

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 86/2

10226 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

English

A language other than English

If you or your parents speak another Language other than English at home, answer questions 41a and 41b. If you and your parents speak only English at home, skip to question 42.

41a. How well do you do each of the following? (Mark one answer on each line)

Very Well Pretty Well Not Very Well Not Very Well at All

- a. Understand someone else who is speaking English.
- b. Speak English
- c. Read English
- d. Write English

41b. At what age did you begin to learn English?

Birth to age 1.

Age 2

Age 3

Age 4

Age 5

Age 6

Age 7

Age 8

Age 9

Age 10

42. How many brothers and sisters do you have? Please include any stepbrothers and/or stepsisters, or half brothers or sisters, if they live or have lived in your home. (Mark only one answer)

None One Two Three Four Five Six or more

43. How many of your brothers and sisters have left school without completing their high school diplomas? (Mark only one answer)

None One Two Three More than three

44. Do you have your own room? (Mark only one answer) Yes No

45. Do you have a quiet place to study and do homework? Yes No

Your Family's Involvement in Your Education

46. During this school year, have either of your parents or guardians come to your school for any of the following activities? (Mark one answer for each activity) Yes No Don't Know

- a. Pickup report card

- b. Informal talk with teacher or principal
- c. Visit to your classroom
- d. Volunteered for school projects or trips
- e. Attend school event in which you participated, such as play, sporting event, or concert
- f. To attend a school event with you
- g. Parent-teacher conference

47. Since the beginning of this school year, have either of your parents been contacted about any of the following things? (Mark one answer on each line) Yes No Don't Know

- a. Your grades or tests
- b. Your current courses or school program
- c. Your selection of courses for high school
- d. Your behavior
- e. Your attendance

48. This school year, how often have you discussed the following school-related topics with either or both of your parents or guardians? (Mark one answer for each topic) Often Sometimes Rarely Never

- a. Choosing school classes or programs
- b. School activities or events of interest to you
- c. Things you have studied in class.
- d. Problems you are having with school subjects
- e. Problems with discipline or behavior at school
- f. School attendance problems
- g. Attending college or other schools after high school

49. This school year how often have you discussed the following matters with either or both of your parents or guardians (Mark one answer on each line) Yes No

- a. Holding jobs or earning money
- b. Activities with friends or classmates
- c. Personal problems you may have (boy-girl problems, problems with friends, drug or alcohol problems, etc.)

50. This school year, have you discussed the following topics with an adult relative or adult friend other than your parents? (Mark one answer for each topic) Yes No

- a. Choosing school classes or programs
- b. School activities or events of interest to you
- c. Things you have studied in class
- d. Problems you are having with school subjects
- e. Problems with discipline or behavior at school
- f. Problems with school attendance
- g. Attending college or other schools after high school
- h. Holding jobs or earning money
- i. Activities with friends or classmates
- j. Personal problems you may have (boy-girl problems, problems with friends, drug or alcohol problems, etc.)

51. How often do your parents or guardians do the following things? (Mark one answer on each line)

- a. Help you with your homework
- b. Check to see if you have done your homework
- c. Limit the amount of time you can spend watching television
- d. Limit what friends you associate with
- e. Limit the amount of time you spend away from home

52. How often do you get into trouble at home? (Mark one answer)

Often Sometimes Almost never

53. Are the following statements mostly true of you and your parents or guardians or mostly false? (Mark one answer for each statement)

- a. My parents want me to do well in school
- b. My parents expect me to graduate from high school
- c. I can turn to my parents for help if I have a question or problem
- d. My parents involve me in decisions that affect me
- e. I can turn to my parents for help if I have a personal problem
- f. My parents trust me to do what they expect without checking up on me
- g. I often do not know WHY I am supposed to do what my parents tell me to do
- h. I often count on my parents to solve many of my problems for me

54. Are the following statements mostly true of you and your parents or guardians or mostly false? (Mark one answer for each statement)

True False

- a. My parents think the school I go to is good
- b. My parents feel comfortable talking with my teachers
- c. My parents think my teacher is good

55. Are any of the following people at home when you return from school? (Mark one answer on each line)

- a. Your parents or step-parents
- b. A paid sitter
- c. Other adult relative or neighbor
- d. No one is home

56. Who is home in the morning, while you get ready to go to school? (Mark one answer on each line)

Usually Sometimes Never

- a. Your parents or step-parents
- b. A paid sitter
- c. Other adult relative or neighbor
- d. No one is home

57. On average, how much time do you spend each day after school at home with no adult present? (Mark only one answer)

None, never happens Less than 1 hour 1-2 hours 2-3 hours More than 3 hours

58. Where do you usually go right after school? Do you go home or somewhere else? (Mark only one answer)

- Home
- Friend's house
- Relative's house
- Park, playground, gym
- Lessons: sports, or other activities Somewhere else

59. What do you usually do after school? (Mark all that apply)

- a. Watch television
- b. Care for younger brothers and sisters
- c. Do homework
- d. Get together with friends
- e. Talk on the phone
- f. Cook dinner
- g. Read
- h. Play sports
- i. Play video games
- j. Go shopping
- k. Do chores

60. How often do you do any of the following activities with one or both of your parents, or another adult in your home? (Mark one answer for each line) Often sometimes Rarely Never

- a. Go to the public library
- b. Go to concerts
- c. Go to museums
- d. Go to movies
- e. Go to sports events
- f. Go out to eat
- g. Cook together
- h. Go to their place of work
- i. Play card or board games
- j. Watch TV

61. What did you do last summer? (Mark all that apply)

- a. Went to camp away from home for several nights
- b. Went to a day camp, park, recreation center or gym nearby regularly
- c. Took lessons (swimming, tennis, music, etc.)
- d. Played sports on a team or club
- e. Was required by the school to go to summer school
- f. Went to summer school voluntarily
- g. Worked for pay at a job

62. Do your mother and father know the first names (or nicknames) (Mark one answer for each column)

- A. Father or Male Guardian
- B. Mother or Female Guardian Yes No

63. Do you agree or disagree with the following statements about school? (Mark one answer for each statement) Strongly Agree Agree Disagree Strongly Disagree

- a. I generally like coming to school
- b. I am often bored in school
- c. My education will make a difference in my life

64. How much do you agree with the following statements about your school and teachers? (Mark one answer on each line) Strongly Agree Agree Disagree Strongly Disagree

- a. Most students get along well with teachers
- b. There is real school spirit
- c. Rules for behavior are strict
- d. Discipline is fair
- e. Other students often disrupt class
- f. The teaching is good
- g. Teachers are interested in students
- h. When I work hard on schoolwork, teachers praise my efforts
- i. In class I often feel "put down" by my teacher
- j. In class I often feel "put down" by other students
- k. Most of my teachers really listen to what I have to say
- l. I don't feel safe while I'm in school
- m. I don't feel safe while going to school
- n. Disruptions by other students get in the way of my learning
- o. Misbehaving students often get away with it
- p. Teachers make parents feel welcome in school
- q. Teachers care about what parents think
- r. My teachers are fair

65. Do you agree or disagree with the following statements about yourself? (Mark one answer for each statement) Strongly Agree Agree Disagree Strongly Disagree

- a. I feel good about myself
- b. I don't have enough control over the direction my life is taking
- c. In my life, good luck is more important than hard work for success
- d. I feel I am a person of worth the equal of other people
- e. I am able to do things as well as most other people
- f. Every time I try to get ahead something or somebody stops me
- g. My plans hardly ever work out so planning only makes me unhappy
- h. On the whole, I am satisfied with myself
- i. I certainly feel useless at times

- j. At times I think I am no good at all
- k. When I make plans, I am almost certain I can make them work
- l. I feel I do not have much to be proud of
- m. Chance and luck are very important for what happens in my life

66. How do you think other students in your classes see you? (Mark one answer on each line)

Other students in class see you... Very Somewhat Not at all

- a. As popular
- b. As athletic
- c. As a good student
- d. As important
- e. As a trouble-maker

67. As things stand now, how far in school do you think you will get? (Mark only one answer)

- Won't finish high school
- Will graduate from high school, but won't go any further
- Will go to vocational, trade or business school after high school
- Will complete vocational, trade or business school after high school
- Will attend a 2- or 4-year college but probably won't graduate
- Will graduate from a 2- or 4-year college
- Will attend graduate school after college

68. How far in school do you think your father and mother want you to go?
(Mark one answer for both columns A and B below).

- Less than high school graduation
- Graduate from high school, but not go any further
- Go to vocational, trade or business school after high school
- Complete vocational, trade or business school after high school
- Attend a 2- or 4-year college
- Graduate from a 2- or 4-year college
- Attend a higher level of school after graduating from college
- Don't know

69. Which program do you expect to take in high school? (Mark only one answer)

- College prep, academic or specialized academic (such as science or mathematics)
- Vocational, technical, or business and career
- General high school program
- Other specialized high school (such as Fine Arts)
- Another type of program
- Don't know

70. How often have you talked to the following people about planning your program?

(Mark one answer on each line)

- a. Your father (or male guardian)
- b. Your mother (or female guardian)
- c. A guidance counselor
- d. Teachers
- e. Other adult relatives or friends
- f. Friend

The purpose of this survey is to learn about changes over time in the things that affect your education. For this reason, we need to contact you again in the future. Because people move around a great deal, we are asking you for information that will make it possible to locate you easily. Please be assured that any information that you give us about your family or others will be used only to inquire how we might contact you for future surveys.

For Reference Only

THIS IS A BAD BILL, POORLY WRITTEN, BECAUSE:

1. It removes a shield of protection of personal, private, family affairs. Currently, a school may ask personal questions of a child on an anonymous questionnaire if the parent is properly notified and gives active consent for the school to ask the questions.
2. District autonomy is violated. A school district could no longer choose to require active parental permission for surveys if HB 408 were to pass.
3. Page 2, Line 3ff: "shall provide" This pseudo-requirement was made to be gun-decked! Does posting on a "parents bulletin board" in the school meet the criteria for "provide"?

AS 14.03.110(a)	HB 408 14.03.110(a)	Effect of HB 408
(a) A school district, principal or other person in charge of a public school, or teacher in a public school may not administer or permit to be administered in a school a questionnaire or survey, whether anonymous or not, that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation unless written permission is obtained from the student's parent or legal guardian.	(a) A school district or an employee of a school district may not administer or permit administration of a questionnaire or survey to a class or student that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation, unless written permission is obtained from the student's parent or legal guardian. This subsection does not apply to a questionnaire or survey that is anonymous.	Changes existing statute to allow 1) <u>anonymous</u> surveys without written permission. 2) It also removes a prohibition of asking questions that inquires into personal or private affairs <u>if the survey is anonymous.</u>
(b) For an anonymous questionnaire or survey, written permission required under (a) of this section may be obtained annually and is valid until the commencement of the subsequent school year or until the parent or legal guardian who gave permission submits a written withdrawal of permission to the school principal. The school shall provide each student's parent or legal guardian at least two weeks' notice before administering a questionnaire or survey described under this subsection.	(b) If a school district administers an anonymous questionnaire or survey that inquires into personal or private family affairs of a student not a matter of public record or subject to public observation, even though written permission from a student's parent or legal guardian is not required, the school district shall provide each student's parent or legal guardian the opportunity to submit to the school principal a written denial of permission to take the questionnaire or survey.	1) removes the section that allows the school district to get annual permission for anonymous surveys from the parents, and, 2) removes the requirement to notify parents 2 weeks before a survey. 3) adds a requirement that each student's parent shall be provided the <u>opportunity to submit... denial of permission.</u>
(c) If a school administers to a student a questionnaire or survey that is not anonymous, the school shall obtain the written permission required under (a) of this section from the student's parent or legal guardian at least two weeks before the questionnaire or survey is administered.	(c) For purposes of (a) and (b) of this section, the school district shall provide a parent or legal guardian at least two weeks' written notice of the right to grant or to deny permission to take the questionnaire or survey before administering the questionnaire or survey.	1) removes the requirement for written permission <u>for non-anonymous surveys,</u> and 2) removes the requirement for a two week notice <u>for non-anonymous surveys.</u> 3) Adds a requirement for at least two weeks written notice of the right to <i>grant or deny permission</i>
(d) The school shall give a student's parent or guardian an opportunity to review the questionnaire or survey described under (b) or (c) of this section and shall give the parent or guardian written notice regarding (1) how the questionnaire or survey will be administered to the student; (2) how the results of the survey or questionnaire will be used; and (3) who will have access to the questionnaire or survey.	(d) Written notice required to be given to a parent or guardian under this section must include (1) an opportunity to review the questionnaire or survey to be administered; (2) how the questionnaire or survey will be administered to the student; (3) how the results of the questionnaire or survey will be used; (4) who will have access to the questionnaire or survey; (5) how to submit written (A) permission for the student's participation in a questionnaire or survey, if required; or (B) denial of permission to participate in a questionnaire or survey, including an anonymous or specific questionnaire or survey.	No real big change other than to include requirement for directions on how to grant or deny permission. "Written notice" and "opportunity to review" have totally different meanings under the old (b) and (c) compared to the new (b) and (c)
(e) A student may refuse to participate in a questionnaire or survey administered in a public school. A student's parent or legal guardian may refuse to allow the student to participate in a specified questionnaire or survey.	(e) A student may refuse to participate in a questionnaire or survey administered in a public school. A student's parent or legal guardian may refuse to allow the student to participate in a specified questionnaire or <u>survey by submitting to the school principal a written denial of permission for the student's participation.</u>	requires <u>the parent</u> to take the initiative to provide written denial of permission

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(b) For an anonymous questionnaire or survey, written permission required under (a) of this section may be obtained annually and is valid until the commencement of the subsequent school year or until the parent or legal guardian who gave permission submits a written withdrawal of permission to the school principal. The school shall provide each student's parent or legal guardian at least two weeks' notice before administering a questionnaire or survey described under this subsection.	(b) If a school district administers an anonymous questionnaire or survey that inquires into personal or private family affairs of a student not a matter of public record or subject to public observation, even though written permission from a student's parent or legal guardian is not required, the school district shall provide each student's parent or legal guardian the opportunity to submit to the school principal a written denial of permission to take the questionnaire or survey.	1) removes the section that allows the school district to get annual permission for anonymous surveys from the parents, and, 2) removes the requirement to notify parents 2 weeks before a survey. 3) add a requirement that each student's parent shall be provided the <u>opportunity to submit... denial of permission.</u>
(c) If a school administers to a student a questionnaire or survey that is not anonymous, the school shall obtain the written permission required under (a) of this section from the student's parent or legal guardian at least two weeks before the questionnaire or survey is administered.	(c) For purposes of (a) and (b) of this section, the school district shall provide a parent or legal guardian at least two weeks' written notice of the right to grant or to deny permission to take the questionnaire or survey before administering the questionnaire or survey.	1) removes the requirement for written <u>permission for non-anonymous surveys,</u> and 2) removes the requirement for a two week notice <u>for non-anonymous surveys.</u> 3) Adds a requirement for at least two weeks written notice of the right to <u>grant or deny permission</u>
(d) The school shall give a student's parent or guardian an opportunity to review the questionnaire or survey described under (b) or (c) of this section and shall give the parent or guardian written notice regarding (1) how the questionnaire or survey will be administered to the student; (2) how the results of the survey or questionnaire will be used; and (3) who will have access to the questionnaire or survey.	(d) Written notice required to be given to a parent or guardian under this section must include (1) an opportunity to review the questionnaire or survey to be administered; (2) how the questionnaire or survey will be administered to the student; (3) how the results of the questionnaire or survey will be used; (4) who will have access to the questionnaire or survey; (5) how to submit written (A) permission for the student's participation in a questionnaire or survey, if required; or (B) denial of permission to participate in a questionnaire or survey, including an anonymous or specific questionnaire or survey.	No real big change other than to include requirement for directions on how to grant or deny permission. "Written notice" and "opportunity to review" have totally different meanings under the old (b) and (c) compared to the new (b) and (c)
(e) A student may refuse to participate in a questionnaire or survey administered in a public school. A student's parent or legal guardian may refuse to allow the student to participate in a specified questionnaire or survey.	(e) A student may refuse to participate in a questionnaire or survey administered in a public school. A student's parent or legal guardian may refuse to allow the student to participate in a specified questionnaire or survey by <u>submitting to the school principal a written denial of permission for the student's participation.</u>	requires <u>the parent</u> to take the initiative to provide written denial of permission

CS FOR HOUSE BILL NO. 408(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/11/02

Referred: Rules

Sponsor(s): HOUSE SPECIAL COMMITTEE ON EDUCATION

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to questionnaires and surveys administered in the public schools."**

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

3 *** Section 1.** AS 14.03.110(a) is repealed and reenacted to read:

4 (a) A school district or an employee of a school district may not administer or
5 permit administration of a questionnaire or survey to a class or student that inquires
6 into personal or private family affairs of the student not a matter of public record or
7 subject to public observation, unless written permission is obtained from the student's
8 parent or legal guardian. This subsection does not apply to a questionnaire or survey
9 that is anonymous.

10 *** Sec. 2.** AS 14.03.110(b) is repealed and reenacted to read:

11 (b) If a school district administers an anonymous questionnaire or survey that
12 inquires into personal or private family affairs of a student not a matter of public
13 record or subject to public observation, even though written permission from a
14 student's parent or legal guardian is not required, the school district shall provide each
15 student's parent or legal guardian the opportunity to submit to the school principal a

1 written denial of permission to take the questionnaire or survey.

2 * Sec. 3. AS 14.03.110(c) is repealed and reenacted to read:

3 (c) For purposes of (a) and (b) of this section, the school district shall provide
4 a parent or legal guardian at least two weeks' written notice of the right to grant or to
5 deny permission to take the questionnaire or survey before administering the
6 questionnaire or survey.

7 * Sec. 4. AS 14.03.110(d) is repealed and reenacted to read:

8 (d) Written notice required to be given to a parent or guardian under this
9 section must include

10 (1) an opportunity to review the questionnaire or survey to be
11 administered;

12 (2) how the questionnaire or survey will be administered to the
13 student;

14 (3) how the results of the questionnaire or survey will be used;

15 (4) who will have access to the questionnaire or survey;

16 (5) how to submit written

17 (A) permission for the student's participation in a questionnaire
18 or survey, if required; or

19 (B) denial of permission to participate in a questionnaire or
20 survey, including an anonymous or specific questionnaire or survey.

21 * Sec. 5. AS 14.03.110(e) is amended to read:

22 (e) A student may refuse to participate in a questionnaire or survey
23 administered in a public school. A student's parent or legal guardian may refuse to
24 allow the student to participate in a specified questionnaire or survey **by submitting to**
25 **the school principal a written denial of permission for the student's participation.**

THIS IS A BAD BILL, POORLY WRITTEN, BECAUSE:

1. It removes a shield of protection of personal, private, family affairs. Currently, a school may ask personal questions of a child on an anonymous questionnaire if the parent is properly notified and gives active consent for the school to ask the questions.
2. District autonomy is violated. A school district could no longer choose to require active parental permission for surveys if HB 408 were to pass.
3. Page 2, Line 3ff: "shall provide" This pseudo-requirement was made to be gun-decked! Does posting on a "parents bulletin board" in the school meet the criteria for "provide"?

Amendment # 1: Page 1, line 7 Delete [THAT IS ANONYMOUS OR]

Rational: Anonymity does not exist when surveying students in schools!

These surveys ask such specific questions (age, race, grade, sex, if you live with one or both parents, how long you've lived in town, the level of education of your father, of your mother, what grades you get, etc.). I would have no trouble picking out my child's survey out of 2000 surveys. These surveys are given in classes of 20-25 students, thus narrowing down which survey belongs to whom. Kids were saying that they had to hand in their surveys front-to-back, row-by-row (every teacher has a seating assignment chart). One student at our high school said he was caught changing his race on his survey so the administrator made him go to another room and fill it out correctly. A mother complained that when her child missed the survey on Friday, upon his return to school on Monday, he was made to take the survey while the rest of the class read. Another mother said her son was pulled into the office and questioned about his "alarming" answers on his survey. At one school, the surveys were actually labelled with the students' names. Let's not forget that these surveys have our children's fingerprints all over them. Ridgewood ignored the guidelines for administering the survey in an anonymous and voluntary fashion -- the only guideline they followed was that the students use a #2 pencil! What's to stop another school district like Ridgewood from doing the same thing?

Amendment # 2: Delete Section 2 (Page 1, lines 9-14)

Rational: Same as # 1. Because Anonymity does not exist when surveying students in schools!, This section would allow anonymous surveys unless a parent specifically denies permission for them.

Amendment # 3 Page 2, Line 4 Add a new sentence that reads: Written notice will be sent by US Mail, addressed to the students parent or legal guardian, postmarked no less than 21 days before a questionnaire or survey is administered.

Rational: Existing law requires that permission be obtained not two weeks prior... this is consistent with existing law. Use of Mail is important because any number of things could be considered to be "providing written notice".



Adolescent and School Health

YRBSS

- [Current Results](#)
- [Questionnaire](#)
- [Item Rationale](#)
- [Youth Risk Behavior Trends](#)
- [Data and Documentation](#)
- [Youth '99 Online](#)
- [Previous Results](#)



YRBSS

Youth Risk Behavior Surveillance System

2001 Youth Risk Behavior Survey

The following is a reproduction of the YRBSS Survey Questionnaire material. The format has been adapted for presentation on this Web page. Therefore, it is intended for reference only.

Research and Evaluation

- [YRBSS](#)
- [SHPPS](#)
- [Coordinated School Health](#)
- [Handbook for HIV Education](#)
- [PTW](#)

Adolescent and School Health

- [National School Health Strategies](#)
- [Research & Evaluation](#)
- [Risk Behaviors and Health Topics](#)
- [Guidelines](#)
- [Resources and Tools](#)
- [Project Partners](#)
- [About the Program](#)

This survey is about health behavior. It has been developed so you can tell us what you do that may affect your health. The information you give will be used to develop better health education for young people like yourself.

DO NOT write your name on this survey. The answers you give will be kept private. No one will know what you write. Answer the questions based on what you really do.

Completing the survey is voluntary. Whether or not you answer the questions will not affect your grade in this class. If you are not comfortable answering a question, just leave it blank.

The questions that ask about your background will be used only to describe the types of students completing this survey. The information will not be used to find out your name. No names will ever be reported.

Make sure to read every question. Fill in the ovals completely. When you are finished, follow the instructions of the person giving you the survey.

Thank you very much for your help.

Directions

- Use a #2 pencil only.
- Make dark marks.
- Fill in a response like this: A B C D.
- To change your answer, erase completely.

1. How old are you?

- A. 12 years old or younger
- B. 13 years old
- C. 14 years old
- D. 15 years old
- E. 16 years old
- F. 17 years old
- G. 18 years old or older

2. What is your sex?

- A. Female
- B. Male

3. In what grade are you?

- A. 9th grade
- B. 10th grade
- C. 11th grade
- D. 12th grade
- E. Ungraded or other grade

4. How do you describe yourself? (Select one or more responses.)

- A. American Indian or Alaska Native
- B. Asian
- C. Black or African American
- D. Hispanic or Latino
- E. Native Hawaiian or Other Pacific Islander
- F. White

5. During the past 12 months, how would you describe your grades in school?

- A. Mostly A's
- B. Mostly B's
- C. Mostly C's
- D. Mostly D's
- E. Mostly F's
- F. None of these grades
- G. Not sure

6. How tall are you without your shoes on?

Directions: Write your height in the shaded blank boxes. Fill in the matching oval below each number.

Example

Height	
Feet	Inches
5	7
3	0
4	1
>5<	2
6	3
7	4
	5
	6
	>7<
	8
	9
	10
	11

Height	
Feet	Inches
3	0
4	1
5	2
6	3
7	4
	5
	6
	7
	8
	9
	10
	11

7. How much do you weigh without your shoes on?

Directions: Write your weight in the shaded blank boxes. Fill in the matching oval below each number.

Example

Weight		
Pounds		
1	5	2
0	0	0
>1<	1	1
2	2	>2<
3	3	3
	4	4
	>5<	5
	6	6
	7	7
	8	8
	9	9

Weight		
Pounds		
0	0	0
1	1	1
2	2	2
3	3	3
	4	4
	5	5
	6	6
	7	7
	8	8
	9	9

The next 5 questions ask about personal safety.

8. **When you rode a motorcycle** during the past 12 months, how often did you wear a helmet?

- A. I did not ride a motorcycle during the past 12 months
- B. Never wore a helmet
- C. Rarely wore a helmet
- D. Sometimes wore a helmet
- E. Most of the time wore a helmet
- F. Always wore a helmet

9. **When you rode a bicycle** during the past 12 months, how often did you wear a helmet?

- A. I did not ride a bicycle during the past 12 months
- B. Never wore a helmet
- C. Rarely wore a helmet
- D. Sometimes wore a helmet
- E. Most of the time wore a helmet
- F. Always wore a helmet

10. How often do you wear a seat belt when **riding in** a car driven by someone else?

- A. Never
- B. Rarely
- C. Sometimes
- D. Most of the time
- E. Always

11. During the past 30 days, how many times did you **ride** in a car or other vehicle **driven by someone who had been drinking alcohol**?

- A. 0 times
- B. 1 time
- C. 2 or 3 times
- D. 4 or 5 times
- E. 6 or more times

12. During the past 30 days, how many times did you **drive** a car or other vehicle **when you had been drinking alcohol**?

- A. 0 times
- B. 1 time
- C. 2 or 3 times
- D. 4 or 5 times
- E. 6 or more times

The next 10 questions ask about violence-related behaviors.

13. During the past 30 days, on how many days did you carry a **weapon** such as a gun, knife, or club?

- A. 0 days
- B. 1 day
- C. 2 or 3 days
- D. 4 or 5 days
- E. 6 or more days

14. During the past 30 days, on how many days did you carry a **gun**?

- A. 0 days
- B. 1 day
- C. 2 or 3 days
- D. 4 or 5 days
- E. 6 or more days

15. During the past 30 days, on how many days did you carry a weapon such as a gun, knife, or club **on school property**?

- A. 0 days
- B. 1 day
- C. 2 or 3 days
- D. 4 or 5 days
- E. 6 or more days

16. During the past 30 days, on how many days did you **not** go to school because you felt you would be unsafe at school or on your way to or from school?

- A. 0 days
- B. 1 day
- C. 2 or 3 days
- D. 4 or 5 days
- E. 6 or more days

17. During the past 12 months, how many times has someone threatened or injured you with a weapon such as a gun, knife, or club **on school property**?

- A. 0 times
- B. 1 time
- C. 2 or 3 times
- D. 4 or 5 times
- E. 6 or 7 times
- F. 8 or 9 times
- G. 10 or 11 times
- H. 12 or more times

18. During the past 12 months, how many times were you in a physical fight?

- A. 0 times
- B. 1 time
- C. 2 or 3 times
- D. 4 or 5 times
- E. 6 or 7 times
- F. 8 or 9 times
- G. 10 or 11 times
- H. 12 or more times

19. During the past 12 months, how many times were you in a physical fight in which you were injured and had to be treated by a doctor or nurse?

- A. 0 times
- B. 1 time
- C. 2 or 3 times
- D. 4 or 5 times
- E. 6 or more times

20. During the past 12 months, how many times were you in a physical fight **on school property**?

- A. 0 times
- B. 1 time
- C. 2 or 3 times
- D. 4 or 5 times
- E. 6 or 7 times
- F. 8 or 9 times
- G. 10 or 11 times
- H. 12 or more times

21. During the past 12 months, did your boyfriend or girlfriend ever hit, slap, or physically hurt you on purpose?

- A. Yes
- B. No

22. Have you ever been physically forced to have sexual intercourse when you did not want to?

- A. Yes
- B. No

The next 5 questions ask about sad feelings and attempted suicide. Sometimes people feel so depressed about the future that they may consider attempting suicide, that is, taking some action to end their own life.

23. During the past 12 months, did you ever feel so sad or hopeless almost every day for **two weeks or more in a row** that you stopped doing some usual activities.

- A. Yes
- B. No

24. During the past 12 months, did you ever **seriously** consider attempting suicide?

- A. Yes
- B. No

25. During the past 12 months, did you make a plan about how you would attempt suicide?

- A. Yes
- B. No

26. During the past 12 months, how many times did you actually attempt suicide?

- A. 0 times
- B. 1 time
- C. 2 or 3 times
- D. 4 or 5 times
- E. 6 or more times

27. **If you attempted suicide** during the past 12 months, did any attempt result in an injury, poisoning, or overdose that had to be treated by a doctor or nurse?

- A. **I did not attempt suicide** during the past 12 months
- B. Yes
- C. No

The next 12 questions ask about tobacco use.

28. Have you ever tried cigarette smoking, even one or two puffs?

- A. Yes
- B. No

29. How old were you when you smoked a whole cigarette for the first time?

- A. I have never smoked a whole cigarette
- B. 8 years old or younger
- C. 9 or 10 years old
- D. 11 or 12 years old
- E. 13 or 14 years old
- F. 15 or 16 years old
- G. 17 years old or older

30. During the past 30 days, on how many days did you smoke cigarettes?

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

31. During the past 30 days, on the days you smoked, how many cigarettes did you smoke **per day**?

- A. I did not smoke cigarettes during the past 30 days
- B. Less than 1 cigarette per day
- C. 1 cigarette per day
- D. 2 to 5 cigarettes per day
- E. 6 to 10 cigarettes per day
- F. 11 to 20 cigarettes per day
- G. More than 20 cigarettes per day

32. During the past 30 days, how did you **usually** get your own cigarettes? (Select only **one** response.)

- A. I did not smoke cigarettes during the past 30 days
- B. I bought them in a store such as a convenience store, supermarket, discount store, or gas station
- C. I bought them from a vending machine
- D. I gave someone else money to buy them for me
- E. I borrowed (or bummed) them from someone else
- F. A person 18 years or older gave them to me
- G. I took them from a store or family member
- H. I got them some other way

33. **When you bought or tried to buy cigarettes** in a store during the past 30 days, were you ever asked to show proof of age?

- A. I did not try to buy cigarettes in a store during the past 30 days
- B. Yes, I was asked to show proof of age
- C. No, I was **not** asked to show proof of age

34. During the past 30 days, on how many days did you smoke cigarettes **on school property**?

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

35. Have you ever smoked cigarettes daily, that is, at least one cigarette every day for 30 days?

- A. Yes
- B. No

36. During the past 12 months, did you ever try **to quit** smoking cigarettes?

- A. I did not smoke during the past 12 months
- B. Yes
- C. No

37. During the past 30 days, on how many days did you use **chewing tobacco, snuff, or dip**, such as Redman, Levi Garrett, Beechnut, Skoal, Skoal Bandits, or Copenhagen?

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

38. During the past 30 days, on how many days did you use **chewing tobacco, snuff, or dip on school property?**

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

39. During the past 30 days, on how many days did you smoke **cigars, cigarillos, or little cigars?**

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

The next 5 questions ask about drinking alcohol. This includes drinking beer, wine, wine coolers, and liquor such as rum, gin, vodka, or whiskey. For these questions, drinking alcohol does not include drinking a few sips of wine for religious purposes.

40. During your life, on how many days have you had at least one drink of alcohol?

- A. 0 days
- B. 1 or 2 days
- C. 3 to 9 days
- D. 10 to 19 days
- E. 20 to 39 days
- F. 40 to 99 days

G. 100 or more days

41. How old were you when you had your first drink of alcohol other than a few sips?

- A. I have never had a drink of alcohol other than a few sips
- B. 8 years old or younger
- C. 9 or 10 years old
- D. 11 or 12 years old
- E. 13 or 14 years old
- F. 15 or 16 years old
- G. 17 years old or older

42. During the past 30 days, on how many days did you have at least one drink of alcohol?

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

43. During the past 30 days, on how many days did you have 5 or more drinks of alcohol in a row, that is, within a couple of hours?

- A. 0 days
- B. 1 day
- C. 2 days
- D. 3 to 5 days
- E. 6 to 9 days
- F. 10 to 19 days
- G. 20 or more days

44. During the past 30 days, on how many days did you have at least one drink of alcohol **on school property**?

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

The next 4 questions ask about marijuana use. Marijuana also is called grass or pot.

45. During your life, how many times have you used marijuana?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times

- E. 20 to 39 times
- F. 40 to 99 times
- G. 100 or more times

46. How old were you when you tried marijuana for the first time?

- A. I have never tried marijuana
- B. 8 years old or younger
- C. 9 or 10 years old
- D. 11 or 12 years old
- E. 13 or 14 years old
- F. 15 or 16 years old
- G. 17 years old or older

47. During the past 30 days, how many times did you use marijuana?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

48. During the past 30 days, how many times did you use marijuana **on school property**?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

The next 9 questions ask about cocaine and other drugs.

49. During your life, how many times have you used **any** form of cocaine, including powder, crack, or freebase?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

50. During the past 30 days, how many times did you use **any** form of cocaine, including powder, crack, or freebase?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

51. During your life, how many times have you sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

52. During the past 30 days, how many times have you sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

53. During your life, how many times have you used **heroin** (also called smack, junk, or China White)?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

54. During your life, how many times have you used **methamphetamines** (also called speed, crystal, crank, or ice)?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

55. During your life, how many times have you taken **steroid pills or shots** without a doctor's prescription?

- A. 0 times
- B. 1 or 2 times
- C. 3 to 9 times
- D. 10 to 19 times
- E. 20 to 39 times
- F. 40 or more times

56. During your life, how many times have you used a needle to inject any **illegal** drug into your body?

- A. 0 times
- B. 1 time
- C. 2 or more times

57. During the past 12 months, has anyone offered, sold, or given you an illegal drug **on school property**?

- A. Yes
- B. No

The next 8 questions ask about sexual behavior.

58. Have you ever had sexual intercourse?

- A. Yes
- B. No

59. How old were you when you had sexual intercourse for the first time?

- A. I have never had sexual intercourse
- B. 11 years old or younger
- C. 12 years old
- D. 13 years old
- E. 14 years old
- F. 15 years old
- G. 16 years old
- H. 17 years old or older

60. During your life, with how many people have you had sexual intercourse?

- A. I have never had sexual intercourse
- B. 1 person
- C. 2 people
- D. 3 people
- E. 4 people
- F. 5 people
- G. 6 or more people

61. During the past 3 months, with how many people did you have sexual intercourse?

- A. I have never had sexual intercourse
- B. I have had sexual intercourse, but not during the past 3 months
- C. 1 person
- D. 2 people
- E. 3 people
- F. 4 people
- G. 5 people
- H. 6 or more people

62. Did you drink alcohol or use drugs before you had sexual intercourse the **last time**?

- A. I have never had sexual intercourse
- B. Yes
- C. No

63. The **last time** you had sexual intercourse, did you or your

partner use a condom?

- A. I have never had sexual intercourse
- B. Yes
- C. No

64. The **last time** you had sexual intercourse, what **one** method did you or your partner use to **prevent pregnancy**? (Select only **one** response.)

- A. I have never had sexual intercourse
- B. No method was used to prevent pregnancy
- C. Birth control pills
- D. Condoms
- E. Depo-Provera (injectable birth control)
- F. Withdrawal
- G. Some other method
- H. Not sure

65. How many times have you been pregnant or gotten someone pregnant?

- A. 0 times
- B. 1 time
- C. 2 or more times
- D. Not sure

The next 7 questions ask about body weight.

66. How do **you** describe your weight?

- A. Very underweight
- B. Slightly underweight
- C. About the right weight
- D. Slightly overweight
- E. Very overweight

67. Which of the following are you trying to do about your weight?

- A. **Lose** weight
- B. **Gain** weight
- C. **Stay** the same weight
- D. I am **not trying to do anything** about my weight

68. During the past 30 days, did you **exercise** to lose weight or to keep from gaining weight?

- A. Yes
- B. No

69. During the past 30 days, did you **eat less food, fewer calories, or foods low in fat** to lose weight or to keep from gaining weight?

- A. Yes
- B. No

70. During the past 30 days, did you **go without eating for 24 hours or more** (also called fasting) to lose weight or to keep from gaining weight?

- A. Yes
- B. No

71. During the past 30 days, did you **take any diet pills, powders, or liquids** without a doctor's advice to lose weight or to keep from gaining weight? (Do **not** include meal replacement products such as Slim Fast.)

- A. Yes
- B. No

72. During the past 30 days, did you **vomit or take laxatives** to lose weight or to keep from gaining weight?

- A. Yes
- B. No

The next 7 questions ask about food you ate or drank during the past 7 days. Think about all the meals and snacks you had from the time you got up until you went to bed. Be sure to include food you ate at home, at school, at restaurants, or anywhere else.

73. During the past 7 days, how many times did you drink **100% fruit juices** such as orange juice, apple juice, or grape juice? (Do **not** count punch, Kool-Aid, sports drinks, or other fruit-flavored drinks.)

- A. I did not drink 100% fruit juice during the past 7 days
- B. 1 to 3 times during the past 7 days
- C. 4 to 6 times during the past 7 days
- D. 1 time per day
- E. 2 times per day
- F. 3 times per day
- G. 4 or more times per day

74. During the past 7 days, how many times did you eat **fruit**? (Do **not** count fruit juice.)

- A. I did not eat fruit during the past 7 days
- B. 1 to 3 times during the past 7 days
- C. 4 to 6 times during the past 7 days
- D. 1 time per day
- E. 2 times per day
- F. 3 times per day
- G. 4 or more times per day

75. During the past 7 days, how many times did you eat **green salad**?

- A. I did not eat green salad during the past 7 days
- B. 1 to 3 times during the past 7 days
- C. 4 to 6 times during the past 7 days

- D. 1 time per day
- E. 2 times per day
- F. 3 times per day
- G. 4 or more times per day

76. During the past 7 days, how many times did you eat **potatoes**? (Do **not** count french fries, fried potatoes, or potato chips.)

- A. I did not eat potatoes during the past 7 days
- B. 1 to 3 times during the past 7 days
- C. 4 to 6 times during the past 7 days
- D. 1 time per day
- E. 2 times per day
- F. 3 times per day
- G. 4 or more times per day

77. During the past 7 days, how many times did you eat **carrots**?

- A. I did not eat carrots during the past 7 days
- B. 1 to 3 times during the past 7 days
- C. 4 to 6 times during the past 7 days
- D. 1 time per day
- E. 2 times per day
- F. 3 times per day
- G. 4 or more times per day

78. During the past 7 days, how many times did you eat **other vegetables**? (Do **not** count green salad, potatoes, or carrots.)

- A. I did not eat other vegetables during the past 7 days
- B. 1 to 3 times during the past 7 days
- C. 4 to 6 times during the past 7 days
- D. 1 time per day
- E. 2 times per day
- F. 3 times per day
- G. 4 or more times per day

79. During the past 7 days, how many **glasses of milk** did you drink? (Include the milk you drank in a glass or cup, from a carton, or with cereal. Count the half pint of milk served at school as equal to one glass.)

- A. I did not drink milk during the past 7 days
- B. 1 to 3 glasses during the past 7 days
- C. 4 to 6 glasses during the past 7 days
- D. 1 glass per day
- E. 2 glasses per day
- F. 3 glasses per day
- G. 4 or more glasses per day

The next 7 questions ask about physical activity.

80. On how many of the past 7 days did you exercise or participate in physical activity for **at least 20 minutes that made you sweat and breathe hard**, such as basketball,

soccer, running, swimming laps, fast bicycling, fast dancing, or similar aerobic activities?

- A. 0 days
- B. 1 day
- C. 2 days
- D. 3 days
- E. 4 days
- F. 5 days
- G. 6 days
- H. 7 days

81. On how many of the past 7 days did you participate in physical activity for **at least 30 minutes** that did **not** make you sweat or breathe hard, such as fast walking, slow bicycling, skating, pushing a lawn mower, or mopping floors?

- A. 0 days
- B. 1 day
- C. 2 days
- D. 3 days
- E. 4 days
- F. 5 days
- G. 6 days
- H. 7 days

82. On how many of the past 7 days did you do exercises to **strengthen or tone your muscles**, such as push-ups, sit-ups, or weight lifting?

- A. 0 days
- B. 1 day
- C. 2 days
- D. 3 days
- E. 4 days
- F. 5 days
- G. 6 days
- H. 7 days

83. On an average school day, how many hours do you watch TV?

- A. I do not watch TV on an average school day
- B. Less than 1 hour per day
- C. 1 hour per day
- D. 2 hours per day
- E. 3 hours per day
- F. 4 hours per day
- G. 5 or more hours per day

84. In an average week when you are in school, on how many days do you go to physical education (PE) classes?

- A. 0 days
- B. 1 day
- C. 2 days
- D. 3 days
- E. 4 days

F. 5 days

85. During an average physical education (PE) class, how many minutes do you spend actually exercising or playing sports?

- A. I do not take PE
- B. Less than 10 minutes
- C. 10 to 20 minutes
- D. 21 to 30 minutes
- E. 31 to 40 minutes
- F. 41 to 50 minutes
- G. 51 to 60 minutes
- H. More than 60 minutes

86. During the past 12 months, on how many sports teams did you play? (Include any teams run by your school or community groups.)

- A. 0 teams
- B. 1 team
- C. 2 teams
- D. 3 or more teams

The next question asks about AIDS education.

87. Have you ever been taught about AIDS or HIV infection in school?

- A. Yes
- B. No
- C. Not sure

This is the end of the survey.

Thank you very much for your help.


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April 17, 2002

Honorable Fred Dyson
House of Representatives
State Capitol – Room 104
Juneau, AK 99801-1182

COPY

Re: House HES committee hearing on HB 408

Dear Representative Dyson:

I. Introduction

Two issues arose during the hearing in the House HES committee on HB 408, held on April 11, 2002 which require some further clarification. Those issues are:

A. What are the consequences for teachers and other school district employees who disregard the anonymity and confidentiality protections contained in HB 408 if passed?

and

B. What is the effect of the case referred to as the "New Jersey case" on Alaska law governing student surveys?

II. Short Answer

A. The consequences for teachers and other school district employees who disregard the protections for students and families in HB 408 include employee discipline and, for certified teaching staff, the potential for a finding of an ethical or teaching practices violation by the Professional Teaching Practices Commission (PTPC) resulting in the potential for revocation or suspension of the certificate in certain circumstances. In addition a public servant may be charged with a misdemeanor crime under AS 11.56.860.

B. In the New Jersey case, *C.N. et al. v. Ridgewood Board of Education*, an appeals court remanded the case back to the trial court for further evidence of the voluntary nature of a student survey the trial court found to be voluntary without a trial. The New Jersey appeals court did not dispute or change the trial court's legal conclusion that the federal written parental consent provision would not apply to a voluntary and

anonymous survey. While this case serves as a guideline in reviewing student survey procedures it does not serve as legal precedent in Alaska and is not relevant to a voluntary survey as described in HB 408.

III. Analysis

A. Staff Consequences

The legislature has previously provided for both employee and certification consequences if a teacher or other staff member fails to follow the requirements contained in HB 408 if passed into law. In addition, a person who is or has been a public servant may be charged with a Class A misdemeanor for misuse of confidential information as defined in AS 11.56.860.

Under current Alaska law two governing bodies are responsible for ensuring compliance with applicable rules by the certificated staff of a school district. First, the school district is authorized to dismiss a teacher, even if tenured, for substantial noncompliance with the school laws of the state (including AS 14.03.110) the regulations or bylaws of the department, the bylaws of the district, or the written rules of the superintendent under AS 14.20.170(a)(3). A teacher is defined to include all certified school staff. A teacher who has not acquired tenure rights is subject to nonretention for the school year following the expiration of the teacher's contract for any cause that the district determines to be adequate under AS 14.20.175.

Second, disciplinary action may be imposed by the Professional Teaching Practices Commission (PTPC) if a school district did not act to address a violation of a school law such as HB 408. The PTPC may revoke or suspend a teaching certificate if a teacher fails to comply substantially with the school laws of the state or if the PTPC determines that there has been a violation of ethical or professional standards under AS 14.20.030 including a violation of an ethical standard. The ethical standards include a requirement that teachers "keep in confidence information that has been obtained in the course of providing professional service, unless disclosure serves a compelling professional purpose or is required by law" under 4 AAC 10.020(8).

In addition, a public servant may be charged with a Class A misdemeanor for the crime of misuse of confidential information if the person (1) learns confidential information through employment as a public servant and (2) while in office or after leaving office, uses the confidential information for personal gain or in a manner not connected with the performance of official duties other than by giving sworn testimony or evidence in a legal proceeding in conformance with a court order. This crime as well

as the employee and teaching practices standards appear to be adequate protections for students and families fearful of an unauthorized breach of confidentiality in connection with the administration of a voluntary and anonymous survey.¹

B. The Effect of the New Jersey Case in Alaska

Hearing testimony before the committee on HB 408 included references to a New Jersey case that challenged the administration of a student survey in that state under federal law. A federal trial court had determined prior to trial that the specific student survey had not violated statutory or constitutional requirements because it was anonymous and voluntary. An appeals court then reversed the decision because the district court had not permitted adequate discovery before reaching its summary conclusion.

The U.S. Court of Appeals for the 3rd Circuit decision has resulted in some confusion about its applicability to HB 408. The restrictions placed on student surveys by the Protection of Pupil Rights Amendment (P.P.R.A.), 20 U.S.C. 1232h provide that parental consent must be secured prior to requiring participation of a student in a survey if the survey addresses certain subjects. In *C.N. et al. v. Ridgewood Board of Education*, No. 01-1637 (Dec. 10, 2001) the appeals court reversed and remanded the case not because there was a particular problem with the survey but because the lower court's decision was reached by summary judgment without adequate discovery. The court remanded the case because discovery had not been permitted by the court to determine whether the students were adequately informed that the survey was "voluntary and anonymous" or whether the students were required to take the survey. (The other consideration upon remand will be that, if the survey was required, was the required participation in compliance with board policy to determine whether the board is immune from suit.)

The district court case, *C.N. et al. v. Ridgewood Board of Education*, 146 F.Supp.2d 528 (D.N.J. 2001) had dismissed the matter without trial on a determination that, under the PPRA, if the survey was "voluntary and anonymous" the PPRA was not applicable and written parental consent was not necessary. The ruling of the appeals court does not affect that legal analysis. Thus the case does not have a bearing on the current state law or the proposed changes in HB 408.

¹ In addition to the consequences described, a case pending before the United States Supreme Court, *Gonzaga University v. Doe* (Case No. 01-679), will decide whether parents or students have individual rights under the Family Education Records Privacy Act, that can be enforced through federal civil rights lawsuits. It is unclear, however, whether an anonymous survey falls within this federal act.

Honorable Fred Dyson
House of Representatives

April 17, 2002
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While these cases serve as a guideline in reviewing student survey procedures it does not serve as legal precedent in Alaska and is not relevant to a voluntary survey as described in HB 408.

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL

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Rep. Sharon Cissna
Rep. Reggie Joule
Elmer Lindstrom, Deputy Commissioner, Dep't of Health & Social Services
Teri Campbell, Legislative Liaison, Dep't of Education & Early Development

Subject: Anchorage PTA on HB 408

Date: Wed, 24 Apr 2002 13:00:36 -0800

From: "Jessica Paris" <parisj@mail.jsd.k12.ak.us>

To: Representative_Fred_Dyson@legis.state.ak.us

>Status: U
>To: parisj@jsd.k12.ak.us
>Date: Wed, 17 Apr 2002 15:31:17 -0400
>Subject: Re: HB 408
>MIME-Version: 1.0
>X-Juno-Line-Breaks: 0,5-9
>X-Juno-Att: 0
>X-Juno-RefParts: 0
>From: Rebecca A OHara <rebohara@juno.com>

>
>Jessica,
>Thank you for contacting me. The Anchorage Council of PTAs supports
>passive permission. However, we are concerned that School Districts take
>their responsibility seriously to alert parents of where, when, and what
>kind of surveys will be given to their children at school. I have
>alerting HESS Committee members of our position.
>Sincerely,
>Rebecca O'Hara
>Vice President, Legislation
>Anchorage Council of PTAs
>
>

HB

411

Alaska State Legislature

REPRESENTATIVE
HUGH "BUD" FATE

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 452-4448
Fax: (907) 456-3346



House Of Representatives

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4976
Fax: (907) 465-3883

House District 33

Memorandum:

Date: February 13, 2002

TO: Representative Fred Dyson
Chair, Health, Education & Social Services Committee

FR: Rep. Hugh Fate
District 33

RE: Request for Hearing

I would respectfully request a hearing for 411 which is a bill related to the Physician Assistant who is licensed to practice medicine under AS 08.64.107, AS 08.64.170 and 12AAC 40.400 through 12AAC 40.490. The purpose of this bill is to ensure that they are covered under the following laws; relating to medical malpractice actions, covered under insurance laws relating to unfair discrimination, under laws relating to special registration plates, and to make sure the insurance changes of sec. 2 effective with new or renewed policies and contracts.

Alaska State Legislature

REPRESENTATIVE
HUGH "BJD" FATE

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 452-4448
Fax: (907) 456-3346



While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4976
Fax: (907) 465-3883

House District 33

House Of Representatives Sponsor Statement HB 411

“An Act relating to physician assistants; providing that a physician assistant is a health care provider covered by certain laws relating to medical malpractice actions; adding physician assistants to the list of providers against whom unfair discrimination relating to health care insurance is prohibited and to the list of providers who can provide proof of disablement or handicap for the purpose of motor vehicle registration or for the purpose of obtaining a special license plate or a special parking permit; and providing for an effective date.”

HB 411 was at the request of the Alaska Academy of Physician Assistants who submitted three resolutions to be considered for inclusion in the state laws.

The resolutions were drafted in order to update existing state laws and to include physician assistants as recognized providers of medical care described in the particular statutes. It is believed that when the laws were drafted and passed, physician assistants were not prevalent as health care providers in the state of Alaska. However, over the ensuing years physician assistants have become integral to providing health care to rural and urban areas around the state.

The three resolutions are attempts to rectify problematic areas in the statutes, as they do not list physician assistants as recognized health care providers. This has hindered appropriate medical follow up for patients of physician assistants. The statutory changes will also prevent any discriminatory action against physician assistants without the opportunity to be assessed by their peers.

The attached resolutions as well as the current statutes they refer to will hopefully elaborate the academy's position and request. I respectfully request that you review the requests and support and pass HB 411 from committee.

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

February 11, 2002

SUBJECT: Physician Assistants (Work Order No. 22-LS1329\C)

TO: Representative Hugh Fate
Attn: Sharon

FROM: Terri Lauterbach
Legislative Counsel 

Enclosed is the bill you requested, related to physician assistants.

Section 1 puts the physician assistants under the laws relating to medical malpractice actions.

Section 2 puts the physician assistants under the insurance laws relating to unfair discrimination.

Section 3 puts the physician assistants under laws relating to special registration plates. Since AS 28.10.465(c) refers to AS 28.10.181(d), sec. 3 also has the effect of placing physician assistants under laws relating to handicapped parking permits.

Section 4 makes the insurance change of sec. 2 effective with new or renewed policies and contracts. This clarifies that the legislature is not attempting to unconstitutionally change contracts that are already in place.

Section 5 gives sections 2 and 4 a special effective date based on the calendar year. It is my understanding that such is commonly done when insurance is involved. See, for instance, ch. 50, SLA 1998, when marital and family therapists were added to AS 21.36.090(d). Sections 1 and 3 of the bill would take effect 90 days after the bill becomes law. If you want a different effective date, just let me know.

TML:med
02-128.med

Enclosure



alaska academy of physician assistants

P.O. Box 74187 • Fairbanks, AK 99707-4187
(800) 478-8684 • (907) 455-4649
Fax (907) • 452-8373 * Email akapa@gci.net



RESOLUTION

TO AMEND AS 21.36.090 (d) TO PROTECT PHYSICIAN ASSISTANTS FROM UNFAIR DISCRIMINATION

Board of Directors

Jeanne Clark
President
Fairbanks, AK

Fredrick May
President Elect
Eagle River, AK

Ed Hall
Past President
Anchorage, AK

Patricia Brown
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Anchorage, AK

Lori Landstrom
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Soldotna, AK

Don Hussen
2-Year Board Member
Fairbanks, AK

Martha Flores
1-Year Board Member
Bethel, AK

WHEREAS, a physician assistant is licensed to practice medicine under AS 08.64.107, AS 08.64.170, and 12 AAC 40.400 through 12 AAC 40.490. A physician assistant practices medicine under a "plan of collaboration" with a collaborating physician. The physician assistant has the same scope of practice as the collaborating physician. AS 08.64.170; 12 AAC 40.430.

WHEREAS, there are 250 physician assistant licensees in the state of Alaska. Physician assistants have been providing medical care in Alaska for over twenty years.

WHEREAS, physician assistants care for over 50,000 Alaskans every month, in a wide variety of institutions. Physician assistants are critical for the provision of medical care in remote areas and villages.

WHEREAS, AS 21.36.090(d) prohibits insurance companies and health maintenance organizations from discriminating against a medical care "provider" for payment of medical services, if the service is within the scope of the provider's occupational license.

WHEREAS, AS 21.36.090(d) defines "provider" to mean a licensed physician, dentist, osteopath, optometrist, chiropractor, nurse-midwife, advanced nurse practitioner, naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, licensed clinical social worker, and certified direct-entry midwife.

WHEREAS, due to a legislative oversight, physician assistant was omitted from the definition of "provider" in AS 21.36.090(d). The current statute does not protect physician assistants from unfair discrimination.

WHEREAS, physician assistants are crucial to the provision of quality medical care in Alaska. Physician assistants are entitled to protection from unfair discrimination.

THEREFORE, BE IT RESOLVED that the Alaska Academy of Physician Assistants wishes to amend AS 21.36.090(d) to include "physician assistant".

VISIT OUR WEBSITE @ akapa.org

The purpose of this Academy is to render loyal and honest service to the medical profession and to the public, to develop and enforce continuing educational programs for the Physician Assistant and the Academy membership, to promote the Physician Assistant concept through education of professional and lay people, and to promote similar interest in the student societies.



alaska academy of physician assistants

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 Fax (907) 479-2546 • Email akapa@mosquionet.com



Board of Directors

Jeanne Clark
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Lori Landstrom
 Secretary-Treasurer
 Soldotna, AK

Don Hussen
 2-Year Board Member
 Fairbanks, AK

Martha Flores
 1-Year Board Member
 Bethel, AK

RESOLUTION

TO AMEND AS 28.10.181d TO INCLUDE PHYSICIAN ASSISTANTS AS RECOGNIZED PROVIDERS OF CARE TO THE DISABLED

WHEREAS, a physician assistant is licensed to practice medicine under AS 08.64.107, AS 08.64.170, and 12 AAC 40.400 through 12 AAC 40.490.

WHEREAS, there are approximately 250 physician assistant licensees in the State of Alaska. Physician assistants have been practicing medicine in Alaska for more than 20 years.

WHEREAS, physician assistants care for over 50,000 Alaskans every month, in a wide variety of institutions. Physician assistants are critical for the provision of medical care in remote areas and villages of Alaska as well as urban areas.

WHEREAS, AS 28.10.181d identifies providers who may provide proof of disability as physicians or nurse practitioners.

WHEREAS, physician assistants are licensed clinical practitioners equivalent to nurse practitioners.

WHEREAS, disabled patients of physician assistants have been denied issuance of temporary or permanent disabled parking permits that have been applied for by physician assistants on behalf of their patients.

WHEREAS, AS 28.10.181d currently discriminates against physician assistants as well as creates unnecessary obstacles for disabled patients of physician assistants.

THEREFORE, BE IT RESOLVED that the Alaska Academy of Physician Assistants wishes to amend AS 28.10.181d to include "physician assistant under AS 08.64".

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The purpose of this Academy is to render loyal and honest service to the medical profession and to the public, to develop and enforce continuing educational programs for the Physician Assistant and the Academy membership, to promote the Physician Assistant concept through education of professional and lay people, and to promote similar interest in the student societies.



alaska academy of physician assistants

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RESOLUTION

TO AMEND AS 09.55.560 TO INCLUDE PHYSICIAN ASSISTANTS IN MEDICAL LIABILITY STATUTE

Board of Directors

Jeanne Clark
President
Fairbanks, AK

Fredrick May
President Elect
Eagle River, AK

Ed Hall
Past President
Anchorage, AK

Patricia Brown
Vice President
Anchorage, AK

Lori Landstrom
Secretary-Treasurer
Soldotna, AK

Don Hussen
2-Year Board Member
Fairbanks, AK

Martha Flores
1-Year Board Member
Bethel, AK

WHEREAS, a physician assistant is licensed to practice medicine under AS 08.64.107, AS 08.64.170, and 12 AAC 40.400 through 12 AAC 40.490.

WHEREAS, there are approximately 250 physician assistant licensees in the state of Alaska. Physician assistants have been practicing medicine in Alaska for more than 20 years.

WHEREAS, physician assistants care for over 50,000 Alaskans every month, in a wide variety of institutions. Physician assistants are critical for the provision of medical care in remote areas and villages of Alaska.

WHEREAS, in 1976 the legislature codified the law with regard to medical liability. AS 09.55.530 – AS 09.55.560. The purpose of the statutes was to codify the law of medical malpractice in order to establish that the law in Alaska in this regard is the same as elsewhere. AS 09.55.530.

WHEREAS, the medical liability statutes apply only to "health care providers", as specifically defined by AS 09.55.560. The definition of "health care provider" includes acupuncturists, audiologists, speech-language pathologists, chiropractors, dental hygienists, dentists, nurses, opticians, naturopaths, optometrists, pharmacists, physical therapists, occupational therapists, physicians, podiatrists, psychologists and psychological associates. AS 09.55.560.

WHEREAS, due to a legislative oversight, physician assistants were not included in the definition of "health care provider" under AS 09.55.560. As a result, physician assistants are not covered by the medical liability statutes.

WHEREAS, the law of medical liability should apply uniformly to all health care providers licensed to practice medicine in the state of Alaska, including physician assistants.

Therefore be it resolved that the Alaska Academy of Physician Assistants wishes to amend AS 09.55.560(1) to include the words "physician assistant licensed under AS 08.64" in the definition of health care provider.

VISIT OUR WEBSITE @ akapa.org

The purpose of this Academy is to render loyal and honest service to the medical profession and to the public, to develop and enforce continuing educational programs for the Physician Assistant and the Academy membership, to promote the Physician Assistant concept through education of professional and lay people, and to promote similar interest in the student societies.

THE
FOLLOWING
DOCUMENT(S)
ARE
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a full disclosure would have a substantially adverse effect on the patient's condition.
7 ch 102 SLA 1976)

NOTES TO DECISIONS

Physician must explain risk in lay terms. — Identifying a risk does not necessarily provide patient with the information necessary for an informed decision. For a trial court to decide on summary judgment that doctor has disclosed sufficient information to allow a reasonable patient to make an informed decision about treatment, the record must establish that the physician explained to the patient in lay terms the nature and severity of the risk and the likelihood of its occurrence. *Korman v. Mallin*, 858 P.2d 1145 (Alaska 1993).

Expert testimony as to disclosure standards required. — The scope of disclosure required under subsection (a) must be measured by what a reasonable patient would need to know in order to make an informed and intelligent decision about the proposed treatment. Under the reasonable patient standard, a physician must disclose those risks which are "material" to a reasonable patient's decision concerning treatment. Under this view, expert testimony concerning the professional standard of disclosure is

not a necessary element of the plaintiff's case because the scope of disclosure is measured from the standpoint of the patient. *Korman v. Mallin*, 858 P.2d 1145 (Alaska 1993).

Signed informed consent. — The requirements set forth in 7 AAC 12.120 (c) are not inconsistent with this section. The regulations, simply impose a supplemental requirement that the patient's medical record contain a "signed informed consent" before a surgical procedure may begin. *Sweet v. Sisters of Providence*, 895 P.2d 484 (Alaska 1995).

Validity of regulation. — The trial court in an evidentiary hearing did not adequately investigate the application of 7 AAC 12.120(c) which requires a signed informed consent before a surgical procedure because there was an insufficient factual basis from which to conclude that the regulation either was or was not obscure and whether or not it could be fairly interpreted to set the standard of care. *Sweet v. Sisters of Providence*, 895 P.2d 484 (Alaska 1995).

Collateral references. — Modern status of views as to general measure of physician's duty to inform patient of risks of proposed treatment, 88 ALR3d 1008.

Duty of medical practitioner to warn patient of subsequently discovered danger from treatment previously given, 12 ALR4th 41.

Liability for failure of physician to inform patient of

alternative modes of diagnosis or treatment, 38 ALR4th 900.

Medical practitioner's liability for treatment given child without parents' consent, 67 ALR4th 511.

Malpractice: physician's duty, under informed consent doctrine, to obtain patient's consent to treatment in pregnancy or childbirth cases, 89 ALR4th 799.

✓ Sec. 09.55.560. Definitions. In AS 09.55.530 — 09.55.560, *This is where we need to add Physician Assistant*

(1) "health care provider" means an acupuncturist licensed under AS 08.06; an audiologist licensed under AS 08.11; a chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or occupational therapist licensed under AS 08.84; a physician licensed under AS 08.64; a podiatrist; a psychologist and a psychological associate licensed under AS 08.86; a hospital as defined in AS 18.20.130, including a governmentally owned or operated hospital; an employee of a health care provider acting within the course and scope of employment; an ambulatory surgical facility and other organizations whose primary purpose is the delivery of health care, including a health maintenance organization, individual practice association, integrated delivery system, preferred provider organization or arrangement, and a physical hospital organization;

(2) "board" means an arbitration board established under AS 09.55.535;

(3) "panel" means an expert advisory panel established under AS 09.55.536;

(4) "professional negligence" means a negligent act or omission by a health care provider in rendering professional services;

(5) "professional services" means service provided by a health care provider that is within the scope of services for which the health care provider is licensed and that is not prohibited under the health care provider's license or by a facility in which the health care provider practices. (§ 37 ch 102 SLA 1976; am § 24 ch 177 SLA 1978; am § 6 ch 56 SLA 1986; am § 9 ch 131 SLA 1986; § 26 ch 2 FSSLA 1987; am § 9 ch 6 SLA 1990; am § 1 ch 14 SLA 1991; am §§ 26, 27 ch 26 SLA 1997)

§ 21.36.080

ALASKA INSURANCE LAWS

§ 21.36.080 Boycott, coercion, and intimidation

A person may not enter into an agreement to commit, or by any concerted action commit, an act of boycott, coercion, or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

History.—§ 1, ch. 120, SLA 1966.

✓ § 21.36.090 Unfair discrimination

(a) A person may not make or permit unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for a contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contract.

(b) A person may not make or permit unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for a policy or contract of health insurance or in the benefits payable, or in any of the terms or conditions of the contract, or in any other manner whatever.

(c) A person may not make or permit arbitrary or unfair discrimination between insureds or property having like insuring or risk characteristics, in the premium or rates charged for a policy or contract of property, casualty, surety, marine, wet marine or transportation insurance, or in the dividends or other benefits payable on the insurance, or in the selection of it, or in any other terms and conditions of the insurance.

↘ *Text of subsection (d) effective until July 1, 1998*

(d) Except to the extent necessary to comply with AS 21.42.265 and AS 21.56, a person may not practice or permit unfair discrimination against a person who provides a service covered under a group health insurance policy that extends coverage on an expense incurred basis, or under a group service or indemnity type contract issued by a nonprofit corporation, if the service is within the scope of the provider's occupational license. In this subsection, "provider" means a state licensed physician, dentist, osteopath, optometrist, chiropractor, nurse midwife, advanced nurse practitioner, naturopath, physical therapist, occupational therapist, psychologist, psychological associate, or licensed clinical social worker, or certified direct-entry midwife.

Subject Parking

AS 28.10.181d

(d) Vehicles owned by disabled veterans, including persons disabled in the line of duty while serving in the Alaska Territorial Guard, or other persons with disabilities. Upon the request of a person with a disability that limits or impairs the ability to walk, as defined in 23 C.F.R. 1235.2, the department shall (1) register one passenger vehicle in the name of the person without charge; and (2) issue a specially designed registration plate that displays (A) recognition of the disabled veteran if the applicant's disability originated from the applicant's service with the Alaska Territorial Guard or the armed forces of the United States; and (B) the standard symbol of disability (the wheelchair logo). A disabled veteran who is not otherwise qualified under this subsection, but who presents to the department written proof that the person is at least 70 percent disabled or medically handicapped as a consequence of service in the Alaska Territorial Guard or the armed forces of the United States, may register one passenger vehicle without charge, and the department shall issue a specially designed registration plate that displays recognition of the disabled veteran that does not display the standard handicap symbol and does not carry with it special parking privileges. For purposes of this subsection, proof of disability may be provided by a person licensed as a physician under AS 08.64 or as an advanced nurse practitioner under AS 08.68.

Note this does not auth Chiropractor or Poditrist, It is questionabe maybe poditrist is covered

My Guess that CFR 1235 is the criteria used on the application.

Sec. 28.10.495. Parking permit for vehicle transporting disabled person.

(a) Upon application by a disabled or medically handicapped person, or by an organization that transports disabled or medically handicapped persons, the department shall issue to the applicant, without charge, a special permit bearing the control number of the applicant. The permit issued under this section, when displayed in the front windshield of a parked or standing vehicle, shall provide for special consideration by the public with respect to the parking or standing in designated spaces of a vehicle that is being used for the transportation of a disabled or medically handicapped person.

(b) A person is not entitled to use the special permit provided for in (a) of this section except when providing transportation for a disabled or handicapped person. Upon the death of a disabled or handicapped person to whom a special permit has been issued, the special permit shall be returned to the department. If an organization to which a special permit has been issued ceases transporting disabled or handicapped persons, or ceases operating, it shall return the special permit to the department.

(c) Proof of disablement or medical handicap, for the purpose of this section, shall be the same as that required for the purposes of AS 28.10.181(d).

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 411
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An act relating to physician BRU Motor Vehicles
assistants; Component _____
 Sponsor Representative Fate
 Requester H(HES) Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 3

Current law allows licensed physicians and advanced nurse practitioners to sign the form allowing a person to receive a parking permit for persons with disabilities. This bill would add physician assistants to those authorized to sign the form.

This change has no fiscal impact. The other sections of the bill have no impact on DMV.

Prepared by: Charles R. Hosack Phone 269-5559
 Division: Motor Vehicles Date/Time 2/14/02 3:35 pm
 Approved by: Jim Duncan, Commissioner Date 2/14/2002
 Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 411
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
 Title An Act relating to physician assistants BRU Insurance (116)
 Component Insurance Operations
 Sponsor Representative Fate
 Requester (H) Health & Social Services Component No. 354

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would add physician assistants to the list of health care providers in AS 21.36.090(d). This would have the effect of prohibiting an insurer from refusing to cover a service if it is provided by a physician assistant, if the service is otherwise covered under the group health insurance plan of the patient/insured. No fiscal impact on the Division of Insurance is expected.

Prepared by: Robert A. Lohr, Director Phone 907-269-7900
 Division: Insurance Date/Time 2/19/02 9:38 AM
 Approved by: Deborah B. Sedwick, Commissioner Date 2/19/2002
 Agency: Department of Community & Economic Development

Sec. 09.55.560. Definitions.

In AS 09.55.530 - ~~09.55.560~~,

(1) "health care provider" means an acupuncturist licensed under AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or occupational therapist licensed under AS 08.84; a physician licensed under AS 08.64; a podiatrist; a psychologist and a psychological associate licensed under AS 08.86; a hospital as defined in AS 18.20.130, including a governmentally owned or operated hospital; an employee of a health care provider acting within the course and scope of employment; an ambulatory surgical facility and other organizations whose primary purpose is the delivery of health care, including a health maintenance organization, individual practice association, integrated delivery system, preferred provider organization or arrangement, and a physical hospital organization;

(2) "board" means an arbitration board established under AS 09.55.535;

(3) "panel" means an expert advisory panel established under AS 09.55.536;

(4) "professional negligence" means a negligent act or omission by a health care provider in rendering professional services;

(5) "professional services" means service provided by a health care provider that is within the scope of services for which the health care provider is licensed and that is not prohibited under the health care provider's license or by a facility in which the health care provider practices.

History -

(Sec. 37 ch 102 SLA 1976; am Sec. 24 ch 177 SLA 1978; am Sec. 6 ch 56 SLA 1986; am Sec. 9 ch 131 SLA 1986; Sec. 26 ch 2 FSSLA 1987; am Sec. 9 ch 6 SLA 1990; am Sec. 1 ch 14 SLA 1991; am Sec. 26, 27 ch 26 SLA 1997; am Sec. 19 ch 42 SLA 2000)

Cross References -

For a statement of legislative intent relating to the provisions of ch. 26, SLA 1997, see Sec. 1, ch. 26, SLA 1997 in the 1997 Temporary and Special Acts. For severability of the provisions of ch. 26, SLA 1997, see Sec. 56, ch. 26, SLA 1997 in the 1997 Temporary and Special Acts.

Amendment Notes -

The 1990 amendment inserted "an acupuncturist licensed under AS 08.06" near the beginning of paragraph (1).

The 1991 amendment, effective January 1, 1992, in paragraph (1), deleted "a corporate entity covered under AS 21.88.050(b)(11)" following "governmentally owned or operated hospital."

The 1997 amendment, effective August 7, 1997, in paragraph (1), added the language beginning "an ambulatory surgical facility" to the end and made minor stylistic changes; and added paragraphs (4) and (5).

The 2000 amendment, effective October 1, 2000, inserted "or speech-language pathologist" in paragraph (1).

Editors Notes -

Section 55, ch. 26, SLA 1997 provides that the provisions of ch. 26, SLA 1997 apply "to all causes of action accruing on or after August 7, 1997."

Sec. 21.36.090. Unfair discrimination. *Section 1 - Unfair Discrimination*

(a) A person may not make or permit unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for a contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contract.

(b) A person may not make or permit unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for a policy or contract of health insurance or in the benefits payable, or in any of the terms or conditions of the contract, or in any other manner whatever.

(c) A person may not make or permit arbitrary or unfair discrimination between insureds or property having like insuring or risk characteristics, in the premium or rates charged for a policy or contract of property, casualty, surety, marine, wet marine or transportation insurance, or in the dividends or other benefits payable on the insurance, or in the selection of it, or in any other of the terms and conditions of the insurance.

(d) Except to the extent necessary to comply with AS 21.42.365 and AS 21.56, a person may not practice or permit unfair discrimination against a person who provides a service covered under a group health insurance policy that extends coverage on an expense incurred basis, or under a group service or indemnity type contract issued by a health maintenance organization or a nonprofit corporation, if the service is within the scope of the provider's occupational license. In this subsection, "provider" means a state licensed physician, dentist, osteopath, optometrist, chiropractor, nurse midwife, advanced nurse practitioner, naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, or licensed clinical social worker, or certified direct-entry midwife.

History -

(Sec. 1 ch 120 SLA 1966; am Sec. 5 ch 163 SLA 1976; am Sec. 1 ch 80 SLA 1983; am Sec. 28 ch 2 FSSLA 1987; am Sec. 1 ch 56 SLA 1988; am Sec. 1 ch 150 SLA 1988; am Sec. 139 ch 67 SLA 1992; am Sec. 3 ch 39 SLA 1993; am Sec. 1 ch 51 SLA 1993; am Sec. 28, 29 ch 56 SLA 1996; am Sec. 1 ch 50 SLA 1998; am Sec. 1 ch 60 SLA 1998)

Amendment Notes -

The 1996 amendment, effective September 9, 1996, substituted "health" for "disability" in subsection (b) and substituted "health insurance" for "disability" in subsection (d).

The first 1998 amendment, effective January 1, 1999, inserted "marital and family therapist," in the second sentence in subsection (d).

The second 1998 amendment, effective August 30, 1998, inserted "health maintenance organization or a" in the first sentence in subsection (d).

Editors Notes -

Section 2, ch. 50, SLA 1998 provides that the amendment to subsection (d) made by ch. 50, SLA 1998 applies to a policy of insurance issued or renewed on or after January 1, 1999.

Sec. 28.10.181. Registration of unique and special vehicles and vehicles used for special purposes.

(a) The department shall register unique and special vehicles and vehicles used for special purposes and issue registration plates as provided in this section. Notwithstanding other provisions of this chapter, registration plates issued under this section remain with the person or organization to whom they are issued when vehicle ownership is transferred or title or interest in the vehicle is assigned, except for plates issued under (b), (h) and (i) of this section. Registration plates issued under this section may not be used on, or transferred to, a vehicle other than the vehicle for which the plates are issued without the approval of the department and payment of any required fees and taxes prescribed in AS 28.10.421(d), 28.10.431 and 28.10.441; however, if the plates issued under (c), (f) and (j) of this section are transferred to a vehicle for which the registration fee is more than the fee for the vehicle from which the plates are transferred, the owner shall pay the difference between the two fees. Registration plates issued under this section to which a person is no longer entitled or the transfer of the plates to another vehicle which the department does not approve shall be returned immediately to the department by the person or organization to whom the plates were originally issued.

(b) Historic vehicles. The owner of an historic vehicle may make application for special registration under this subsection. The department, when satisfied that the vehicle meets the requirements for historic vehicle registration under regulations adopted by the commissioner, shall register the vehicle and issue two permanent registration plates of distinctive design and color bearing no date. These plates remain with the vehicle as long as it is registered under this subsection. Vehicles qualifying for registration under this subsection shall be issued registration plates numbered in a separate numerical series beginning with "Historic Vehicle No. 1."

(c) Special request plates. Upon application by the owner of a passenger vehicle, motorcycle, noncommercial van or pick-up truck, or motor home, the department shall design and issue registration plates containing a series of not more than six letters or numbers or combination of letters and numbers as requested by the owner. The department may, in its discretion, disapprove the issuance of registration plates under this subsection when the requested symbols are a duplication of an existing registration or when the symbols are considered unacceptable by the department.

(d) Vehicles owned by disabled veterans, including persons disabled in the line of duty while serving in the Alaska Territorial Guard, or other persons with disabilities. Upon the request of a person with a disability that limits or impairs the ability to walk, as defined in 23 C.F.R. 1235.2, the department shall (1) register one passenger vehicle in the name of the person without charge; and (2) issue a specially designed registration plate that displays (A) recognition of the disabled veteran if the applicant's disability originated from the applicant's service with the Alaska Territorial Guard or the armed forces of the United States; and (B) the standard symbol of disability (the wheelchair logo). A disabled veteran who is not otherwise qualified under this subsection, but who presents to the department written proof that the person is at least 70 percent disabled or medically handicapped as a consequence of service in the Alaska Territorial Guard or the armed forces of the United States, may register one passenger vehicle without charge, and the department shall issue a specially designed registration plate that displays recognition of the disabled veteran that does not display the standard handicap symbol and does not carry with it special parking privileges. For purposes of this subsection, proof of disability may be provided by a person licensed as a physician under AS 08.64 or as an advanced nurse practitioner under AS 08.68.

(e) Vehicles owned by the state, municipalities, and charitable organizations of the state.

Every certificate of registration and registration plate issued to the state, a municipality, or charitable organization of the state is in effect until the vehicle for which the registration certificate and plate were issued is no longer owned and operated by the state, the municipality, or the charitable organization of the state or until the department, in its discretion, declares its expiration. The state, municipality, or charitable organization of the state shall maintain a current listing of all vehicles registered to it in the order of the registration number assigned to each vehicle, and shall provide a copy of the listing to the department upon request. The listing must include a description of each vehicle and other identifying information required by the department. Registration plates issued under this subsection must be of a distinctive design and numbering system. For the purposes of this subsection, "charitable organization" means a nonprofit association, corporation, society, or other entity organized, incorporated, or headquartered in the state for educational, cultural, scientific, or other charitable purposes, as prescribed in regulations of the department.

(f) Vehicles owned by elected state officials. The department shall issue special registration plates to each incumbent elected state official for display on noncommercial motor vehicles owned and driven by the official. The department shall number or design the plates so that registration by an elected state official is indicated upon the plates. The registration plates issued under this subsection remain with the owner of the vehicle only during the official's term of office.

(g) *[Repealed, Sec. 9 ch 20 SLA 1990].*

(h) Vehicles owned by ranchers, farmers, and dairymen. A vehicle not exceeding an unladen total gross weight of 16,000 pounds, owned by a person deriving the person's primary source of livelihood from the operation of a ranch, farm, or dairy where the person resides full-time, and that is used exclusively to transport (1) the person's own ranch, farm, or dairy products, or greenhouse or nursery products, including vegetables, plants, grass seed, sod, or tree seedlings, to and from the market, or (2) supplies, commodities, or equipment to be used on the person's ranch, farm, or dairy, or in the person's greenhouse or nursery, may be registered under this subsection and may be issued registration plates of a distinctive design or system of numbering.

(i) Amateur mobile radio station vehicles. A validly licensed amateur radio operator who presents satisfactory proof that the owner holds an unexpired Federal Communications Commission amateur radio operator's license of any renewable class, and who presents satisfactory proof that the vehicle contains or carries an amateur radio transmitter and receiving unit of a type applicable to the license class applied for, and who is permitted by law to operate a fixed station, may register one amateur mobile radio station vehicle for each radio license issued by the federal government and may receive for the vehicle distinctive registration plates instead of regular registration plates. The number on the plates must be the radio call sign of the owner.

(j) Vehicles owned by dealers. A state-registered and bonded vehicle dealer may apply for dealer registration plates. A plate issued under this subsection may be used only on dealer-owned vehicles during the routine and normal course of the dealer's business, excluding service vehicles, or for transporting an unregistered vehicle from a port of entry to the dealer's facilities or from one dealer to another or, in the case of a house trailer, from the retail facility to a trailer space. A vehicle permitted to have dealer plates must be affixed with two plates issued under this subsection. If the dealer sells or transfers the vehicle, the dealer plates may be used on the vehicle by the new owner or transferee for a period of not more than five days after the sale or transfer. The department may seize the dealer plates if it has reason to believe that the plates are being used to defeat the purposes of, or are in violation of, this chapter.

(k) *[Repealed, Sec. 3 ch 8 SLA 1993].*

(l) Vehicles owned by Pearl Harbor survivors and former prisoners of war. The department, upon receipt of written proof, shall issue without charge special registration plates for one noncommercial motor vehicle to a person who was on active military duty in Pearl Harbor on December 7, 1941, or who has been a prisoner of war during a declared war or other conflict, as determined by the Department of Defense under federal regulations. The design and color of the Pearl Harbor survivor or prisoner of war plates shall be solely within the discretion of the commissioner.

(m) Special request plates for Alaska National Guard personnel. Upon application by the owner of a passenger vehicle, noncommercial van or pick-up truck, or motor home who presents satisfactory proof of current membership in the Alaska National Guard, the department may design and issue registration plates that identify the vehicle as registered to a member of the Alaska National Guard. The owner shall return the registration plates to the department within 10 days following discharge from the Alaska National Guard.

(n) *[Repealed, Sec. 9 ch 20 SLA 1990].*

(o) Special request university plates. Upon application by the owner of a passenger vehicle, van or pick-up truck, or motor home, the department may design and issue registration plates representing the University of Alaska Anchorage, University of Alaska Fairbanks, University of Alaska Southeast, or Prince William Sound Community College. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(p) Vehicles owned by veterans. The department, upon receipt of written proof that the veteran is a sole or joint owner of a noncommercial motor vehicle, shall issue special registration plates for the noncommercial motor vehicle to a requesting person who is a veteran or retired veteran of the armed forces of the United States. The commissioner, after consulting with the director of the division of veterans affairs, shall determine the design and color of the veteran or retired veteran plates.

(q) Vehicles owned by recipients of the Purple Heart. The department, upon receipt of written proof that the person is the sole or joint owner of a noncommercial motor vehicle, shall issue special registration plates for the noncommercial motor vehicle to a requesting person who has received the Purple Heart medal awarded for wounds suffered in action against an armed enemy or as a result of the hostile action of an armed enemy. The commissioner, after consulting with the director of the division of veterans affairs, shall determine the design and color of the Purple Heart medal recipient plates.

(r) Special request custom collector plates. Upon application by the owner of a custom collector vehicle, the department may design and issue registration plates appropriate for custom collector vehicles. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(s) Special request dog mushing plates. Upon application by the owner of a passenger vehicle, van or pick-up truck, or motor home, the department may design and issue registration plates representing the sport of dog mushing in the state. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(t) Special request Alaska children's trust plates. Upon application by the owner of a passenger vehicle, noncommercial van or pick-up truck, or motor home, the department may design and issue registration plates representing the Alaska children's trust under AS 37.14.200. The department may disapprove the issuance of registration plates under this subsection when the

requested plates are a duplication of an existing registration.

(u) Special request plates commemorating the arts. Upon application by the owner of a passenger vehicle, van or pick-up truck, or motor home, the department may issue registration plates commemorating the arts. The commissioner, after consulting with the Alaska State Council on the Arts, shall determine the design and color of plates commemorating the arts. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

History -

(Sec. 7 ch 178 SLA 1978; am Sec. 2 ch 54 SLA 1979; am Sec. 1 ch 151 SLA 1984; am Sec. 5 ch 60 SLA 1986; am Sec. 3 - 5 ch 24 SLA 1988; am Sec. 1 ch 72 SLA 1989; am Sec. 1 ch 91 SLA 1989; am Sec. 9 ch 20 SLA 1990; am Sec. 12, 13 ch 93 SLA 1991; am Sec. 1, 2 ch 16 SLA 1992; am Sec. 3 ch 8 SLA 1993; am Sec. 55, 56, 79 ch 63 SLA 1993; am Sec. 2 ch 97 SLA 1996; am Sec. 1 ch 36 SLA 1998; am Sec. 1 - 4 ch 88 SLA 1998; am Sec. 1 ch 11 SLA 1999)

Revisors Notes -

Subsections (p) and (q) were enacted as (o) and (p), respectively. Renumbered in 1989.

Subsection (u) was enacted as subsection (t). Relettered in 1998.

Amendment Notes -

The 1990 amendment, effective April 21, 1990, repealed subsections (g) and (n).

The 1991 amendment, effective September 30, 1991, amended subsections (d) and (p) to include provisions relating to the Alaska Territorial Guard.

The 1992 amendment, effective August 6, 1992, in subsections (p) and (q), inserted references to "sole or joint owner of a noncommercial motor vehicle", inserted "requesting", and made a stylistic change.

The first 1993 amendment, effective January 1, 1994, added subsection (r) and repealed subsection (k).

The second 1993 amendment, effective July 1, 1993, rewrote subsection (d), added the fourth sentence in subsection (j), and also repealed subsection (k).

The 1996 amendment, effective September 23, 1996, added subsection (s).

The first 1998 amendment, effective August 16, 1998, added subsection (t).

The second 1998 amendment, effective September 10, 1998, rewrote subsection (h); in subsections (o) and (s) deleted "noncommercial" preceding "van or pick-up truck"; and added subsection (u).

The 1999 amendment, effective August 4, 1999, added the last sentence of subsection (d).

Editors Notes -

Section 87, ch. 63, SLA 1993 provides "[i]f any section of this bill is found to violate the single subject rule it is severed from the rest of the bill."

Section 1, ch. 97, SLA 1996 provides that it is "the intent of the legislature that the division of motor vehicles of the Department of Public Safety consult with dog mushing organizations when designing special request plates" authorized by ch. 97, SLA 1996.

Collateral Refs -

7A Am. Jur. 2d, Automobiles and Highway Traffic, Sec. 75 to 84.

60 C.J.S., Motor Vehicles, Sec. 63 to 65.

Sec. 28.10.190. , 28.10.200 Transfer of special plates; annual tax. [Repealed, Sec. 7 ch 178 SLA 1978].

Repealed or Renumbered

Sec. 28.10.495. Parking permit for vehicle transporting disabled person.

(a) Upon application by a disabled or medically handicapped person, or by an organization that transports disabled or medically handicapped persons, the department shall issue to the applicant, without charge, a special permit bearing the control number of the applicant. The permit issued under this section, when displayed in the front windshield of a parked or standing vehicle, shall provide for special consideration by the public with respect to the parking or standing in designated spaces of a vehicle that is being used for the transportation of a disabled or medically handicapped person.

(b) A person is not entitled to use the special permit provided for in (a) of this section except when providing transportation for a disabled or handicapped person. Upon the death of a disabled or handicapped person to whom a special permit has been issued, the special permit shall be returned to the department. If an organization to which a special permit has been issued ceases transporting disabled or handicapped persons, or ceases operating, it shall return the special permit to the department.

(c) Proof of disablement or medical handicap, for the purpose of this section, shall be the same as that required for the purposes of AS 28.10.181(d).

History -

(Sec. 24 ch 178 SLA 1978; am Sec. 1 ch 11 SLA 1980; am Sec. 1 ch 11 SLA 1987; am Sec. 7, 8 ch 20 SLA 1990; am Sec. 62 ch 63 SLA 1993)

Amendment Notes -

The 1990 amendment, effective April 21, 1990, inserted "or by an organization that transports disabled or medically handicapped persons" in the first sentence in subsection (a); in subsection (b), inserted "to whom a special permit has been issued" in the second sentence and added the third sentence; and made minor stylistic changes.

The 1993 amendment, effective July 1, 1993, substituted "the same as that required for the purposes of" for "provided as specified in" in subsection (c).

Editors Notes -

Section 87, ch. 63, SLA 1993 provides "[i]f any section of this bill is found to violate the single subject rule it is severed from the rest of the bill."



SUNSHINE COMMUNITY HEALTH CENTER

P.O. BOX 787 - (MILE 4.4 TALKEETNA SPUR RD.)
TALKEETNA, ALASKA 99676

TELEPHONE: (907) 733-2273 FAX: (907) 733-1735
"UNITED WAY PARTICIPATING AGENCY"

Fax Cover Sheet

Date: 2/21/02

To: Sharon Clark
Representative Fate

Telephone number: 907-465-4530

Fax number: 907-465-3883

From: Susan Mason-Bouterse and Jessica Stevens

Number of pages (including cover sheet): 3

Message: Written testimony in support of HB 411 scheduled for a hearing in the HHESS Committee today. We will be calling in to testimony. Thank you for Including us.

RECEIVED

FEB 21 2002

Attention: This transmission is intended only for the use of the individual or entity to which it was addressed and contains information that is protected. If the reader of this message is not the intended recipient, you are notified that any disclosure, distribution, or copying of this information is prohibited. If you have received this transmission in error, please notify us immediately by telephone and return the original documents to us at the above address via the USPS. THANK YOU!



P.O. Box 787 • Mile 4.4 Talkeetna Spur Road • Talkeetna, AK 99676 (ph) (907)733-2273 • (fax) (907)733-1735 • schc@alaska.net

Testimony for HB411
HHESS Committee
February 21, 2002

I would like to express my wholehearted support for this proposed legislation!

I work as the Executive Director of Sunshine Community Health Center in Talkeetna. We are currently a mid-level clinic and have 4 physician's assistants providing primary care. They are working under a collaborative agreement with Dr. Barb Doty in Wasilla. These providers are critical to the ongoing health care of residents in the communities we serve as well as to the ongoing functioning of this health center.

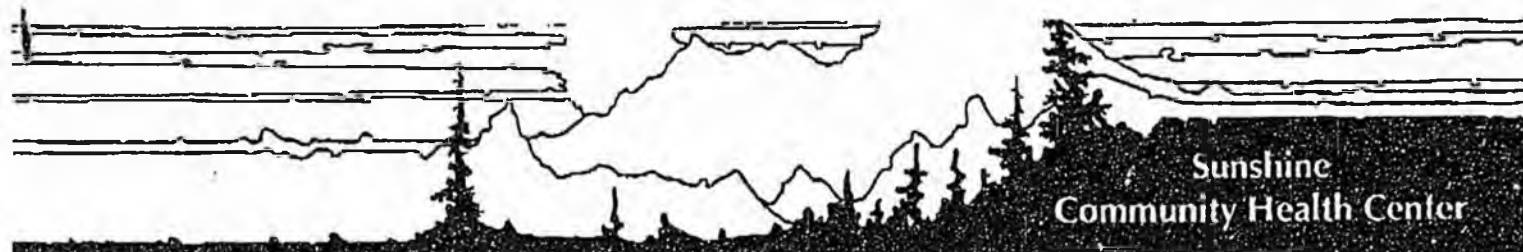
Because our current state statutes do NOT include physician's assistants in the listing of "health care providers", we periodically have our billing for medical services denied by third party payors.

This represents a significant barrier to health care for **individuals with health insurance as well as** clinics being able to maximize potential revenues. Particularly for small, rural health clinics, every potential revenue source is critical to ongoing support of clinic operations.

I would urge this committee to support passage of this important legislation.

Susan Mason-Bouterse
Executive Director
Sunshine Community Health Center





P.O. Box 787 • Mile 4.4 Talkeetna Spur Road • Talkeetna, AK 99676

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Testimony for HB411
HHESS Committee
February 21, 2002

I am a physician assistant and the Medical Director of Sunshine Community Health Center. I have been working as a rural PA for over ten years and want to wholeheartedly support this legislation. As a clinician working in a health center staffed exclusively by PA's we are continually affected by this exclusion. The major impact is felt by our patients. We have over the years collected many examples of insurance companies citing the statute and refusing to reimburse services provided by PA's. For some of our patients this has meant they do not obtain health care, and for others it has meant traveling one or two hours to obtain basic health care that is already provided right in their community. We have many disabled clients who come here, and then end up having to drive two hours to repeat the exam, in order to obtain a DMV permit. Our collaborative physician willingly co-signs these forms also, but this is an inconvenience both to her and significantly extends the wait for our patients.

As PA's we are trained to provide primary, emergency and specialty health care and have received our degrees from various Universities including Duke and Stanford. Since PA's provide much of the health care in rural Alaska, in locations where physicians are often unwilling to practice, we feel that this oversight in not including PA's in the list could be expeditiously rectified, to improve both access to care, and improved financial stability for our rural community clinics.

Jessica Stevens
Medical Director
Sunshine Community Health Center



FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 411
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An act relating to physician BRU Motor Vehicles
assistants; Component _____
 Sponsor Representative Fate Component No. 2348
 Requester H(HES)

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Section 3

Current law allows licensed physicians and advanced nurse practitioners to sign the form allowing a person to receive a parking permit for persons with disabilities. This bill would add physician assistants to those authorized to sign the form.

This change has no fiscal impact. The other sections of the bill have no impact on DMV.

Prepared by: Charles R. Hosack Phone 269-5559
 Division Motor Vehicles Date/Time 2/14/02 3:35 pm
 Approved by: Jim Duncan, Commissioner Date 2/14/2002
 Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 411
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
Title An Act relating to physician assistants BRU Insurance (116)
Component Insurance Operations
Sponsor Representative Fate
Requester (H) Health & Social Services Component No. 354

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would add physician assistants to the list of health care providers in AS 21.36.090(d). This would have the effect of prohibiting an insurer from refusing to cover a service if it is provided by a physician assistant, if the service is otherwise covered under the group health insurance plan of the patient/insured. No fiscal impact on the Division of Insurance is expected.

Prepared by: Robert A. Lohr, Director Phone 907-269-7900
Division Insurance Date/Time 2/19/02 9:38 AM
Approved by: Deborah B. Sedwick, Commissioner Date 2/19/2002
Agency Department of Community & Economic Development

MARK
LEO

ED

SUBAN COX

-
- ~~LOW PRICE THE ORIGINAL SCORE~~
 - LIABILITY FOR NOT TELLING WHAT WE KNOW

HB

416



Alaska State Legislature

House Special Committee on Education
Representative Con Bunde, Chair

State Capitol
Juneau, AK 99801-1182
(800) 892-4843 (907) 465-4843 (phone)
(907) 465-3871 (fax)
Representative_Con_Bunde@legis.state.ak.us

Brian Porter
Joe Green
Peggy Wilson
Gary Stevens
Reggie Joule
Gretchen Guess

MEMORANDUM

DATE: March 1, 2002

TO: Representative Fred Dyson
Chair, House HESS Committee

FROM: Representative Con Bunde, Chair *CBunde*

RE: CSHB 416, "Reemployment of Retired Teachers"

I respectfully request that you schedule a hearing for CSHB 416 at your earliest possible convenience. I have attached copies of the bill, sponsor statement, sectional analysis, fiscal notes, backup information and letters of support.

If you have any questions or concerns about this legislation, I would be happy to discuss them with you.

Thank you for your consideration of this request.



Alaska State Legislature

House Special Committee on Education
Representative Con Bunde, Chair

State Capitol
Juneau, AK 99801-1182
(800) 892-4843 (907) 465-4843 (phone)
(907) 465-3871 (fax)
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Brian Porter
Joe Green
Peggy Wilson
Gary Stevens
Reggie Joule
Cretchen Guess

Sponsor Statement

CSHB 416(EDU)

"An Act relating to reemployment of and benefits for retired teachers and principals who participated in retirement incentive programs; and providing for an effective date."

Alaska, like the rest of the nation, is experiencing a severe shortage of qualified teachers and principals. Research has shown that a qualified teacher in the classroom is the single most important school-based factor in a student's success. It is incumbent upon the Legislature to provide additional tools to Alaskan school districts to ameliorate the current teacher shortage and thus continue to assist school districts in their efforts to improve student learning.

CSHB 416 (EDU) would allow schools experiencing a shortage of education professionals to reemploy teachers and principals who had retired under a Retirement Incentive Program (RIP). *This bill would not require any school district to reemploy any particular retired individual, it would only give them the option to do so.*

A district would be required to certify that they are experiencing a shortage in order to reemploy a RIP-retired teacher or principal. Teachers reemployed under this provision would not be required to pay back their retirement incentive and could elect to either continue receiving their retirement benefits or to accrue new Teacher Retirement System (TRS) credited service during the re-hire period.

Amendments incorporated into CSHB 416(EDU) allow the Department of Education to hire RIP-retired teachers and principals for Alyeska Central School, Mt. Edgecumbe, and AVTEC and would require that any teacher reemployed under this legislation would be paid as a teacher who is new to the district would under the local negotiated salary schedule.

This provision sunsets on July 1, 2005; school districts would not be able to reemploy any additional retirees after that date.

CSHB 416 (EDU) would provide one more tool to school districts suffering from the shortage of education professionals, and I hope that you will give it your support.

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

March 1, 2002

SUBJECT: Sectional Summary (CS HB 416(EDU))
(Work Order No. 22-LS1472\F))

TO: Representative Con Bunde
Attn: Karen McCarthy

FROM: Barbara R. Craver *BRC*
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: Adds the Department of Education and Early Development to this subsection. The department may pass a resolution if it finds teacher shortages in particular specialties, and rehire qualified retired teachers. The department is required to notify the TRS administrator if it rehires retired teachers.

Section 2. Adds the Department of Education and Early Development to this subsection which allows retired teachers to elect to continue receiving retirement benefits while reemployed.

Section 3. Provides that if rehired under this section a teacher who retired under a listed retirement incentive program (RIP) can only be paid the same salary as a new teacher is paid in that school system.

Section 4. Amends the 2001 uncodified law which repeals the sections involving rehiring retired teachers because of shortages to include these changes in the repeal on July 1, 2005.

Section 5. Repeals AS 14.20.135(c) which prohibited districts from hiring RIP teachers.

Section 6. Establishes an immediate effective date for the act.

BRC:med
02-241.med

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: House Bill 416
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title Reemployment of and benefits for BRU Centralized Administrative Services
TRS retirement incentive program participants Component Retirement and Benefits
 Sponsor House Special Committee on Educatio
 Requester House Special Committee on Educatio Component No. 64

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation allows Teachers' Retirement System retirees who participated in a system sponsored retirement incentive program (RIP) to be reemployed under the provisions of AS 14.25.043(b), which was enacted by the legislature in 2001. This will allow RIP retirees to return to teaching and continue receiving their retirement benefits. In exchange, no additional TRS credit will accrue during the period of reemployment.

Enactment of this legislation will have no actuarial impact and, therefore, no impact on the TRS contribution rate. The full actuarial cost of the RIP has already been covered by participating employers and employees. Therefore, the division has prepared a zero fiscal note.

Prepared by: Guy Bell, Director Phone 465-4471
 Division Retirement and Benefits Date/Time February 14, 2002
 Approved by: Jim Duncan, Commissioner Date February 14, 2002
 Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CS HB 416 (EDU)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Education & Early Development
 Title: Reemployment of Retired Teachers BRU: Teaching and Learning Support
 Component: Teacher Certification
 Sponsor: House Special Committee on Education
 Requester: H EDU Component No.: 1240

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would allow the rehiring of teachers and principals who participated in retirement incentive programs (RIP.)

Prepared by: Cyndy Curran
 Division: Teaching and Learning Support
 Approved by: Ed McLain, Deputy Commissioner of Education
 Agency: Department of Education & Early Development

Phone 465-2857
 Date/Time 2/28/02 9:48 AM
 Date 2/28/2002

What is current statute regarding rehiring retired teachers?

“Normal” Retirement: retiring with either age or service eligibility for an unreduced retirement benefit. Normal age retirement is age 55 for Tier I and age 60 for Tier II, or 20 years of service at any age. Normal retirement does not include RIP retirees.

“Early Retirement”: retiring prior to normal age eligibility with a reduced retirement benefit. Early retirement is age 50 for Tier I and 55 for Tier II with a minimum of eight years of paid membership service.

“RIP Retirement”: participants of a Retirement Incentive Plan (RIP) who received an incentive to retire early.

Normal Retirees may return to work without any limitations for any entity.

Early Retirees may return to work under two options:

Standard Option:

- Retirement benefits are suspended until the retiree terminates the re-employment period
- TRS contributions will be deducted and TRS service does accrue.
- After second retirement, employee receives benefits from both employment segments
- TRS members required to pay back, in full, benefits received while simultaneously earning TRS credit before retiring again.
- Major medical benefits end during re-employment.
- Dental-Visual-Audio (DVA) insurance benefits may or may not continue
- Re-hired retirees continue to pay for Long Term Care (LTC) insurance

Waiver Option:

- For TRS employees who took early retirement, but specifically excludes RIP retirees.
- Defined by AS 14.25.043 (HB 242 in 2001)
- If retiree files a Waiver Option form with the Division of Retirement and Benefits, s/he may elect to continue receiving retirement benefits while re-employed *and* does not continue to accrue any new TRS benefits.
- Any retiree's insurance is secondary to the employer plan.
- Sunsets July 1, 2005.

Current RIP Retirees Who Return to Work Under PRS or TRS:

- forfeit three years of incentive credits received at retirement
- owe TRS 110% of benefits received, plus cost of health insurance
- accrue interest of 7% on the indebtedness
- are prohibited from entering into a personal services contract with UA or a State agency or being hired by the State as a temporary or nonpermanent employee for three years with the following exceptions:
 - if hired by the University Board of Regents and the Commissioner of the Dept. of Administration due to specialized and extensive experience
 - if hired by the Legislature on an hourly basis; not eligible for retirement, health, or leave benefits.
 - if hired by UA to teach or do research
 - if hired by a State agency or the University for compelling reasons.

Current Statute for Reemployment of Retired TRS Members

Sec. 14.20.135. Employment of retired teachers because of shortages.

(a) A school district or regional educational attendance area that has or anticipates having a shortage of teachers qualified to teach in a particular discipline or specialty may, by resolution, adopt a policy that permits the employment of retired teachers who are qualified to teach in the discipline or specialty in accordance with this section. The policy must describe the circumstances that constitute the shortage. If a shortage of teachers exists as described in the policy, the district or attendance area shall notify the administrator of the teachers' retirement system (AS 14.25) that it is hiring retired teachers under this section.

(b) A teacher who retired under AS 14.25.110 (a) and is subsequently reemployed under this section may, within 30 days after the date of reemployment, elect to continue receiving retirement benefit payments under AS 14.25 during the period of reemployment by filing a waiver of coverage as set out in AS 14.25.043 (b).

(c) A school district or regional educational attendance area may not employ a teacher, principal, or administrator who participated in a retirement incentive program under ch. 26, SLA 1986; ch. 89, SLA 1989; ch. 65, SLA 1996; ch. 4, FSSLA 1996; or ch. 92, SLA 1997, under this section.

(d) A retired teacher employed under this section is not eligible to acquire, maintain, or reacquire tenure under AS 14.20.150 .

Sec. 14.25.043. Reemployment of retired members.

(a) If a retired member again becomes an active member, benefit payments may not be made during the period of reemployment unless the teacher makes an election under (b) of this section. The retirement benefit must be suspended for the entire school year if the teacher is reemployed as an active teacher for a period equivalent to a year of service. During the period of reemployment, the member is subject to AS 14.25.050 and deductions from the member's salary will be made in accordance with AS 14.25.050 .

(b) A school district or regional educational attendance area that has adopted a policy that permits the employment of retired teachers in accordance with AS 14.20.135 shall notify the administrator that it is hiring retired teachers under AS 14.20.135 . A teacher who retired under AS 14.25.110 (a) and subsequently becomes an active member under a policy adopted in accordance with AS 14.20.135 may, within 30 days of the date of reemployment, elect to continue receiving benefit payments during the period of reemployment by filing a waiver of coverage with the administrator on a form provided by the administrator. An election under this subsection waives coverage for the period of reemployment and is irrevocable during the period of reemployment. Deductions from the member's salary may not be made under AS 14.25.050 during the period of reemployment, and the member may not receive credited service for the period of reemployment. A member who participated in a retirement incentive program under ch. 26, SLA 1986; ch. 89, SLA 1989; ch. 65, SLA 1996; ch. 4, FSSLA 1996; or ch. 92, SLA 1997, is not eligible to make an election under this subsection.

(c) Upon subsequent retirement, the retired member is entitled to receive an additional benefit based on the credited service and the average base salary during the period of reemployment in accordance with AS 14.25.110 . If the initial benefit payments to which the retired member is eligible have been actuarially reduced because the member retired early under AS 14.25.110 (b), the member shall also receive an incremental benefit based on the amount of the actuarial reduction imposed by AS 14.25.110 (j) on the first benefit and the length of time that the employee was reemployed and not receiving retirement benefits. The amount of the incremental benefit is equal to the difference between the normal retirement benefit to which the member would have been entitled had the member taken a normal retirement and the early retirement benefit that the member has been receiving based on the member's initial period of employment multiplied by the total number of months that the member did not receive retirement benefits because of reemployment and that amount actuarially adjusted to be paid over the expected lifetime of the member.

Examples of Possible Salaries for Reemployed Teachers Who Participated in a Retirement Incentive Program

District	Average Salary at 20 Year Retirement	Average Retirement Benefit (40%) *	Maximum Beginning Salary For Teacher New to District	Maximum Years of Experience Counted for Teacher New to District
Anchorage	\$62,889.00	Annual: \$25,155.60 Monthly: 2,096.30	BA \$33,914 MA \$38,036 (2002-2003)	0 years (currently) 1 year (effective 7-1-02)
NW Arctic Borough (Kotzebue)	\$70,931.00	Annual: \$28,372.40 Monthly: 2,364.37	BA \$46,336 MA \$54,555 (2000 - 2001)	6 years for BA 8 years for MA
Juneau	\$64,694.00	Annual: 25,877.60 Monthly: 2,156.47	BA \$37,806 MA \$40,372 (2002-2003)	4 years
Galena	\$59,701.00	Annual: 23,880.40 Monthly: 1,990.03	BA \$42,972 (\$44, 493) MA \$47,534 (\$49,055) (2001-2002)	5 years (or 6 due to shortage of qualified applicants)
N. Slope Borough (Barrow)	\$65,543.00	Annual: \$26,217.20 Monthly: \$2,184.77	BA \$52,572 MA \$60,266 (2001-2002)	6 years for BA 8 years for MA
Kenai	\$58,650.00	Annual: \$23,460.00 Monthly: \$1,955.00	BA \$38,908 MA \$41,460 (2001-2002)	5 years
* Assumes last three salaries were at the highest pay range. Assumes 20 years of service performed within the same school district.				

MEMORANDUM

STATE OF ALASKA DEPARTMENT OF ADMINISTRATION

To: Guy Bell, Director
Division of Retirement and Benefits

Date: January 8, 2002

Thru: Kathy Lea, Supervisor *Klea*
Retirement Services

Phone: 465-3226

From: Susan Doerflinger *Susan Doerflinger*
Retiree Services

Subject: HB 242/SB149 Waivers

The following employers have hired retirees under HB 242/SB 149

Public Employees' Retirement System (PERS)

<i>Name of Employer</i>	<i># of retirees rehired - July 1 through December 31, 2001</i>
Aleutian Region SD (classified staff)	1
Anchorage SD (classified staff)	1
Bartlett Memorial Hospital	1
Bristol Bay Borough	1
City and Borough of Sitka	1
City of Fairbanks	9
City of North Pole	1
City of Wasilla	1
Fairbanks North Star Borough	2
Kenai Peninsula Bor SD (classified staff)	1
Ketchikan Gateway Borough	1
Lower Kuskokwim	1
Mat-Su Borough	1
Southeast Regional Resource Center	1
State of Alaska	16
University of Alaska (classified staff)	4
<i>Total Employers: 16</i>	<i>Total retiree rehires: 43</i>

Teachers' Retirement System (TRS)

<i>Name of Employer</i>	<i># of retirees rehired - July 1 through December 31, 2001</i>
Anchorage School District	5
Bering Strait School District	1
Denali Borough School District	1
Kuspuk School District	1
Lower Kuskokwim School District	4
North Slope Borough School District	3
Sitka School District	2
Tanana City School District	1
Yukon Flats School District	2
Yukon-Koyukuk School District	1
<i>Total Employers: 10</i>	<i>Total retiree rehires: 21</i>

MEMORANDUM

STATE OF ALASKA

TO: Guy Bell
Director
Division of Retirement and Benefits
Department of Administration

DATE: January 28, 2002

TELEPHONE: 465-4460

FROM: Kathy Lea *klea*
Retirement Supervisor
Division of Retirement and Benefits
Department of Administration

SUBJECT: 1996-2000 RIP

We have received a report from the Combined Retirement System (CRS) benefit module on the number of Retirement Incentive Program (RIP) retirees for both the Public Employees' and Teachers' Retirement Systems (PERS/TRS). The numbers for normal and early retirements are as follows:

NORMAL RETIREMENT

	<u>PERS</u>	<u>TRS</u>	<u>TOTAL BOTH FUNDS</u>
1996	34	87	
1997	532	412	
1998	322	92	
1999	481	326	
2000	150	2	
Total	1,519	919	2,438

EARLY RETIREMENT

	<u>PERS</u>	<u>TRS</u>	
1996	10	1	
1997	87	4	
1998	54	35	
1999	17	0	
2000	0	0	
Total	168	40	208

If you need further information, please let me know.

Anchorage School District Service Recognition Programs:

The Anchorage School District has utilized Service Recognition Programs since 1993, as a way of reducing the rate of growth in average teacher cost. The Programs provide a cash salary supplement to eligible teachers, in their final year of District employment. The amount of supplement this year is \$10,000. It is not a retirement incentive, since retirement is not a precondition of eligibility. Teachers don't even have to terminate their employment. However, if they elect to retain their employment, they return in the fall at the pay rate of a new hire. The District saves money because the difference in pay between a high-end and beginning teacher is often more than \$20,000, so the cost of the recognition payment is recovered in the first year. By using Service Recognition Programs, the District has avoided major lay-offs, and consequent loss of service.

The downside of these programs is they have attracted strong, senior teachers who are not easy to replace. However, very few teachers are really enticed to leave the system simply for \$10,000. Most would leave within a year or two, in any case. It is certainly arguable that the SRP actually delays the retirement of teachers who planned to leave anyway, e.g. many teachers who planned to retire in 2001 actually delayed their plans for one year, in order to participate in the Service Recognition Program this year.

Around 200 teachers will receive Service Recognition in Anchorage this year. Most of those who are leaving the system and currently teach in an area of critical need have indicated that they will apply for reemployment with the District. Their applications will be welcomed.

Subject: FW: Attn: Karen McCarthy / AASB Position: Rehire

Date: Mon, 18 Feb 2002 15:22:21 -0900

From: Greg Giles <ggiles@asb.org>

To: Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

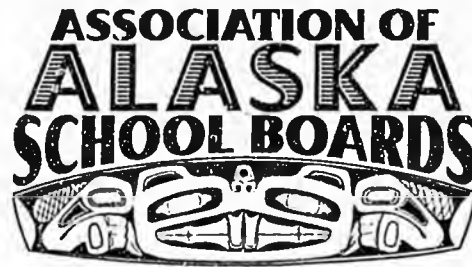
AASB Position In Support of Re-hire of Retired Teachers

As a short term solution to the teacher shortage, the Association of Alaska School Boards supports extending the opportunity for districts to re-hire teachers and administrators who have participated in the state Retirement Incentive Programs. In the short term these highly experienced individuals who desire to return will ease the shortage currently being experienced and provide quality educational experiences for youth.

The predicament that we currently find ourselves has evolved over the past decade because Alaska simply hasn't kept pace with compensation packages offered to teachers and administrators in other states.

Couple this factor with the chronic teachers/administrator shortage across our Nation and Alaska school districts have a significant challenge. It is clear, that given the compensation currently offered in Alaska, many potential teachers and administrators are just not willing to leave the comfort of their extended families and relocate thousands of miles away when comparable salaries and job opportunities exist on the other side of town or in the next community 50 miles away. AASB would encourage and support efforts by the legislature to consider initiatives designed to attract teachers and administrators not only on the short-term but explore in earnest what is necessary to ensure that Alaskan schools have the best possible professional teacher and administrator available to every child in the long term.

February 2002



Advocates for Alaska's Youth

AASB Position HB 416 – Reemployment of Retired Teachers

The Association of Alaska School Boards (AASB) is supportive of maintaining broad latitude for school districts to rehire teachers and administrators retired under the retirement incentive programs. This position is based on the following perspectives:

- School districts participated in the retirement incentive programs primarily due to the saving afforded them during times of challenging budgets. Districts achieved the economies envisioned by the legislature through the retirement of more costly employees in exchange for employees costing less.
- The current challenge of attracting and retaining teachers in Alaska is currently compounded by the growing shortage of teachers nationwide. By permitting high quality retired teachers and administrators back into the Alaska educational system while allowing these individuals to retain their retirement benefit is good for the children of Alaska. These individuals have already demonstrated their commitment to Alaska and because districts retain control as the hiring authority, individuals of less than the highest skill level or those experiencing “burnout” are avoided.
- School districts realize much needed economies of scale even if the teacher/administrator retains the same salary as the benefit (health insurance, TRS district contribution, life insurance, etc.). The cost saving could easily be in the 20-30% range. Given the substantial savings, even as outline in the aforementioned situation, districts are in the best position to determine salary levels for returning retired teachers. Further constraints in HB 416 will diminish a district’s capacity to secure the best available person for the position.
- A bonus to retirement incentive returnees, many of whom have “bottomed out” on the salary schedule, is their retirement stipend plus their ongoing salary to encourage their continued work on behalf of a district’s children.

In summary, Alaska will lose the majority of these retirement incentive professionals to other states who are eager to develop attractive incentive packages to gain their employment. These states are unconcerned about whether the potential employee has a retirement benefit from another state. Let’s keep the opportunity for the rehire of retired teachers and administrators as open as possible and let local districts and negotiated agreements determine the salary particulars. Allowing retirees to return to the profession in Alaska is mutually beneficial – good for the professional who retains retirement benefits and continues the work he/she enjoys, and good for the district who secures or maintains a quality professional at an overall cost savings to the district. Thank you.

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 22, 2002

SUBJECT: Sectional Summary of SCS CSHB 242(FIN)

TO: Representative Con Bunde
Attn: Karen

FROM: Barbara R. Craver *BRC*
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. Adds a new section, AS 14.20.135.

(a) Allows a school district to hire retired teachers qualified to teach in a discipline or specialty if the district has or anticipates a shortage in that area. The district must notify the TRS administrator that it is hiring retired teachers.

(b) If a retired teacher elects to continue receiving retirement benefits while reemployed by a district the teacher must waive regular benefit coverage. That teacher would not receive additional credit for the period of service.

✓(c) A teacher who participated in the specified retirement incentive programs may not be hired under this section.

(d) A teacher hired under this section may not acquire tenure.
(Section 12 repeals this section on July 1, 2005)

Section 2. Exempts reemployed retired teachers who have filed a waiver of benefits from membership in TRS.

Section 3. Deletes the exemption added in Section 2. (Section 15 makes this section effective on July 1, 2005.)

Section 4. Reorganizes AS 14.25.043 to add provisions for reemployed retired teachers hired under AS 14.25.135.

(a) Provides that a reemployed retired teacher may elect to waive benefit coverage if the teacher wants to continue receiving retirement benefits while employed as

a teacher. Retired teachers who choose to suspend retirement benefits while reemployed are subject to the mandatory contributions of AS 14.25.050 for TRS.

(b) This new subsection provides that a retired teacher reemployed under the new AS 14.25.135 who wishes to continue to receive retirement benefits must make that irrevocable election in the first 30 days of returning to active membership in TRS. That election waives the TRS benefits which would normally accrue to an active member, i.e. the reemployed retired teacher receiving retirement benefits does not contribute to TRS from the teacher's current salary because the teacher is already receiving TRS benefits (retirement pay and insurance) as part of the retirement pay the teacher is also receiving. The reemployed retired teacher doesn't make any contributions to the TRS system from the teacher's current salary, and does not get credited with any additional years of service in the TRS system. TRS members who retired under specified retirement incentive programs are not eligible to make this election, and if reemployed, may not receive retirement benefits while working. (Section 12 repeals this subsection on July 1, 2005.)

(c) This contains the original text of AS 14.25.043 which provides that a reemployed retired teacher who does not elect to receive retirement benefits while earning a salary during reemployment is entitled to increased retirement benefits due to an increase in credited service.

Section 5. Deletes the changes added to AS 14.25.043(a) added in Section 4. (Section 15 makes this section effective on July 1, 2005.)

Section 6. Amends AS 14.25.168(d)(1) regarding the medical insurance retirement rights of employees who first join the system after this becomes law.

(d)(1) Provides that a retired public employee (retiree) less than 60 years of age and with less than 25 years of membership service must pay the full monthly premium for major medical insurance if the retiree wants major medical insurance while retired.

(d)(2) Now allows a retiree of any age with 25 or more years of service to receive major medical insurance without paying the monthly premium. Those retirees between 60 and 65 now would pay no monthly premium for insurance. Under current law, a retiree between 60 and 65 must pay half the monthly premium. Retirees 65 or older continue to receive free medical insurance coverage. The language also acknowledges that disabled employees may continue working until normal retirement, and that they are entitled to free medical insurance upon retirement regardless of age at retirement.

Section 7. Exempts reemployed retired public employees who elect to receive retirement while working, from being included in the PERS system. (Section 12 repeals this on July 1, 2005.)

Section 8. (a) Provides that a reemployed retired public employee may elect to waive benefit coverage if the public employee wants to continue receiving retirement benefits while reemployed as a public employee. A retired public employee who chooses to suspend retirement benefits while reemployed is subject to the mandatory contributions of AS 39.35.160 for PERS.

(b) Parallel provisions as provided in Section 4 for teachers. A reemployed retired public employee who wishes to continue to receive retirement benefits must make that irrevocable election in the first 30 days of returning to active membership in PERS. That election waives the PERS benefits which would normally accrue to an active member, i.e. the reemployed retired public employee receiving retirement benefits does not contribute to PERS from the public employee's current salary because the public employee is already receiving PERS benefits (retirement pay and insurance) as part of the retirement pay the public employee is also receiving. The reemployed retired public employee doesn't make any contributions to the PERS system from the public employee's current salary, and does not get credited with any additional years of service in the PERS system. PERS members who retired under specified retirement incentive programs are not eligible to make this election, and if reemployed, may not receive retirement benefits while working. (Section 12 repeals this subsection on July 1, 2005.)

(c) A reemployed retired public employee who doesn't make a timely election becomes a member of PERS again and the employee's salary is subject to PERS contributions. (Section 12 repeals this subsection on July 1, 2005.)

(d) This is the remaining original text of this section.

Section 9. Deletes the changes made to AS 39.35.150(a) in section 8 above. (Section 15 makes this section effective on July 1, 2005.)

Section 10. This reenactment of AS 39.35.535(c) changes the medical insurance retirement benefits of employees who first join the system after this becomes law.

(c)(1)(A)(i) A benefit recipient must pay 100% of the monthly insurance premium if the recipient is younger than 60 and has less than 25 years of service as a peace officer.

(c)(1)(A)(ii) A benefit recipient must pay 100% of the monthly insurance premium if the recipient is younger than 60 and has less than 30 years of service that is not as a peace officer.

(c)(1)(B) A benefit recipient must pay 100% of the monthly insurance premium if the recipient is any age and has less than 10 years of service.

(c)(2)(A) A benefit recipient gets free insurance if the recipient is disabled.

(c)(2)(B) A benefit recipient gets free insurance if the recipient is a disabled member appointed to normal retirement.

(c)(2)(C) A benefit recipient gets free insurance if the recipient is 60 or older and has at least 10 years of service.

(c)(2)(D)(i) A benefit recipient gets free insurance if the recipient is any age and has at least 25 years of service as a peace officer.

(c)(2)(D)(ii) A benefit recipient gets free insurance if the recipient is any age and has at least 30 years of service that is not as a peace officer.

Section 11. AS 39.35.675(b) is simplified to require that an employee only have received a cost-of-living differential¹ for at 50% of an employee's credited service before the cost-of-living differential is included as compensation when calculating retirement benefits.