \$400,000.

We urge you to call on your colleagues in HESS to help pass this legislation in the current session and show women in Alaska that you are concerned about breast cancer and you care.

Sincerely,

Carla Williams

State Coordinator for the National Breast Cancer Coalition  
Alaska Breast Cancer Advocacy Partner

**Subject: My friend, Edie**

**Date:** Wed, 11 Apr 2001 21:21:37 -0700

**From:** "Patrice Parker" <metpar@alaska.net>

**To:** <Representativ...\_Fred\_Dyson@legis.state.ak.us>

> >This is the message I sent to Senator Lyda Green about SB 38. Since I understand your committee will be hearing the same bill once it gets to the House, I think it's important for you to hear about Edie.

Senator Green:

From what I understand, you are a breast cancer survivor. I assume that  
> when you suffered from cancer, you had an excellent health care package  
> and because of that you survived.  
> My friend Edith Flynn was not so lucky. She was a 41 year old single  
> mother of 3. She wasn't on welfare. She chose instead to babysit other  
> people's children to support her children. When she found a lump in her  
> breast, she didn't go to the doctor right away. I think it was because  
> she knew that she couldn't afford the visit, much less additional tests,  
> and probably told herself it was a clogged milk duct. Months later her  
> back started to hurt. She tried to ignore that, too, thinking it was  
> from lifting children, but the pain got too bad and she went to the  
> emergency room. At first, they thought it was simple back sprain, but  
> when she returned they did more tests and found her cancer had  
> metastasized. Edie died 6 months later. Women, some like me, spent hours  
> at her side as she died at home. Her two teenaged sons and 5 year old  
> daughter were understandably devastated. I remember Edie sitting in  
> bed, beating her fists on the mattress at the thought of her leaving her  
> 5 year old - the boys have a father who lives in Anchorage, but Emily  
> had never met her Welsh father. So Emily lived with a local family for  
> a year before her dad came and got her. I believe all that pain, which  
> still lives in her friends' and children's hearts, could have been  
> prevented if Edie had known there was health care available - she  
> wouldn't have fooled herself into believing the lump was benign. When  
> you have no family and no resources, and when you think you can't handle  
> one more overwhelming problem, it's easy to fool yourself.  
> I hope you will find it in your heart to support SB 38 and release it  
> from your committee. If \$175,000 would save only one Edith Flynn, it  
> would be a small price.

Sincerely,

Patrice Parker  
907/258-2702

**Subject: POM - Public Opinion Message Regarding SB38**

**Date:** Wed, 4 Apr 2001 10:20:24 -0700

**From:** "Erica Reinikka" <Erica\_Reinikka@usw.salvationarmy.org>

**To:** "Representative\_Fred\_Dyson@legis.state.ak.us" <Representative\_Fred\_Dyson@legis.state.ak.us>  
"Representative\_Peggy\_Wilson@legis.state.ak.us" <Representative\_Peggy\_Wilson@legis.state.ak.us>  
"Representative\_John\_Coghill@legis.state.ak.us" <Representative\_John\_Coghill@legis.state.ak.us>  
"Representative\_Vic\_Kohring@legis.state.ak.us" <Representative\_Vic\_Kohring@legis.state.ak.us>  
"Representative\_Gary\_Stevens@legis.state.ak.us" <Representative\_Gary\_Stevens@legis.state.ak.us>  
"Representative\_Sharon\_Cissna@legis.state.ak.us" <Representative\_Sharon\_Cissna@legis.state.ak.us>  
"Representative\_Reggie\_Joule@legis.state.ak.us" <Representative\_Reggie\_Joule@legis.state.ak.us>

Good afternoon,

I support SB38, the Breast & Cervical Cancer Treatment Bill and I urge you to convince your colleagues in the HESS Committee to pass this legislation out of committee.

Kind Regards,  
Erica Reinikka

Erica L. Reinikka  
425 South 156th Street, Apt 233-A  
Seattle, WA 98148  
206-431-8327

**Subject: POM - Public Opinion Message - Regarding SB38**

**Date: Thu, 5 Apr 2001 10:02:58 -0700**

**From: "Erin Reinikka" <Erin\_Reinikka@usw.salvationarmy.org>**

**To: Representative\_Fred\_Dyson@legis.state.ak.us**

Good morning,

I support SB38, the Breast & Cervical Cancer Treatment Bill and I urge you to convince your colleagues in the HESS Committee to pass this legislation out of committee.

Kind Regards,  
Erin Reinikka

Erin Reinikka  
425 South 156th Street, Apt 233-A  
Seattle, WA 98148  
206-431-8327



**Alaska  
Breast  
Cancer  
Advocacy  
Partners**



---

April 11, 2001

Dear Representative Dyson:

On March 21<sup>st</sup>, Alaska Breast Cancer Advocacy Partners (ABCAP) co-sponsored a rally on the Capitol steps for SB38 and HR65, the Breast and Cervical Cancer Treatment bills. Petition cards and letters from that rally will be presented to you under separate cover today. We urge you to consider a hearing on this bill.

HR65 finishes what Congress started in 1990 by providing treatment for women screened through the Breast and Cervical Cancer Screening Program. Approximately 42 women per year are estimated to benefit from this legislation. The potentially fatal cancer diagnosis, combined with thousands of dollars in medical bills, is devastating to these women who have worked all their lives, many in small businesses that do not offer medical coverage.

We urge the House of Representatives to move forward with this bill to save women's lives for the small sum of \$175,000 per year, with a matching appropriation from the federal government of over \$400,000.

We urge you to call on your colleagues in HESS to help pass this legislation in the current session and show women in Alaska that you are concerned about breast cancer and you care.

Sincerely,

Carla Williams

State Coordinator for the National Breast Cancer Coalition  
Alaska Breast Cancer Advocacy Partner

**Subject: My friend, Edie**

**Date:** Wed, 11 Apr 2001 21:21:37 -0700

**From:** "Patrice Parker" <metpar@alaska.net>

**To:** <Representative\_Fred\_Dyson@legis.state.ak.us>

> >This is the message I sent to Senator Lyda Green about SB 38. Since I understand your committee will be hearing the same bill once it gets to the House, I think it's important for you to hear about Edie.

Senator Green:

From what I understand, you are a breast cancer survivor. I assume that  
> when you suffered from cancer, you had an excellent health care package  
> and because of that you survived.  
> My friend Edith Flynn was not so lucky. She was a 41 year old single  
> mother of 3. She wasn't on welfare. She chose instead to babysit other  
> people's children to support her children. When she found a lump in her  
> breast, she didn't go to the doctor right away. I think it was because  
> she knew that she couldn't afford the visit, much less additional tests,  
> and probably told herself it was a clogged milk duct. Months later her  
> back started to hurt. She tried to ignore that, too, thinking it was  
> from lifting children, but the pain got too bad and she went to the  
> emergency room. At first, they thought it was simple back sprain, but  
> when she returned they did more tests and found her cancer had  
> metastasized. Edie died 6 months later. Women, some like me, spent hours  
> at her side as she died at home. Her two teenaged sons and 5 year old  
> daughter were understandably devastated. I remember Edie sitting in  
> bed, beating her fists on the mattress at the thought of her leaving her  
> 5 year old - the boys have a father who lives in Anchorage, but Emily  
> had never met her Welsh father. So Emily lived with a local family for  
> a year before her dad came and got her. I believe all that pain, which  
> still lives in her friends' and children's hearts, could have been  
> prevented if Edie had known there was health care available - she  
> wouldn't have fooled herself into believing the lump was benign. When  
> you have no family and no resources, and when you think you can't handle  
> one more overwhelming problem, it's easy to fool yourself.  
> I hope you will find it in your heart to support SB 38 and release it  
> from your committee. If \$175,000 would save only one Edith Flynn, it  
> would be a small price.

Sincerely,  
Patrice Parker  
907/258-2702

**Subject: POM - Public Opinion Message Regarding SB38**

**Date:** Wed, 4 Apr 2001 10:20:24 -0700

**From:** "Erica Reinikka" <Erica\_Reinikka@usw.salvationarmy.org>

**To:** "'Representative\_Fred\_Dyson@legis.state.ak.us'" <Representative\_Fred\_Dyson@legis.state.ak.us>  
"'Representative\_Peggy\_Wilson@legis.state.ak.us'" <Representative\_Peggy\_Wilson@legis.state.ak.us>  
"'Representative\_John\_Coghill@legis.state.ak.us'" <Representative\_John\_Coghill@legis.state.ak.us>  
"'Representative\_Vic\_Kohring@legis.state.ak.us'" <Representative\_Vic\_Kohring@legis.state.ak.us>  
"'Representative\_Gary\_Stevens@legis.state.ak.us'" <Representative\_Gary\_Stevens@legis.state.ak.us>  
"'Representative\_Sharon\_Cissna@legis.state.ak.us'" <Representative\_Sharon\_Cissna@legis.state.ak.us>  
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Kind Regards,  
Erica Reinikka

Erica L. Reinikka  
425 South 156th Street, Apt 233-A  
Seattle, WA 98148  
206-431-8327

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**To: Representative\_Fred\_Dyson@legis.state.ak.us**

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Kind Regards,  
Erin Reinikka

Erin Reinikka  
425 South 156th Street, Apt 233-A  
Seattle, WA 98148  
206-431-8327

**HOUSE BILL NO. 65**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE · FIRST SESSION**

**BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**Introduced: 1/16/01**

**Referred: Health, Education and Social Services, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to a new optional group of persons eligible for medical assistance who  
2 require treatment for breast or cervical cancer; and providing for an effective date."

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

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

5 (15) persons who have been diagnosed with breast or cervical cancer  
6 and who are eligible for coverage under 42 U.S.C. 1396a(10)(A)(ii)(XVIII).

7 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: \_\_\_\_\_  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Health & Social Services  
 Title: Relating to eligibility of certain women screened BRU: Medical Assistance Adm  
 to have breast and cervical cancer for Medicaid Component: Medicaid State Programs  
 Sponsor: Rules  
 Requester: \_\_\_\_\_ Component Number: 967

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

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	589.2	636.3	687.2	742.2	801.6	865.7
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>589.2</b>	<b>636.3</b>	<b>687.2</b>	<b>742.2</b>	<b>801.6</b>	<b>865.7</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts	413.4	446.5	482.2	520.8	562.5	607.5
1003 GF Match	175.8	189.8	205.0	221.4	239.1	258.2
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>589.2</b>	<b>636.3</b>	<b>687.2</b>	<b>742.2</b>	<b>801.6</b>	<b>865.7</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 Legislation recently adopted by Congress creates a new Medicaid eligibility group for women diagnosed with cancer who were screened under the Breast and Cervical Cancer Detection Program funded through the Centers for Disease Control. Medicaid eligibility for these women lasts through treatment and includes all Medicaid covered services. The four grantees in Alaska diagnosed 39 women with breast cancer and 33 women with cervical cancer last year. Sixty-one percent of the breast cancer patients and eighteen percent of the cervical cancer patients were Alaska Native. Alaska Native women are not eligible for coverage under this option as they have creditable health insurance coverage as defined in the Public Health Service Act. Average Medicaid expenditures in FY 00 for women treated with these cancers were \$17,500 and \$12,100 respectively. Assumptions for this fiscal note were a federal match rate of 70.17 percent for FY02 (the State Children's Health Insurance match rate) and an eight percent growth rate for each succeeding year.

Prepared by: Nancy Weller, State Federal and Tribal Relations Phone 465-3355  
 Division: Medical Assistance Date/Time 1/5/01 2:42 PM  
 Approved by: Karen Perdue, Commissioner Date 1/8/01  
 Agency: Department of Health and Social Services

For distribution information, call the Governor's Legislative Office

# STATE OF ALASKA

## DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030  
FAX: (907) 465-3068

January 18, 2001

Honorable Fred Dyson, Chairman  
House Health, Education and  
Social Services Committee  
State Capitol; Room 104  
Juneau, AK 99801-1182

Dear Chairman Dyson,

The Department of Health and Social Services respectfully requests a hearing in the House Health, Education and Social Services Committee on House Bill 65 "An Act relating to a new optional group of persons eligible for medical assistance who require treatment for breast or cervical cancer; and providing for an effective date."

Recently Congress enacted PL 106-354, effective October 1, 2000, that creates a new eligibility group of women diagnosed with breast or cervical cancer through the breast and cervical cancer early detection program funded by the Center for Disease Control (CDC). The Department of Health and Social Services has participated in the CDC program for some time.

House Bill 65 would add this new eligibility group to the Medicaid statute so that the women diagnosed through the early detection program can receive treatment paid for by Medicaid. The department estimates that approximately 40 women would benefit from the legislation in FY 2002.

A copy of the fiscal note submitted to the legislature at the time of introduction is attached. Your favorable consideration of this request will be most appreciated.

Sincerely,



Elmer A. Lindstrom  
Special Assistant to the Commissioner

CC: Mike Abbott, Legislative Director  
Office of the Governor

**HB**

**71**

22-GH1010\F  
Ford  
4/20/01

**CS FOR HOUSE BILL NO. 71( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the education of children with disabilities and to the Governor's**  
2 **Council on Disabilities and Special Education; and providing for an effective date."**

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

4 **\* Section 1. AS 14.16.050(a) is amended to read:**

5 (a) The following provisions apply with respect to the operation and  
6 management of a state boarding school as if it were a school district:

7 (1) requirements relating to school district operations:

8 (A) AS 14.03.030 - 14.03.050 (defining the school term, day in  
9 session, and school holidays);

10 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions  
11 applicable to school district operations);

12 (C) regulations adopted by the board under authority of  
13 AS 14.07.020(a) that are applicable to school districts and their schools, unless

1 the board specifically exempts state boarding schools from compliance with a  
2 regulation:

3 (D) AS 14.12.150 (authorizing school districts to establish and  
4 participate in the services of a regional resource center);

5 (E) AS 14.14.050 (imposing the requirement of an annual  
6 audit);

7 (F) AS 14.14.110 (authorizing cooperation with other school  
8 districts);

9 (G) AS 14.14.140(b) (establishing a prohibition on  
10 employment of a relative of the chief school administrator);

11 (H) AS 14.18 (prohibiting discrimination based on sex in  
12 public education);

13 (2) requirements relating to the public school funding program and the  
14 receipt and expenditure of that funding:

15 (A) AS 14.17.500 (relating to student count estimates);

16 (B) AS 14.17.505 (relating to school operating fund balances);

17 (C) AS 14.17.500 - 14.17.910 (setting out the procedure for  
18 payment of public school funding and imposing general requirements and  
19 limits on money paid);

20 (3) requirements relating to teacher employment and retirement:

21 (A) AS 14.14.105 and 14.14.107 (relating to sick leave);

22 (B) AS 14.20.095 - 14.20.215 (relating to the employment and  
23 tenure of teachers);

24 (C) AS 14.20.220 (relating to the salaries of teachers  
25 employed);

26 (D) AS 14.20.280 - 14.20.350 (relating to sabbatical leave  
27 provisions for teachers);

28 (E) AS 23.40.070 - 23.40.260 (authorizing collective  
29 bargaining by certificated employees), except with regard to teachers who are  
30 administrators and except that the board may delegate some or all of its  
31 responsibilities under those statutes;

1 (F) AS 14.25 (provisions regarding the teachers' retirement  
2 system);

3 (4) requirements relating to students and educational programs:

4 (A) AS 14.30.180 - 14.30.350 (relating to educational services  
5 for [EXCEPTIONAL] children with disabilities);

6 (B) AS 14.30.360 - 14.30.370 (establishing health education  
7 program standards);

8 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and  
9 bicultural education).

10 \* Sec. 2. AS 14.30.180 is amended to read:

11 **Sec. 14.30.180. Purpose.** It is the purpose of AS 14.30.180 - 14.30.350 to

12 (1) provide an appropriate public education for each child with a  
13 disability [EXCEPTIONAL CHILDREN] in the state who is [ARE] at least three  
14 years of age but less than 22 years of age;

15 (2) allow procedures and actions necessary to comply with the  
16 requirements of federal law, including 20 U.S.C. 1400 - 1487 [20 U.S.C. 1400 - 1485]  
17 (Individuals with Disabilities Education Act).

18 \* Sec. 3. AS 14.30.186(a) is repealed and reenacted to read:

19 (a) Special education and related services shall be provided by

20 (1) a borough or city school district for a child with a disability residing  
21 within the district;

22 (2) the board of a regional educational attendance area operating a school  
23 in the area for a child with a disability residing in the area served by the school;

24 (3) the borough, city school district, or regional educational attendance  
25 area in which a treatment facility or a correctional or youth detention facility is located  
26 for a child with a disability placed at the facility;

27 (4) a state boarding school established under AS 14.16 for a child with a  
28 disability enrolled at a state boarding school; or

29 (5) a school district that provides a statewide correspondence study  
30 program for a child with a disability who is enrolled in the program.

31 \* Sec. 4. AS 14.30.186(e) is amended to read:

1 (e) If the parent of a child with a disability [EXCEPTIONAL CHILDREN  
2 BEING EDUCATED AS PROVIDED UNDER AS 14.30.010(b) MAY RECEIVE  
3 SPECIAL EDUCATION AND RELATED SERVICES AS PROVIDED UNDER  
4 AS 14.30.180 - 14.30.350. THE EXCEPTIONAL CHILD OF A PARENT WHO]  
5 elects to educate the child as allowed under AS 14.30.010(b), the child may not be  
6 compelled to receive the special education and related services provided under  
7 AS 14.30.180 - 14.30.350.

8 \* Sec. 5. AS 14.30.186 is amended by adding a new subsection to read:

9 (f) The department shall, by regulation, establish standards for the allocation of  
10 financial responsibilities and the coordination of the provision of special education and  
11 related services among the educational agencies listed in (a) of this section when more  
12 than one educational agency is responsible for providing those services.

13 \* Sec. 6. AS 14.30.191(a) is amended to read:

14 (a) A school district shall obtain the written informed consent of the child's  
15 parent before an initial evaluation or placement of a child with a disability in a  
16 program of special education and related services.

17 \* Sec. 7. AS 14.30.191(b) is amended to read:

18 (b) After initial placement in a program of special education and related  
19 services and not less than once every three years for as long as the child is assigned to  
20 the program, a [AN EXCEPTIONAL] child with a disability shall receive an  
21 educational evaluation [FOR THE IDENTIFICATION AND CLASSIFICATION OF  
22 EXCEPTIONAL CHILDREN].

23 \* Sec. 8. AS 14.30.191(c) is amended to read:

24 (c) Before a school district initiates or refuses a change in the [A CHILD'S]  
25 placement or educational program of a child with a disability, the district shall  
26 notify the child's parent.

27 \* Sec. 9. AS 14.30.191(d) is amended to read:

28 (d) Upon completion of an [THE] evaluation or reevaluation under this  
29 section [AND BEFORE PLACEMENT], the school district shall provide to the parent  
30 of each [EXCEPTIONAL] child evaluated under this section an opportunity to  
31 participate in the determination of the

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(1) child's eligibility for special education and related services:  
[FOR CONSULTATION ABOUT THE EVALUATION. A CONSULTATION  
MUST BE AVAILABLE AFTER EACH REEVALUATION OF THE CONDITION]  
and

(2) educational placement of the [EXCEPTIONAL] child if the child  
is determined to be eligible for special education and related services.

\* Sec. 10. AS 14.30.191 is amended by adding new subsections to read:

(h) A school district shall provide written notice of its decision under this section to the parent of the child. The notice must include a description of the procedural safeguards available to the parent and child under federal law.

(i) In this section, "hearing" means a due process hearing under AS 14.30.193.

\* Sec. 11. AS 14.30.193 is repealed and reenacted to read:

**Sec. 14.30.193. Due process hearing.** (a) A school district or a parent of a child with a disability may request a due process hearing on any issue related to identification, evaluation, or educational placement of the child, or the provision of a free, appropriate, public education to the child. A request is made by providing written notice to the other party to the hearing. A parent shall make a request for a due process hearing under this section not later than 12 months after the date that the school district provides the parent with written notice of the decision with which the parent disagrees. A school district shall make its request for a due process hearing in accordance with the time limit established by the department by regulation.

(b) If a due process hearing is requested by either a school district or a parent, the school district shall contact the department to request appointment of a hearing officer. The department shall select a hearing officer through a random selection process, from a list maintained by the department under (g) of this section. Within five working days after receipt of the request, the department shall provide to the school district and the parent a notice of appointment, including the name and a statement of qualifications, of the hearing officer that the department determines is available to conduct the hearing.

(c) The school district and the parent each have the right to reject, without stating a reason, one hearing officer appointed under this section. The rejecting party shall notify the department of that rejection in writing within five days after receipt of the

1 department's notice of appointment. If a hearing officer is rejected under this subsection,  
2 the department shall, within five working days after receipt of the written rejection,  
3 provide a notice of appointment, including the name and a statement of qualifications, of  
4 another hearing officer that the department determines is available to conduct the  
5 hearing. Each appointment is subject to a right of rejection under this subsection by a  
6 party who has not previously rejected an appointment.

7 (d) After a hearing officer is appointed and the time for rejection under (c) of  
8 this section has expired, the hearing officer shall immediately inform the parent and  
9 the school district of the availability of the mediation process provided under  
10 AS 14.30.194 and encourage use of that process to attempt to resolve the disagreement  
11 between the parent and the school district. If the mediation process does not result in  
12 settlement of all of the issues, the hearing officer shall conduct a hearing in  
13 conformance with the requirements of federal law, including 34 C.F.R. 300.507 - 509.  
14 After the hearing is completed, the hearing officer shall issue a written decision that

15 (1) upholds the school district's decision; or

16 (2) overturns the school district's decision with specific instructions for  
17 modification of the identification, evaluation, educational placement, or provision of the  
18 education program by the district.

19 (e) A hearing officer's decision under this section is final and binding on the  
20 school district and parent unless appealed under (f) of this section. Notwithstanding a  
21 decision by the hearing officer, a child may not be evaluated, placed, transferred, or  
22 compelled to receive special education or related services from the school district until  
23 the period for filing an appeal under (f) of this section has expired or, if an appeal is  
24 filed, until the appellate review process has been completed.

25 (f) A hearing officer's decision under this section is a final administrative  
26 order, subject to appeal to the superior court for review in the manner provided under  
27 AS 44.62.560.

28 (g) The department shall maintain a list of qualified hearing officers and shall  
29 provide for qualification of hearing officers through a training program that is open to  
30 all individuals who meet the criteria set by the department by regulation. The list of  
31 qualified hearing officers shall be maintained as a public record.

1 (h) For purposes of this section, a student with a disability aged 18 - 21 has the  
2 same rights and obligations under this section as a parent of a child with a disability.

3 \* Sec. 12. AS 14.30 is amended by adding a new section to read:

4 Sec. 14.30.194. Mediation. (a) The department shall, by regulation,  
5 establish and implement a voluntary mediation process in conformance with the  
6 requirements of federal law, including 34 C.F.R. 300.506. The department shall  
7 encourage the use of mediation for settlement of disputes under AS 14.30.180 -  
8 14.30.350.

9 (b) The department shall

10 (1) maintain a list of individuals who are qualified mediators  
11 knowledgeable in the federal and state statutes and regulations relating to the  
12 provision of special education and related services; and

13 (2) provide for qualification of mediators through a training program  
14 that is open to all individuals who meet the criteria set by the department by  
15 regulation.

16 \* Sec. 13. AS 14.30.231 is amended to read:

17 Sec. 14.30.231. Advisory panel [COMMITTEE]. The Governor's Council  
18 on Disabilities and Special Education established under AS 47.80 shall serve as the  
19 state [AN] advisory panel [COMMITTEE], the function of which is to provide  
20 information and guidance for the development of appropriate programs of special  
21 education and related services for [EXCEPTIONAL] children with disabilities.

22 \* Sec. 14. AS 14.30.250 is amended to read:

23 Sec. 14.30.250. Teacher qualifications. A person may not be employed as a  
24 teacher of [EXCEPTIONAL] children with disabilities unless that person possesses a  
25 valid teacher certificate and, in addition, the [SUCH] training that [AS] the  
26 department requires [MAY REQUIRE] by regulation.

27 \* Sec. 15. AS 14.30.270 is amended to read:

28 Sec. 14.30.270. Substitutes. AS 14.30.250 does not prohibit the employment  
29 of a person, otherwise qualified to serve as a substitute teacher, to serve as a substitute  
30 teacher of [EXCEPTIONAL] children with disabilities.

31 \* Sec. 16. AS 14.30.272 is amended to read:

1           **Sec. 14.30.272. Procedural safeguards.** (a) A school district shall inform  
2 the parent of a [AN EXCEPTIONAL] child with a disability of the right

3                   (1) to review the child's educational record;

4                   (2) [,] to review evaluation tests and procedures;

5                   (3) [,] to refuse to permit evaluation or a change in the child's  
6 educational placement;

7                   (4) [,] to be informed of the results of evaluation;

8                   (5) [,] to obtain an independent evaluation by choosing a person from a  
9 list provided by the school district or by choosing a person by agreement between the  
10 parent and school district;

11                   (6) [,] to request a due process [AN IMPARTIAL] hearing;

12                   (7) [,] to appeal a hearing officer's decision; and

13                   (8) [, AND] to give consent or deny access to others to the child's  
14 educational record.

15           (b) The department shall establish, by regulation, impartial procedures for a  
16 school district to follow for due process hearings [UNDER AS 14.30.193] to comply  
17 with requirements necessary to participate in federal grant-in-aid programs, including  
18 20 U.S.C. 1400 - 1487 [20 U.S.C. 1400 - 1485] (Individuals with Disabilities  
19 Education Act).

20 \* **Sec. 17.** AS 14.30.274 is amended to read:

21           **Sec. 14.30.274. Identification of [EXCEPTIONAL] children with**  
22 **disabilities.** Each school district shall establish and implement written procedures to  
23 ensure that all [EXCEPTIONAL] children with disabilities under the age of 22 for  
24 whom the agency is responsible under AS 14.30.186 to provide special education  
25 and related services [WHO RESIDE IN THE DISTRICT] are identified and located  
26 for the purpose of establishing their need for special education and related services.

27 \* **Sec. 18.** AS 14.30.276 is amended to read:

28           **Sec. 14.30.276. Least restrictive environment.** Each school district shall  
29 ensure that, to the maximum extent appropriate, [EXCEPTIONAL] children with  
30 disabilities, including children in public or private institutions or other care facilities,  
31 are educated with children who are not children with disabilities [EXCEPTIONAL]

1 and that special classes, separate schooling, or other removal of [EXCEPTIONAL]  
2 children with disabilities from the regular educational environment occurs only when  
3 the nature or severity of the child's disability [EXCEPTIONALITY] is such that  
4 education in regular classes with the use of supplementary aids and services cannot be  
5 achieved satisfactorily.

6 \* Sec. 19. AS 14.30.278 is repealed and reenacted to read:

7       **Sec. 14.30.278. Individualized education program.** A school district shall  
8 develop an individualized education program for special education and related  
9 services for each eligible child with a disability. The plan must be completed not later  
10 than 30 days after the determination of the child's eligibility. Each individualized  
11 education program shall be developed and periodically reviewed and revised as  
12 necessary in conformance with federal requirements, including 34 C.F.R. 300.340 -  
13 350.

14 \* Sec. 20. AS 14.30.285(a) is amended to read:

15       (a) The department shall institute a statewide program for the education of  
16 [EXCEPTIONAL] children with disabilities [,] to ensure that whenever possible  
17 children are educated in the state at locations in or near their resident school district.

18 \* Sec. 21. AS 14.30.285(b) is amended to read:

19       (b) An identified [EXCEPTIONAL] child with a disability may be sent to an  
20 educational program or residential school outside the child's community or school  
21 district if the child resides in a community or school district where an appropriate  
22 educational program cannot reasonably be made available and if the school district  
23 [DEPARTMENT] determines that provision of special education and related services  
24 in another educational program or residential school is appropriate. If the school  
25 district approves [AND THE DEPARTMENT APPROVE] the enrollment of a [THE  
26 EXCEPTIONAL] child with a disability in another educational program or  
27 residential school outside the child's community or school district and the child is  
28 enrolled, the child's education expenses shall be paid as follows:

29               (1) except as otherwise provided by (2) of this subsection, the sending  
30 district shall pay all costs associated with the transfer;

31               (2) the department may provide financial assistance to the school

1 district for a child's education provided for in (1) of this subsection under regulations  
2 adopted by the department.

3 \* Sec. 22. AS 14.30.285(e) is amended to read:

4 (e) The educational assessment of a [AN EXCEPTIONAL] child with a  
5 disability that indicates that the educational program that is locally available is  
6 inappropriate for the needs of the child must conform to the standards set out in  
7 AS 14.30.191.

8 \* Sec. 23. AS 14.30.285(f) is amended to read:

9 (f) A school district shall obtain informed [THE] consent of the child's parent  
10 before a child may be transferred to a school outside the district in which the child  
11 resides.

12 \* Sec. 24. AS 14.30.285(g) is amended to read:

13 (g) The withholding of informed consent by a parent [OR  
14 DEPARTMENTAL APPROVAL] for the transfer of a [AN EXCEPTIONAL] child  
15 with a disability under this section does not relieve a school district of the obligation  
16 to provide special education and related services to the [AN EXCEPTIONAL] child  
17 [UNDER AS 14.30.186].

18 \* Sec. 25. AS 14.30.325(a) is amended to read:

19 (a) The department shall [MAY] by regulation provide for the appointment of  
20 surrogate parents to represent a child with a disability [EXCEPTIONAL  
21 CHILDREN] in matters relating to the provision of an appropriate public education.

22 \* Sec. 26. AS 14.30.335 is amended to read:

23 **Sec. 14.30.335. Eligibility for federal funds.** Notwithstanding any other  
24 provision of AS 14.30.180 - 14.30.350, the department may do all things necessary to  
25 qualify for federal funds that are available to the state for the education of  
26 [EXCEPTIONAL] children with disabilities.

27 \* Sec. 27. AS 14.30.340 is amended to read:

28 **Sec. 14.30.340. Provision of special education in a private school, home, or**  
29 **hospital setting.** (a) If a parent of a [AN EXCEPTIONAL] child with a disability  
30 enrolls the child in a private school, including a religious school, at the parent's  
31 expense or teaches the child at home, the school district in which the child resides [IS

1 LOCATED] shall make special education and related services available in  
2 conformance with federal requirements, including 34 C.F.R. 300.450 - 462. A  
3 parent teaching the parent's child at home may refuse special education and  
4 related services for the child [AN INDIVIDUALIZED EDUCATION PROGRAM  
5 UNDER AS 14.30.278].

6 (b) If a physician certifies in writing, and if the child's individualized  
7 education program under AS 14.30.278 provides [TEAM THEN DETERMINES]  
8 that a child's bodily, mental, or emotional condition does not permit attendance at a  
9 school and the child's parents do not elect to teach the child at home as permitted  
10 under AS 14.30.010(b), the school district in which the child is located shall enroll the  
11 child in public school and provide the child with special education and related services  
12 in conformance with the child's [AN] individualized education program [UNDER  
13 AS 14.30.278] at the child's home or at a medical treatment facility.

14 \* Sec. 28. AS 14.30.347 is amended to read:

15 **Sec. 14.30.347. Transportation of [EXCEPTIONAL] children with**  
16 **disabilities.** When transportation is required to be provided as a related service, a  
17 **child with a disability** [SERVICES, AN EXCEPTIONAL CHILD] shall be  
18 **transported** [CARRIED] with **children who are not children with disabilities**  
19 [OTHER CHILDREN] if the district provides transportation to [OTHER] children in  
20 the district, except when the nature of the physical or mental disability is such that it is  
21 in the best interest of the [EXCEPTIONAL] child **with a disability**, as **provided in**  
22 **the child's individualized education program** [DETERMINED BY THE SCHOOL  
23 DISTRICT], that the child be transported separately. State reimbursement for  
24 transportation of [EXCEPTIONAL] children **with disabilities** shall be as provided for  
25 transportation of all other pupils except that eligibility for reimbursement is not  
26 subject to restriction based on the minimum distance between the school and the  
27 residence of the exceptional child **with a disability**.

28 \* Sec. 29. AS 14.30.350(2) is repealed and reenacted to read:

29 (2) "child with a disability" means a child with one or more of the  
30 following:

31 (A) mental retardation;

- 1 (B) learning disabilities;
- 2 (C) emotional disturbance;
- 3 (D) deafness;
- 4 (E) deaf-blindness;
- 5 (F) hearing impairment;
- 6 (G) orthopedic impairment;
- 7 (H) other health impairment;
- 8 (I) speech or language impairment;
- 9 (J) visual impairment;
- 10 (K) multiple disabilities;
- 11 (L) early childhood development delay;
- 12 (M) autism;
- 13 (N) traumatic brain injury;

14 \* Sec. 30. AS 14.30.350(8) is repealed and reenacted to read:

- 15 (8) "parent" means a
  - 16 (A) child's natural or adoptive parent;
  - 17 (B) child's guardian, but not the state if the child is in the legal
  - 18 custody of the state;
  - 19 (C) person who is acting in the place of a child's natural or
  - 20 adoptive parent, such as a grandparent or stepparent with whom the child lives,
  - 21 or a person who is legally responsible for the child's welfare; and
  - 22 (D) child's surrogate parent who has been appointed under
  - 23 AS 14.30.325;

24 \* Sec. 31. AS 14.30.350(9) is repealed and reenacted to read:

- 25 (9) "related services" means services described in 34 C.F.R. 300.24;

26 \* Sec. 32. AS 14.30.350(10) is repealed and reenacted to read:

- 27 (10) "school district" means a borough school district, a city school
- 28 district, a regional educational attendance area, a state boarding school, and the state
- 29 centralized correspondence study program;

30 \* Sec. 33. AS 14.30.350(11) is repealed and reenacted to read:

- 31 (11) "special education" means an educational program described in 34

1 C.F.R. 300.26;

2 \* Sec. 34. AS 14.30.350 is amended by adding new paragraphs to read:

3 (12) "due process hearing" means a hearing conducted under  
4 AS 14.30.193;

5 (13) "informed consent" means that

6 (A) a child's parent has been fully informed, in the parent's  
7 native language or other mode of communication, of all information relevant to  
8 the activity for which consent is sought;

9 (B) the parent understands and agrees in writing to the carrying  
10 out of the activity for which the parent's consent is sought;

11 (C) the consent describes that activity and lists any records that  
12 will be released and to whom; and

13 (D) the parent understands that the granting of consent is  
14 voluntary on the part of the parent and may be revoked at any time.

15 \* Sec. 35. AS 14.30.640 is amended to read:

16 **Sec. 14.30.640. Eligibility for service.** The services of the agency shall be  
17 available to school districts that serve children whose special education needs occur  
18 infrequently, who require specialized services not normally available in the school  
19 district, and who cannot be easily served by local school district personnel because of  
20 the low number of students in the district in need of the particular service. The agency  
21 may provide services to a child with a disability [EXCEPTIONAL CHILDREN], as  
22 that term is defined in AS 14.30.350.

23 \* Sec. 36. AS 29.60.599(7) is amended to read:

24 (7) "school district" means a borough school district, a city school  
25 district, or a regional educational attendance area under AS 14 [HAS THE  
26 MEANING GIVEN IN AS 14.30.350];

27 \* Sec. 37. AS 44.21.410(a) is amended to read:

28 (a) The office of public advocacy shall

29 (1) perform the duties of the public guardian under AS 13.26.360 -  
30 13.26.410;

31 (2) provide visitors and experts in guardianship proceedings under

1 AS 13.26.131;

2 (3) provide guardian ad litem services to children in child protection  
3 actions under AS 47.17.030(e) and to wards and respondents in guardianship  
4 proceedings who will suffer financial hardship or become dependent upon a  
5 government agency or a private person or agency if the services are not provided at  
6 state expense under AS 13.26.112;

7 (4) provide legal representation in cases involving judicial bypass  
8 procedures for minors seeking abortions under AS 18.16.030, in guardianship  
9 proceedings to respondents who are financially unable to employ attorneys under  
10 AS 13.26.106(b), to indigent parties in cases involving child custody in which the  
11 opposing party is represented by counsel provided by a public agency, to indigent  
12 parents or guardians of a minor respondent in a commitment proceeding concerning  
13 the minor under AS 47.30.775;

14 (5) provide legal representation and guardian ad litem services under  
15 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on  
16 Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b) or  
17 petitions for the termination of parental rights on grounds set out in  
18 AS 25.23.180(c)(3); in cases involving petitions to remove the disabilities of a minor  
19 under AS 09.55.590; in children's proceedings under AS 47.10.050(a) or under  
20 AS 47.12.090; in cases involving appointments under AS 18.66.100(a) in petitions for  
21 protective orders on behalf of a minor; and in cases involving indigent persons who  
22 are entitled to representation under AS 18.85.100 and who cannot be represented by  
23 the public defender agency because of a conflict of interests;

24 (6) develop and coordinate a program to recruit, select, train, assign,  
25 and supervise volunteer guardians ad litem from local communities to aid in delivering  
26 services in cases in which the office of public advocacy is appointed as guardian ad  
27 litem;

28 (7) provide guardian ad litem services in proceedings under  
29 AS 12.45.046;

30 (8) establish a fee schedule and collect fees for services provided by  
31 the office, except as provided in AS 18.85.120 or when imposition or collection of a

1 fee is not in the public interest as defined under regulations adopted by the  
2 commissioner of administration;

3 (9) provide visitors and guardians ad litem in proceedings under  
4 AS 47.30.839;

5 (10) provide legal representation to an indigent parent of a child with  
6 a disability; in this paragraph, "child with a disability" has the meaning given in  
7 AS 14.30.350 [PARENTS UNDER AS 14.30.195(e)].

8 \* Sec. 38. AS 47.80.090(9) is amended to read:

9 (9) provide information and guidance for the development of  
10 appropriate special educational programs and services for a child with a disability  
11 [EXCEPTIONAL CHILDREN] as defined in AS 14.30.350;

12 \* Sec. 39. AS 47.80.900(6) is amended to read:

13 (6) "person with a handicap" means a person with a developmental  
14 disability as defined in (7) of this section or a person who is hard of hearing, deaf,  
15 speech impaired, visually handicapped, seriously emotionally disturbed,  
16 orthopedically or otherwise health impaired, or who has a specific learning disability;  
17 the term includes a child with a disability [BUT IS NOT LIMITED TO  
18 "EXCEPTIONAL CHILDREN"] as defined in AS 14.30.350;

19 \* Sec. 40. AS 14.30.186(b), 14.30.195, 14.30.315(b), 14.30.350(3), 14.30.350(5),  
20 14.30.350(6), and 14.30.350(7) are repealed.

21 \* Sec. 41. The uncodified law of the State of Alaska is amended by adding a new section to  
22 read:

23 TRANSITION: REGULATIONS. (a) The state Board of Education and Early  
24 Development may immediately proceed to adopt regulations necessary to implement the  
25 changes made by this Act. The regulations take effect under AS 44.62 (Administrative  
26 Procedure Act), but not before the effective date of the statutory change.

27 (b) To the extent they are not inconsistent with the statutory changes made by this  
28 Act, regulations adopted by the state Board of Education and Early Development and in effect  
29 on July 1, 2001, continue in effect until amended or repealed by the board, and may be  
30 enforced and implemented.

31 \* Sec. 42. The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 REVISOR'S INSTRUCTIONS. The revisor of statutes is requested to change the  
3 following:

4 (1) the heading of Article 3 of AS 14.30 from "Education For Exceptional  
5 Children" to "Education for Children With Disabilities";

6 (2) the catchline of AS 14.30.285 from "Transfers of exceptional children" to  
7 "Transfers of children with disabilities."

8 \* Sec. 43. Section 41(a) of this Act takes effect immediately under AS 01.10.070(c).

9 \* Sec. 44. Except as provided in sec. 43 of this Act, this Act takes effect July 1, 2001.





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January 15, 2001

The Honorable Brian Porter  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Speaker Porter:

Alaska's responsibility for providing quality educational services for our children extends to all children, including those with unique educational needs. I transmit today a bill clarifying the state's role in the education of our exceptional children.

In 1997, Congress authorized amendments to the Individuals with Disabilities Education Act (IDEA). The subsequent federal regulations related to the IDEA took effect in May 1999. This bill amends inconsistent components of our state statutes to bring Alaska into compliance with these current federal special education mandates, including emphasizing the participation of parents in making decisions relating to special education eligibility and services.

An important protection provided to both school districts and children with disabilities is the due process hearing. This bill clarifies the procedures for requesting a due process hearing and streamlines the process for selecting a hearing officer by having the Department of Education and Early Development (department) randomly assign officers from a list maintained by the department. These procedures will help due process hearings be completed in a fair and timely fashion.

Alaska law presently requires that a school district provide special education services to children with disabilities who reside in the district. State law also exempts children from attending public school if children are enrolled in an alternative education program. This has resulted in confusion regarding which school district or other educational agency is responsible for providing special education services when children are enrolled in