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Governor Bill Walker
STATE OF ALASKA

July 28, 2016

The Honorable Mike Chenault
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801

Dear Speaker Chenault:

Under the authority of Article II, Section 17, Constitution of the State of Alaska, I have let the following bill become law without signature:

SCS CSHB 156(FIN)(EFD FLD H)

“An Act relating to a parent’s right to direct the education of a child; relating to the duties of the state Board of Education and Early Development, the Department of Education and Early Development, school boards, and school districts; relating to public school curriculum and assessments; relating to compliance with federal education laws; relating to public school accountability; relating to a statewide assessment plan and review of education laws and regulations; repealing the minimum expenditure for instruction for school districts; relating to sex education, human reproduction education, and human sexuality education; relating to suicide awareness and prevention training; relating to contracts for student assessments; relating to questionnaires and surveys administered in public schools; relating to physical examinations for teachers.”

Chapter No. 54, SLA 2016
[Effective Date: See Chapter]

After much thought and input from many perspectives, I have decided to allow SCS CSHB 156(FIN)(EFD FLD H) to become law without signature. I thank all for their valuable input. In making my decision, I believe some of the bill’s provisions have been the subject of misunderstanding and confusion. This is understandable for a complex subject, but I must focus on the actual effect of the bill in making my decision.

The bill addresses a number of education issues, including district responsibilities as to budgets, required training, assessments, and parental rights with regard to a child’s education. The bill may not be perfect, but as a whole, I believe the potential advantages to school districts due to the bill

should be given the chance to work. Some of the bill's provisions may have uncertain impacts, but the Administration and the Legislature are committed to education and will monitor the bill's effectiveness in practice. Further, my Administration will work with the federal government towards flexibility in testing requirements within the bounds of the law.

Let me highlight some areas of the bill that have been the subject of much discussion.

This bill repeals AS 14.17.250, a statute that is commonly referred to as the "70/30 requirement." In short, this statute requires each school district to spend a minimum of 70 percent of its school operating expenditures on the "instructional component" of its budget. A school district that fails to meet this goal must apply to the state Board of Education and Early Development for a waiver. I have no doubt this provision was enacted with the best of intentions, but in practice it has become burdensome, particularly for rural school districts whose high maintenance and operations costs have historically exceeded the 70 percent threshold. Waivers are routinely granted, yet the process adds an unnecessary burden for school districts and the State Board of Education and Early Development. Additionally, the mechanical focus on the ratio spending has not been proven to improve our educational outcomes and detracts from what our schools do best – educating students.

Further, the bill would modify some training requirements for school staff, including training on sexual abuse and assault, crisis response, alcohol or drug-related disabilities and recognition and reporting of child abuse and neglect. Adjusting the training schedule requirements from individual schools to the district as a whole would allow each district to better focus its training where needed. This change would lessen the logistical challenges of tracking training at a school level, yet would keep in place important training in areas critical to our children's health and safety. As a further benefit of the bill and in light of the importance of this issue in the state, more students will get the benefit of suicide awareness and prevention training. Under sec. 20, teachers, administrators, counselors, and specialists providing services to students in any grade (not just in grades 7 through 12) will be required to receive the training.

Next, I will address two particularly controversial provisions in the bill.

First, the bill would appear to limit the ability of the Department of Education and Early Development (Department) to require a school or district to administer a statewide standards-based assessment for the next two school years. Further, the Department would be required to review and report to the Legislature on a final plan for developing and creating statewide assessments and for recommended law changes. Some have claimed that these provisions would result in a loss of federal funds. However, that outcome is not certain and would be preceded by notice from the United States Department of Education (USED). The bill also deletes some references to federal law in the school and district accountability statutes, but the Department of Law has noted that removal of those references does not lead to the conclusion that noncompliance with federal law would be intended or required by the bill. I am optimistic that the bill's assessment provisions will encourage cooperation with the USED in order to streamline and focus statewide assessments.

The Honorable Mike Chenault
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The bill also would ease procurement requirements for statewide testing by exempting assessment contracts of the Department from the State procurement code. While I fully support the financial protections of our State procurement code, I recognize that in some circumstances more flexibility is required to allow a timely and responsible procurement best suited to the agency's needs.

Next, I turn to the provisions on parental rights. The bill expands a parent's right to withdraw a child from standards-based testing or an activity, class, or program. Yet the bill also puts some sidebars on these provisions to assure that a child is not absent from activities categorically. This policy may increase parental involvement in a child's education. Most controversial, and in my view misunderstood, are provisions related to the teaching of a class or program in sex education, human reproduction, or human sexuality. The attention on these provisions highlights their importance and sensitivity. The bill would not prevent the teaching of these subjects, but it would require that those who do so be approved by the district's school board and have credentials available for review. Further, curriculum, literature, or materials on sex education, human reproduction, or human sexuality would need to be approved by the district school board and be available for parental review. Some feel these provisions will encourage parental involvement and foster helpful discussions between parents and their children. I, too, believe that the transparency and involvement offered by the bill will be beneficial. I have heard concerns that important information on these sensitive topics will be withheld, but the bill does not compel that result. Instead, the bill's provisions recognize the need for thoughtful and knowledgeable instruction on these subjects. Indeed, these provisions appear not to be a significant departure from current school district practice.

Last, I note that the failure of the immediate effective date provisions causes a number of technical issues with the bill, but that those issues would not appear to have a significant legal effect.

For the reasons described above, I have not signed SCS CS HB 156(FIN)(EFD FLD H) but have allowed it to become law without my signature.

Sincerely,



Bill Walker
Governor