

1811 SENATE HEALTH, EDUCATION & SOCIAL SERVICES

Appendix A
 Council on Domestic Violence and Sexual Assault
 Schedule of Grants Awarded FY 03 through FY 06
 (unaudited)

	<u>FY03</u>	<u>FY04</u>	<u>FY05</u>	<u>FY06</u>
Domestic Violence Program Grants				
Crisis (Anchorage)	\$ 843,816	\$ 805,816	\$ 805,816	\$ 828,616
Violence (Valdez)	237,598	213,181	213,181	219,576
Domestic Violence and Rape Emergencies (Juneau)	561,147	489,641	489,641	504,330
Palmer)	418,486	418,486	418,486	453,575
Domestic Violence Center (Anchorage)	215,636	197,836	197,836	199,634
Barrow)	244,703	242,571	242,571	249,848
Group (Nome)	420,706	420,706	420,706	465,406
Domestic Violence Center	55,504	51,421	51,421	52,964
Services	180,855	183,599	183,599	-
Domestic Violence Non-Violent Living (Fairbanks)	694,296	679,296	679,296	702,642
Domestic Violence and Crisis Center	285,551	264,326	264,326	272,256
Soldotna)	413,389	397,401	397,401	409,323
Environment (Dillingham)	353,716	330,116	330,116	385,116
Services (Seward)	77,811	77,811	77,811	80,145
Violence	339,766	303,401	303,401	312,503
Domestic Violence Services (Homer)	273,145	249,091	249,091	283,555
Domestic Violence and Rape (Anchorage)	436,706	396,706	396,706	412,789
Domestic Violence (Bethel)	625,809	608,133	608,133	704,133
Domestic Violence and Family Violence	133,607	123,001	123,001	126,691
Domestic Violence (Anchorage)	53,199	26,078	26,078	-
Ketchikan)	557,183	517,183	517,183	532,698
Domestic Violence Program Grants	<u>7,422,629</u>	<u>6,995,800</u>	<u>6,995,600</u>	<u>7,195,800</u>
Batterer Intervention Program Grants				
Palmer)	\$ 57,000	\$ 55,812	\$ 55,812	\$ 55,812
Domestic Violence Non-Violent Living (Fairbanks)	68,500	67,312	67,312	67,312
Domestic Violence Services (Sitka)	42,500	-	-	-
Domestic Violence (Homer)	52,500	51,313	51,313	51,313
Domestic Violence (Seward)	-	-	-	-
Domestic Violence Services (Homer)	29,500	25,563	25,563	25,563
Domestic Violence Counseling Center	70,000	-	-	-
Batterer Intervention Program Grants	<u>320,000</u>	<u>200,000</u>	<u>200,000</u>	<u>200,000</u>

Appendix A
 Council on Domestic Violence and Sexual Assault
 Schedule of Grants Awarded FY 03 through FY 06
 (unaudited)

	<u>FY03</u>	<u>FY04</u>	<u>FY05</u>	<u>FY06</u>
Prison Batterer Intervention Program Grants				
Alaska Family Services (Palmer)	\$ 40,000	\$ 56,589	\$ 56,589	\$ 56,589
Interior Alaska Center for Non-Violent Living (Fairbanks)	25,306	41,648	41,648	41,648
Tongass Community Counseling Center (Juneau)	32,851	-	-	-
Total Prison Batterer Intervention Program Grants	<u>98,237</u>	<u>98,237</u>	<u>98,237</u>	<u>98,237</u>
Violence Against Women Act (VAWA) Grants				
Alaska Network on Domestic Violence and Sexual Assault	\$ 235,500	\$ 223,440	\$ 216,030	\$ 216,315
Dept. of Law Reimbursable Services Agreement	196,250	186,200	180,025	180,263
Dept. of Public Safety Reimbursable Services Agreement	196,250	186,200	180,025	180,263
Alaska Court System Reimbursable Services Agreement	39,250	37,240	36,005	36,052
Discretionary (See "Note" below)	78,500	111,720	108,015	108,157
Total VAWA Grants	<u>\$ 745,750</u>	<u>\$ 744,800</u>	<u>\$ 720,100</u>	<u>\$ 721,050</u>
TOTAL	<u><u>\$ 8,586,616</u></u>	<u><u>\$ 8,038,837</u></u>	<u><u>\$ 8,014,137</u></u>	<u><u>\$ 8,215,087</u></u>

Note: Between FY 02 through FY 05, the Council awarded the VAWA fund discretionary allocation to the Network, Wasilla Police Department, Safe and Fear-Free Environment (SAFE), South Peninsula Women's Services (SPWS), Aiding Women Against Rape Emergencies (AWARE), Tundra Women's Coalition (TWC), Standing Together Against Rape (STAR), and Bering Sea Women's Group (BSWG) for victim services projects.



State of Alaska

Department of Public Safety

Council on Domestic Violence & Sexual Assault

Frank H. Murkowski, Governor
William Tandeske, Commissioner

December 21, 2005

Pat Davidson
Alaska State Legislature
Legislative Budget and Audit Committee
Division of Legislative Audit
P.O. Box 113300
Juneau, Alaska 99811-3300

RE: Preliminary Report Response, Council on Domestic Violence and Sexual Assault.

Thank you for the opportunity to respond to the findings and recommendations of the November 2005 audit.

The Council agrees with Recommendation No. 1, and has already entered into discussions with the Department of Education and Early Development (DEED) about developing a closer working relationship consistent with the statutory mandate. In our initial contacts, for example, we determined that several years ago DEED collaborated with the Council on statewide teacher training. Currently DEED is developing modules on domestic violence and sexual assault (DVSA). DEED and the Council have already established a process for the Council to be included in reviewing those modules. We will collaborate through meetings, teleconferences, work groups, and other avenues as appropriate.

Regarding Recommendation No 1 and the Department of Health and Human Services (DHSS), the Council has begun targeted discussions regarding the interface between the DHSS programs and DVSA issues. Many of the DHSS program areas assist individuals and families with multiple problems including DVSA as it impacts families, children, and elders. In reviewing potential areas of coordination and planning, we have identified some areas that should provide for fruitful collaboration, including the development of program staff training and the possibility of requiring relevant training for service providers under contract with DHSS. We will continue to coordinate through teleconferences, meetings, and workgroups, as appropriate, to assess and prioritize the impact of DVSA issues within DHSS.

Regarding Recommendation No. 2, while the Council recognizes and understands the merit of this issue, it is important to note that the Governor is not bound by any recommendation made by the Alaska Network on Domestic Violence and Sexual Assault (Network). Because of this safeguard, the Council believes that obtaining input from the Network, which has significant knowledge and expertise, outweighs any limitations or theoretical conflicts.

Finally, in general, the Council continues its strategic planning efforts, continues to explore grant and foundation funding for statewide domestic violence and sexual assault programs, and continues to strengthen and develop its own personnel and office resources.

Council on Domestic Violence & Sexual Assault
P.O. Box 111200 - Juneau, AK 99811 - Voice (907) 465-4356 - Fax (907) 465-3627

We appreciate the work of the Division of Legislative Audit and look forward to working with you in the future.

Sincerely,

Barbara C. Hanson for Janna L. Stewart.

Janna L. Stewart
CDVSA, Chair

Cc: CDVSA Board Members

SB

251

Alaska State Legislature

Senator Con Bunde
District P

Vice Chair: Senate Finance Committee
Chair: Senate Labor & Commerce Committee



During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-4843

During Interim:
716 W. Fourth Avenue
Anchorage, AK 99501-2133
(907) 269-0181

MEMORANDUM

DATE: Thursday, February 2, 2006
TO: Senator Dyson, Chair, Senate Health & Social Services Committee
FROM: Senator Con Bunde
RE: Hearing Request for SB 251 Postsecondary Student Meningitis Immunization

I respectfully request a hearing before the Senate H&SS Committee on SB 251
re: Postsecondary Student Meningitis Immunization

In summary, SB 251

- exempts post secondary educational institutions without dormitory facilities (day-school type instruction) from requirement to distribute information to its prospective students regarding meningitis
- reduces unnecessary paperwork for students and administrators in these "day-school" type programs
- would ensure that they be exempted from the notification requirement currently in place, while insuring that students who will be utilizing school residential facilities are advised of related health risks prior to taking up residence there

In 2005, the passage of HB 185 required post-secondary schools to distribute information to prospective students regarding meningitis and retrieve their confirming signatures verifying their receipt of this information. This action was deemed necessary because dormitories make for an ideal breeding ground for meningitis bacteria due to the close proximity of the students. The consequence of HB 185 is that now post-secondary schools without dormitories are also required to distribute this information and collect signatures even when the threat of meningitis is reduced.

Attached please find SB 251 sponsor statement, background documents and letters of support. If you have any questions or need additional documents, please contact Jane Alberts in my office at 465-3844.



Alaska State Legislature

Senator Con Bunde
Senate District P

Vice Chair: Senate Finance Committee
Chair: Senate Labor & Commerce Committee

Sponsor Statement
SB 251
Postsecondary Students Meningitis Immunization

Meningococcal disease is a seriously contagious, but preventable bacterial infection that can quickly impair or even be fatal if gone unnoticed. It spreads through the air or from person to person through oral contact or sharing of items. Given that knowledge, it is quite obvious that college dormitories would be an ideal breeding ground for meningitis. In order to better inform students of this risk, legislation was enacted in 2005 to require that post-secondary education facilities inform its students of the risks of meningitis and retrieve signed documentation that the student has received this information. This is a provision that was newly enacted with the passage of HB 185 in 2005.

A consequence of this legislation is that now even post-secondary schools that do not have on-campus dormitories or overnight facilities must disseminate related advisory information, obtain signed statements acknowledging receipt of the information by each student, and retain these records on file. This would include "day school" type programs and short-course programs such as software training or other similar avocational workshops where students are on site only for their instruction. The schools and training facilities in question do not offer residential living options, making the application of this notice and records retention requirement inappropriate to the circumstance. Doing so creates an undue administrative burden for the short-course and nonresidential school administrators and the students they serve.

SB 251 would ensure that they be exempted from the notification requirement currently in place, while insuring that students who will be utilizing school residential facilities are advised of related health risks prior to taking up residence there.

MENINGITIS

Know Your Risk

Learn About Vaccination

Important Notice:

Information in this handout has been gathered from the Alaska Postsecondary Student Immunization Act (HB185), signed into law effective May 18, 2005. Additional information was gathered from the Alaska Department of Health and Social Services' Division of Public Health and the Web site of the American College Health Association at http://www.acha.org/projects_programs/meningitis. The Alaska Commission on Postsecondary Education (ACPE) cannot provide medical information and is not responsible for any medical information provided to schools or to students. For questions specific to meningitis, immunization, and related diseases, please consult a qualified medical professional.

Did you know?

- **Meningococcal disease** is a contagious but largely preventable bacterial infection that most often leads to meningitis, an inflammation of the membranes surrounding the brain and spinal cord, or a condition called meningococcal septicemia, which is an infection of the blood.
- **Meningococcal disease is caused** by bacteria called *Neisseria meningitidis* that are spread person-to-person through the air (usually by sneezing or coughing), through direct contact with an infected person, such as oral contact with shared items like cigarettes or drinking glasses, or through intimate contact, such as kissing. This disease is not as contagious as things like the common cold or the flu, and it is not spread by casual contact or by simply breathing the air where a person with meningitis has been.
- **Meningococcal disease is a serious illness** that can lead to death within a few hours of onset; one out of ten cases is fatal, and in one out of seven survivors it can lead to severe and permanent disabilities, such as brain damage, hearing loss, seizures, or limb amputation.

What are the symptoms of meningococcal disease?

- High fever, headache, and stiff neck are common symptoms of meningitis in anyone over the age of 2 years. A rash may also develop over parts of the body, or the entire body. Other symptoms include nausea, vomiting, discomfort looking into bright lights, confusion, and sleepiness. These symptoms can develop over several hours, or they may take 1 to 2 days. As the disease progresses, seizures may develop. If you notice these symptoms – in yourself, friends, or others – you should contact your college health service or local hospital immediately.

Who is at risk for meningococcal disease?

- Anyone can get meningococcal meningitis, but scientific evidence suggests that college freshmen living in campus housing are at moderately increased risk to get this disease when compared to the general college population. The reasons for this increased risk are still not known for certain, but factors may include such things as crowded living situations, bar patronage, active or passive smoking, irregular sleep patterns, and sharing personal items.

- Other risk groups include infants and young children, household contacts to a person with meningococcal disease, refugees from parts of the world with high rates of meningococcal disease, laboratory workers who work with this bacteria, and military recruits.

Are there vaccines against meningococcal disease?

- Yes, there are two safe and effective vaccines that protect against four strains of the bacteria that cause meningococcal disease – serogroups A, C, Y, and W135. Immunization against meningococcal disease will decrease the risk of contracting the illness from these meningococcal strains.

How can meningococcal disease be prevented?

- **Many cases of meningococcal disease can be prevented.** The Centers for Disease Control and Prevention and the American College Health Association recommend that all first-year students living in residence halls be vaccinated against meningococcal disease. All other college students under the age of 25 years who wish to reduce their risk for the disease may choose to be vaccinated.
- **Vaccination is safe and effective.** It protects against four of the five most common strains (or types) of bacteria that cause meningitis. Approximately 70 to 80 percent of cases in the college age group are caused by strains that are potentially vaccine-preventable. The most commonly reported adverse reactions among adolescents and adults in clinical studies were pain at the injection site, headache, and fatigue. These respond to simple measures (ibuprofen or acetaminophen) and resolve spontaneously within a few days.

For More Information

To learn more about meningitis and immunization, visit the websites of the American College Health Association, www.acha.org/meningitis, and the Centers for Disease Control and Prevention, www.cdc.gov/ncidod/diseases/submenus/sub_meningitis.htm.

I have received a copy of this notice on meningococcal disease.

I have received an immunization against meningococcal disease.

Student Name

Student Signature

Date

Frequently Asked Questions and Answers about Meningococcal Disease

Important Notice:

Information in this handout has been gathered from the Alaska Postsecondary Student Immunization Act (HB185), signed into law effective May 18, 2005. Additional information was gathered from the Alaska Department of Health and Social Services' Division of Public Health and the Web site of the American College Health Association at http://www.acha.org/projects_programs/meningitis. The Alaska Commission on Postsecondary Education (ACPE) cannot provide medical information and is not responsible for any medical information provided to schools or to students. For questions specific to meningitis, immunization, and related diseases, please consult a qualified medical professional.

I. What is meningococcal disease?

Meningococcal disease is a rare, but potentially fatal, bacterial infection, and most commonly leads to meningitis, an inflammation of the membranes surrounding the brain and spinal cord, or meningococcal septicemia, an infection of the blood.

II. What causes meningococcal disease?

Meningococcal disease is caused by *Neisseria meningitidis*, a leading cause of bacterial meningitis in older children and young adults in the United States. There are five types of bacteria (or serogroups) for meningococcal disease that circulate worldwide: A, B, C, Y, and W-135. Evidence shows approximately 70 to 80 percent of cases in the college age group are caused by serogroup C, Y, or W-135, which are potentially vaccine-preventable.

The number of cases caused by each type varies by location. For instance, type A rarely causes cases in the United States but is the most common cause of epidemics in Africa and Asia. Different age groups appear to be disproportionately affected by different types. Type B is the most common type in infants and recently was associated with cases in Oregon. In Alaska, 56% of cases were due to type B between 1999 and 2004. Type Y causes the majority of cases in those 65 years and older. Type C is associated with outbreaks in communities and schools, including colleges and universities. The proportion of disease caused by different types of the bacteria also changes over time.

III. How many people get meningococcal disease each year?

Meningococcal disease strikes 1,400 to 3,000 Americans each year and is responsible for approximately 150 to 300 deaths. Adolescents and young adults account for nearly 30 percent of all cases of meningitis in the United States. Approximately 100 to 125 cases of meningococcal disease occur on college campuses each year, and five to 15 students will die as a result.

IV. How serious is meningococcal disease?

Meningococcal infection is contagious and progresses very rapidly. It can easily be misdiagnosed as the flu or other minor febrile infections, and, if not treated early, meningitis can lead to death or permanent disabilities. One in seven of those who survive will suffer these long-term side effects, such as brain damage, hearing loss, seizures, or limb amputation.

V. How is meningococcal disease spread?

Meningococcal disease is spread person-to-person through the air by respiratory droplets (e.g., coughing, sneezing). The bacteria also can be transmitted through direct contact with an infected person, such as oral contact with shared items like cigarettes or drinking glasses, and through kissing. Although contagious, this disease is not as contagious as things like the common cold or the flu, and it is not spread by casual contact or by simply breathing the air where a person with meningitis has been.

VI. What are the symptoms of meningococcal disease?

High fever, headache, and stiff neck are common symptoms of meningitis in anyone over the age of 2 years. A rash may also develop over parts of the body, or the entire body. Other symptoms include nausea, vomiting, discomfort looking into bright lights, confusion, and sleepiness. These symptoms can develop over several hours, or they may take 1 to 2 days. As the disease progresses, seizures may develop.

Students who notice these symptoms in themselves, friends or others should contact their college health service or hospital immediately.

VII. What are the complications of meningococcal disease?

If not treated early, meningococcal disease can lead to death or permanent disabilities. One in seven of those who survive will suffer long-term side effects, such as brain damage, hearing loss, seizures, or limb amputation.

VIII. Who is at risk of getting meningococcal disease?

Anyone can get meningococcal disease, however certain groups are at higher risk. These include infants, adolescents, and college students, particularly those living in residence halls. Disease rates decline after infancy, but begin to rise again in early adolescence, peaking between the ages of 15 and 20 years.

Due to lifestyle factors, such as crowded living situations, bar patronage, active or passive smoking, irregular sleep patterns, and sharing of personal items, some college students may be more likely to get meningococcal disease than the general college population.

Certain conditions also increase a person's susceptibility to the disease. Persons with immature or damaged immune systems are at increased risk. Respiratory tract infections also increase a person's risk of getting the disease. There also may be certain genetic factors that increase the risk of infection.

IX. Who should be vaccinated?

The Centers for Disease Control and Prevention's (CDC) Advisory Committee on Immunization Practices (ACIP) and the American College Health Association (ACHA) recommend that to the following groups be vaccinated:

- All first-year students living in residence halls
- Undergraduate students 25 years of age or younger who wish to reduce their risk for the disease may choose to be vaccinated
- Students with medical conditions that compromise immunity (e.g., HIV, absent spleen, antibody deficiency, chemotherapy, immuno-suppressants)
- Other groups (non-college age) are recommended for vaccination
 - Students at the time of high school entry
 - Young adolescents at the pre-adolescent doctor visit (11 to 12 years of age)
 - Travelers to endemic areas of the world
 - Lab workers with potential exposure to meningococcus

X. Why should college students consider getting the meningococcal vaccine?

Meningococcal vaccination is recommended by ACIP and ACHA for all first-year students living in residence halls. Data also show an increased incidence of meningococcal disease among adolescents and young adults, including college students. Additionally, in persons 15 to 24 years of age, 70 to 80 percent of cases are caused by vaccine-preventable strains.

XI. How effective is vaccination?

The meningococcal vaccine provides protection against four of the five types of *N. meningitidis* bacteria that cause meningococcal disease in the United States – types A, C, Y, and W-135. In persons 15 to 24 years of age, 70 to 80 percent of cases are caused by potentially vaccine-preventable strains.

XII. Is vaccination safe? Are there any adverse side effects?

The vaccine is safe and effective, and adverse reactions are mild and infrequent. The most commonly reported reactions by adolescents and adults in clinical studies were pain at the injection site, headache, and fatigue. These respond to simple measures (ibuprofen or acetaminophen) and resolve spontaneously within a few days.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB251-EED-ACPE-02-03-06
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Education
 Title An Act relating to immunization for meningitis of RDU ACPE
postsecondary students residing on campus. Component Program Admin. & Operations
 Sponsor (S)Labor & Commerce
 Requester (S) HES Component No. 2738

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends language to require Alaska postsecondary institutions to provide notice regarding meningococcal disease and maintain records of notice only to students who intend to reside in campus housing.

The Commission would implement by providing due notice to Alaska institutions and amending this requirement within its institutional authorization compliance review program.

Prepared by: Diane Barrans, Executive Director
 Division: Executive Office
 Approved by: Diane Barrans, Executive Director
 Agency: Alaska Commission on Postsecondary Education

Phone 465-6740
 Date/Time 2/3/06 11:45 AM
 Date 2/3/2006



Scott Thorson, CEO
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(907) 272-7117 (Fax)

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February 16, 2006

Senator Fred Dyson
State Capitol, Room 121
Juneau, AK 99801-1182

Dear Senator Dyson:

I am writing to you as Health, Education and Social Services Chair to ask for your support of Senate Bill 251. This bill may not look like much when compared with other more weighty issues you will be dealing with during the current legislative session, but to many who run post secondary education training facilities it will solve a problem that has grown into a very thorny issue. I urge you to support this bill and help move it to the Senate floor for a vote.

Last year the legislature passed House Bill 185 which required all post secondary institutions in Alaska, without exception, to collect a meningitis disclosure form from each student. These forms must be distributed, signed by each student, collected and maintained in a filing system for an undetermined period of time. While I think the original intent of the bill was good, the unintended consequences of this bill are objectionable, and they are causing unnecessary problems for students and post secondary schools throughout Alaska.

Senate Bill 251 makes changes to the statutes limiting compliance only to institutions that maintain dormitories as part of their infrastructure. This makes sense because dormitories are what the original bill seemed designed to regulate. Without SB 251, all post secondary schools in Alaska will have to comply. Fight schools, real estate schools, trade schools, religious academies, tribal colleges and any other school that is not in the K-12 system will have to comply with these requirements unless SB 251 becomes law.

Many of our students do not like to sign this document primarily because they feel it is an invasion of their privacy. I tend to agree with their assessments because the form asks them to disclose whether or not they have had their meningitis shot. I am not comfortable gathering this information and storing it for the long term. I don't need to know about this information to effectively deliver classes.

Our classes are no different than any 5 or 6 hour business meeting that takes place all over Alaska every day. Our students do not understand why they need to sign these forms, many times they feel their privacy is violated and they do not see any value in toward resolving meningitis problems in Alaska. I find it sort of ironic that under current Federal and Alaska law, people with AIDS have more medical privacy than a student sitting in a Word class in our classroom. It would be one thing if this procedure made Alaska safer from meningitis, but in reality these requirements in schools without dormitories do nothing toward preventing this disease. It also needlessly increases our costs.

Once again, please support this bill so it can be enacted into law. Thank you for your consideration.

Sincerely,

Scott Thorson
CEO



north star computing

COMPUTER RESOURCE CENTER

815 2nd AVENUE, Suite 100, Fairbanks, AK 99701

Phone: (907) 452-7325 Fax: (907) 452-6717

<http://www.nsctraining.com> Email: staff@nsctraining.com

- Training
- Consulting
- Rentals
- Testing Center

nsc

Jane Alberts
(907) 465-4843

RE: Meningitis bill (SB 251) The bill is scheduled for a hearing on this coming Monday, February 27 at 1:30 PM.

I have been with this post secondary school for 11 years. The intent of the original bill (House Bill 185) was to require post secondary institutions with students staying in dormitories to make a disclosure to their students about meningitis and to collect information about which students have been immunized. The way the original bill was written required the Commission on Post Secondary Education to extend this requirement to ALL post secondary institutions in Alaska, not just those with dormitories.

I run classes that are less than 80 hours and most of our classes are only 6-9 hours long. The requirement to collect these forms infringes on a student's right to privately maintain their medical information. The post secondary institution is required to keep a record of this disclosure for each student for an indefinite period of time. With students coming and going on a regular basis and most students only returning once within the year, this requirement poses a large burden on small institutions financially to copy the forms, in space to maintain the forms, and the manpower to collect and file the forms.

I do not see any value in requiring post secondary training facilities to collect this information. My institution is no different than the ice rink and I am not required to sign a form before using that facility!

It angers my students to have to disclose such information and it takes class time away from what they are here to learn.

The Commission on Post Secondary Education (the regulatory agency charged with enforcing these regs) agrees that these requirements are not effective in stopping meningitis except for those institutions that have dormitories.

The Department of Health and Social Services also supports doing away with this requirement for institutions without dormitories. They do not see any value in making institutions without dormitories comply with these regulations in their fight against meningitis.

Requiring post secondary institutions without dormitories to collect this information does not resolve the problem (advising students about the problems meningitis causes) that was trying to be solved.

If you have any questions, please feel free to contact me 907-452-7325

Sincerely,

Lisa Shaffer
President

WOSTMANN & ASSOCIATES, INC.

06

/son
oom 121
01-1182

Reference No: 06020025

/son,

you as Health, Education and Social Services Chair to ask for your support of Senate Bill 251. I urge you to support
move it to the Senate floor for a vote.

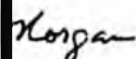
The legislature passed House Bill 185 which required all post secondary institutions in Alaska, without exception, to collect
disclosure form from each student. These forms must be distributed, signed by each student, collected and maintained
in for an undetermined period of time. While I think the original intent of the bill was good, the unintended
consequences of this bill are objectionable and onerous, and they are causing unnecessary problems for students and post
secondary schools throughout Alaska.

Wostmann & Associates began providing post secondary training classes in December 2005. Our first class consisted of a 2-day, 8
hour course on Project Management that was held at the Centennial Hall in Juneau. There were 8 students enrolled and the
course was in the lecture style of training. Our goal is to provide similar short, intensive training sessions in other Information
Technology areas. These classes will target information technology managers throughout the state and are designed to be given
in the evening so that busy professionals can obtain useful work skills in a short period of time.

In our new endeavor for our company, we were surprised when the Postsecondary Education Commission required us to
collect and maintain the meningitis disclosure form from each student. Although we can understand the importance of
discussions about the dangers of meningitis, we do not believe that the current requirement for the collection and
maintenance of this information is appropriate for a firm of our size and type of training we offer. We do not believe that our students
are more susceptible to contracting meningitis than any other public sector or private sector employee that attends all day
classes, conferences, or trade meetings throughout the State every day.

When the legislature makes changes to the statutes limiting compliance only to institutions that maintain dormitories as part of their
operations, it makes sense because dormitories are what the original bill seemed designed to regulate. Without SB 251, all
schools in Alaska will have to comply. Fight schools, real estate schools, trade schools, religious academies, tribal
schools, or other school that is not in the K-12 system will have to comply with these requirements unless SB 251 becomes
law.

I hope you will support this bill so it can be enacted into law. Thank you for your consideration.



Wostmann & Associates, Inc.

Results through Information Technology

26 Seward Street, Suite 210 • Juneau, AK 99801 • Phone: (907) 586-6167 • Fax: (907) 586-2996

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 251
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: University of Alaska
 Title Postsecondary Student Meningitis Immunization RDU _____
 Component _____
 Sponsor _____
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would have no fiscal impact on the University.

Prepared by: Pat Pitney
 Division: University of Alaska
 Approved by: Pat Pitney
 Agency: University of Alaska

Phone 907-450-8191
 Date/Time 2/27/06 12:00 AM
 Date 2/27/2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB251-EED-ACPE-02-03-06
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Education
 Title An Act relating to immunization for meningitis of RDU ACPE
postsecondary students residing on campus. Component Program Admin. & Operations
 Sponsor (S)Labor & Commerce
 Requester (S) HES Component No. 2738

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends language to require Alaska postsecondary institutions to provide notice regarding meningococcal disease and maintain records of notice only to students who intend to reside in campus housing.

The Commission would implement by providing due notice to Alaska institutions and amending this requirement within its institutional authorization compliance review program.

Prepared by: Diane Barrans, Executive Director
 Division: Executive Office
 Approved by: Diane Barrans, Executive Director
 Agency: Alaska Commission on Postsecondary Education

Phone 465-6740
 Date/Time 2/3/06 11:45 AM
 Date 2/3/2006

**ASSOCIATED GENERAL CONTRACTORS of ALASKA**

8005 HATHORN STREET • ANCHORAGE, ALASKA 99518
TELEPHONE (907) 561-5354 • FAX (907) 562-6118

February 24, 2006

Senator Fred Dyson
Chairman, Senate Health, Education & Social Services
State Capitol (MS 3100)
Juneau, AK 99801-1182

Re: SB 251

Dear Senator Dyson:

On behalf of the Associated General Contractors of Alaska and its more than 600 affiliated member companies, I am writing to you as Health, Education and Social Services Chair to ask for your support of Senate Bill 251.

Last year the legislature passed House Bill 185 which required all post secondary institutions in Alaska, without exception, to collect a meningitis disclosure form from each student. These forms must be distributed, signed by each student, collected and maintained in a filing system for an undetermined period of time. While AGC believes that the original intent of HB 185 was good, the unintended consequences of this bill are objectionable and they are causing unnecessary problems for students and post secondary schools throughout Alaska.

AGC offers safety and quality control classes to members of the construction industry. We are a trade association, not an educational association, and our focus is on skills upgrades by means of short term, targeted training programs. We offer no degrees nor do we have a staff of instructors. Our goal is to help members of the construction industry deal with complex issues that are normally outside the normal province of their firms.

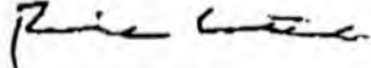
Senate Bill 251 makes changes to the current statute by limiting compliance only to institutions that maintain dormitories as part of their normal infrastructure. This approach is appropriate because dormitories were the target HB 185 seemed designed to regulate. Without SB 251, all post secondary schools and training programs in Alaska will have to comply. Fight schools, real estate schools, trade schools, religious academies, tribal colleges and any other school that is not in the K-12 system will have to comply with these requirements unless SB 251 becomes law.

FAIRBANKS
P.O. BOX 60005 • FAIRBANKS, AK 99706
TELEPHONE (907) 452-1809

SOLDOTNA
43335 KALIFONSKI BEACH ROAD, STE. 32 • SOLDOTNA, AK 99669
TELEPHONE (907) 262-8535

Once again, please support this bill so it can be enacted into law. Thank you for your consideration.

Sincerely,



Richard Cattanaach
Executive Director



**STATE OF ALASKA
OFFICE OF THE GOVERNOR**

BILL ANALYSIS

DEPARTMENT Health & Social Services	DIVISION Public Health	BILL NUMBER SB 251	SPONSOR SENATE (L&C)
SHORT TITLE OF BILL RELATING TO IMMUNIZATION FOR MENINGITIS OF STUDENTS RESIDING ON CAMPUS			
DEPARTMENT POSITION Support			
PREPARED BY Richard Mandsager, M.D.	DATE 02/03/2006	COMMISSIONER'S SIGNATURE Karleen Jackson	DATE 02/07/2006

SUMMARY

OTHER AGENCIES AFFECTED BY BILL University of Alaska Commission of Postsecondary Education	CONSTITUENT GROUP(S) AFFECTED BY BILL College students living in dorms, and their families
ORGANIZATIONAL SUPPORT FOR BILL University of Alaska	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This legislation amends last year's HB185, which was signed into law in May 2005. This new bill requires that, of all college students in Alaska, only those "who intend to reside in campus housing" must sign a form indicating they have been immunized against meningitis or have received information warning of its dangers.

Last year's bill required all college students in Alaska to sign the form. Because meningitis rates, though extremely low, may increase in group living situations, it makes sense to limit the law just to students who will live in campus housing.

ANALYSIS OF BILL/PROGRAM EFFECTS

This bill has no direct impact on the DHSS. In fact, this bill and last year's bill will do little to affect the meningitis rate in Alaska. Of the 40 cases of meningococcal disease reported in Alaska from 1999 - 2004, 38% (15 of 40) were children less than 5 years of age. This proportion increases to 60% (24 of 40) of reported cases when all children through age 18 are included. During the same five-year period, just nine reports (23%) were received for persons 17-24 years of age, which encompasses the typical college years. In addition, the vast majority of reported Alaska cases were the serogroup B strain, which is not contained in available meningitis vaccines, including the new conjugate meningococcal vaccine recommended last year by a federal advisory committee on immunization practices. It should be noted, though, that such policies in other states, where other meningitis strains are more typical, could increase protection for Alaskans attending college Outside.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/30/06

FURTHER:

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2.27.06

Health, Education and Social Services Committee considered

SENATE BILL NO. 251

SB 251 POSTSEC. STUDENT MENINGITIS IMMUNIZATION

"An Act relating to immunization for meningitis of postsecondary students residing on campus."

and recommends:

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

CS Senate Bill:

- Same Title
- New Title

SCS House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
EED	2/3			x	
VA	2/3			x	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

SB

252

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

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

January 31, 2006

Honorable Fred Dyson, Chair
Senate Health, Education, and
Social Services Committee
Alaska State Capitol, Room 121
Juneau, AK 99801-1182

Dear Senator Dyson,

The Department of Health and Social Services respectfully requests that Senate Bill 252, "An Act relating to the definition of 'child abuse and neglect' for child protection purposes; and providing for an effective date." be scheduled for a hearing in the Senate Health, Education, and Social Services Committee at your earliest convenience.

This bill would clarify that the definition "child" includes an infant who has been identified by a health care provider involved in the delivery or care of that infant as being affected by abuse of a controlled substance or from withdrawal from prenatal exposure to a controlled substance. The purpose of the bill is to ensure that health care professionals report such infants to the Department of Health and Social Services under the state's mandatory reporting laws for child abuse and neglect. This provision is necessary to be in compliance with federal law as a condition of continued federal funding for child abuse and neglect prevention and treatment.

A copy of a zero fiscal note should be on file with the committee. Your favorable consideration of this request will be most appreciated.

Sincerely,


Sherry Hill, Special Assistant
Department of Health and Social Services

cc: Kevin Jardell, Director
Governor's Legislative Office

Tammy Sandoval, Deputy Commissioner
Department of Health and Social Services

SB252



FRANK H. MURKOWSKI
GOVERNOR
GOVERNOR@GOV.STATE.AK.US

P.O. Box 110001
JUNEAU, ALASKA 99811-0001
(907) 465-3800
FAX (907) 465-3532
WWW.GOV.STATE.AK.US

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 27, 2006

The Honorable Ben Stevens
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the definition of "child abuse and neglect" for child protection purposes.

This bill would clarify that the definition "child" includes an infant who has been identified by a health care provider involved in the delivery or care of that infant as being affected by abuse of a controlled substance or from withdrawal from prenatal exposure to a controlled substance. The purpose of the bill is to ensure that health care professionals report such infants to the Department of Health and Social Services under the state's mandatory reporting laws for child abuse and neglect. This provision is necessary to be in compliance with federal law as a condition of continued federal funding for child abuse and neglect prevention and treatment.

I urge your prompt and favorable action on this measure.

Sincerely yours,

Frank H. Murkowski
Governor

Enclosure

COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 252
 (S) Publish Date: 1/30/06
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title SUBSTANCE EXPOSED NEWBORNS AND CHILD ABUSE

RDU Children's Services
 Component Front Line Social Workers

Sponsor (RLS) BY REQUEST OF THE GOVERNOR

Requester GOVERNOR

Component No. 2305

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2006) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Office of Children's Services (OCS) has determined that many medical professionals in Alaska are already reporting affected infants to our offices. The potential increased reporting that would result from the enactment of this bill should be minimal, and the OCS does not anticipate any fiscal impact.

Prepared by: Tammy Sandoval, Deputy Commissioner
 Division: Office of Children's Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone 465-3791
 Date/Time 11/04/2005
 Date 11/08/2005

Section of CAPTA Law that proposed legislation addresses

SECTION I: CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 106. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS. [42 U.S.C. 5106a]

b. ELIGIBILITY REQUIREMENTS.—

1. STATE PLAN.—

2. COORDINATION.—A State plan submitted under paragraph (1) shall, to the maximum extent practicable, be coordinated with the State plan under part B of title IV of the Social Security Act [42 U.S.C. 620 et seq.] relating to child welfare services and family preservation and family support services, and shall contain an outline of the activities that the State intends to carry out using amounts received under the grant to achieve the purposes of this title, including—

A. an assurance in the form of a certification by the chief executive officer of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a Statewide program, relating to child abuse and neglect that includes—

i. provisions or procedures for the reporting of known and suspected instances of child abuse and neglect;

ii. policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, including a requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition of such infants, except that such notification shall not be construed to—

I. establish a definition under Federal law of what constitutes child abuse; or

II. require prosecution for any illegal action.

iii. the development of a plan of safe care for the infant born and identified as being affected by illegal substance abuse or withdrawal symptoms;

iv. procedures for the immediate screening, risk and safety assessment, and prompt investigation of such reports;

ALASKA PRIMARY CARE ASSOCIATION, INC.

"... Uncompromising in the pursuit of access to primary care for all Alaskans."



Re: Public Testimony for (S) HESS on SB 252 Definition of Child Abuse and Neglect

February 8, 2006

Dear Senator Dyson, Senator Wilken, and Senate Health Education and Social Services Committee Members,

Alaska Primary Care Association (APCA) represents 115 Community Health Center sites, as well as other safety net providers throughout Alaska. We are monitoring SB 252, *Definition of Child Abuse and Neglect*, and are submitting this letter to express our concerns regarding this bill.

We understand that legislation is needed in order for the State of Alaska to be in compliance with federal law as a condition of continued federal funding for child abuse and neglect treatment and prevention, but we want you to be aware of the impact this bill could have on health care for infants from a provider's perspective.

Our providers had 33,771 encounters with Alaskan family members in 2004, including 5,714 encounters children under age 5 and 1,365 encounters with infants under age 1. Daily, each provider must balance the delicate art and science of doing what is best for each patient. Judgment calls and decisions are based on maximizing the health of each patient. Our providers are concerned that the mandatory reporting requirements included in this bill will reduce primary care access for infants and will be counter-intuitive to promoting better health for babies.

Of course, our providers, in their exercise of good judgment, already report instances when they believe it is in the best interest of the infant and will continue to do so with or without the passage of this legislation. The bottom-line concern of our providers, however, is that with the passage of this bill, infants may not receive the primary care so necessary in these early developmental stages of their lives, if family members refuse to bring infants to the clinics for fear of being reported.

Health care is optional. Mandatory reporting requirements in schools, where attendance is mandatory, differs from mandatory reporting in Community Health Centers and other clinics, where health care is optional. As you review this bill, we ask that you consider the impact it will have on health care access for infants.

Respectfully,

Marilyn Kasmar
Executive Director

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/30/06

FURTHER: Judiciary

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2.08.06

Health, Education and Social Services Committee considered

SENATE BILL NO. 252

SB 252 DEFINITION OF CHILD ABUSE AND NEGLECT

"An Act relating to the definition of 'child abuse and neglect' for child protection purposes; and providing for an effective date."

and recommends:

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

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
HSS	1/06			X	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
			✓	
			✓	
				✓
			✓	
CHAIR:	✓			

SB

259

ALASKA STATE LEGISLATURE



SENATOR GRETCHEN GUESS

Memorandum

Date: February 2, 2006

To: Senator Fred Dyson
Chair Health, Education, and Social Services Committee

From: Senator Gretchen Guess *Gutcher*

Re: Hearing Request

Please consider this a formal request for a hearing of Senate Bill 259, "*An act relating to children attending school; amending provisions relating to compulsory school attendance; relating to truancy and punctuality; relating to permanent fund dividend program notice requirements and to ineligibility for permanent fund dividends for violations of school truancy and attendance laws or for expulsions from school; and providing for an effective date.*" This bill denies Permanent Fund Dividend eligibility for truant children and/or their parents.

If you have any questions regarding SB 259 please feel free to contact me or my aide Wayne Leighty at x2435.

Thank you very much for your consideration.



ALASKA STATE LEGISLATURE
SENATOR GRETCHEN GUESS

Sponsor Statement

Senate Bill 259:

"An Act relating to children attending school; amending provisions relating to compulsory school attendance; relating to truancy and punctuality; relating to permanent fund dividend program notice requirements and to ineligibility for permanent fund dividends for violations of school truancy and attendance laws or for expulsions from school; and providing for an effective date."

Purpose

The purpose of Senate Bill 259 (SB259) is to provide a statewide tool for enforcing the current state truancy law - the loss of Permanent Fund Dividend(s) for violation(s).

Background

Alaska recognizes the value of quality public education through our constitution, state funding, and the state requirement for all residents 16 or younger to attend school (truancy law). But with practically no consequence for unexcused school absence or tardiness, our schools have difficulty maintaining consistent attendance. Teachers share anecdotes about the twins who alternate days or children constantly coming to school two hours late. Teachers and schools struggle to maintain learning progress with only sporadic and infrequent attendance.

Current Alaska Statute requires every child between ages seven and 16 years to attend school and every parent, guardian or other person having the responsibility for a child between ages seven and 16 years to maintain the child's attendance. But the statute is nearly silent on enforcement of our truancy laws, stating only "a person who knowingly fails to comply with [truancy law] is guilty of a violation," and "the governing body of a school district... shall establish procedures to prevent and reduce truancy."

Solution

SB259 provides a statewide "hammer" for enforcement of truancy laws – ineligibility for Permanent Fund Dividends for violation of truancy law. SB 259 does the following.

- For students under age 12, a violation of truancy laws (defined as ten days of absence or 14 days of late arrival/early departure) results in ineligibility for that year's PFD for all parents/guardians of the child. For students over age 12, a violation of truancy laws results in ineligibility for that year's PFD for the student.
- A school principal may approve an allowable absence when it does not interfere with the student's studies (e.g., family vacation).
- Parents of runaway or missing children will not be held liable for the student's truancy during their absence from home, and children who are homeless will not be held liable for their truancy while homeless.
- The governing body of each school district will define excused and unexcused absences, disseminate information about truancy, establish a record-keeping system for truancy, and report students in violation to the Permanent Fund Dividend Division.

Thank you for your consideration.

SENATE BILL NO. 259

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

BY SENATORS GUESS, Bunde

Introduced: 2/1/06

Referred: Health, Education and Social Services, State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to children attending school; amending provisions relating to
2 compulsory school attendance; relating to truancy and punctuality; relating to
3 permanent fund dividend program notice requirements and to ineligibility for
4 permanent fund dividends for violations of school truancy and attendance laws or for
5 expulsions from school; and providing for an effective date."

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

7 * **Section 1.** AS 14.30.010(a) is amended to read:

8 (a) Every child between seven and 16 years of age shall attend school at the
9 public school in the district in which the child resides during each school term. Every
10 parent, guardian, or other person having the responsibility for or control of a child
11 between seven and 16 years of age shall maintain the child in attendance at a public
12 school in the district in which the child resides during the entire school term, except as
13 provided in (b) and (d) of this section.

1 * **Sec. 2.** AS 14.30.010(b) is amended to read:

2 (b) This section does not apply if a child

3 (1) is provided an academic education comparable to that offered by
4 the public schools in the area [, EITHER] by

5 (A) attendance at a private school in which the teachers are
6 certificated according to AS 14.20.020;

7 (B) tutoring by personnel certificated according to
8 AS 14.20.020; or

9 (C) attendance at an educational program operated in
10 compliance with AS 14.45.100 - 14.45.200 by a religious or other private
11 school;

12 (2) attends a school operated by the federal government;

13 (3) has a physical or mental condition that a competent medical
14 authority determines will make attendance impractical;

15 (4) is in the custody of a court or law enforcement authorities;

16 (5) is temporarily ill or injured;

17 (6) has been suspended or expelled under AS 14.03.160 or suspended
18 or denied admittance under AS 14.30.045;

19 (7) resides more than two miles from either a public school or a route
20 on which transportation is provided by the school authorities, except that this
21 paragraph does not apply if the child resides within two miles of a federal or private
22 school that the child is eligible and able to attend;

23 (8) is excused by action of the school board of the district at a regular
24 meeting or by the district superintendent subject to approval by the school board of the
25 district at the next regular meeting;

26 (9) has completed the 12th grade;

27 (10) is enrolled in

28 (A) a state boarding school established under AS 14.16; or

29 (B) a full-time program of correspondence study approved by
30 the department; in those school districts providing an approved correspondence
31 study program, a student may be enrolled either in the district correspondence

1 program or in the centralized correspondence study program;

2 (11) is equally well-served by an educational experience approved by
3 the school board as serving the child's educational interests despite an absence from
4 school, and the request for excuse is made in writing by the child's parents or guardian
5 and approved by the principal or administrator of the school that the child attends;

6 (12) is being educated in the child's home by a parent or legal
7 guardian;

8 **(13) is excused by the principal of the school in which the child is**
9 **enrolled; a principal may excuse a child's absence, late arrival, or early**
10 **departure from school if the excused absence, late arrival, or early departure**

11 **(A) does not interfere with the child's progress at school;**

12 **and**

13 **(B) is consistent with the definition of "excused absence,"**
14 **"excused late arrival," or "excused early departure" adopted by the**
15 **school district under AS 14.30.030(b)(4).**

16 * Sec. 3. AS 14.30.010 is amended by adding a new subsection to read:

17 (d) A parent, guardian, or other person having the responsibility for or control
18 of a child between seven and 16 years of age who is a runaway or missing minor is not
19 required to maintain the child in attendance at a public school if the parent, guardian,
20 or other person having the responsibility for or control of the runaway or missing
21 minor has made a report to a law enforcement agency, as authorized by
22 AS 47.10.141(a), that the minor has run away or is missing. In this subsection,
23 "runaway or missing minor" means a minor who a parent, guardian, or other person
24 having the responsibility for or control of the minor reasonably believes is absent from
25 the minor's residence for the purpose of evading a parent, guardian, or other person
26 having the responsibility for or control of the minor, or who is otherwise missing from
27 the minor's usual place of abode without the consent of the parent, guardian, or other
28 person having the responsibility for or control of the minor.

29 * Sec. 4. AS 14.30.020 is repealed and reenacted to read:

30 **Sec. 14.30.020. Violations.** (a) A person who knowingly fails to comply with
31 AS 14.30.010 is guilty of a violation.

1 (b) A separate violation under AS 14.30.010 consists of

2 (1) each 10 days of unexcused absence, as defined by the school
3 district under AS 14.30.030(b)(4); or

4 (2) each 14 days of unexcused late arrival or unexcused early
5 departure, as defined by the school district under AS 14.30.030(b)(4).

6 * Sec. 5. AS 14.30.030 is amended by adding a new subsection to read:

7 (b) The procedures established under (a) of this section must include

8 (1) a specified time period in which the student shall be counted as
9 absent from a class or a day in session or counted as a late arrival to or early departure
10 from a class or day in session;

11 (2) a system for disseminating information related to truancy and
12 punctuality to each student enrolled in a public school in the school district and to each
13 parent or guardian of the student;

14 (3) a system of record keeping for truanancies, unexcused late arrivals,
15 and unexcused early departures in the school district and a system for reporting
16 violations under AS 14.30.020 to the student, each parent of the student or the
17 guardian of the student, the superintendent of the school district, and the Department
18 of Revenue; the report to the Department of Revenue must include the name and
19 address of each parent or the guardian of the student who is in violation of
20 AS 14.30.020; and

21 (4) definitions of the terms "excused absence," "unexcused absence,"
22 "excused late arrival," "unexcused late arrival," "excused early departure," and
23 "unexcused early departure"; the definitions may include the absence, late arrival, or
24 early departure from school and from a class in which the student is enrolled at the
25 school.

26 * Sec. 6. AS 43.23.005(g) is amended to read:

27 (g) For purposes of applying (d)(1), (i), and (j) of this section, the date the
28 court imposes a sentence or suspends the imposition of sentence shall be treated as the
29 date of conviction. For purposes of applying (d)(2)(B) of this section, multiple
30 convictions arising out of a single criminal episode shall be treated as a single
31 conviction.

1 * Sec. 7. AS 43.23.005 is amended by adding new subsections to read:

2 (i) Notwithstanding the provisions of (a) - (c) of this section, an individual is
3 not eligible for a permanent fund dividend for a dividend year when, during the
4 qualifying year,

5 (1) the individual

6 (A) is a person required under AS 14.30.010 to be enrolled in
7 school and is 12 years of age or older;

8 (B) was adjudicated delinquent in this state for violating
9 compulsory school attendance requirements under AS 14.30.020; and

10 (C) was not homeless on the date of the violation; as used in
11 this subparagraph, "homeless" means lacking a fixed, regular, and adequate
12 nighttime residence; or

13 (2) the individual was expelled from a public elementary or secondary
14 school.

15 (j) Notwithstanding the provisions of (a) - (c) of this section, an individual is
16 not eligible for a permanent fund dividend for a dividend year when, during the
17 qualifying year, the individual is a parent, legal guardian, or person having
18 responsibility for a child who is otherwise required under AS 14.30.010 to enroll in
19 school and the child

20 (1) is less than 12 years of age and the individual was sentenced as a
21 result of conviction relating to the child of violating, or the individual's child was
22 adjudicated delinquent or otherwise found guilty of violating, the compulsory school
23 attendance requirements under AS 14.30.020; or

24 (2) was expelled from a public elementary or secondary school.

25 * Sec. 8. AS 43.23.028(a) is amended to read:

26 (a) By October 1 of each year, the commissioner shall give public notice of
27 the value of each permanent fund dividend for that year and notice of the information
28 required to be disclosed under (3) of this subsection. In addition, the stub attached to
29 each individual dividend disbursement advice must

30 (1) disclose the amount of each dividend attributable to income earned
31 by the permanent fund from deposits to that fund required under art. IX, sec. 15,

1 Constitution of the State of Alaska;

2 (2) disclose the amount of each dividend attributable to income earned
3 by the permanent fund from appropriations to that fund and from amounts added to
4 that fund to offset the effects of inflation;

5 (3) disclose the amount by which each dividend has been reduced due
6 to each appropriation from the dividend fund, including amounts to pay the costs of
7 administering the dividend program and the hold harmless provisions of
8 AS 43.23.075;

9 (4) include a statement that an individual is not eligible for a dividend
10 when,

11 (A) during the qualifying year, the individual was convicted of
12 a felony;

13 (B) during all or part of the qualifying year, the individual was
14 incarcerated as a result of the conviction of a

15 (i) felony; or

16 (ii) misdemeanor if the individual has been convicted of
17 a prior felony or two or more prior misdemeanors;

18 **(C) during the qualifying year, the individual is a child who**
19 **is disqualified under AS 43.23.005(i);**

20 **(D) during the qualifying year, the individual was a parent,**
21 **guardian, or person having responsibility for a child and the individual is**
22 **disqualified under AS 43.23.005(i);**

23 (5) include a statement that the legislative purpose for making
24 individuals listed under **4(A) and (B)** [(4)] of this subsection ineligible is to

25 (A) obtain reimbursement for some of the costs imposed on the
26 state criminal justice system related to incarceration or probation of those
27 individuals;

28 (B) provide funds for services for and payments to crime
29 victims and for grants for the operation of domestic violence and sexual assault
30 programs;

31 (6) disclose the total amount that would have been paid during the

1 previous fiscal year to individuals who were ineligible to receive dividends under
2 AS 43.23.005(d) if they had been eligible;

3 (7) disclose the total amount appropriated for the current fiscal year
4 under (b) of this section for each of the funds and agencies listed in (b) of this section.

5 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 **APPLICABILITY.** The amendments to AS 43.23.005 made by secs. 6 and 7 of this
8 Act apply only to individuals

9 (1) convicted of, or adjudicated delinquent for, violating AS 14.30.010, as
10 amended by secs. 1 - 3 of this Act, after December 31, 2006, except that a conviction or
11 adjudication before December 31, 2006, may disqualify a parent, legal guardian, or person
12 having responsibility for a child under AS 43.23.005(j), added by sec. 7 of this Act, if a
13 subsequent conviction or adjudication occurs after December 31, 2006; or

14 (2) expelled from a public elementary or secondary school, or a person who
15 has the responsibility for a child who is expelled from a public elementary or secondary
16 school, after December 31, 2006.

17 * **Sec. 10.** Section 8 of this Act takes effect January 1, 2007.

LEGISLATIVE RESEARCH REPORT

DECEMBER 14, 2004



REPORT NUMBER 05.057

STUDENT TRUANCY POLICIES IN SELECTED SCHOOL DISTRICTS

PREPARED FOR SENATOR GRETCHEN GUESS

BY CHERIE NIENHUIS, LEGISLATIVE ANALYST

TABLE 1: REPORTED TRUANCIES, BY SCHOOL DISTRICT, SCHOOL YEARS 2002-2003 AND 2003-2004	3
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You asked about school district policies that address student truancy. Specifically, you requested that we determine whether school districts—in practice—charge parents (or other legal guardians) or students with truancy violations.

As you know, AS 14.30.010 – 030 address compulsory school attendance for children between the ages of seven and sixteen. Pursuant to AS 14.30.010(a), it is the responsibility of the parent or guardian to maintain attendance for such children. A person knowingly failing to comply with these attendance requirements is guilty of a violation, per Alaska Statutes 14.30.020.

According to Todd Brocious, Education Specialist, Safe and Drug Free Schools Program, neither the Legislature nor the Department of Education and Early Development (DEED) have defined "truancy," nor has a statewide determination been made as to when a student is considered "truant" under state law. School districts are responsible for establishing procedures to prevent and reduce truancy, but they do so at the local level, and generally without direction or intervention from the state. Mr. Brocious indicates that the No Child Left Behind Act also

addresses truancy, requiring school districts to have policies in place. Other than those provisions, DEED officials know little about school district truancy policies, and have only recently begun collecting data on the number of truanancies statewide.¹

Table 1 shows truanancies and other related incidents as reported by school district for school years 2002-2003 and 2003-2004. Officials at DEED caution that because the information is self-reported by school districts, it may contain inconsistencies and inaccuracies. They are fairly certain, however, that all school districts submitted reports. Accordingly, those school districts not appearing on Table 1 did not fail to submit reports; they presumably had no truanancies to report.

¹ Todd Brocius, Education Specialist, DEED, can be reached at (907) 465-2825.

**Table 1: Reported Truancies, by School District,
School Years 2002-2003 and 2003-2004**

School District	2002-2003		2003-2004	
	Truancy	Truancy in Combination with Other Incident*	Truancy	Truancy in Combination with Other Incident*
Alaska Gateway School District	6		65	
Anchorage School District	605		396	
Bering Strait School District	0		15	
Chugach School District	0		8	
Craig City School District	0		1	
Chatham School District	14		0	
Delta/Greely School District	8		1	
Dillingham City School District	0		2	16
Fairbanks North Star Borough School District	348		449	
Galena City School District	0		1	
Hoonah City School District	0		2	
Iditarod Area School District	0		1	
Juneau Borough School District	11		67	
Kake City School District	4		3	
Ketchikan Gateway Borough School District	29		12	
Klawock City School District	34		32	6
Kodiak Island Borough School District	10		34	
Kuspuk School District	11		0	
Lake and Peninsula Borough School District	0		6	3
Lower Yukon School District	4		33	
Matanuska-Susitna Borough School District	381		216	
Nenana City School District	10		0	
Nome City School District	34		0	
North Slope Borough School District	0		413	
Northwest Arctic Borough School District	2		8	10
Petersburg City School District	0		14	
Saint Mary's School District	4		0	
Sitka Borough School District	14		22	
Southwest Region School District	0		2	
Tanana School District	1		0	
Valdez City School District	2		1	
Yakutat City School District	15		3	
Yukon Flats School District	1		1	
Yukon/Koyukuk School District	1	7	19	20
Yupit School District	3		7	
TOTALS	1552	7	1834	55

Notes: *Other incidents include disorderly conduct, fighting, insubordination, profanity, and tobacco use. Because this information is self-reported by the districts, the Department of Education and Early Development advises caution when using these data. School districts not included in the list are presumed to have no reportable truancies.

Source: Cynthia Scott, Education Associate, DEED, (907) 465-2304

According to DEED, how to address truancy violations is a local decision, and the school districts we reviewed had somewhat varied policies on the subject. In addition, we found that while school districts will occasionally set forth a broad truancy policy, individual schools are often allowed flexibility to adapt and modify the policy to suit given needs. Anchorage School District personnel with whom we spoke described to us a very loose and flexible truancy policy, we found this to be inconsistent with the district's policy as published in on-line school handbooks, which appears to address truanies in a much more systematic manner. What we were told on a consistent basis, however—from each school district we contacted—is that the primary emphasis with regard to truancy is to work with students and parents to resolve truancy problems first, and apply punishment if and when no resolution can be found.

Because answers to our questions depended in large part on which school official provided them, based on our limited research, we found there to be little uniformity in the way truancy violations are addressed, even at the school district level. Although some school districts have published general attendance and truancy "policies" in on-line student handbooks, in many cases they are written in such a way as to give a significant amount of latitude to the school officials administering them. Regarding your question about whether the *student* is ever the held in violation of law for being truant rather than the parent or guardian, it appears that the answer is "yes." Both the Anchorage School District and the Juneau School District have local ordinances that allow students to be fined for truanies; the other districts we reviewed have other means to discipline students and/or their parents or guardians.

Tangentially, several of the school district officials with whom we spoke expressed frustration that the current system allows parents or guardians to pull children out of schools with no more than an explanation that they plan to homeschool their children. While acknowledging that there are some excellent, legitimate homeschools, these administrators believe that local educators should be allowed at least some oversight of these programs.

ANCHORAGE SCHOOL DISTRICT

The Anchorage School District (ASD) appears to have various means of addressing truancy problems, based in part on the age of the student. Ricki Jovanovich of the ASD High School Education Department, explained that high school students may miss up to 15 days of school before they are placed on attendance probation.² She indicated that ASD middle schools have a less strict policy with regard to truancy, and may waive corrective measures if students are in "good standing" with the school. Ms. Jovanovich told us that there is no attendance policy for the ASD elementary schools.³

Gail Opalinski, Executive Director, ASD Middle School Education Department, said that prior to applying punishment, middle school administrators make numerous attempts to contact the parents to determine the cause of the attendance problem and remedy the situation. School officials will occasionally involve local police officers and the Office of Children's Services in cases of repeated truancy, especially in situations where the parents/guardians are non-

² The allowable number of absences changes with each school according to its class schedule, whereas some schools allow 15 days of absences before attendance probation is ordered, other schools allow only 7 days.

³ Ricki Jovanovich, High School Education Department, can be reached at (907) 742-4000

responsive or unavailable. If the truancy problem persists, the school district may fine the parent or guardian.

Published student/parent handbooks, available on-line for each of the high and middle schools, are more explicit. In general, attendance is mandatory and students are placed on attendance probation when they reach the school's stated maximum absences, regardless of whether the absences are excused. As for truancy—which the ASD handbook defines as "an absence from class or school without prior knowledge or consent of the parent or school personnel"—much more immediate action is taken. According to the handbook, for each confirmed truancy, a letter specifying the date(s) and period(s) of the truancy is sent to the parents, along with a warning of disciplinary action to be taken for the current and subsequent truanies.⁴ Further disciplinary action may be taken as follows:

- 1) Student will receive a grade of "0" for any class work missed or due on the day of the truancy;
- 2) The school shall warn the student and notify the parent of further disciplinary action;
- 3) The student may be suspended for up to three days for any additional truancy;
- 4) The student may be suspended for the remainder of the grading period for truanies (which are cumulative throughout the semester) beyond those punishable by step 3 above;
- 5) The student will be designated as habitually truant after four processed truanies in a semester. After such designation, and with no further cooperation from the parent and student in remediating the situation, the habitually truant student and/or parent may be cited under Anchorage Municipal Code 8.05.445.⁵

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

Pam Hallberg, Secretary to the Superintendent, told us that the Fairbanks North Star Borough School District (FNSBSD) does not have a district-wide policy on truancy. She indicates that school principals track truancy problems and apply punishment as they see fit. If the problem persists, the school will send a letter to the student's parent or guardian notifying them of the student's lack of attendance. Ms. Hallberg notes that these letters are usually enough to remedy the problem. On occasions when further action must be taken—in approximately six to eight such cases per year—the school district will forward all pertinent information to the Borough

⁴ "Truancy" section of district wide General Attendance Information, ASD high school and middle school handbooks. We include this section of the Bartlett High School Handbook as Attachment A.

⁵ According to attorneys for the Municipality of Anchorage, Anchorage Municipal Code (AMC) 8.05.445 has been renumbered to AMC 8.75.065, which we include with this report as Attachment B. You will note that AMC 8.75.065 (C) has a reference to 8.05.455—a section that is no longer part of the code. Attorneys for the Municipality are not able to explain the error.

Attorney's office for prosecution. Ms. Hallberg reports that these referrals and the resultant court hearings sometimes impel parents into compliance, but they do little to punish, with seldom a fine, imprisonment, or even probation imposed.

The FNSBSD does not publish a handbook that explains its truancy policy, nor does it employ a truancy officer. The only truancy guideline for the district is state law, Ms. Hallberg told us. We found, however, a district school board policy manual on-line with a section on attendance. With regard to disciplinary actions for excessive absenteeism, the school board expresses its preference for in-house programs to improve student attendance over suspension actions. Section 1031.5 of the School Board Policy manual states that the names of students for whom other actions to approve attendance have failed will be forwarded to the school board for consideration of initiating a truancy action against the students' parents or guardians.⁶

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Although we did not speak directly to Kenai Peninsula Borough School District (KPBSD) personnel, we easily found their truancy policy on-line. Administrative Regulation 5115 of the policy manual clearly outlines the options available to students and parents when trancies occur. Following notification of the student's parents, the student is referred to his or her school's intervention team for the purpose of developing strategies for resolving the truancy problem. Parents, meanwhile, are advised of the school's options for discipline, and are asked to choose among of the following:

- ◆ One or more parent must attend the class period or periods for the time the student was truant. The student will be allowed on school grounds only during school hours and will not be allowed to participate in any school activities until this "parent shadowing" is completed.
- ◆ The truant student will be assigned two hours of community service for each truant period, to be completed outside of school hours and in a timely fashion. The student will be allowed on school grounds only during school hours and will not be allowed to participate in any school activities until the service is completed.

The above options apply to first time truancy violations. Students with two or three violations will have the above options multiplied by a factor of two or three. The policy manual also states that administrators shall have the latitude to exercise other disciplinary alternatives to truancy violations, including but not limited to detention, or in-school or out-of-school suspension, if a student and/or parent fail to successfully fulfill the above stated options or if a student becomes a chronic violator.⁷

⁶ The FNSBSD School Board Policy Manual is available on-line at <http://www.northstar.k12.ak.us/schoolboard/policy%20manual-PDFs/Policy%20PDF%20files/Policy%2010.pdf>

⁷ KPBSD Policy Manual, Administrative Regulation 5113, we include a copy of this section of the manual as Attachment C.

JUNEAU SCHOOL DISTRICT

The Juneau School District (JSD) employs a full-time truancy officer to track, manage, and follow-up on truant and excessively absent students. Bonnie Lanz's truancy officer position was originally funded with grant money, but it has since become a regular part of the school district's annual budget. Although she says that 95 percent of her job is intervention, Ms. Lanz was also instrumental in the 2003 passage of a Juneau City Ordinance establishing the "habitual truancy" offense.

After working for several years as a truancy officer, Ms. Lanz concluded that prosecution under the state law, which punishes the parent or guardian, was slow and ineffective. Especially for older middle school and high school students, Ms. Lanz found that even those parents that are actively engaged in keeping their children in school will occasionally hear from the school district that their kids have been truant. Believing that disciplinary action should make a greater impression on truant students, she proposed a plan wherein students with five or more unexcused absences would be required to go to court and face up to a \$100 fine and/or be put on probation for truancy violations. Fines and other punishment could be waived pending the student's improved attendance and grades. In May 2003, her proposal became City and Borough of Juneau Municipal Code 42.20.220; we include a copy of this ordinance as Attachment D.

Ms. Lanz reports that the law has been somewhat effective in curbing truancy for older students, and believes it should apply to students until they are 18 years of age or until they graduate, rather than until the age of 16, as the law now requires. The school district does not apply the law to elementary school children, where parents are still held directly accountable for their child's attendance. For families with shared custody, Ms. Lanz told us that the school district is usually able to determine, through various means, which party to hold accountable for the child's attendance.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

SB

277



SENATOR KIM ELTON

MEMORANDUM

February 14, 2006

To: The Honorable Fred Dyson
Chairman Senate HESS Committee

From: Kim Elton

I respectfully request a hearing for Senate Bill 277, which restores eligibility for Denali KidCare to the original levels. This is an important measure to restore health care to thousands of Alaska children and pregnant women. Included in the packet is a sponsor statement and several supporting documents.

Thank you for considering this hearing. I look forward to discussing the issue in committee soon.



SENATOR KIM ELTON

Sponsor Statement – SB 277

During the 2002 campaign, both of Alaska's major party candidates for governor expressed support for the state's award-winning Denali KidCare program. The program made children and pregnant women in working families - those earning up to 200 percent of the federal poverty level - eligible for health care.

In 2003, citing budget difficulties, the legislature cut eligibility for this vital health insurance in two ways. The first cut was from 200 down to 175 percent of the poverty line. The second cut is incremental and freezes the income limit at a fixed dollar amount, unhinging it from periodic adjustments. As a result, more than 2200 Alaska children and 200 pregnant women lost their health insurance, and eligibility has slipped to 166 percent of the Federal Poverty Level.

The state's savings came to approximately \$500,000 per year. The cost to Alaska's health care system is far greater, because the federal government matches every state dollar spent on Denali KidCare with three from the federal treasury.

This 'cost saving' measure forced hardworking Alaska families to make terrible decisions. Struggling to get ahead, they were faced with options like getting divorced and giving the low-earning parent sole custody of the children, asking employers for a pay cut, or simply not taking their children to the doctor, dentist, or hospital.

Today Alaska's treasury is flush with windfall receipts from high oil prices. Restoring health care to thousands of Alaska children and pregnant women is the wisest investment we could make of a small piece of that money. Matched three-to-one by the federal government, it would return economic dividends to the state, and is the right thing to do.

I respectfully ask for your support.

ALASKA SENATE

STATE CAPITOL • JUNEAU, ALASKA 99801-1182 • (907) 465-4947 • FAX (907) 465-2108
SENATOR_KIM_ELTON@LEGIS.STATE.AK.US

Paper: Anchorage Daily News (AK)

Title: Medicaid's 'gray zone' - Change in state program leaves girl who needs lifelong care uninsured

Author: ANN POTEPA Anchorage Daily News Staff

Date: April 20, 2004

Section: Life

Page: D1

Scott and Cheryl Walker watched last year as the Legislature trimmed the state budget. They knew certain cuts could affect their two children's health insurance. Representatives and senators were talking about changing income eligibility rules for Denali KidCare, the 5-year-old Medicaid program that insures Alaska children and pregnant women in low-income households. More than 22,000 residents are currently enrolled, health officials said.

Last year, the Walkers' daughters were enrolled too.

If cuts came, the Walkers figured, their healthy daughter, 4-year-old Hannah, might lose her coverage. But not their 7-year-old, Jessica. Before her first birthday, she was diagnosed with a life-threatening brain tumor. She was treated but since then has been living with side effects and requires expensive medical care. Scott thought surely she'd be spared.

In August, the Walkers found out that wasn't the case. Both girls lost their coverage, leaving

the Walker family with thousands of dollars in medical bills, uninsured and relying on only one salary.

The Walker family has joined the ranks of the approximately one in five Alaskans who lack health insurance, according to data from the Henry J. Kaiser Family Foundation. Scott Walker said he has worked for 10 years at Northern Lights Avionics, where he installs radios in aircraft. It's a small Anchorage business that used to offer health insurance but no longer does.

Since Jessica's birth, the Walkers have been on and off family insurance policies they paid for themselves. They say they can't afford the \$400-plus monthly premiums. They've been told that private health insurers would cover Jessica but not her pre-existing conditions.

"That's everything she went (to the doctor) for," Scott said.

CHANGING THE LAW

The Walkers' problem stems from KidCare's new eligibility requirements. Last year, Senate Bill 105 lowered the income level at which families qualified, from 200 percent of the federal poverty level to 175 percent. The bill also froze that income level so it won't increase with inflation.

After the change, the Walkers could earn no more than \$3,355 a month to qualify. They missed the cutoff by \$155 a month, according to Denali KidCare paperwork.

Scott Walker said he has considered trying to reduce his salary so his daughter can once again be covered but ultimately decided against it.

"It's a pretty drastic pay cut," he said. "This is a family of four with a house and a mortgage and a daughter with medical needs."

Actually, the Walkers are a family with two mortgages, the second added to help pay for medical costs. The parents say they want to sell their house and move into something with lower monthly payments.

"I knew something like this was going to happen," said Richard Benavides, chief of staff for state Sen. Bettye Davis, an Anchorage Democrat serving the Walkers' district.

Benavides and staff members for state Rep. Harry Crawford, a Democrat who also serves the Walkers' district, have been looking for options for the family.

In fact, many of the senators and representatives in Alaska have likely heard about Jessica. An acquaintance of the Walkers recently mailed legislators a packet of letters from teachers, doctors and specialists vouching for Jessica's need for financial aid.

PUTTING A FACE ON THE BUDGET

The bill to modify Denali KidCare eligibility went before the Legislature last year. Most Democrats in both houses opposed it, including Davis, Crawford and House Minority Leader Ethan Berkowitz, D-Anchorage. A number of Republicans also opposed the change.

"A budget shouldn't be an instrument of cruelty, and that's what it is in this case," Berkowitz said. "This is a clear case of trying to balance the budget on the backs of Alaska's kids."

Senate President Gene Therriault, R-North Pole, said the legislators approved the bill to control the cost of the program. He said federal law allows the state to lower coverage to 100 percent of the poverty level; the bill allows coverage at 175 percent and does not consider a family's assets.

"Where we drew the line is fairly generous," said Therriault, who voted to approve the bill.

He said there will always be children who don't make the cut, no matter where the government draws the line. Therriault said the Legislature can revisit the eligibility requirements, but he doesn't anticipate it doing so this year.

Gov. Frank Murkowski's administration had spoken against lowering the income cutoff, but he signed the bill anyway. At the time, his spokesman, John Manly, acknowledged that KidCare's tougher eligibility requirements would save a substantial amount of money.

Between September 2003, when the new requirements took effect, and summer 2004, an estimated 1,200 to 1,300 people will have lost coverage from Denali KidCare. The majority will be children, said Dwayne Peebles, director of the state's division of Health Care Services. State officials expect more will become ineligible in years to come.

The government will save \$1.5 million to \$1.75 million with the program's cuts, Peebles said. About \$500,000 is state money.

But those are just sterile numbers, Berkowitz said. Budgets, he said, also affect lives.

In this case, it's Jessica Walker, a little girl who needs two hearing aids and glasses. She's in first grade at the Alaska State School for the Deaf and Hard of Hearing at Russian Jack Elementary School.

Jessica will part her brown hair, pulled into two braids, to let you feel the shunt that runs underneath her scalp to drain spinal fluid. She'll show you the wedge she uses when she sleeps to prevent fluid from getting into her lungs. But when she's all done with that, she'll run off to play with her little sister before bedtime.

TREATING THE TUMOR

Jessica was born Jan. 24, 1997, two years before Denali KidCare began with the support of the Legislature and then-Gov. Tony Knowles' administration. It covers doctor visits, hospital stays, medications and more.

About six months after Jessica was born, Scott Walker noticed a big change in her.

"It's like someone hit a switch on Jessica," said Walker, sitting in his East Anchorage kitchen surrounded by his daughter's paperwork. "She went from the happiest girl to this child that did nothing but scream and just threw up."

For months, the family visited doctors who couldn't figure out what was wrong. By the following winter, however, Jessica had worsened. She couldn't pull herself off the floor even though she had been learning how to walk, her parents said.

On Dec. 3, about two months before her first birthday, her doctors diagnosed an ependymoma, a rare type of brain tumor. Two days later in a Seattle hospital, Jessica endured a 13-hour surgery to remove it. Months of chemotherapy, stem cell treatments and radiation followed.

Jessica has been cancer-free for more than five years, but doctors say it might return. Jessica has other problems, however. The cancer and treatment so early in her life caused permanent harm. She can't walk a straight line or ride a two-wheel bicycle due to problems with balance. She needs help when she takes a shower or buttons her clothes. She struggles to pick up small objects on a table.

Beneath her hearing aids are tubes that help Jessica deal with recurring ear infections. Her eye doctor said she needs frequent examinations to correct vision loss from the tumor. Chemotherapy caused hearing loss, so hearing appointments also are frequent. Cheryl Walker said there may be grant money to help buy new hearing aids that would help her daughter focus on important sounds and ignore the rest.

"Without access to hearing services and appropriate amplification to meet her changing hearing needs, Jessica's ability to learn will be severely compromised," wrote Joyce Sexton, her audiologist.

Jessica's neurosurgeon in Seattle summed up her needs: "She is going to require a significant amount of assistance throughout her life."

That assistance is costly. Cheryl Walker called doctors and specialists to get estimates. An MRI scan costs about \$2,000, and Jessica needs at least one each year to monitor her health and determine whether the tumor has returned. A full eye exam costs almost \$300, and hearing visits cost \$150, not including hearing aids and other devices Jessica needs, her mother said. She also needs periodic visits with an ear, nose and throat doctor and a specialist who flies to Anchorage to see her.

"Those are the big ones that just kill us," Cheryl said.

JESSICA'S OPTIONS

When Jessica was an infant, a Medicaid program called TEFRA covered her health care costs. By the time she no longer qualified for TEFRA, Denali KidCare covered much of the expense.

Last fall, the Walkers lost an appeal of Denali KidCare's decision to cut off Jessica's coverage. The state's letter said regulations don't allow for eligibility exceptions. The family has reapplied for TEFRA but has yet to hear an answer. Their last application came back in December with a letter of rejection: "TEFRA requires that a child be at risk for long-term institutionalization, which does not appear to be the case for your daughter."

"She's right in the gray zone," Cheryl Walker said.

"She's in the gray zone for everything," Scott added.

Legislative staff members have told the Walkers that Jessica might qualify for another program. The Alaska Comprehensive Health Insurance Association is a last-resort program for Alaskans who can't find or are denied coverage because of medical conditions. But even if Jessica qualifies, the monthly premiums could add up to hundreds of dollars and the family would pay annual deductibles in the thousands.

In the meantime, the Walkers are cutting costs. In addition to moving to a more affordable home, they've canceled doctor appointments for Jessica. They didn't show up for her last scheduled eye and ear exams, Cheryl Walker said.

"We didn't have the money."

Daily News reporter Ann Potempa can be reached at 257-4581 or apotempa@adn.com.

Author: ANN POTEPA Anchorage Daily News Staff

Section: Life

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SB

281

24-LS1430V
Mischel
3/13/06

CS FOR SENATE BILL NO. 281()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR DYSON

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to interdistrict operation and establishment of public schools; relating**
2 **to funding for public schools; relating to enrollment of students by school districts and**
3 **regional educational attendance areas; and relating to charter schools and**
4 **correspondence programs."**

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

6 *** Section 1.** AS 14.03.250 is amended by adding a new subsection to read:

7 (d) A local school board and the state Board of Education and Early
8 Development may approve an application to establish a charter school that allows
9 enrollment of students who reside outside of the district or regional educational
10 attendance area and that establishes a charter school outside of the district or regional
11 educational attendance area.

12 *** Sec. 2.** AS 14.12.020 is amended by adding a new subsection to read:

13 (d) Nothing in this section prohibits

14 (1) the expansion of a school district operating area by the governing

1 body of a borough or city school district to allow enrollment of students who reside
 2 outside of the district or regional educational attendance area boundaries and to
 3 establish schools outside of the district or regional educational attendance area
 4 boundaries; or

5 (2) a contractual arrangement authorizing a borough or city school
 6 district to operate, own, or lease a public school in another school district in the state.

7 * **Sec. 3.** AS 14.14 is amended by adding a new section to read:

8 **Sec. 14.14.112. Interdistrict operation of a public school by a district.**

9 Notwithstanding any other provision of this chapter, a school district may

10 (1) operate a public school located in an area of another district
 11 established under AS 14.12.010;

12 (2) enroll students who reside in the state in any public school operated
 13 by the district at the written request of the parent or legal guardian of the student; and

14 (3) contract with another school district to provide educational services
 15 or facilities.

16 * **Sec. 4.** AS 14.17.430 is amended by adding a new subsection to read:

17 (b) In this section, "correspondence study program" and "correspondence
 18 program" mean a public school instructional delivery system for students in grades
 19 one through 12, or a combination of those grades, that connects students with
 20 educational resources but that does not have routine daily responsibility for the
 21 physical safety, behavior, or health of students enrolled in the program.

22 * **Sec. 5.** AS 14.17 is amended by adding a new section to read:

23 **Sec. 14.17.435. State funding for interdistrict operation of public schools.**

24 (a) Except as provided in AS 14.17.400(b), funding for a school district that contracts
 25 for the provision of educational services or facilities under AS 14.14.112(a)(3) with a
 26 resident district that enrolls students from the resident district in a public school
 27 located in the resident district but operated by the district includes an allocation from
 28 the public education fund (AS 14.17.300) in an amount equal to the state aid for the
 29 students enrolled established for the resident district under this chapter, including the
 30 district cost factor adjustment under AS 14.17.460.

31 (b) Except as provided in AS 14.17.400(b), funding for a school district that,

1 without a contract with a resident district, operates a public school located in an area
2 of another district or enrolls students who reside in the state in a public school
3 operated by the district under AS 14.14.112 includes an allocation from the public
4 education fund (AS 14.17.300) in an amount calculated by multiplying the ADM of
5 the interdistrict program by 80 percent and excluding the district cost factor
6 adjustment under AS 14.17.460.

7 (c) In this section, "resident district" means the school district in which the
8 student resides.



SENATOR FRED DYSON

SPONSOR STATEMENT
SB 281 "An Act relating to School Districts"

SB 281 clarifies that *any* school district can design and operate an educational program that enrolls students from *anywhere* in the state. "Technology" is not mentioned in the bill, but it defines the context of discussion of the merits of this bill.

Technology makes distance meaningless in many circumstances. Education is no exception. Each student's education information can now be accessed by any student, teacher, parent, or administrator from any computer on the internet, 24-7: Individual learning plans (ILPs), portfolios, curriculum, aligned standards, attendance, lesson plans, assignments, textbooks, almost unlimited academic resources, virtual "face to face" interactions, assessment tools, and all student records. Security can now be as good as security for banking online. Never before has there been such an array of exciting teaching tools. SB 281 is aimed at reducing legal barriers to new innovative program creation.

As described in "The Earth is Flat", cost-savings are available as the playing field is leveled because of developing technology. Our challenge is to write laws that build incentives for school districts to provide excellent programs and to reap the benefit of those savings. SB 281 challenges districts to re-allocate existing resources to provide education excellence.

There are countless potential variations of programs that can apply technology. SB 281 has defined only "Correspondence programs" as a category of programs that receive 80% funding because they do not take on routine, daily responsibility for the physical welfare of the children.

SB 281 does not propose programs or impose mandates. It is a confident acknowledgement of the success and innovation that has already been demonstrated in Alaska. SB 281 does not introduce radical new legislative intent--- it simply affirms what is already implied in statute. SB 281 gives no preference to particular software or hardware--- those choices are left to local school districts.

SB 281 does change an emphasis. Alaska already has open enrollment and allows parental choice. A parent can enroll his or her child in any school district limited only by local restrictions of the enrolling district. The new emphasis of SB 281 is on the school district. This bill explicitly says a school district may design programs with the intent of recruiting students from across the state.

We are proud of Alaska's huge size and unique remote communities. U.S. Education Secretary Paige recently said that Alaska redefines "rural" education. Highly qualified teachers, parental choice, restructuring of failing schools, supplemental and tutoring services are among the potential benefits to rural Alaska. The Legislature needs engaged experts to look for ways to use the fabulous tools we now have on the technological shelf. SB 281 re-emphasizes the challenge to our capable local school districts to continue to look for ways to provide excellence.

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2/15/06

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2 **students by school districts and regional educational attendance areas; and relating to**
3 **charter schools and correspondence programs."**

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 19 educational resources but that does not have routine daily responsibility for the
 20 physical safety, behavior, or health of students enrolled in the program.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 281
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Education & Early Development
 Title: An act relating to interdistrict operation of public RDU: K-12 Support
schools, relating to enrollment of students by school districts and Component: Foundation Program
 Sponsor: Senator Dyson
 Requester: Health, Education & Social Services Component No.: 141

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING

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	.	.	.	.	.	.

Estimate of any current year (FY2006) cost: 00
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill gives districts the ability to establish charter schools and enroll students from within the boundary of another district in these charter schools. It also allows districts to establish schools and charter schools within the boundaries of another district.

*The department cannot determine the fiscal impact of this proposed legislation.

Prepared by: Eddy Jeans, Director
 Division: School Finance
 Approved by: Karen Rehfeld, Deputy Commissioner
 Agency: Education & Early Development

Phone 465-8679
 Date/Time 2/25/06 8:23 PM
 Date 02/25/2006



Commission

States, Districts Beginning to Tap the Potential of Technology-Enhanced Learning

A small but growing number of states -- and dozens of school districts across the nation -- are supporting programs that provide laptop computers and wireless Internet access to all students and teachers in particular grades or particular schools. Such initiatives aim to enhance educational achievement and opportunity by:

- Transforming classrooms into more engaging, collaborative and productive learning environments in which instruction can be customized to students' specific needs, interests and learning styles
- Improving students' preparation for living, working and learning in a rapidly changing, information-driven world
- Reducing the "digital divide" between students who have access to technology at home and those who don't.

In launching Maine's pioneering student laptop program in 2002, then-Governor Angus King said: "In my 30 years of working on economic development issues, no idea has as much potential for leapfrogging other states and putting Maine in a position of national leadership as this one -- giving our students portable, Internet-ready computers as a basic tool for learning."

In Maine, all 7th and 8th graders -- and a growing proportion of high school students -- now have laptops and wireless Internet access. "One-to-one computing" initiatives (in which each student has his/her own personal computer in the classroom) also are under way or being piloted in Connecticut, the District of Columbia, Indiana, Massachusetts, Michigan, New Hampshire, New Mexico, Texas and Vermont -- as well as districts ranging from Broward County in Florida, the nation's sixth-largest school system, to tiny Denali Borough School District in Alaska.

(Continued on next page)

Inside

Impact of one-to-one computing on teaching and learning

Lessons learned from large-scale pilot programs

One-to-one laptop programs

Looking over the horizon, new frontiers in learning

"



(Continued from page 1)

For policymakers, educators and others interested in learning more about the one-to-one computing movement, this issue of *The Progress of Education Reform* spotlights three particularly useful resources:

- A detailed review of the challenges faced by states and districts implementing laptop programs, and of lessons learned to date in five critical areas: planning, training and professional development, hardware and software, managing change, and program monitoring and evaluation
- A recently published study of the use and impact of one-to-one computing in the Henrico County School District in Virginia, where all students and teachers in grades 6-12 have laptops with wireless Internet connectivity
- A report by the Consortium for School Networking examining how new and emerging technologies could reshape teaching and learning in K-12 schools over the next five years.

Lessons Learned About Providing Laptops for All Students

(Northeast and the Islands Regional Technology in Education Consortium, 2004.
<http://www.neirtec.org/laptop/>)

Drawing on various sources – program evaluations, articles, reports and interviews with policymakers – this 14-page paper summarizes the lessons learned to date from state- and district-supported laptop initiatives.

Authors Andrew Zucker and Alejandra Bonifaz begin with a brief review of the issues, challenges and setbacks that states and districts implementing laptop programs have grappled with, ranging from unexpected costs and technical difficulties to controversy over students being allowed to take laptops home.

The success of such initiatives, the authors conclude, hinges on policymakers giving close, sustained attention to – and making strategic investments in – five critical areas: planning, training and professional development, hardware and software, managing change, and program monitoring and evaluation.

The paper provides a look at various policy options, funding approaches and implementation strategies in each of the five areas, as well as links to additional sources of information.



A Study of One-to-One Computer Use in Mathematics and Science Instruction at the Secondary Level in Henrico County Public Schools

(SRI International and Education Development Center Inc., February 2005.

<http://ubiqcomputing.org/FinalReport.pdf>)

In 2002, Henrico County Public Schools, in suburban Richmond, Virginia, became the largest district in the nation to implement one-to-one computing in its middle and high schools. In addition to distributing laptop computers to more than 25,000 students and teachers, the district established wireless local area networks, invested in new hardware and software, and provided a range of training and professional development opportunities for teachers.

This National Science Foundation study – which involved extensive classroom observation, interviews and surveys, case studies and data analysis – focused on the overall impact of the laptop initiative on students, teachers and families, and its particular impact on math and science instruction in the district's high schools.

The study found computers being used extensively by Henrico County students and teachers – in various settings and for multiple purposes, and in all subjects, ranging from physical education to foreign languages. Zeroing in on high school science and math classrooms, the study team found students routinely using computers for note-taking, research, homework assignments, test preparation, and for storing, organizing and retrieving information. Taking advantage of a variety of software packages and online resources, science students could participate in a "virtual dissection," track a hurricane or an asteroid, choose from among hundreds of "virtual field trips" and WebQuests (online learning tools), design and analyze experiments, and create Web sites, iMovies and slide shows. Math students were making regular use of graphing calculators, spreadsheets, drawing programs and a variety of analytical tools and online resources.

Students, teachers, administrators and parents alike, the study found, saw one-to-one computing as having "positively influenced teaching and learning," including:

- Improvements in teacher productivity, student-teacher interaction and communication between parents and teachers
- Easier access by teachers and students to up-to-date instructional content
- A more dynamic and engaging classroom environment... Students reported feeling better organized and motivated, more technologically proficient and increasingly adept at self-directed learning.

The report concludes with a look at the factors that have contributed to the initiative's success – chief among them, the strong and steady support of students, families and teachers – and those that have served to impede progress. It also identifies emerging issues and challenges, such as managing the transition from textbooks to electronic learning, and developing better tools for measuring the impact of one-to-one computing on student achievement.

Other Resources

Nine states are in the final year of a federally funded \$15 million research project designed to identify, develop and share better ways of assessing the impact of technology on student achievement. States are using their grants, for example, to evaluate and improve the effectiveness of teacher technology training and professional development (Iowa), middle school laptop computer programs (Texas), virtual foreign language courses (West Virginia) and project-based learning (Arkansas). All nine states – the others are Maine, North Carolina, Pennsylvania, Tennessee and Wisconsin – are working with partners, including universities, school districts and research firms.

Additional information on the research project is available at <http://www.ed.gov/news/pressrel/eases/2003/11/11102003.html>.

The following Web sites are useful sources of information about technology-mediated learning, one-to-one computing in schools and the progress of state- and district-supported laptop initiatives.

Ubiquitous Computing Evaluation Initiative

<http://ubiqcomputing.org/>

Learning With Laptops

<http://www.learningwithlaptops.org/>

Learning Point Associates

<http://www.learningpt.org/page.php?pageID=81>

Center for Applied Research in Educational Technology

<http://caret.ista.org/>



Digital Learning Spaces 2010

(Consortium for School Networking, September 2005. An executive summary is available at http://www.cosn.org/resources/emerging_technologies/learningspaces.cfm, along with information on ordering a copy of the full report.)

New and emerging technologies have the potential to transform public education on a grand scale within five years, according to this report by the Consortium for School Networking. Just over the horizon, it says, are "technology-intensive learning environments" supported by:

- Broadband, wide-area networks capable of handling data, voice and video traffic
- Local area networks with wired and wireless connectivity at every site
- Extensive use of laptops, portable devices, digital accessories, software and Web services that facilitate both customized and shared learning.

What will emerge, the report says, is a new model of education in which students do a substantial amount of work outside the school building – online, in the "outdoor classroom," and in peer-to-peer or small-group networks – and can be grouped according to their areas of interest, regardless of their age, grade level or geographic location, to pursue topics that cut across disciplines. It's also a model that reshapes and expands the role of the teacher – from being the sole source of information to being a guide, mentor and coach in the learning process.

The report addresses how education policymakers can begin building the public vision and add capacity to create "richer, more customized learning spaces for students and teachers by the end of the decade," and includes specific recommendations on connectivity systems and hardware.

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This issue of *The Progress of Education Reform* was made possible by a grant from the GE Fund. It was written by Suzanne Weiss, ECS managing editor.



**Helping State Leaders
Shape Education Policy**



SENATOR FRED DYSON

Sectional Analysis SB 281 , version \F

Section 1: Amends *charter school* law by adding a new section to explicitly says that a charter school may enroll students and operate schools statewide if approved by the local school board with whom they are chartering and the state school board.

Section 2: Amends laws pertaining to local *school boards* by adding a new section to explicitly allow statewide programs, and may make contractual agreements with other districts or jurisdictions to operate, own, or lease buildings in other districts.

Section 3: Amends laws pertaining to local *school districts* by adding a new section to explicitly allow statewide programs, and enter into contractual agreements with other districts for services and facilities.

Section 4: Defines "correspondence program" as a public school that does not have routine daily physical responsibility for school children.



**Health, Education, and Social Services Committee
Alaska State Senate**

Memorandum

March 2, 2006

To: David W Marquez
Alaska Attorney General

CC: EED Commissioner Roger Sampson
State School Board

From: Senate Health, Education, and Social Services Committee Members,
Senator Fred Dyson, Chair

A handwritten signature in black ink, appearing to read "Fred Dyson".

RE: School Districts,

The Members of the Senate HESS Committee respectfully requests a written response to the following questions. We also request delivery of the response to be available for timely review and consideration by the Alaska State School Board in Juneau on March 17, 2006.

Under present law, can an Alaska School District legally design, promote, and operate a non-correspondence, statewide, public school instructional delivery system, including charter schools?

Under present law, can an Alaska School District legally build and operate a public school building for an instructional delivery system outside of it's own local district boundaries?

These questions were posed by EED and Committee Members in a hearing of SB 281, a bill relating to inter-district operation of public schools. Your definitive response will be helpful and appreciated by the Alaska Legislature and the Alaska State School Board.

SB

287

ALASKA STATE LEGISLATURE



Senate Labor and Commerce
Committee

Senate Community and Regional
Affairs Committee

Department of Military and Veterans
Affairs Budget Subcommittee

SENATOR JOHNNY ELLIS
MINORITY LEADER

While in Session
State Capitol, Rm. 9
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SPONSOR STATEMENT SB 287

For children in long-term foster care, one of life's most significant hurdles occurs when the child "ages out" of the state's care. Often times, foster children are ill prepared for life as an adult, whether they choose to pursue education beyond high school or seek the necessary training to join the work force.

SB 287 establishes a program that will give children in the custody of the State of Alaska an opportunity to pursue education and training after high school that they may not normally have.

The purpose of SB 287 is to allow churches, community organizations, non-profits, businesses and individuals to establish education savings accounts in the name of foster children. This bill would create a program in which these organizations or individuals could contact the Alaska Office of Faith-Based and Community Initiatives and make a donation that would establish a savings plan for a child who has been in foster care for more than two years.

SB 287 would, upon request, allow the Office of Children's Services to release required information for the Alaska Office of Faith-Based and Community Initiatives to open a 529 savings plan in the name of a foster child. The bill would provide a confidentiality clause that would prohibit the Office of Faith-Based and Community Initiatives from using the personal information of foster children for any purpose other than the establishment and maintenance of an education savings plan.

Once the necessary information is received from the Office of Children's Services, The Office of Faith-Based and Community Initiatives would be responsible for working with the UA Board of Regents, who administers the UA College Savings Program, to establish and maintain the individual education savings plan accounts. The bill would require that accounts be opened only for long term or permanent wards of the state (i.e. those children who have been in foster care for 2 or more years).

Under the provisions of this bill, the Office of Faith-Based and Community Initiatives would be responsible for the promotion of the program throughout the state.

In accordance with the rules of the UA college savings program, the money in these accounts could be used not only for college and university tuition, but also for vocational training and other education related expenses. Under the terms of the UA college savings program, foster children could use this money at the eligible institution or training program of their choice.

Many of Alaska's foster children have faced extremely tough challenges, and deserve a program that encourages Alaskans to invest in their potential. This is important legislation for the children who represent the future of Alaska. I urge you to support the passage of SB 287.

LEGISLATIVE RESEARCH REPORT

JANUARY 25, 2006



REPORT NUMBER 06.099

COLLEGE SAVINGS PLANS FOR FOSTER CHILDREN

PREPARED FOR SENATOR JOHNNY ELLIS

BY BECKY TAYLOR, LEGISLATIVE ANALYST

SUMMARY 1

THE UNIVERSITY OF ALASKA COLLEGE SAVINGS PLAN 2

MISSOURI'S BELIEVE PROGRAM 3

POTENTIAL BARRIERS TO DONORS ESTABLISHING ACCOUNTS 4

LIST OF ATTACHMENTS 7

You asked if Alaska law prohibits individuals, churches, or other organizations in Alaska from opening college savings plan accounts for foster children. Specifically, you wanted to know if there are any restrictions that would prevent potential donors from obtaining the personal information required to open a college savings plan account for a foster child. You were also interested in whether any other states have legislation or initiatives that make it possible for individuals or organizations to open college savings plan accounts for foster children.

SUMMARY

Although every state offers a college savings plan that is eligible for tax advantages under section 529 of the Internal Revenue Code, our analysis will focus on the University of Alaska (UA) College Savings Plan. The issues involving the type of personal information needed to open an account, and the ability of potential donors to obtain this information are most likely similar to the issues that would be encountered with other college savings plans. The UA College Savings Plan is a state-sponsored program that allows account holders to accumulate tax-free interest earnings for the educational expenses of a designated beneficiary. Due to restrictions on access

to personal information about foster children, donors could not establish UA College Savings Plan accounts for foster children without modifications to either the college savings plan's policies, or confidentiality restrictions defined in state law.

In order to open a UA College Savings Plan account, the account holder must provide a number of pieces of personal information about the beneficiary, including the individual's full name, address, and social security number. According to a representative of the Department of Health and Social Services (DHSS), the Department could not provide a potential donor with this type of personal information about a foster child. Even if an account could be established, account holders receive regular statements that include the beneficiary's full name, which could also present a confidentiality problem.

Although there are barriers to unrelated donors *establishing* accounts for foster children it may be possible for donors to *contribute* to accounts for these youth. In order to contribute to a UA College Savings Plan account the only information needed is the account number and the name of the portfolio. Foster children themselves could be designated as both the account holder and the beneficiary, and donors could contribute to their accounts. One limitation to this arrangement is that the foster youth would be able to use the money for purposes other than education when they reached age 18 (subject to tax and penalties). Another possibility is that the Department of Health and Social Services may be able to establish accounts for foster children and allow donors to contribute to them. In this arrangement DHSS would retain control of the funds and could assure that they were only distributed for educational purposes.

Although there appear to be logistical challenges to establishing this type of program, at least one other state is working to allow donors to sponsor college savings plans for foster children. In December of 2005, the Treasurer's Office of Missouri announced the BELIEVE program, which stands for Bringing Educational Leadership by Investing and Expecting Victory in Every Child. The goal of the program is to assist donors in establishing Missouri Savings for Tuition (MOST) accounts for foster children. The Treasurer's office has identified a number of potential donors, but no accounts have been opened at this point.

THE UNIVERSITY OF ALASKA COLLEGE SAVINGS PLAN

The University of Alaska (UA) College Savings Plan is a "529" college savings plan, named for Section 529 of the Internal Revenue Code, that allows college savings to grow without incurring tax on interest earnings or distributions for qualified educational expenses. T. Rowe Price manages the UA College Savings Plan and offers investors a number of investment approaches from which to choose. Any U.S. citizen, resident alien, trust, corporation, or other organization can open an account, regardless of their state of residence, and the money can be used at eligible educational institutions both inside and outside of Alaska. Each account has one account holder, who establishes and controls the account, and one beneficiary. The account holder can also be the beneficiary; however, if the account holder is a minor, the account must also have a custodian to act on behalf of the minor until that individual reaches age 18. The minimum contribution to open an account is \$250, or \$50 if one is making regular contributions. The account holder can change the beneficiary, or transfer a portion of the investment to a different beneficiary; however, the new beneficiary must be a member of the previous beneficiary's family. State or local government agencies and tax-exempt organizations may establish accounts as part of a scholarship program with or without naming a beneficiary when opening the account. Although the account holder manages the account, anyone can contribute.

The account holder can request a distribution from a College Savings account at any time; however, any interest earnings that are not used for qualified education expenses for the designated beneficiary are subject to state and federal income taxes and a 10% federal penalty. If a beneficiary does not go to college, the account holder can designate another beneficiary from the previous beneficiary's family, or request a distribution.¹

MISSOURI'S BELIEVE PROGRAM

Missouri State Treasurer, Sarah Steelman, recently spearheaded an initiative making it possible for any individual or group to establish a college savings account for a foster child. The Treasurer's office initiated the BELIEVE program, which stands for Bringing Educational Leadership by Investing and Expecting Victory in Every Child, without any legislation or tax dollars.² According to Doug Gaston, deputy state treasurer for the Missouri Treasurer's Office, the BELIEVE program was inspired by the "I Have a Dream" Foundation, which provides academic support and tuition assistance to low-income students from elementary school through college. Both programs are based on the idea that students will achieve more if they know from a young age that someone believes in them, and that they will have the opportunity to attend college.³ There have been a number of studies that have found that college completion rates for former foster children are much lower than for the general population.⁴

The Missouri State Treasurer's office oversees the Missouri Savings for Tuition (MOST) college savings account program, which like the University of Alaska College Savings Plan, allows account holders to accumulate investment earnings tax-free as long as the money is used for the educational expenses of a designated beneficiary. Sponsors in the BELIEVE program contribute to MOST accounts on behalf of foster children they select. Missouri offers a state tax deduction of up to \$8,000 a year per taxpayer for contributions to MOST accounts. In December 2005, Bass Pro Shops became the first sponsor to commit to participate in the BELIEVE program, but no accounts have yet been established.

The BELIEVE program will begin with foster children who are eligible for adoption. According to Amy Martin, program development specialist for the Children's Division of the Missouri Department of Social Services, her agency initially will provide sponsors with information about foster children who are available for adoption so that sponsors can select a child to support. The state, having full responsibility for children who are no longer subject to parental rights, is able to

¹ "Frequently Asked Questions and Plan Disclosure Document," The University of Alaska College Savings Plan, April 1, 2005, available at: <http://www.uacollegesavings.com/>.

² Steelman Launches "BELIEVE" Program to Help Get Foster Kids to College: Bass Pro is First Sponsor," Office of Missouri State Treasurer, Sarah Steelman, December 22, 2005. We include this press release as Attachment A.

³ Personal communication from Doug Gaston, deputy state treasurer, Missouri Treasurer's office. Mr. Gaston is very enthusiastic about the BELIEVE program and can be reached at (573) 751-4974.

⁴ One study that includes a compilation of research on the topic of educational achievement for foster children, as well as, rates of college completion for former foster children in the Casey program is "The Casey National Alumni Study," from Casey Family Programs. This study is available at www.casey.org.

disclose certain information, such as the child's age, interests, gender, and first name.⁶ This information is already available on the Missouri Adoption Photo-Listing.⁶ The Department may expand the program to include children in long term foster care; however, because these children remain subject to parental rights, a release from the court may be necessary to provide information about these children to potential sponsors. No one we spoke to from the Missouri Treasurer's Office or Department of Social Services was able to provide specific information about how exactly the accounts would be set up, including who would be the account holder. Mr. Gaston mentioned that they were considering setting up a 501(c)3 non-profit organization to handle large corporate donations and to select students to receive donated funds.

POTENTIAL BARRIERS TO DONORS ESTABLISHING ACCOUNTS

Restrictions on public access to personal information about foster children could prevent organizations or individuals from acting as account holders for UA College Savings Plan accounts for children in state custody. In order to open an account, the account holder must supply a number of pieces of personal information about the beneficiary, including the individual's full name, address, and social security number. Even if the Department of Health and Social Services could provide the necessary personal information about a child directly to the plan, according to UA College Savings Plan staff, account holders receive regular statements that contain the beneficiary's first and last name.⁷ This appears to be a problem under current Alaska law. Pursuant to AS 47.10.090 (d),

The name or picture of a child under the jurisdiction of the court may not be made public in connection with the child's status as a child in need of aid unless authorized by order of the court or unless to implement the permanency plan for a child after all parental rights of custody have been terminated.

Alaska Statute 47.10.092 addresses disclosure of information to certain public officials and employees, and Alaska Statute 47.10.093 provides for disclosure to specified individuals. These statutes appear to contain provisions that disallow the disclosure of personal information to a donor without a court order.⁸

Recent changes to state statute focused on facilitating adoption suggest that at times some personal information about children in the state's custody is disclosed, but typically not last names. The Alaska Adoption Exchange provides an on-line database including photographs, first names, ages, and descriptions of Alaskan children eligible for adoption. The site is managed under a contract with the State of Alaska Office of Children's Services.⁹ According to Mike

⁶ Personal communication from Amy Martin, program development specialist, Children's Division of the Missouri Department of Social Services. Ms. Martin can be reached at (573) 522-8024.

⁶ The Missouri Adoption Photo-Listing can be found at: <http://www.adoptuskids.org/states/mo/search.html>.

⁷ Personal communication from Bonnie Carroll, senior program specialist, University of Alaska Scholars and University of Alaska College Savings Plan. Ms. Carroll can be reached at (907) 474-5671.

⁸ Alaska Statutes 47.10.090-47.10.093. We include these statutes as Attachment B.

⁹ The Alaska Adoption Exchange, available at: <http://www.akae.org/>.

- Dorothy Douglas - Independent Living

DHSS
- SOCIAL WORKER

Lesmann, community relations manager for the Alaska Office of Children's Services, until a 2005 modification of the statute, a court order was needed to place profiles of children on the website.

The court order became unnecessary after the language "unless to implement the permanency plan for a child after all parental rights of custody have been terminated" was added to AS 47.10.090 by Chapter 64, SLA 2005. Implementing the permanency plan involves efforts to establish a legal guardian or adoptive parent for a foster child, or in some cases arranging long term foster care until the child is emancipated. According to Mr. Lesmann, the legislation was prompted by the Department of Health and Social Service's (DHSS) desire to implement the national "Wednesday's child" program. The program involved the Department working with ABC Alaska's Superstation to showcase on television children who are legally free for adoption. The statutory change allows DHSS to share a child's first name, age, and hobbies in order to promote the child being adopted.¹⁰

Although restrictions on personal information access are barriers to donors acting as account holders for foster children, once an account is established anyone can contribute to it. For example, if the Department of Health and Social Services, or another entity with access to privileged information about foster children, were to open a UA College Savings account anyone could put money into it. In order to contribute to an account, a person need know only the account number and which portfolio has been selected.¹¹ It could be possible for account numbers to be associated with the first names and short descriptions of foster children so that a donor could select a specific child's account to which he or she will contribute. Under this type of arrangement, the donor would be turning over control of the funds to the account holder.

University of Alaska College Savings Plan Accounts have a number of properties that may or may not serve the goals of a potential program matching donors with foster children. First, the account holder ultimately retains control of the funds. If donors were able to act as account holders, they would be able to withdraw money from their accounts at any point in time. If the foster child was the account holder, once the child reached age 18, he or she could withdraw the money, subject to taxes and penalties, for any purpose.

Another potential challenge is account holder's reactions if the designated beneficiary isn't ready to attend college right after high school, or does not chose to attend college at all. According to Dorothy Douglas, independent living program coordinator for the Department of Health and Social Services, many foster children are not ready to attend post-secondary education immediately after completing high school or earning a General Education Diploma. She noted that many former foster children do not begin college or vocational training until they are in their twenties. This can limit foster children's eligibility for aid under the federal Chafee program, which provides DHSS with funding to assist foster children with grants of up to \$5,000 a year for educational expenses until they reach age 23.¹² Donors would need to understand this characteristic of the population, and be willing to not withdraw financial support if a former foster child did not continue his or her education right away.

¹⁰ Personal communication from Mike Lesmann, community relations manager and legislative liaison, Division of Children's Services, Alaska Department of Health and Social Services. Mr. Lesmann can be reached at (907) 465-3548.

¹¹ Bonnie Carroll.

¹² In addition to the Chafee program, each year the University of Alaska offers five four-year full-tuition scholarships to foster children. Personal communication with Dorothy Douglas, independent living program coordinator, Department of Health and Social Services. Ms. Douglas can be reached at (907) 465-8659.

If the originally designated beneficiary did not decide to use the account for education within a certain time frame, the beneficiary on the account could be changed; however, the new beneficiary would have to be a member of the original beneficiary's family. In the case of foster and adopted children it could prove challenging to identify another eligible beneficiary who meets the Internal Revenue Service's definition of family.¹³ If no acceptable new beneficiary is identified, the account holder can request a distribution of the funds but must pay federal and state income taxes, as well as a 10% federal penalty, on the earnings portion of the distribution.

While Missouri is able to offer donors up to an \$8,000 tax deduction on their state income taxes, Alaska would not be able to offer a similar incentive to individuals because there is no state income tax. Contributions to a UA College Savings Plan account are not tax-deductible at the federal level, which could make donating to this type of program less appealing to potential sponsors than making a tax-deductible contribution to a non-profit organization.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

¹³ According to Sections 152 and 529 of the Internal Revenue Code, for the purposes of changing the beneficiary of a college savings plan account a "member of the family" includes the beneficiary's spouse, first cousin, and the following relations and their spouses: children, stepchildren, siblings, stepsiblings, parents, stepparents, nieces, nephews, aunts, uncles, son-in-laws, daughter-in-laws, father-in-laws, mother-in-laws, brother-in-laws, or sister-in-laws.

LIST OF ATTACHMENTS

Attachment A

"Steelman Launches "BELIEVE" Program to Help Get Foster Kids to College:
Bass Pro is First Sponsor," Office of Missouri State Treasurer, Sarah Steelman,
December 22, 2005

Attachment B

Alaska Statute 47.10.090-47.10.093