

ALASKA STATE LEGISLATURE
JOINT SENATE HEALTH, EDUCATION & SOCIAL SERVICES
AND COMMUNITY AND REGIONAL AFFAIRS COMMITTEES

April 3, 2002

1:40 p.m.

SENATE MEMBERS PRESENT

Senator Lyda Green, Co-Chair
Senator Jerry Ward
Senator Gary Wilken
Senator Bettye Davis
Senator John Torgerson, Co-Chair
Senator Randy Phillips
Senator Pete Kelly

MEMBERS ABSENT

Senator Loren Leman
Senator Alan Austerman
Representative Georgiana Lincoln

OTHER LEGISLATORS PRESENTS

Senator Donny Olson
Representative Reggie Joule
Representative Fred Dyson
Representative Con Bunde
Representative Sharon Cissna

COMMITTEE CALENDAR

STATEWIDE SCHOOL SAFETY/MCQUEEN SCHOOL CLOSURE, KIVALINA

WITNESS REGISTER

Commissioner Shirley Holloway
Department of Education &
Early Development
801 W 10th St.
Juneau, AK 99801-1894

Commissioner Glenn G. Godfrey
Department of Public Safety
PO Box 111200
Juneau, AK 99811-1200

Mr. Charles Mason, CEO

Northwest Arctic Borough School District
PO Box 1110
Kotzebue, AK 99752

ACTION NARRATIVE

TAPE 02-24, SIDE A

Number 001

CO-CHAIR LYDA GREEN called the Senate Health, Education & Social Services Committee meeting to order at 1:40 p.m. Senate HESS members present were Senators Ward, Davis, and Green. Senate CRA members present were Senators Kelly and Chairman Torgerson. She announced the primary purpose of the meeting is to hear from the Department of Education and Early Development (DOEED) about the McQueen School Fact Finding Team's report.

COMMISSIONER SHIRLEY HOLLOWAY, DOEED, thanked Chairwoman Green for postponing the hearing until she and Carl Rose, the team leader of the fact finding team, could present the report to the community of Kivalina, the Northwest Arctic Borough School District (NWABSD) and the regional school board. She introduced DOEED staff: Dr. Ed McLain, Yvonne Chase, Dr. P.J. Ford-Slack, and Terry Campbell; Assistant Attorneys General Ken Truitt and Jeanne Mischel; Paula Paulowski of the state board of education and Megan Kaufman (ph), student member of the state board of education. She noted that Mr. Rose was very disappointed that he could not be present. As the team leader of the fact finding group, Mr. Rose he did an exemplary job of leading his team and reporting to the community.

COMMISSIONER HOLLOWAY began her review of the report and referred to two items in the letter she received from Mr. Rose. The first reads:

All team members are of the firm belief that competent outside facilitation is necessary to assist in creating an educational environment at McQueen School where children can achieve at high levels. The fundamental responsibility for improving the situation in Kivalina should remain within the Kotzebue region.

The second item reads:

The team further references the NWABSD Board of Education as the sole entity with the responsibility

and authority under Alaska law to incorporate the recommendations found in this report.

She then noted the team chose the title, "McQueen School: A School in Crisis - A School at a Crossroad," very carefully because it believes when a school is in crisis, the question must be asked: Do we want to improve and can we improve? If not, the school is at a crossroads, meaning the state will have to explore redesigning the delivery system for rural education - a serious matter. Mr. Rose spent considerable time talking about, from the team's perspective, the difference in the two options.

COMMISSIONER HOLLOWAY then read the introduction on page 2 of the report:

The irony was too apparent to ignore as Mildred Sage, Kivalina octogenarian, wondered what had gone so wrong with the very school she had been instrumental in opening thirty years ago to force its closure due to a legacy of disheartening stories of student (and at times, adult) misbehavior and alarmingly low student achievement.

McQueen School was the first village high school in the Northwest Arctic region - a groundbreaking institution that promised to serve as a model for other villages as they sought to educate their children. Unfortunately, due to recent events, McQueen School looks as if it may serve as another model for village schools - not as a beacon of student success, but as a troubling snapshot of what many have feared rural education has become.

COMMISSIONER HOLLOWAY then referred to page 3 in the background section of the report and noted the team spoke many times to the fact that this situation did not come about overnight. The problems in Kivalina have been growing for many years and, in a variety of ways, a lid has been kept on those problems. She called members' attention to the bottom part of the second paragraph, which presents the complex reasons the teachers departed. She read:

Departing teachers also mentioned other frustration: (in no ranked order) divergent staff philosophies; challenges associated with establishing the education climate (climate discipline) necessary to hold students to even minimal academic expectations; frustration over classrooms full of students lacking basic literacy skills; poor student academic performance; overall angst caused by numerous instances of aggressive

student acts towards teachers; angry parent confrontations occurring during which adults supported negative student behavior; and, finally, disappointment in being targeted by innuendoes levied against staff through unsubstantiated student allegations.

She confirmed there were many reasons that five of eleven teachers asked to be reassigned. She then commended the members of the fact-finding team because not only did they spend hours in Kivalina and Kotzebue, they also called many people and deliberated until the early hours of the morning about the core issues.

COMMISSIONER HOLLOWAY moved to the conclusion section of the report on page 7 and said that presenting it to the community was a hard pill to swallow. State Trooper Andy Greenstreet, Representative Joule and Senator Olson accompanied she and Mr. Rose to the community to present those conclusions. The first paragraph says "the closure was the result of a long and complex chain of events in a dysfunctional school in a dysfunctional community..." Mr. Rose made it clear to all of the groups they talked to that he was not there to debate or defend the report but it was being presented as a guide to the next steps that need to be taken. She indicated the label "dysfunctional" was very hurtful to the community. Community members did not argue whether it is true, rather they were open about the fact that their community was being labeled that way. Mr. Rose was careful to identify why that term was chosen. In a functional community-school relationship, there are shared behavioral standards. The community, families, teachers and parents have agreed upon appropriate behavior. In a functional community, those same groups have agreed upon the delivery and importance of education and what children should learn to do; that is not there either. In a functional community-school relationship, the community is involved in the school - that is not there. Kivalina does not have those shared standards. That is the basis on which the team chose the word "dysfunctional."

COMMISSIONER HOLLOWAY noted the team categorized the issues in Kivalina as follows: community issues; instruction and curriculum issues; governance and leadership issues; school discipline and safety issues; and professional development-staff training issues. She highlighted the following from those categories:

- Community issues - the team felt there was disconcertingly low community expectation and a common acceptance for substandard student achievement. From the team's perspective, there appeared to be a pervasive community

tolerance of student misbehavior. No matter where the team went, she felt there was an unwillingness to assume responsibility among parents, teachers, school board members, advisory board members, or central administration staff. One of the biggest problems identified by the team was a lack of communication from the district office clear down to the classroom level.

CO-CHAIR GREEN asked where the lack of communication is addressed in the report.

COMMISSIONER HOLLOWAY said it is addressed in the governance and leadership issues category. She then continued highlighting problems discussed in the conclusions section.

- Under the instruction and curriculum issues category, student achievement data suggests that standards-based instruction is not being delivered. The community is concerned that the curriculum is not being delivered so that students can connect what they are learning to their own culture and daily lives.
- Under the governance and leadership issues category, a lack of cooperation and communication was noted. A lot of finger pointing was done. Mr. Rose repeatedly pointed out an inconsistency in communication. For instance, each group had a completely different explanation of the events leading up to the school closure and the actual closure. The team felt there was enough blame to go around and that everyone needs to roll up their sleeves and get to work rather than do any more finger pointing. In addition, there was little evidence that effective training for the McQueen advisory board had taken place.
- Under the school discipline and safety issues category, there were numerous serious documented incidents of aggressive student behavior toward staff this year. The team reported that unruly student behavior has been the rule rather than the exception in the Kivalina community. There is a strong perception that negative student behavior is rationalized and even sometimes supported by parents. Differences in philosophies inhibit a healthy learning environment. And, although the regional school board provided documentation that it had approved the statutorily required school disciplinary school safety program, there was no evidence of that in the community. That statute requires that parents, teachers and students be a part of that program.

CO-CHAIR GREEN asked if the School Disciplinary Safety Program is an official report that must be submitted to DOEED, yet DOEED has no evidence of one from Kivalina.

COMMISSIONER HOLLOWAY explained the regional school board provided DOEED with minutes of a meeting at which a plan had been approved. She added it appears that for 20 years the Kivalina school was a laissez-faire operation. Then, within one year came a design for high behavioral standards. It also appears that very little work occurred with the community to implement the higher behavioral standards.

REPRESENTATIVE DYSON asked if the new standards are unreasonably high.

COMMISSIONER HOLLOWAY said they are not, but they are very different and were implemented immediately without the necessary conversations and instruction. She maintained that when a new discipline plan is implemented, instruction about the consequences must be designed. The team did not find such a design. The community's perception was that the teachers were being mean and unreasonable. To illustrate, she explained that an older lady told her she had five adopted children she sent to school everyday. If those children were tardy one minute, they were sent home. The older lady questioned how those children will get an education.

SENATOR PHILLIPS questioned what is wrong with expecting students to show up to school on time and asked for an example of the standards under the laissez-faire policy.

COMMISSIONER HOLLOWAY said if, for 20 years, it was acceptable to show up a little late and then all of a sudden the hammer comes down and the community doesn't understand why, a miscommunication has occurred. She said another example is the use of tobacco, which is not allowed under the new discipline plan.

SENATOR PHILLIPS asked for examples of the low and high standards over the last 20 years.

2:01 p.m.

COMMISSIONER HOLLOWAY noted that students could walk out of the classroom and be tardy from class to class. She felt that most people would find that the new rules require behavior that most parents want. However, had the implementation been done with thoughtfulness, involvement and instruction, the clash that occurred would not have happened.

REPRESENTATIVE CISSNA asked what training the teachers were given to prepare the community.

COMMISSIONER HOLLOWAY said the fact-finding team found very little evidence of professional development or preparation of the new teachers. One agenda was presented to the new teachers that did not contain quality professional development information. In addition, the district office did not appear to offer a lot of support to the local school.

CO-CHAIR GREEN asked members to hold their questions until Commissioner Holloway finished her report.

COMMISSIONER HOLLOWAY said on page 10, the fact-finding team listed the resources available to the community and the school. Pages 11 and 12 contain a list of the facts discovered by the team. She then called members' attention to a bullet on page 13, which says there is no full-time on-site VPO or VPSO in Kivalina. She said Alaska State Trooper Andy Greenstreet is working very hard to correct some misinformation that was originally given to the staff about what constitutes an assault. He is encouraging staff to identify and report those incidents immediately.

COMMISSIONER HOLLOWAY directed members to the fifth bullet on page 13, which says "The NWABSD administration has developed and is beginning initial implementation of a plan that addresses the safety and educational challenges at the McQueen School..." but when she and Mr. Rose presented the report to the community and school staff, no one had ever heard of a plan.

COMMISSIONER HOLLOWAY pointed out (page 14) that the fact-finding team found the re-opening of the school to be orderly, well planned and safe. However, within six days, threatening and disruptive behavior was reported. When the school re-opened, a security officer was hired to be on-site.

COMMISSIONER HOLLOWAY referred to the section on page 15 entitled, The Issues Surrounding the Closure of McQueen School, and read:

Many parents and community members expressed surprisingly low levels of concern when informed about McQueen School's low student achievement test scores. Both interesting and troubling is the fact that parents and community members expressed more concern and dissatisfaction with what they perceived were unrealistic discipline policies and excessively harsh

enforcement of those policies than they did about student achievement. This deep-rooted cross-cultural challenge may best be summed up by a Kivalina student's comment to a fact-finding team member, 'We don't understand white people - they don't understand us - they get threatened easily.'

COMMISSIONER HOLLOWAY said that passage disturbed her more than anything else in the report. When she visited Kivalina, she made a point of sharing her concern about that comment with individual members of the community and asked if they agreed with it. In her 31 years in rural Alaska, one consistency she has found is that families may not fully understand what school is all about, but they want the very best education for their children and see it as important. The community members she interacted with expressed that same view.

She then pointed out the team found that the McQueen School Advisory School board did not meet regularly or take an active role in guiding the school program and was unable to determine whether that is a school leadership or community issue. She indicated that two advisory school board members attended the meeting when she and Mr. Rose presented the report.

COMMISSIONER HOLLOWAY read two bullets from page 16:

Members of the Kivalina community members were convinced that outside educators do not understand the Inupiat culture and, consequently, have difficulty interacting appropriately with students, parents and community members. Team members believe this encourages students to interact negatively with the new teachers and principals.

The fact-finding team heard many comments from both within and outside of the Kivalina community asserting that long-standing conflicts within factions of the Kivalina community hindered school efforts to promote cooperative initiatives that promised to improve the McQueen School program.

She stated that many folks described to her a "Hatfield-McCoy" situation. In addition, a few staff members have been at the school for a very long time - 12 years. There is some internal conflict within the school as new teachers try to implement a standards-based program and higher academic standards. She likens the situation to one in which new teachers come to a school full of hope and positive energy and are told to not work so hard. She noted that she worked with two of the veteran teachers from Kivalina who told her there is not enough for young people to do

in the village. The new teachers are getting involved in providing new activities that parents are viewing positively.

COMMISSIONER HOLLOWAY referred to page 17 and read:

There was a perception among some Kivalina community members and others throughout the Northwest Arctic region that Kivalina did not have equal influence on the Northwest Arctic Borough School Board.

She noted that one member of that board represents both Noatak and Kivalina. She then explained that page 18 contains a positive snapshot of the good things that are happening in Kivalina that can be taken advantage of. Mr. Rose told the community that it must take this opportunity or, ultimately, it will surrender local control over its school.

COMMISSIONER HOLLOWAY said, regarding the recommendations made to the NWABSD, the team felt the board needed to put together a small but very intense group of people from the region who are honest and have the best interest of students at heart to begin to work with the community on two primary objectives. The first objective is to address the immediate issues that led up to the closing of the school, which are primarily behavioral and safety issues. The second objective is to get an outside expert to work with the community and school and guiding team to develop a true plan that is a shared mission and understanding of what that school is about.

COMMISSIONER HOLLOWAY cautioned that this issue is not just about Kivalina or the NWABSD. This is about the efficacy of rural education in Alaska. The team asked the district administration to report a budget for the McQueen School and was told that its budget methods differ. The team estimated the McQueen School is a \$1.2 to \$1.5 million operation. Mr. Rose addressed the cost-benefit analysis and how important it is in light of the state's fiscal realities, to show real results for the investment made in all schools. The team emphasized to the group that what it decides to do next is much bigger than just one school.

COMMISSIONER HOLLOWAY then addressed the summary section of the report (page 20) and read:

In general, members of the Fact Finding team appreciated the openness and cooperation demonstrated by the majority of teachers, administrators, and community members during the team's visit to Kivalina and the NWABSD.

Ultimately, the closure of the McQueen School, which has heightened community, regional and statewide awareness, presents Kivalina with a unique opportunity to face issues that have long been ignored. All concerned have an opportunity to do what is right for students.

The Fact Finding team is concerned that if the NWABSD school board does not immediately move forward with significant systemic school improvement initiatives led by a united team of educators, parents and community members, the future of McQueen School and its students will be in jeopardy.

State law recognizes the NWABSD School Board as the governing body of the district's schools. This means the NWABSD School Board has the authority and the responsibility to make sure that students are learning in a safe and supportive environment.

Evidence clearly indicates that Kivalina's students are not currently presented with an opportunity to meet State of Alaska Content and Performance Standards in a safe, supportive environment due to a long list of reasons and this needs to change.

If the School Board does not act immediately and decisively, this Fact Finding Team recommends that the State of Alaska consider direct intervention in the operation of McQueen School.

Each team member firmly believes Kivalina *can* have an effective school where children are learning, teachers and students are safe, and of which the community is deeply proud.

At this point, the future success of McQueen School depends more on the behavior of adults than on the behavior of children. The challenge is clear.

CO-CHAIR GREEN said she would ask Mr. Godfrey to testify next and then like to divide the committee discussion into three categories: rehashing what happened and why; the current status and what needs to be done around the state; and what responsibility belongs to the legislature, DOEED, the district, community and parents. She noted that people in Juneau are asking some very tough questions and she wants the people of Kivalina and in other areas of the state with schools that are approaching dysfunction, to know there will be tremendous oversight. She

wants everyone to understand that this legislature is ready to respond and that it does not have to be involved in financing an education system that has failed. She said that is her opinion but believes many others agree. She then asked Mr. Godfrey to discuss the need for a VPSO or state trooper in Kivalina.

COMMISSIONER GLENN GODFREY, Department of Public Safety (DPS), first thanked Commissioner Holloway for her efforts to have Trooper Greenstreet be part of the fact-finding team. DPS wants to do anything it can to assist in this endeavor. He explained that a VPSO position in Kivalina is vacant and that active recruitment is underway. Kivalina has a public safety facility that is rundown. It has been difficult to fill that position and it appears that housing is a serious issue.

CO-CHAIR GREEN asked him to review the recruitment process.

COMMISSIONER GODFREY said that the VPSO is an employee of a Native non-profit corporation in Kotzebue. The Alaska State Troopers and non-profit corporation work together to actively recruit for that position. They try to find someone who will be acceptable to the community and can work in the community. It appears that no one living in Kivalina at this time is willing or able to fill that position so recruitment outside of the community is taking place.

CO-CHAIR GREEN asked if she could have found that vacancy posted on the Internet for the past year.

COMMISSIONER GODFREY said he would hope so but could not verify that. Active recruitment is done by the non-profit corporation. The Troopers are involved because of their statewide contacts.

CO-CHAIR GREEN asked if he received any phone calls prior to this incident asking for a VPSO sooner rather than later.

COMMISSIONER GODFREY said he does not recall a flood of phone calls coming out of Kivalina prior to this incident.

2:20 p.m.

SENATOR WARD said, to his understanding, Maniilaq has had that vacancy posted for the last year.

SENATOR DAVIS asked whether names have been submitted and rejected or whether no applicants have applied.

COMMISSIONER GODFREY explained that applications are submitted directly to Maniilaq. If acceptable, the State Troopers would do a background investigation. Then, Maniilaq and the village would decide whether to hire that particular individual. He said he

does not have a list of applicants or know whether any background checks were done.

SENATOR DAVIS asked Commissioner Godfrey to provide her with that information because she would like to know whether everything possible was done first to find someone from within the village.

COMMISSIONER GODFREY said he could provide that information.

CO-CHAIR TORGERSON asked about the hiring timeline and whether there is a contingency plan.

COMMISSIONER GODFREY told members that DPS has a lot of flexibility with regard to hiring timelines in rural Alaska. It is his understanding that position has been vacant for a long time.

CO-CHAIR TORGERSON responded that Kivalina is a village in crisis and DPS must do something, maybe move a State Trooper into the area. He asked what the plan is.

COMMISSIONER GODFREY said DPS has increased its visits to Kivalina and Larry Wallace has been hired as a security officer at the school. Mr. Wallace was the Chief of Police in Kotzebue and worked for the Kotzebue police force for a very long time. In the meantime, Maniilaq continues to actively recruit for a VPSO. He noted that the same housing problem would arise if a state trooper was stationed in Kivalina.

SENATOR WILKEN asked if state troopers are directly responsible for the activities of VPSOs in certain locations and whether there is a ratio.

COMMISSIONER GODFREY said each hub area technically has an oversight trooper who is responsible for the VPSO program in that area. However, the other troopers, when they make routine visits to the villages, also give the VPSOs needed support. Depending on the manpower situation, a rule of thumb statewide is that an oversight trooper has control of about four to seven VPSOs at this time.

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COMMISSIONER GODFREY said he tries to keep the ratio down to three to five VPSOs per oversight trooper.

SENATOR WILKEN maintained that a VPSO knows exactly which trooper to call anytime he or she needs further assistance.

COMMISSIONER GODFREY replied:

Absolutely. We found, throughout the several years we've been involved in the program, that's very, very critical and, in the past, when that did not occur, that caused some real concerns for us and was a direct impact on the turnover in the program. The VPSOs have sent us a strong message that they expect and want that contact 24 hours a day, seven days a week if the need arises and we do the best we can in giving them that support that they do need.

REPRESENTATIVE CISSNA asked what crises DPS has had in the past that come near the level of the crisis in Kivalina.

COMMISSIONER GODFREY said Kivalina, in and of itself, is not one of the villages that the troopers get the most calls about. It may fall in the middle of the pack regarding the calls serviced out of Kotzebue. He said he cannot recall an incident of that has come to the level of requiring trooper involvement in closing a school in recent history.

REPRESENTATIVE CISSNA said it seems that this incident is unprecedented and that sending in outside assistance might not help yet a safety backup is necessary. She said it might be close to impossible to hire someone to do that right now.

COMMISSIONER GODFREY said on a permanent basis, Representative Cissna is correct in that DPS is having a difficult time finding a public safety officer to live in Kivalina. He noted that immediately after the incident took place, DPS rotated public safety officers into Kivalina and will continue to do so in the future if necessary. DPS is keeping in close contact with Larry Wallace and will continue to provide support until a more permanent solution is found.

REPRESENTATIVE CISSNA asked Commissioner Godfrey if it might be advisable to have two VPSOs in that community until everything has settled down.

COMMISSIONER GODFREY said that would be the ideal situation in every community in rural Alaska but that is a difficult mandate when hiring one VPSO has been so difficult.

CO-CHAIR GREEN commented:

Thank you Commissioner. I do want to say, though, that I find it very, very, very distressing when the availability of a VPSO has been there for a very, very long time and, under the worst of circumstances we do not have to live in a lawless manner in a community that does not happen to have a law enforcement officer

there and that we should set aside that concern if the regional council or the IRA has not moved forward to aggressively find a VPSO. And it speaks volumes to me that they cannot find someone in 300 people that's willing to take that job but many people will be very, very happy to have an opportunity.

COMMISSIONER GODFREY said it is his understanding that the Kivalina position has been advertised statewide and out-of-state so it appears the non-profit corporation is working more aggressively. DPS will continue to work close with them to get that position filled.

CO-CHAIR GREEN asked Commissioner Holloway to review the chain of events that led up to the school closure. She said committee members are not concerned about the decision to close the school but she is concerned that the gym was reopened in the following days. She questioned why the gym would be open when the school was closed because of the behavior of students and lack of safety and why it was so important to reopen the gym.

COMMISSIONER HOLLOWAY said she was notified of the situation the day the school was closed. She was not involved in any conversations prior to that decision although Deputy Commissioner McLain may have spoken with Charles Mason. According to school staff and the community, they were not involved in the decision to close the school.

CO-CHAIR GREEN asked if it was strictly the superintendent's call.

COMMISSIONER HOLLOWAY said that is correct.

CO-CHAIR GREEN asked how the superintendent was getting information that led him to agree to the closure.

COMMISSIONER HOLLOWAY said when she mentioned earlier differences in the sequence of events, she was initially led to believe the school closure was both a safety and workforce issue because five teachers were leaving. However, according to the teachers and the principal, they learned of the school closure through the news. They were called later and convened a meeting with the CEO who asked them if they wanted to stay, be transferred or leave.

CO-CHAIR GREEN asked if Commissioner Holloway believes that time sequence is out of sync.

COMMISSIONER HOLLOWAY said that she would have involved the principal, community and staff in the decision to close the school. The community was outraged that the school was closed without any involvement or notification. Involving the advisory

school board and staff would have been a good idea.

CO-CHAIR GREEN asked what entity is comparable to the advisory school board.

COMMISSIONER HOLLOWAY said it could be a PTA or an advisory school council. She then explained that she wrote two letters to CEO Mason. In the first letter she applauded him for closing the school if, in fact, there was concern of physical harm. She expressed disappointment that the situation was not dealt with earlier, and she felt he needed to work immediately on a concrete plan to secure safety and reopen the school. She offered to help and suggested DOEED help recruit additional teachers, if necessary, and provide facilitators and mediators. In the second letter, she reminded him that each student has the right to attend school during the school term under AS 14.03.080 and that he needed to begin to think about when the school would be reopened. However, she again said he needed to develop a plan to ensure the safety of students. She noted that there is a difference of opinion about what was going on. According to the principal, nothing happened in the two-week period after the school closed. Five teachers left and the remaining teachers worked on curriculum materials. From their perspective, nothing was being done to make changes.

CO-CHAIR GREEN asked if community meetings occurred.

COMMISSIONER HOLLOWAY said a community meeting was held after the school was closed. That meeting was videotaped. During that meeting, people vented for four hours. Her understanding, from Mr. Mason, is that he was using that time to extract commitments from different entities in the community. He wanted everyone to commit to obeying the rules so he was working on getting letters and resolutions from the Kivalina tribal council, advisory school board, and other folks. His first priority was to get a safety officer in the village, which she believes was a good one. He was able to get a safety officer in the village before the school reopened. She did not want him to reopen the school if he deemed it unsafe, but she also did not believe it was in the best interest of the community to have children running about.

2:40 p.m.

SENATOR KELLY asked if the fact-finding team was able to determine how much of the problem was racially motivated.

COMMISSIONER HOLLOWAY said the fact-finding team did not perceive racial conflict to be part of the problem. Misunderstanding was, as well as a lack of understanding by new staff of the cultural mores.

SENATOR KELLY asked how many school staff members are Native.

COMMISSIONER HOLLOWAY said one teacher is an Alaska Native.

SENATOR KELLY asked if the team inquired about the verbal assaults on teachers.

COMMISSIONER HOLLOWAY said it is her understanding that the fact finding team found that none of the incidences rose to the level of criminal activity. Most of the incidents involved harassment and misbehavior. One teacher reported to her that she was hit by a student.

SENATOR KELLY asked if the team did not feel that calling the teachers "white trash" and telling them to go home did not have racial overtones.

COMMISSIONER HOLLOWAY said she cannot speak for the team and does not know how it interpreted those comments.

SENATOR KELLY said it seems to him, from other reports, that the problem was blatantly racial. He felt the fact that the team did not come to that conclusion makes its report suspect.

SENATOR PHILLIPS commented that toward the end of Commissioner Holloway's presentation she mentioned the NWABSD and that she was putting the blame on the top when he believes it should be from the bottom-up. He noted the NWABSD can issue all kinds of rules, regulations and policies, but unless they are accepted by the students and community, there is not much the NWABSD can do. He said the State of Alaska is paying to educate those students and expects certain standards to apply. He said he doesn't believe the state should be playing the role of parents and that certain changes must be made at the family level or the community will lose control of the school. He asked if the team came up with recommendations other than the findings in the report.

COMMISSIONER HOLLOWAY said she is not blaming the district office because communication goes both ways. She was saying the fact finding team found that very little communication was going in any direction.

SENATOR PHILLIPS said the solution has to come from the bottom up. He noted when he and Senator Olson visited the Arctic Winter Games, they heard of a very similar situation in the extreme north of Saskatchewan so Alaska is not alone. He expressed concern that this same situation could occur all over the state.

COMMISSIONER HOLLOWAY commented that the Kivalina situation presents an opportunity when identifying and designating schools in crisis. What the legislature decides to do and what it decides

the state should do is very important for the future. She said she welcomes this opportunity.

SENATOR WARD said he helped to appropriate about \$5 million for the Kivalina school about 20 years ago and then about \$1 million per year has been appropriated since that time. He asked if students were not required to show up for school on time and no disciplinary policy was in place for the last 20 years.

COMMISSIONER HOLLOWAY said she is reporting what was told to her by members of the community. She does not know whether it is true but the perception is that the school has not had high behavioral standards for as long as anyone can remember.

SENATOR WARD maintained that he knows people that attended McQueen School and that was not their impression. He said he never agreed with the Molly Hooch decision, which required schools to be built all over the state but he also does not like boarding schools so he does not have the answer. However, he believes both of those issues need to be discussed at this point. He maintained:

Parents have a responsibility to raise a child and the parents clearly have some responsibility in this but if we for 20 years have not been giving them the criteria to go to school and become educated and be productive members of the community at large - all of Alaska and the United States, then we have raised a group of people not to know how to assimilate into this society. So we bear responsibility and clearly throwing \$25 million at it certainly isn't helping whatsoever. My question is, first off I don't agree that it's been going on for 20 years. I think they probably have had this problem for about five years now - it's about 10 percent of the population that have been running wild in that school district and getting away with it. If that happened in Nikiski, Alaska, that 10 percent would get thrown out on their ear. It's just as simple as that. The troublemakers would be gone and enabling the troublemakers to stay there and empowering them - if I was in that school and I saw the troublemakers getting away with something, then instead of 10 percent it would become 11 percent because I probably would join in.

The comments that the Senator from Fairbanks made about it being racial - you know I fully understand that there is racial overtones. Most of the people that come into these small communities - they are not Native and

that's where we have somewhat of a responsibility to try to recruit more educators but I can't ever recall in the public school system that I grew up in one Native educator - not one. I seem to have got through it okay. My question is - back and forth in this discussion now, what is exactly your opinion as Commissioner of Education, on the picture of us supplying the proper education to these kids because about 80 percent of these students didn't do anything wrong and they are being punished now and they are being punished because parents - and this is not the education system and it's certainly not the funding mechanism of this body. The parents, for whatever reason, of that 10 or 20 percent have not performed the discipline things that they need and for that we now have some other children at risk. So is the answer to start back into a boarding school situation so that we can centralize and demand discipline or is it to try to build bigger and more gymnasiums and high schools in every little village? By the way, do you know how long this community has been in existence?

REPRESENTATIVE JOULE said it was probably incorporated in the late 1800s or early 1900s but there have always been people in the area.

SENATOR WARD agreed but said until government started spending some of its billions of dollars of oil wealth, a lot of these communities looked different until they were cemented into one location. He is not saying that was the wrong thing to do, but questioned whether government is trapping people in a cycle. He expressed concern that students are being trained to go to the University when many should be trained to attend vocational school. He asked what DOEED is looking at for the long term regarding the best way to deliver education.

REPRESENTATIVE JOULE noted the oil money did not start flowing until the 1970s and his grandfather taught school in the 1920s so the village has been there a long time. Regarding the issues that Senator Ward raised regarding who to blame and where we go from here, the NWABSD board has met for the last few days and CEO Mason can address where the district is headed.

SENATOR OLSON agreed that a minority of students is being disruptive and that certainly the sentiment of the school and the community is that they do put a value on education. The school was given the name McQueen School after a principal teacher who was very well liked by the community. In addition, in spite of what may appear on the surface, many successful students come from small rural communities.

CO-CHAIR GREEN told members she would like to now give CEO Mason the opportunity to speak and she reminded members that the committee must discuss the timeliness of benchmark and graduating exams, school designators and professional standards. Had those requirements not been in place, DOEED would not have some of the quantifiable information it has. The problems in Kivalina can be blamed on any or everyone but the legislature and state department officials cannot let students down. She said she joins Senator Kelly's concern about racism, however she is more concerned about a total lack of respect on the part of some people.

MR. CHARLES MASON, CEO of the NWABSD, said that he took notes while Commissioner Holloway was speaking and wanted to clear up some incomplete information. He said in his opinion, the focus should be on responsibility. He stated that one conclusion reached at yesterday's NWABSD's board meeting was that Mayor Schaefer and, hopefully, a pastor from Kivalina will visit each home in Kivalina next week and try to get as many people to attend the advisory school board meeting as possible. They need to impress on everyone the importance of this issue. It will take an effort by someone from outside of the school district to get the ball rolling at this point in time.

CO-CHAIR GREEN asked how that comports with Mr. Rose's letter to Commissioner Holloway (dated April 1, 2002) that says the NWABSD is the sole entity with the responsibility and authority under Alaska law to incorporate the recommendations in the report. She asked if the NWABSD will oversee and coordinate all efforts with Maniilaq, Mayor Schaeffer and NANA.

CEO MASON said it will take a joint effort with all the resources the NWABSD can pull together to make this work.

CO-CHAIR GREEN repeated that the letter says it is the NWABSD's responsibility and asked if he will be taking over the authority for the group that oversees and begins to do the work.

CEO MASON said the NWABSD will take that over but is looking to others for help and assistance. He then asked to clarify some comments made previously and said:

Our budget at Kivalina - \$1,361,250 - that means nothing as far as how it develops by money if you follow the formula. That's simply what it costs us to run that with our staffing formula and discretionary dollar formula but that school does generate approximately that much money. If anybody answered that question, that's not the way we do a budget, that's

because what we have at the sites is only the money they can spend under discretionary dollars. We don't worry at the local site with what personnel costs are. That's our district that does that and we staff that based on a formula. We talked about staff development earlier, the school district has ...

CO-CHAIR GREEN interjected to asked if he is saying that someone at the school, rather than the district, was asked that question.

CEO MASON said he doesn't know who was asked that question.

COMMISSIONER HOLLOWAY said her understanding is that Carl Rose asked district personnel for the budget and was told that was not the way the NWABSD did its budget.

CEO MASON said he can't answer that question except to say the team was visiting at a time when he and the assistant superintendent were there but the school was on vacation so he does not know who would have been asked. He then explained that teachers are hired for 190 days, many of which are for staff development. The school calendar contains 181 school days. During the first week of school, almost a full day is devoted to cultural related activities for new teachers. The district also spends a large amount of time reviewing the standards and assessments in early August. The district has purchased materials in recent years and has a math and language arts program that follows the state standards.

CO-CHAIR GREEN asked CEO Mason to send her a copy of the school calendar and materials used.

CEO MASON said he can make that available. He noted that the district has 12 different calendars - one for each school, and that the district uses the same curriculum for all schools. He repeated that the district has worked very hard on that during the last three years. He then stated that, regarding the comment that nothing took place for two weeks after the school shut down, which is absolutely incorrect. On the Tuesday, Wednesday and Thursday of the first week, students in grades 3, 6, and 8 were given the benchmark exam and high school students were given the qualifying exam. On the following Tuesday, Wednesday and Thursday, students in off grades were given the Terra Nova test using available staff. Central office staff was busy trying to find replacement staff.

3:10 p.m.

CO-CHAIR GREEN asked if she would see any difference if she compared the scores from this year's tests to the last three years.

CEO MASON said the district has been working in that direction and would hope so. He commented that he has seen a big difference in scores at the third grade level. The district has been trying to build this program by addressing it bottom up. It is difficult and unproductive long term to try to get anything addressed at the 9th, 10th, and 11th grade levels.

CEO MASON asked to comment on the students with behavioral problems. He told members that two high school students were expelled last year by the school board. This year four or five middle grade students were given 20-day suspensions, the maximum allowable before an expulsion. One of those students was expelled at the March board meeting.

SENATOR WARD noted CEO Mason has a very difficult job. He then asked if the group, including the Mayor and the pastor, will visit individual homes and talk with parents.

CEO MASON said that is his wish.

SENATOR WARD said he believes that will prove to be a good model because he suspects many parents do not feel empowered to control the school, while a small group was leading the school in the wrong direction. He said if that is the case, he would like the district to figure out how that parental involvement can be applied to other places.

CO-CHAIR GREEN acknowledged the presence of Representatives Cissna, Dyson, Joule and Senator Olson.

CO-CHAIR GREEN asked Commissioner Holloway what kind of team or person will go in Kivalina to follow-up and let people know just how serious this incident is. She also expressed concern about the federal Elementary and Secondary Education Act (ESEA) and asked if the state will be doing the exact reverse of what the legislature intended so that a school in distress will get more money. She asked where a school, such as the McQueen School, will fall within the spectrum of ESEA.

COMMISSIONER HOLLOWAY said DOEED has a lot to do to get ready for ESEA. It has to talk about where the McQueen School fits in the ESEA scenario. She thanked Mr. Mason and the board for the strong leadership role it has taken. She then said that the report she received about the two weeks immediately after the school closure did not have to do with the assessments given to students, it had to do with a lack of actions taken to bring the community and school together. She stated the Alaska Association of School Boards has offered to provide training and facilitation. DOEED has offered to provide technical support and has worked on a graph outline of follow-up procedures for DOEED and contains a

plan for what will be done if nothing happens. DOEED has been thinking through this process because it sees it as a precursor to the conversation about school designation. DOEED is already looking at a compliance review in relationship to the state and federal plans for school improvement, safety, and community involvement. DOEED will send a notice to the NWABSD and the regional board in terms of where they are in regard to compliance. DOEED will then explore some contract or cooperative agreements in which it might provide advisory and consultant services in partnership with the Kivalina school district. That model is based on work done with Ketchikan.

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COMMISSIONER HOLLOWAY noted the district may want to contract with private organizations, which is perfectly acceptable. DOEED is recommending that it seek support from a lot of different entities and it has already taken that action. She said DOEED has also outlined more serious steps that it might want to explore for future schools in crisis. She thanked members for their time.

CO-CHAIR GREEN asked Commissioner Holloway to provide the committee with an outline of who is responsible for what under Alaska's Constitution and statutes. Her second request has to do with FERPA. She would still like to find a way to get access to information without violating anyone's privacy. The state has to figure out how to get information out, otherwise all of the grief the legislature went through when implementing the requirement for a high school graduation exam was worthless. She pointed out that some states have been granted a waiver from FERPA or have found a way to exchange information but not publish it. She said the committee needs the ethnic comparisons statewide and would alike to know what other areas of the state the legislature should be concerned about - schools that may not have reached the same level as the McQueen School. She wants to know with absolute certainty that between now and 2005 the legislature is getting information about schools in crisis so there are no more surprises.

COMMISSIONER HOLLOWAY responded that DOEED has wanted to put together a prevention and crisis team and has asked for money for the Alaska Center for Student Excellence for that purpose. She would like to see districts be comfortable enough right now to call DOEED and ask for help or an audit. Then, DOEED needs a crisis team that is ready to go if a situation arises similar to Kivalina.

REPRESENTATIVE DYSON said his reading of all of paperwork placed in front of him shows that the local, Native teachers were also treated with disrespect. That flies in the face of the belief that the problem is a racial one. He stated he was disappointed

that the school did not follow the state law that requires it to go through a process with the community to establish agreed-upon behavior and safety standards, and he was disappointed to find that was not in the report until Mr. Rose talked to his staff. He didn't think the team considered that as a factor, and he looks forward to DOEED writing regulations to enforce that requirement. He then referred to page 20, and said that the discussion about the solution refers to "educators, parents and community members." He believes the order is wrong and that educators should be last. He then asked Commissioner Holloway to consider two questions before the next meeting, the first being how to get community buy-in for these schools so that communities understand the school is theirs. The second question is how to get more responsible and independent school boards.

CO-CHAIR GREEN said she would like to schedule a follow-up meeting the next week and asked members to let her know if anyone has questions of the Commissioner or the team or anyone else involved.

SENATOR WARD requested a copy of Mayor Schaeffer's report when it is completed.

COMMISSIONER HOLLOWAY said the entire fact finding team is open to a discussion.

CO-CHAIR GREEN then adjourned the meeting at 3:25 p.m.