



**Moore v. State, Core Rulings  
June 2007 Order**

Held that the Education Clause of the Alaska Constitution requires the State to:

- (1) **Adopt standards** to define what children should be expected to learn;
- (2) **Establish methods** to assess children's progress in learning;
- (3) **Provide adequate funding** to enable schools to meet the performance standards; and
- (4) **Maintain adequate accountability and oversight** to ensure that local schools comply with the standards set by the State and the Constitution. [p. 174]

Defined a **constitutionally adequate education** as including

- (1) **"A meaningful opportunity to become proficient" in the areas covered by the SBAs, and**
- (2) **"Meaningful access" to areas covered by the State's content standards.** [p. 176]

Held that, "the Plaintiffs have failed to demonstrate that the State is constitutionally obligated to appropriate more money to local school districts at this time." [p. 183]

**However**, this "conclusion does not imply that spending more money at this time would not have an effect on specific educational outcomes, or for specific schools, classrooms, or students. There may be, in particular, a benefit in **specifically-targeted spending** for incentives for education that **could be beneficial.**" [p. 183]

Also, **"it may be that the Legislature will need to accord to EED additional funding to insure that school districts are meeting the State's duty to provide a constitutionally adequate education to Alaska's school children."** [fn. 42]

**Held that the State was failing to provide sufficient support and assistance to chronically underperforming schools and school districts.** [p. 184-190]

"There are schools in which children are not being accorded an adequate opportunity to learn the very basic fundamentals as tested by the State." [p. 142]

The State must, at a minimum "... provide considerably more assistance and direction to those schools that are identified as failing to meet the State's constitutional obligation, in a concerted effort to remedy the situation." [p. 189]

"The State must insure that each school District has a demonstrated plan to provide children a meaningful opportunity to achieve proficiency in the State's performance standards, and meaningful exposure on the remaining content standards," and "that the District's plan is fully implemented and actually in use in the District classrooms." [p. 189]

"Given the state's constitutional shortcomings in addressing the educational needs of children at all schools in the state ... it is fundamentally unfair to those children to condition the receipt of a high school diploma on the [HSGQE] at this time." [p. 193]

The Court stayed its Order for one year to allow the State the first opportunity to remedy these constitutional deficiencies. [p. 191]



## February 2009 Order

Overview: “The Department was ordered to take concerted remedial action because it had violated its constitutional oversight duty by failing to meaningfully intervene before the problems became chronic.” [p. 53] The June 2007 Order “required the State to provide ‘considerably more’ ‘oversight,’ ‘assistance’ and direction’ in ‘a concerted effort to remedy the situation.” [p. 50 (quoting 6/07 Order, p. 189)] DEED’s **“incremental, minimalist initial approach ... is constitutionally inadequate.”** [p. 52]

Court found: **“strong and persuasive evidence”** that DEED’s interventions “have fallen far short of complying” with the State’s oversight requirement (1) because they were **“not effectively implemented** and have not adequately met the needs they were meant to serve” and (2) “because the interventions **target an unjustifiably narrow set of problems**, while ignoring many other educational problems that these local districts have not adequately addressed on their own.” [pp. 50-51]

As to the **design and implementation** of the interventions – the Court found that DEED had:

- “Underestimated the complexity” of the intervention components [pp. 14-28];
- Failed to provide sufficient training, technical support, follow-up and on-site assistance to make these components work [p. 14-28];
- Failed to tailor interventions to specific districts’ individual strengths and weaknesses [pp. 31-33]; and
- Failed to include “any attention to those content areas not covered by the State’s standardized testing.” [pp. 30-31]

As to the actual content of the interventions, DEED’s interventions were inadequate because of their failure to address multiple known causes of underachievement, including:

- Failing to ensure **curriculum alignment**. [pp. 28-30]
  - “All public schools in this state should be teaching a curriculum that includes (yet certainly should not be limited to) materials aligned with the State’s performance standards.” [p. 52]
  - “The State’s interventions to date have not included any concerted effort to insure that the curriculum in each intervention district is aligned with the [GLEs] for the State’s performance standards.” [p. 29]
- Failing to adequately consider **“intensive early learning initiatives designed to address the unique education challenges faced by students in Alaska’s chronically underperforming schools.”** [ pp. 33-35]
  - “The State’s interventions do not address the significant language development gap known to exist in the intervention districts, despite its well-documented connection to student achievement.” [p. 35]
  - Multiple witnesses “testified about the link between early literacy and later academic achievement.” [p. 34]
  - The State’s own expert views preschool as “a highly cost effective way to increase student achievement.” [p. 34]



- Failing to address teacher inexperience, teacher turnover and “the need for the considerable additional professional development necessitated by those turnover problems” as well as by “the unique educational challenges in Alaska’s chronically underperforming schools.” [pp. 35-40]
  - “The State’s intervention plans assume that the existing staff in chronically underperforming districts already possess adequate instructional experience and knowledge to determine appropriate instruction strategies for all students. But [DEED’s own] instructional audits of these districts demonstrate that is clearly not the case.” [p. 37]

Court: DEED’s interventions ignored **“promising, research-backed remedial measures”** known to address root causes of chronic educational underachievement:

*“Such measures could include efforts: to build in-house expertise, to increase the level of available teaching capacity, to create meaningful incentives to promote the recruitment and retention of high quality teachers, to provide content specialists, on-site coaches and mentors, targeted educational resources, and more extensive professional development focused on the particularized needs of the intervention districts. They could also include pre-k, curriculum development and alignment, and resources directed at improving student attendance and the school’s interface with the local community.” [p. 54]*

***“Conditions within a community do not diminish the State’s constitutional duty to maintain a system of public schools open to all children of the State.”***

Additionally: **“Many of the problems encountered** by the Department in attempting to design and implement effective and adequate interventions **appear to stem from limitations in the Department’s own capacity to implement successful reforms.”** [p. 44]

**ORDER:** The State was given 60 days to “review, reconsider, and – after consulting with the districts and giving due consideration to their views” – file new district intervention plans addressing and incorporating as appropriate remedial measures related to the interventions’

- Failure to address curriculum alignment [pp. 28-30, 58];
- Failure to address lack of meaningful exposure to content areas not tested on SBAs [pp. 30-31, 58];
- Failure to address the specific strengths and weaknesses of each intervention district [pp. 31-33, 58];
- Failure to address pre-k and other early learning initiatives [pp. 33-35, 58];
- Failure to “address teaching capacity issues caused by high turnover, teacher inexperience and intervention districts’ unique education challenges” [pp. 35-40, 58]; and
- Failure to assess DEED’s own capacity to assist districts [pp. 44-46, 58].



**March 2010 Order**

*“The State has failed to demonstrate that it has complied in full with its constitutional obligation to ‘maintain a system of public schools open to all children of the State.’ ... Dismissal of this action at this time is not warranted.” [pp. 14-15]*

**“The lack of an aligned curriculum persists in the intervention districts.” [pp. 5-8]**

- “The plaintiffs have persuasively argued that if each small school district is expected to select its own curriculum and align that curriculum to the state standards, then **there needs to be considerably greater technical support provided to each district** to enable that district to promptly complete this task.” [p. 7]
- “Further[,] unless and until a chronically underperforming district can fully complete those tasks, during the interim **the State must immediately provide that district with access to a fully aligned curriculum** together with **adequate professional training** so that that curriculum can effectively be used in the district's classrooms.” [p. 7]

**“The State's effort to insure meaningful exposure to the other content standards in the intervention districts has been inadequate.” [pp. 8-10]**

- DEED has failed to sufficiently address the June 2007 holding that an adequate education must include “meaningful exposure” to the areas of the State’s content standards.
- The Court’s February 2009 order **“cannot reasonably be interpreted to mean”** that all DEED needed to do was provide an operational definition of “meaningful exposure” and a list of resources. [p. 10]
- “Rather, this Court intended by that order that the State **direct its best efforts** to insure that students in chronically underperforming school districts are actually being accorded meaningful exposure to the State's other instructional content areas.” [p. 10]

**“The State's submissions regarding the HSGQE Remediation Plans are inadequate.” [pp. 11-12]**

- “The Department has failed to demonstrate that individual plans are being developed for each student and that those plans are being effectively implemented.” [p. 12]
- “The record is silent as to the support and oversight, if any, that the Department is according” to districts to insure that plans are in place and “are being effectively implemented.” [p. 11]
- “The record is silent” as to whether the Department is providing “appropriate technical assistance.” [p. 11]
- “Given that these districts are in intervention status due to chronic underperformance, **the Department must provide considerably more in the way of technical assistance and guidance to each such district....**” [p. 12]

**“The State has failed to adequately address teacher retention and capacity.” [pp. 12-13]**

- “Clearly, the constitutional requirement to ‘maintain a system of public schools’ requires that there be a capable teaching staff in those schools.” [p. 12]



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- The State should “provide the resources” to interview all intervention district teachers at the end of the year as to why they are staying or leaving, “and also asked each teacher to identify any specific or additional resources or support that he or she seeks.” [pp. 12-13]

**“The Draft [District Improvement Plans] that were submitted do not comply with this Court's February 2009 Order.” [pp. 13-14]**

- “Given that the State has elected to delegate the drafting of the [improvement plans] to each intervention district, it would appear that the intervention districts could each benefit from considerably more technical assistance from the State in completing those plans.” [p. 14]

“The State has not demonstrated that children in the chronically underperforming districts in this state are being accorded a meaningful opportunity to learn the material that is being tested on the State’s assessments for reading, writing, math and science. Nor has the State demonstrated that children in those districts are being accorded meaningful exposure to the State’s other content standards. ... In the event that these continuing constitutional violations cannot be promptly remedied after this Order, then the Plaintiffs may renew their request for a special master.” [p. 15]

*“[T]he Alaska Constitution ... places the responsibility ‘to maintain a system of public schools open to all children of the State’ squarely upon the Legislature – not upon the Department of Education and Early Development and not upon local school districts.”*

**ORDER:** Within **60 days** the State must prepare, file and serve:

1. A “**detailed plan**” as to how an aligned curriculum in each of the SBA-tested areas shall be taught in each of the intervention districts beginning in fall 2010, including “a provision for **adequate professional development** to each of the teaching staff with respect to that curriculum.”
2. A **comprehensive review** of the meaningful exposure to each of the other content areas that is currently in place in each of the districts, identifying any deficiencies and providing “a **detailed plan for each district** as to how to address those deficiencies.”
3. “Detailed **individual remediation plans** for each junior and senior high school student in each of the intervention districts who has not yet achieved proficiency on one or more sections of the HSGQE.”
4. **District improvement plans** for each intervention district that adequately address the following problem areas identified in the February 2009 order:  
“**Curriculum alignment, content areas not covered by the State's standardized testing, ascertainment of the specific strengths and weaknesses of each chronically underperforming district, attention to pre-Kindergarten and other intensive learning initiatives, and attention to teaching capacity deficiencies.**”
5. An update on the status of any specific efforts in the Yupiit School District.