

**ALASKA STATE LEGISLATURE
JOINT COMMITTEE ON
ADMINISTRATIVE REGULATION REVIEW**

March 1, 2002
8:30 a.m.

HOUSE MEMBERS PRESENT

Representative Lesil McGuire, Chair
Representative Jeannette James
Representative Joe Hayes

HOUSE MEMBERS ABSENT

All members present

SENATE MEMBERS PRESENT

Senator Robin Taylor, Vice Chair
Senator Lyda Green
Senator Georgianna Lincoln

SENATE MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative John Coghill

COMMITTEE CALENDAR

Proposed Regulations for Special Schools
(Correspondence Schools)

PREVIOUS ACTION

No previous action to record

WITNESS REGISTER

DR. ED McLAIN, Deputy Commissioner of Education,
Department of Education and Early Development
801 West Tenth Street, Suite 320
Juneau, Alaska 99801-1894

POSITION STATEMENT: Briefed members on the Department of
Education and Early Development's proposed regulations.

KEN EGGLESTON, Superintendent
Nenana City Schools
P.O. Box 10
Nenana, Alaska 99760-0010

POSITION STATEMENT: Provided comments on the proposed regulations.

ERNEST E. HALL, Vice Chair
Board of Education and Early Development
144 East Potter Road
Anchorage, Alaska 99518

POSITION STATEMENT: Provided comments on the proposed regulations.

JIM FOSTER, Assistant Superintendent
Galena City Schools
PO Box 299
Galena, Alaska 99741-0299

POSITION STATEMENT: Provided comments on the proposed regulations.

ACTION NARRATIVE

TAPE 02-2, SIDE A
Number 0001

CHAIR LESIL McGUIRE called the Joint Committee on Administrative Regulation Review to order at 8:30 a.m. Representative McGuire and Senators Taylor, Green, and Lincoln were present at the call to order. Representatives James and Hayes arrived as the meeting was in progress. Also in attendance was Representative Coghill.

PROPOSED REGULATIONS FOR SPECIAL SCHOOLS(CORRESPONDENCE SCHOOLS)

Number 0149

CHAIR McGUIRE announced that the first order of business would be the issue of regulation changes for correspondence schools.

Number 0190

DR. ED McLAIN, Deputy Commissioner of Education, Department of Education and Early Development (EED), testified that these proposed regulations will impact approximately 10,000 students in Alaska. He noted that EED has received 145 letters

addressing this issue. He noted his belief that the State Board of Education and Early Development initiated this review based on concerns and anecdotal reports regarding correspondence schools, particularly the home-school support component. Traditionally, correspondence schools consisted of a teacher in one location who sent materials to students and parents. And although some programs have changed to Internet delivery, this is still the basic model of correspondence programs. He said, "I applaud the efforts of several of our districts who are trying to break out of that box and [are trying] to do some new things."

DR. McLAIN pointed out that EED has attempted to distinguish the publicly funded correspondence part of a child's education from the total home-school experience. The only piece of that education that [these regulations] address is the publicly funded correspondence piece. He furnished that many parents use a variety of [instructional delivery methods] with their children, including the use of a "brick-and-mortar" classroom and the use of correspondence. Dr. McLain likened this to children in brick-and-mortar schools who have a variety of outside, unregulated learning experiences. He reiterated that EED's intended application of the regulation is only to these publicly funded elements. These regulations would be limited by other regulations to students enrolled in a full correspondence program or enrolled in as few as four courses, the minimum number of courses for defining a full-time student.

Number 0474

DR. McLAIN said a team was established upon the request of the State Board of Education and Early Development to ascertain [the impact of these regulations]; he is a member of this team. He expressed his uncertainty about how the two particular sites were selected for review; one program was rather large and the other quite small. These programs were presented as having two different visions; he noted that one program was very much a home-school program and the other program was a more traditional program that supplied materials.

CHAIR MCGUIRE asked Dr. McLain to clarify this for the public.

DR. McLAIN stated that the team had been asked by the State Board of Education and Early Development and the deputy commissioner to review Nenana School District's CyberLynx Correspondence School and Delta/Greely School District's Delta Charter Cyber School. He commented that the staff of both

programs was very open with team members; good conversation and exploration resulted. He said, "We uncovered ... what I would call 'bread-and-butter' mechanical kind[s] of issues, that were just a result ... of their size, that needed to be addressed." Both programs have been working with EED to correct these problems.

Number 0599

DR. McLAIN indicated that these reviews opened up a variety of philosophical questions. One of these questions is the issue of the separation of home school and correspondence school. The team invited representatives from each of the ten districts offering statewide correspondence and representatives from districts that have a large number of students enrolled in correspondence to a meeting on September 24. At this meeting participants discussed many issues pertaining to these regulations including the role of district boards in the approval of materials. He emphasized that the current regulations as well as the proposed regulations require district boards to review and approve materials.

DR. McLAIN observed that parents with children enrolled in both the aforementioned programs uniformly expressed high satisfaction with the programs. He stated that of the letters received by EED, 95 letters speak to the lack of district approval of materials, an element of the programs that parents support.

Number 0767

DR. McLAIN stated that he began with the pragmatic question of how do [district boards] handle the review and selection of materials for thousands of correspondence school students. This is part of the regulations based on state statute. He said he found this difficult [to] impossible to accomplish. Some of this review was conducted after the fact and was therefore problematic. Some of the review was reported to have been done, but the documentation did not evidence this. He stated that he excused this lack of documentation as a result of the fast growth of the system. He noted that the September 24 meeting and subsequent communication, as well as the many letters received by the department, highlight the fact that many parents do not want required district approval of materials. He said, "It's not a case of what's right or what's wrong; it really is a philosophical issue."

Number 0869

DR. McLAIN explained that EED has heard "very loud and clear" the legislature's call for accountability and efficient use of funds. He said that he was faced with the dilemma of balancing the allowing of maximum freedom for parents and the assurance of some degree of an appropriate level of accountability for the expenditure of public funds. Public schools provide instruction in the traditional school - many parents are now doing this - and they also certify the learning. A grade on a transcript becomes part of an official record; it is saying, "That kid knows it," whatever that "it" might be. He offered the analogy of a driver's license - it's a third-party certification that a person knows how to drive. A transcript offers outside validation of grades to employers or postsecondary institutions. He reported that none of the applications under the current regulations indicate that this provision is a problem. The current application stipulates that a teacher must be involved in the reviewing and assigning of grades.

Number 1020

DR. McLAIN said, "It came as ... an insight ... that not only were a bulk of letters about the issue of districts approving the curriculum, but now there was another group about the teacher role. And again, both of those were, at least nominally, part of the current practice." This raises the need for clarification, he noted.

Number 1044

CHAIR McGUIRE asked Dr. McLain to detail provisions in the new regulations which change the timing of that certification.

DR. McLAIN noted that the questions of "What would be an adequate amount of time?" and "What does 'being involved' mean?" were discussed. The team used public comment to garner input. He stated that he has advised a number of people not to mandate the type of contact, such as phone or e-mail, in order to allow as much flexibility as possible. He said, "We put out there in the comment to receive comment back that we thought that a once-a-month check-in seemed to be a way of validating that indeed there was some ongoing communication." Many comments received indicated that [parents] were philosophically opposed to that involvement. He explained that the suggestion for once-a-month contact was not a "magic number", but it was a way to substantiate an adequate amount of contact.

DR. McLAIN offered his belief that a significant amount of common ground exists in the intent [of the involved parties]. His summary of discussion with the involved parties is that there isn't district opposition to review of materials and teacher involvement, but parents are concerned about these issues. He added, "It's not really an educational issue as much as [it] probably is a philosophical or direction [issue]. How do you balance accountability with the freedom of the parents?"

SENATOR TAYLOR said, "You're doing a once-a-month check-up. What are you doing on curriculum review and overview?"

Number 1263

DR. McLAIN clarified that districts do the monthly check-ups. The proposed regulations are not significantly different in process; they stipulate that the school board needs to approve those materials. The regulations allow for this process to be defined [by individual districts]. He noted that EED does not regulate this in traditional schools; a local school board establishes this process [to review curriculum]. Two statutes speak to this. One states that boards approve textbooks; one states that boards establish the process for the approval of the curriculum and materials. The proposed regulations were built on those statutes to keep the regulations as close to statutory language as possible.

Number 1331

SENATOR TAYLOR indicated he didn't understand how this was not occurring right now. He asked, "Aren't these correspondence courses approved by or sanctioned by the district ... to purchase these materials and offer them to parents within their district?"

DR. McLAIN indicated that his understanding at the outset of the investigation of the two programs was similar to Senator Taylor's. He noted that the inquiry found that significant numbers of students enrolled in home-school support - and this is evidenced by the number of letters received - are not enrolled in some other structured correspondence program, but are in programs designed by their parents. Parents are selecting materials that may or may not have been published as curriculum materials. He expressed his certainty that some of these materials may be very good for the children, but may lack the [third-party] validation.

DR. McLAIN gave the example of parents who create a high school English course by selecting materials and assignments based on their knowledge of their child and then assign a grade for this course [all without some outside verification]. He said:

That lack of verification leaves us open to the potential for ... less than a clear picture. However, I still want to allow that. So ... we've tried to ... cut this fine line. What we're saying in the regs is that if indeed you're going to do that, then simply on the transcript, indicate that that course is a parent-developed course or is a course from an outside school or entity.

DR. McLAIN offered that this is similar to what districts already do. He said that he had suggested to these schools' leadership that they use a tool currently available to brick-and-mortar schools; he suggested that they set up a process by which that district can validate a learning experience. He gave the example of the procedure in Kenai where students can bring evidence of a course to the district for review and the district can award credit. The transcript will specify the source of that transferred credit. There is nothing that restricts districts from awarding credit for a variety of learning experiences, he stated. The intent is to determine how to address the accountability desires of the state as well as allowing as much freedom as possible for parents to direct their child's education.

Number 1616

CHAIR McGUIRE inquired as to Dr. McLain's view of the legislature's adoption of the exit exam and how it factors into this discussion.

DR. McLAIN explained that in the state's assessment program, especially as it will be modified by ASCA (Alaska State Council on the Arts), does provide an excellent check in the areas of reading, writing, and math. In the Third through Eighth grade piece, the current benchmarks allow students to demonstrate their proficiency in reading, writing, and math. The students are able to demonstrate across the full array of state standards. However, the problem is more difficult at the high school level because the exit exam, as refined with SB 133, focuses specifically on the minimum competencies of essential skills. However, it doesn't focus on the full array of what one

would want children to know and learn. Furthermore, because the exam is designed as an exit exam, the questions are clustered around the minimum competency skill level. There aren't opportunities for students to demonstrate advanced or proficient [competency skill] levels. Therefore, Dr. McLain cautioned that the check point in striving for excellence not be built on a minimum competency test. Dr. McLain said, "I worry that what was designed as a threshold assurance of basic skills could become a target for the design. That's not what it's intended for." He pointed out that tests aren't good or bad, they're good or bad in relation to the purpose for which the tests are designed.

DR. McLAIN pointed out that the state has been very active in regard to the notion of having "fully developed citizenry." Therefore, [the state] wants a child's education to consist of more than reading, writing, and math. So, if the state leadership accepts the notion of accountability, then there should be some measure of accountability of the course. For instance, if a student takes a psychology course, Dr. McLain felt that there should be some measure of that particular course rather than simply depending on the student's minimum competency in reading, writing, and math. Although he recognized that this is a policy question, he viewed it as an instructional piece as well.

Number 1876

REPRESENTATIVE JAMES expressed concern with some of Dr. McLain's comments on the exit exam. She inquired as to whether Dr. McLain meant to indicate that the exit exam has been "dumbed down." She also inquired, "Do you believe that in that evaluation as to whether or not these students ought to be able to have a high school diploma that that should be expanded into other areas to be sure that the child has well-rounded education as opposed to just achieving those three issues."

DR. McLAIN disagreed with the term "dumbed down" but rather agreed that that the exam was refocused. He explained that the full array of math, reading, and writing standards were reviewed. The exam questions don't focus on the full array; that is, the exam doesn't provide opportunities for a student to demonstrate skill in the higher levels of math. However, in the full array of assessment methods and instruction there are such opportunities. For example, if a student takes a Calculus course that course is placed on the transcript with the grade given. One could review the district's website or its records

and confirm the Calculus course and its content. Dr. McLain said he believes that [the state] has said that districts set the parameters. In regard to whether there should be more to a student's education than reading, writing, and math, Dr. McLain answered yes. Furthermore, he said he believes that [the education beyond reading, writing, and math] should be accessed and verified, which is done on the transcript. Therefore, these regulations allow as much local control as possible to validate [the education beyond reading, writing, and math].

Number 2114

DR. McLAIN remarked that the regulations are only one piece, and the public doesn't see all the other avenues that are already in place. There is some confusion over correspondence and home schooling. The question-and-answer sheet [in the committee packet] attempts to address some of the [confusion]. He noted his openness to suggested language changes. Dr. McLain announced that [the department] is looking at extending [the public comment period] at the April meeting. Based on some of the comments, some language changes are being crafted. He commented on his belief that this process has gone well, and he thanked the Galena School District for meeting with him.

Number 2212

REPRESENTATIVE JAMES related her understanding that Dr. McLain is discussing a lot of administrative expense and chores. Representative James related her belief that the public school system has been failing over the years [due to the] high cost of public education that is due to the administration expense. Therefore, many people decide to teach their children at home. She interpreted Dr. McLain to mean that there would be another administrative duty to get this information on a transcript. However, she said she understood the need for transcripts when entering college, as well as when seeking employment. Representative James inquired as to whether the value received from this extra administrative expense would be worth the end result.

DR. McLAIN said that he wasn't sure he would agree with Representative James that this is an administrative chore. He expressed the hope that there would also be instructional support and thus be part of a teacher's [responsibility] rather than that of an administrator. Even if this was administrative, he didn't believe it was an extraordinarily large expense. Dr. McLain informed the committee that many of the programs are

generating funds beyond those that are specifically applied to that program. He noted that "we" tried to stay away from the teacher-student ratio in order to provide some freedom. However, he did recognize that additional regulation creates additional expense. Therefore, the intent [of the regulations] was to minimize the expense while meeting the accountability piece.

Number 2433

SENATOR GREEN pointed out that many of the comments on the regulations discussed how religious materials are approved and used. She recalled a conversation with Dr. McLain on this matter, and asked that he discuss the use of religious materials [in correspondence/home schools] with the committee. She noted that there is no restriction in regard to the use of religious materials in the course of study but rather how the state would reimburse [for those materials].

DR. McLAIN said that the intent was [to address] how to maximize the opportunity while maintaining the requirements. Some districts simply say that materials from certain publishers aren't allowed. Although that was well intended [because it was an attempt to deal with religious materials], Dr. McLain felt it was overly restrictive. He related his belief that the regulations seem to open up opportunities that would go beyond what would happen in a traditional school. As long as the district had its curriculum posted and approved what the parent uses in the home to teach the child is less of an issue because the parent is teaching [what the teacher is regardless of the religious portions]. That couldn't be done in the public school. Home schooling isn't the same as a traditional school, which is one of the benefits. Therefore, the task was to determine how to get around public school teachers being involved in these religious pieces.

DR. McLAIN highlighted the following three ways that the aforementioned [allowing religious materials to be used in the home/correspondence school] could be accomplished. First, a parent could apply for credit. For example, a parent who wants to use a religious curriculum could simply not include [the religious piece] in the core of programs and apply for credit after the fact. In that case, the public school teacher isn't involved other than to review whether [the curriculum is acceptable]. Second, the [correspondence/home school] would simply teach to the state-approved curriculum, which districts are already required to do per statute. Third, if there is a

question, then [those courses/materials] should be kept out and focus [should be] on the nonsectarian [courses/materials]. Dr. McLain explained, "We tried, by separating correspondence from this global thing of home school, to try to get us out of the regulating what happens outside of that; just as we would ... not be involved in what happens outside the brick-and-mortar."

Number 2756

CHAIR MCGUIRE related her interpretation that the decision to provide approval of curriculum by a teacher on a monthly basis seems to have been an arbitrary determination. She requested more analysis of that decision. As mentioned by Representative James, if one is home schooling, then, in some people's opinion, administrative costs are being reduced and more money is being placed toward the subject matter and teaching. Therefore, when another barrier is created, she questioned the point of it.

DR. McLAIN disagreed with the assertion that the monthly review was arbitrary. He pointed out that the explosion of development of cyber schools and home-school support programs isn't unique to Alaska. Dr. McLain clarified that it isn't once a month approval but is merely checking in once a month. One state that was reviewed was Pennsylvania, who has cyber school charters. In Pennsylvania's debate, the questions of how to know that a student is really engaged in a program and that the program isn't really a voucher program arose. Dr. McLain said that he believes there is a valid role in correspondence. However, he feared that without some ongoing [communication], then the question regarding how correspondence is different than a voucher would arise. Therefore, he said he feels it is reasonable to question how that [communication] is happening. Then the question becomes what is adequate. Pennsylvania decided on a monthly check. He acknowledged that one suggestion was to tie it to the current attendance laws for traditional schools, which drop students from the rolls if the student is absent for ten days. That avenue would have been overly cumbersome. Still others suggested checking every other month, which results in one check in the middle of the semester. Therefore, the decision was to cut through the two suggestions, which resulted in the once-a-month check. Dr. McLain emphasized that this [monthly check] shouldn't be seen as an administrative cost, and hopefully there would be instructional content.

TAPE 02-2, SIDE B
Number 2981

DR. McLAIN, in response to a question by Chair McGuire, clarified that the check is done by the district, not a certified state teacher. With the exception of the Alyeska Central School (ACS), which is operated by the state, these correspondence schools all are district programs. He explained, "Whenever we talk about certified staff or staff being [involved], we are specifically referring to the district." He likened it to a brick-and-mortar facility where a student must be in his or her seat at least once every ten days or be withdrawn. No state teacher comes in, nor anyone from EED. Dr. McLain added, "We don't have staffing to do that kind of monitoring, nor would we want to."

Number 2930

CHAIR McGUIRE asked who Dr. McLain envisions will be doing this.

DR. McLAIN replied that a district would develop its own process, using teachers. He noted that most districts have a pupil-teacher ratio of 10-1 to 20-1, depending on the extent to which aides are included. However, the pupil-teacher ratios in these [correspondence] programs, for full activity, can run as high as 100-1 or so. He added:

I would have some concerns about how effective that can be, but we don't dictate or mandate a pupil-teacher ratio. There reaches a point at which it just gets difficult. I would come back and caution that unlike ... the programs that happen inside a district, where the board and the administration is charged legally with defining and developing the best program, doing the best they can for the kids in the district, this is a case where the loss is very specific in terms of the requirements ... or the responsibilities of a local school board to look over ... the best interest of the kids in their district.

There isn't ... a statute that says they have a legal obligation to do their very best for the kids outside. So without regulation I'd worry that ... it's a free market. And there's good news to that, but in the case of education, I do think that's a case where ... it makes the argument [as] to why you want to have some sort of parameters around it.

Number 2836

SENATOR TAYLOR offered his understanding that the district pays the parent each month by check, based upon what that parent has told the district he or she is purchasing. He asked whether that is correct, then suggested a \$3,000 check, for example, could be sent to a parent with the message, "Buy whatever you want. Have a good time with this money. We hope you educate your kid."

DR. McLAIN disagreed. He said he doesn't know of any district ...

SENATOR TAYLOR interjected:

I don't either. Instead, that district says, "The following courses, types of programs, computer things, these are approved on our list." [How] are they checking on them? ... If we want to go out and start checking on folks in the hinterlands every month, by God, I'd like to see somebody going into every classroom every month and checking on the quality of education that's going on in each one of those classrooms, too, and let's have a little monitoring, maybe a little mentoring, maybe a little help, and maybe somebody doing at least something about accountability in the classroom so that we in the legislature don't have to pass laws so that you can go create a "Lake Wobegon" test to find out whether or not anything's going on in your classrooms at all, other than counting kids and making sure that if they're there every ten days, we're going to keep them on the rolls.

Number 2763

SENATOR TAYLOR continued:

I can't believe we're even having this discussion. It is in the law. The districts not only have the right and the authority to do this, they are mandated to do this. What you're really telling me is, "Gee, nobody was checking the store. They might have been allowing those parents to do things that would violate the establishment-of-religion clause, or they might be allowing those parents to teach a class that, gee, we in the district don't really approve of; how do we get a handle on this?" And now, as you attempt to get a

handle on it, we're looking at a monthly review of some type.

I understand the validation questions. I understand the concerns about transcripts. But my real concern is, all of this is already in place. Every one of these districts are currently doing it.

What I think I'm smelling is that the state board of education and the central commission or department of education here has decided that we need to go out and audit the districts on what the districts are currently approving for course, because they may not be everything that should be in the soup kettle, here. And, in fact, you don't have that authority. We gave that authority to the local school board and district to set and establish their curriculum and the curriculum for their correspondence schools, right?

DR. McLAIN answered yes.

SENATOR TAYLOR asked what these regulations are all about, then, "coming from on high down to the individual districts." He further asked, "Shouldn't we trust them to do what they're doing, and if, in fact, the kids don't pass the test, then that parent and that district have failed in the curriculum that they should have structured." He then inquired, "How long are you going to delay the implementation of these regs?"

DR. McLAIN answered:

That would not be a decision of mine. ... I think we're getting some value in the comments that we're receiving. We'll try to be responsive to those. We'll be coming up with ... some revisions in this next phase. We'll be asking to extend the comment [period]. I'm assuming at this point that [would be] open at least until the next board meeting. But ... I can't tell you what the board would do from that point on.

Number 2644

DR. McLAIN continued with his response to Senator Taylor:

The assumption that you started your statement with is the same assumption that I started with when I was

given this assignment, and that is that districts have those courses and parents are selecting from the set of ... approved materials.

What I found is that it was not, all the time, how it was occurring, that there were times when people were, with all best of intentions, ... not simply selecting from a list of approved specific materials. They were sometimes purchasing from vendors that were approved, but as we pointed out, in one case Barnes & [Noble] or Amazon was the approved vendor; you can get anything in Barnes & [Noble]. And, again, I simply asked the question ..., "How ... do you assure comparable quality," because that is a charge that they ... have. It was simply one management to another management: "How do you do that?" And in the conversations that followed, we heard desire, we heard concern being raised that they felt that they were doing that and other people were feeling like that wasn't being done.

I want the same thing, I believe, as you do, when you get down to it. I'm trying to clarify, open up avenues. ... If we simply drop what these are and go back to the current regs, you still have in place many of the problems; from ... some of the parent comments we've received, they still have problems with the current regs.

When I was talking to Representative Dyson and Senator Leman at a general meeting that was held in the House ... about a month ago, I relayed that I believe that what we have here is a case where we have people who have significant issues with the current [regulations], to say nothing about the proposed. And I think it's a legitimate public policy question to get that addressed.

CHAIR McGUIRE expressed appreciation for Dr. McLain's testimony and requested that he stand by. She emphasized the importance of allowing an opportunity for others to testify as well. She announced that the committee would hear as much testimony as possible at the current meeting, but that there would be a second hearing, perhaps in the next week.

Number 2485

KEN EGGLESTON, Superintendent, Nenana City Schools, testified via teleconference, noting that with him was Tom Klever, principal [of the CyberLynx Correspondence School]. He expressed appreciation for the efforts to provide clarity. He told members, "We would like to applaud the legislature in passing regulations that allow parents to have an educational process that they deem is appropriate for their children." Dr. Eggleston pointed out that 9,000 students are schooled at home or take correspondence study. He remarked:

That must say something very, very significant to the State of Alaska on how we are educating our children. And the legislature has answered those questions to those parents, deeming those parents as responsible for their education of their children in the way that they feel is appropriate.

DR. EGGLESTON expressed confidence that "regulations out there now" do an adequate job, and that "the new audit concerns that the state gave us, which ... have been implemented this year" are addressing under current statutes the needs of those children." He added, "We have, I think, a program here that is serving those children, and I think those parents are stating that; we have a statewide parent advisory committee, which represents all sectors of our state in the education program that we're putting forth."

Number 2388

DR. EGGLESTON explained that when SB 36 was passed, one key issue was accountability in testing. He pointed out that the "proof in the pudding" is how these students are doing on test scores including SATs [Scholastic Achievement Test], ACTs [American College Test], exit exams, and benchmark tests. Nationally and statewide, students who are in home school situations or taking correspondence are scoring, on the average, much higher than students in a traditional school setting; this must say something about what parents are doing in their homes with their children, he concluded.

DR. EGGLESTON offered a second point:

We just applauded the other night, at the "fly-in legislature" with the school boards, the Chugach model that is going nationally now, [which] has been recognized by the President as the only school system that won this prestigious award. That award talks

about standards-based education and those students, looking at how they learn and how that model allows students and parents to choose ways of learning that ... meet their needs.

And those test scores in the [Chugach] model, even though there are not A, B, C, and Ds, and even though the parents ... and the students are the engine that is driving that model, there is a certain amount of monitoring, but it is not the traditional model. And these students are progressing [dramatically] on the state tests, the benchmark tests and the qualifying exam.

The school district in Seattle, which is 479,000 students, is now coming up to look at the [Chugach] model that may be instituted in a large city like that.

Number 2262

DR. EGGLESTON referred to Dr. McLain's scenario regarding how to teach his children to drive. Dr. Eggleston said that is exactly what he believes home schooling and a correspondence model are; the proof is whether Dr. McLain's children do or don't pass that driver's test, and how he chooses to teach that subject is "the same argument we use in this model that we're using here."

DR. EGGLESTON referred to parental autonomy. He said his board is now looking at every piece of curriculum and reviewing every book. In regular schools, the school boards don't do that; rather, the information comes back to them through committee.

DR. EGGLESTON indicated there are some areas that he believes are being scrutinized a little more for his school district. He mentioned correspondence and items that concern parents, including Title I funds for the school district that could be held up if the district doesn't give the "free and reduced lunch" applications to the parents of correspondence students. He said that is a problem for the district because the people doing correspondence eat at home, rather than getting free and reduced-price lunches. In addition, several parents don't want to immunize their children; one issue is that the district would have to make sure those students are immunized in order for them to be in the program.

DR. EGGLESTON turned attention to testing. He explained:

We do test. We're spending thousands and thousands of dollars to fly students to sites that are going to be monitored by certified teachers. In some of the regulations that are -- would like to be changed, it would be that if those students aren't tested, we have to disenroll them from our program. We don't do that as far as a regular school system goes. Again, if they don't take the test, the scores are against the school district, as a zero.

DR. EGGLESTON referred to month-to-month monitoring and said that in the public school system there are parent-teacher conferences. [In correspondence/home schools] students are monitored by their parents. Dr. Eggleston said:

[Is it that] we're going to meet with the children [on] a month-to-month [basis], or is that that we're going to meet with the parents to verify that the students are doing it? We meet with parents in a regular school two times a year in parent-teacher conferences, sometimes three.

DR. EGGLESTON thanked the committee and those at the hearing in support of the program. He concluded by pointing out that his school system has both a public school and a correspondence school.

Number 2064

ERNEST E. HALL, Vice Chair, Board of Education and Early Development, testified via teleconference, noting that he was mostly available to answer questions. He offered to share thoughts from the board, however.

Number 2028

CHAIR MCGUIRE asked whether it was Mr. Hall's intention to delay the end of public testimony.

MR. HALL answered:

We have already made that decision; we will formalize it at our next board meeting. We had a special meeting, but this wasn't on the agenda, so we weren't allowed to be involved in that. But there's no doubt that we're going to do a 90-day delay on this when

these regulations come back to us at the next meeting. And hopefully during that period we would be able to answer the concerns and issues that individuals are talking about. And if not, ... there's nothing that prevents us from doing an additional delay.

MR. HALL recounted a personal story that he said is driving that thought process. His nephew remarried and ended up with a new 17-year-old daughter who had been in state correspondence schools for two years. The family decided she would go to public school, so they enrolled her as a junior at Service High School. However, a check of the correspondence records showed that she had no credits at all. The fault was not the correspondence school's, which had provided everything requested by law and had kept complete records. Rather, a conversation with the mother revealed that not one course had been finished; the family hadn't "closed the circle."

MR. HALL indicated state board members believe they have a lot of responsibility towards having the child receive the education. He expressed concern about the young student discussed previously, who perhaps couldn't graduate until she was 20 years old.

Number 1861

CHAIR McGUIRE clarified that the hearing was not being held "because we think you're the bad guy or because we think Dr. McLain's the bad guy." She said, "We're trying to address some concerns that ... we see out there, just like you are, too." She acknowledged that there must be a balance between the goals of allowing a parent to provide an education that is "outside the box" and ensuring that the child does get an education and isn't in the situation Mr. Hall described. She thanked him for his testimony. She also thanked him for recognizing that there are some concerns "and that you're willing to delay that public comment." She said that is very important to the committee members.

Number 1821

SENATOR TAYLOR disagreed with Mr. Hall that the state board has the responsibility. He said as a matter of public policy this legislature established that the school board in a district would have responsibility for that curriculum. The case that Mr. Hall recounted involves a failure on not only the part of the family to ensure that the courses were completed and sent in

for a grade; it also reflects failure on the part of the district "because obviously nobody in the district ever even bothered to inquire whether she had passed one single course in two full years." He surmised that had she been in a regular classroom and failed to pass a single course, somebody would have sent her parents a note. He further indicated that the payment for the correspondence course should have been cut off. He suggested that the review of the state board perhaps should be of the local school boards. He further suggested that the responsibility "on our side" isn't to fix a system that is producing a higher quality of education than that in the state's public schools.

Number 1712

MR. HALL said he would tend to agree. He added that he feels much better because he can go back to the young woman and tell her that as a state board member, it isn't his fault. However, the reality is that she will have to spend another two years trying to get into college. He emphasized Senator Taylor's point that responsibility lies with the individual school districts. If it isn't the state board that can ask that [school districts] be held accountable, he said, it is basically the legislature. He concluded by expressing concern that students [in the correspondence or home-school programs] will try to get into college, for example, only to find they don't have the qualifications.

SENATOR TAYLOR expressed appreciation for Mr. Hall's testimony and said he had the same goal, to ensure that things like that don't happen in the future.

Number 1589

JIM FOSTER, Assistant Superintendent, Galena City Schools, noted that the [committee packet] should include [Galena City Schools] complete testimony concerning the State Board regulations. Mr. Foster informed the committee that this is his 34th year in public education. He said that the Galena City School District has been an absolute believer of the Quality School Initiatives. When the legislature passed the [Quality School Initiatives], the Galena City School District completely aligned its K-12 curriculum in one year. Mr. Foster recalled a State Board meeting in which those districts with aligned curriculums were asked to raise their hand. He said he was surprised to see that not all the hands went up. However, [the regulations] are

asking the parents to align their curriculum when the public schools can not.

MR. FOSTER informed the committee that last year 90 percent of Galena's Third graders were proficient on the benchmark test. However, the district board, parents, and administrators said that wasn't good enough. Mr. Foster said, "We're not opposed to regulations." He stressed that President George Bush is requesting that no children should be left behind, and therefore Mr. Foster stressed the need to not write regulations that leave 9,000 children behind.

Number 1411

MR. FOSTER told the committee that the other day [the Galena City School District] asked if a certified teacher from Idaho, who now lives in Alaska, could administer the benchmark test. Because the teacher didn't have Alaska certification, two children have to be flown [elsewhere to have the benchmark test administered]. Mr. Foster informed the committee that if [a district's] test attendance rate falls below 10 percent, then [the district] runs the risk of losing its program. Mr. Foster posed the following situation:

What if the state's attendance rate was 95 percent and ours was 85 percent, and our home-school students scored in the top third in the state on the test. By the way, our program closes -- we're below the 10 percent. And another public school had an attendance rate of 95 percent and they scored dead last on the exam, they get to remain open. They got to write a plan on how they're going to improve. If you're dead last, I don't even know where you begin to write the program.

Number 1294

MR. FOSTER emphasized that parents write in saying they don't want regulation from anyone. He explained that in the [Galena City School District] the parents have to sign an affidavit saying that one parent will be in the home to teach the child. Furthermore, an individual learning plan must be written for each child, which [isn't] the case for each child in the public school. Parents [in the Galena City School District correspondence program] have to submit two written progress reports for their child. He noted that each student has an assigned contact teacher, and the ratio is about 1 teacher to

124 students. He asked, "And if that's too high, what's 1 teacher teaching 140 or 150 kids in the Anchorage public school system in the high school.... Isn't that too high?" Mr. Foster continued by noting that [the Galena City School District] has a rule that religious materials can't be purchased and thus all the requests that are denied are kept on file. If parents don't submit progress reports, the parents are coached to do so. Ultimately, the parent is thrown out of the program if the progress reports aren't submitted. Mr. Foster said that the program is monitored.

MR. FOSTER informed the committee that scores of the students in the home-school program rank from second best to 29th in the state. Those students are in the top third of the state, on average. He mentioned another policy, which is that the parents of the children in the home-school program sign an affidavit agreeing to bring the students in to be tested. However, the legislature delayed the implementation of the qualifying exam for two years. At the end of last year, Galena had 13 of 24 students pass all three sections of the [qualifying exam]. He said, "I venture to say that's one of the best."

Number 0998

MR. FOSTER commented that he thinks he has learned more what's wrong with public education than what's right. He highlighted Robert Marzano's (ph) research and paraphrased Mr. Marzano (ph) as follows: "Teachers who teach in isolation from one another have created large learning gaps in content in students." If a district doesn't have an aligned curriculum, large learning gaps are created. This [national assessment] is a national issue. Mr. Foster pointed out that Galena, who operates three programs, is the second lowest spending per student in the state. Regulations to continue to do this are necessary.

AN UNIDENTIFIED SPEAKER announced that the benchmark exam will be occurring next week and would impact the ability of many to attend a continuation of this hearing if it were held next week.

CHAIR MCGUIRE announced, then, that the next hearing would be held in two weeks.

SENATOR TAYLOR thanked the Chair and her staff for the work put into this matter. He also thanked the department for granting a 90-day extension.

ADJOURNMENT

There being no further business before the committee, the Joint Committee on Administrative Regulation Review meeting was adjourned at 10:00 a.m.