

ALASKA STATE LEGISLATURE  
**SENATE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE**

March 22, 2002

1:35 p.m.

**MEMBERS PRESENT**

Senator Lyda Green, Chair  
Senator Gary Wilken  
Senator Bettye Davis

**MEMBERS ABSENT**

Senator Loren Leman, Vice Chair  
Senator Jerry Ward

**COMMITTEE CALENDAR**

Department of Education and Early Development Overview: ESEA  
Implementation

**PREVIOUS COMMITTEE ACTION**

No previous action to record.

**WITNESS REGISTER**

Dr. Ed McLain  
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Dr. P.J. Ford Slack  
Director, Teaching and Learning Support  
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Mr. Mark Leal  
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**ACTION NARRATIVE**

**TAPE 02-23, SIDE A**

Number 001

**CHAIRWOMAN LYDA GREEN** called the Senate Health, Education & Social Services Committee meeting to order at 1:35 p.m. Senators Wilken, Davis and Chairwoman Green were present. Chairwoman Green informed members they would hear from representatives from the Department of Education and Early Development (DEED) on the Elementary and Secondary Education Act (ESEA). She asked DEED representatives to alert the committee to anything it needs to be aware of as DEED gets ready to implement the ESEA.

Dr. Ed McLain, Deputy Commissioner of DEED, told members that Dr. P.J. Ford Slack and Mr. Mark Leal prepared a 45-minute presentation for committee members.

DR. P.J. FORD SLACK, Director of Teaching and Learning Support, DEED, informed members that the ESEA is also know as Public Law 110, HR 1, and the "No Child Left Behind Act." She made the following comments.

The law was reauthorized in December to ensure that states, regardless of individual state policy and philosophy, provide children with a fair, equal and significant opportunity to obtain a high quality public education. In Alaska, this law touches all public schools, charter schools, correspondence schools, head start programs and universities.

The law itself is one of the most significant reaches into the states' rights to design public education in about 200 years. While the law suggests great flexibility, added dollars and, in truth, the criteria to qualify for these title schools is quite tight and the State of Alaska also receives the second lowest percentage increase in funds of all of the states that received increases. The average increase was 13.2 percent. Alaska received an 8.9 percent increase.

She does not believe anyone can find fault with the spirit of the ESEA, however it has presented challenges for all states, both large and small. There are ten title programs. This presentation will focus largely on Title 1, Part A, with some specific pieces from Title 9, which is about dangerousness, and Title 3, about the requirements for limited English proficient students and Alaska Native heritage students, and Title 2, which now holds most of the information about creating high quality educators.

She and Mr. Leal have focused on the things they understand will

be most challenging to Alaska at this point. The ESEA is a 1200 page document. Guidance [from the U.S. Department of Education] will not be given until sometime between August and September on only the standards, accountability, and academic yearly progress therefore, DEED is still "swimming" through some sections of the ESEA.

DR. FORD SLACK explained that her presentation will focus on three areas and Mr. Leal will focus on the areas that present the most challenges for Alaska so far: accountability; data collection; and the assessment piece. She began her presentation.

The number one area that we are working on currently, and most of my staff is working on, is on the researched-based programs and practices. This was a call for all programs and instruction, specifically reading, to be scientifically researched based programs. These programs and practices were to improve instruction, realign reading programs so that all students would be reading by age three, and focus resources and the ability to inform parents and community.

The main focus in this area has been the early reading first program, the reading first program, and proceeding that was called the Reading Excellence Act. When they talk about these programs - which they're all really wonderful ideas - they talk about them, I believe, in terms that we think that we can get them into all our schools. Unfortunately, the funding is really quite tight and limited to very specific criteria and while I believe, as the State of Washington and the State of Oregon have also learned because they're ahead of us in implementing their Reading Excellence Act, that all schools would benefit from this currently as we begin the REA part - the Reading Excellence Act - and later into the Reading First. We will be limited to those schools that can indeed apply for the grant, agree to using very prescriptive, scientifically based reading programs, and it will be on a case-by-case basis and their specific criteria and we can get you that application for the Reading Excellence Act districts.

The funding for Reading First is only \$2.2 million. I bring that up because at a recent reading leadership conference in Washington, I was seated with the assistant superintendent of curriculum from Anchorage

and we were sitting there calculating what we could do if she did just what she did in Mountain View with all the rest of her elementary schools and we figured out it would cost \$9.2 million for the Anchorage School District alone. So you can see that it's a great idea. It has a lot of possibilities but in order to train your staff, to train your principals, as Senator Davis pointed out in an earlier piece she's working on, to get your aides trained, to get the right curriculum in, and to do ongoing comprehensive data collection does, indeed, take a lot of time preparation and some dollars behind it.

Other challenges Alaska has [have] to do with the diversity of our population's languages. As a state, we have the most diverse world languages, although our population size with those world languages is not large and we also have one of the most diverse groups of heritage languages. The challenge for us will be making sure that we honor the heritage languages and the heritage immersion programs that are currently going on and being successful, as well as providing support at those early years for English language acquisition and there is a challenge there. I've worked in New Zealand. It was a challenge there to do that because that is the time that a child learns how to read and write in English and most heritage languages are not the same sort of base as an English language system. There is an expert here in the State of Alaska that has been involved with a longitudinal study, Dr. Todd Risley [ph]. We're hoping to get some good advice from him on early language acquisition. He and Dr. Betty Hart have done a wonderful job and the federal government has encouraged us to look at our local experts for advice in that area.

Many of our districts would like the funding for the reading support, however our funds, as I mentioned, are small and restricted by the terms of the Reading First and the Reading Excellence Act. However, because Title 1 in the assessment section has encouraged states strongly to develop a seamless system between their designations, it appears that Alaska would do well to consider all of the pieces that we have for the Title 1 schools and look at those as being part of a comprehensive program for all of our schools to ensure that by the year 2014, as the law requires, that we will have 100 percent success by grade 3, or at the

proficient level.

I think that there are many issues with the reading piece that we are all struggling with. I believe that we have excellent staff in this state. We have excellent advice. We are a state, as you know, that is challenged because of our distance and our uniqueness and we are funded now not in the way we have been funded in some of our title programs before but strictly by population and that will indeed become something that we need to wrestle with at the department, and hopefully with the legislature's support and advice.

Number 2. Assuring quality teaching. And I am going to add this not only because I know that it is near and dear to Senator Davis's heart, but it is also near and dear to mine - that includes also principals and all of our administrators.

CHAIRWOMAN GREEN asked if the handout about implications of HR 1 contains a reference to quality teachers.

DR. FORD SLACK said that is in Title 2.

CHAIRWOMAN GREEN asked if Eisenhower professional development is part of that.

DR. FORD SLACK said it is in that section.

CHAIRWOMAN GREEN informed members it is on page 15 of the handout. She then asked Dr. Ford Slack to continue.

DR. FORD SLACK:

Title 2, and I'll mention it for the committee, is where you may hear most of your districts talking because that is also where they have moved the class size reduction allocation. I know that many of your districts are very concerned about this appearing to be zeroed out and I'm going to try, as clearly as I can, to clearly state what I heard in D.C., what I have heard the federal government say to us about this issue of class size reduction. And it was moved in to ensuring high quality education personnel because there was some belief in the House and Senate that reducing class sizes did not have a research base to prove effectiveness and was, indeed, not supporting children moving toward the proficient level in reading, writing

and math.

So, what this particular section says, it is really about enhancing your teacher and your principal quality. It is certainly, as Dr. Sclafani said, also recognizing the need that we need highly trained professionals in math and science. Again, and it's almost like a repeat, I think, of the 1960s and some of us in this room may be old enough to remember after Sputnik, but it appears that we are being asked to do the same thing. However, they're not mandating. They're saying that they expect to see this. They're saying that if they have Title 1 schools that do not have highly qualified teachers, then they will look to how these funds are being expended or they will expect the state to look at how these funds are expended.

If a school or a district decides to use the funds to reduce class size, then that school - that district, that school - had best be able to show that they have well trained math and science teachers, that they have highly qualified principals that are implementing the curriculum, collecting data, making sure all students can learn, that their teachers are being trained and then there would never be any question. If, however, you end up in a school improvement site and they've used all of their funds to reduce class sizes and they still say, well we don't have teachers that are teaching in science and math because we couldn't get them or we don't have principals that have stayed with us, then we as a state are supposed to ask the question why did you not use your Title 2 funds to develop your staff, your personnel, to ensure that all students could learn.

CHAIRWOMAN GREEN asked Dr. Ford Slack if teachers and principals are on an equal par throughout Title 2 or if that is her emphasis.

DR. FORD SLACK said Title 2 specifically mentions principal training. She noted that teachers and para-educators are the number one and two groups that are mentioned the most but principals are mentioned. She said that she did some research on the Texas education system and learned it has an extensive principal development program within school districts. She said she believes the references to principals in Title 2 came from the reform efforts in Texas. She repeated that Title 2 emphasizes highly qualified teachers and para-educators. She noted Alaska is facing one of the largest teacher shortages in 40 years. The fact that Alaska recruits from 48 other states puts it at a

disadvantage and will require Alaska to be more creative in recruitment and retention efforts. She said the same applies to para-educators but she believes DEED made the case with Dr. Sclafani that the para-educators in some areas Alaska are some of its most mature and stable educational force so to go in and unilaterally upturn that particular group of educators would not be good. She said Alaska is very fortunate that DEED's special education section was successful in receiving a grant from the federal government two years ago so Mr. Maloney has been working diligently on para-educator training modules and a more interactive and fun way to strengthen a para-educator in a remote site. DEED believes that system can easily be adapted for Title 1 and other para-educators who need support. DEED believes that reading strategies can be easily added. It will also allow the state to use its own qualification criteria. She said that DEED recognizes and values its unique para-educator work force.

CHAIRWOMAN GREEN asked Dr. Ford Slack if a typical para-educator would be someone who has not finished a Bachelor degree and was a non-education major.

DR. FORD SLACK said that is correct and that many times para-educators do not have specific training except for training provided at the school site. She noted that is not the case with special education para-educators because state regulations require six hours of training.

CHAIRWOMAN GREEN asked if DEED is in the process of providing certification for para-educators.

DR. FORD SLACK said the districts make the decisions but that Cindy Curran, the head of DEED's teacher certification program, in cooperation with DEED's special education and title folks, are looking at different ways to encourage and recognize para-educators to see if any might be an option for Alaska.

SENATOR WILKEN asked if Alaska passed a law two or three years ago that allowed para-educators to be in the classroom in their home districts or whether it applied to another group.

DR. FORD SLACK said she was not familiar with that law.

SENATOR WILKEN asked if the issue of para-educators is foreign to Alaska in comparison to other states.

DR. FORD SLACK said what is foreign to the federal government is the fact that Alaska has sites as remote and rural as it does, even in comparison to Montana and Wyoming, and that perhaps the para-educator population in those areas may not be as stable as Alaska's.

DR. MCLAIN thought the law Senator Wilken may have been referring to grants special certification for some of Alaska's language specialists or content specialists that may be local residents with a special skill. He said when DEED asked Dr. Sclafani how those people should be treated under the ESEA, Dr. Sclafani emphatically stated that those people were not considered as certificated under federal law. However, as her three-day visit went on, he believes Dr. Sclafani became open to the idea that she did not have all of the information for that type of program.

SENATOR WILKEN commented that the state would want to protect those people in the rural areas and not allow the federal government to make it hard to hire those types of employees.

DR. FORD SLACK explained that "para-educator" is one term that is used. Other categories of employees include special education aides, instructional aides, and language aides. She said she appreciated Senator Wilken's question because the issue of whether a heritage language aide who works one-on-one with a cognitively disabled student would be required to be certified will have to be worked out with the legislature and the State Board of Education.

2:00 p.m.

CHAIRWOMAN GREEN asked if some of the issues could be semantic rather than substantive in nature.

DR. FORD SLACK said that DEED must submit its first consolidated state plan to Washington, D.C. by May 28 to receive funds by July 1 and that plan will begin to address specific pieces. All DEED staff is working together on this plan, rather than taking a compartmentalized approach, so that it can mesh all state programs, as well as federal programs.

DR. FORD SLACK continued her presentation:

The third piece that I would like to bring our attention to, and then we're going to let Mr. Leal go into a more in-depth focus of where we are with our state accountability, assessment, data collection, and reporting, is actually the piece that we do need your help with and that we will be struggling with. We're not alone that way. Dr. Sclafani was very clear that when the US DOE went looking at states, and particularly the small population states, they learned that departments of education were no longer the size of some departments of education in the states that have already undertaken probably 15 years of reform, such as Kentucky or Louisiana or Texas and therefore,

the data requirements in this particular act are large. And I'm not here just to say the data requirements are large for the Department of Education. My concern, and I know that Mr. Leal's concern is that we have data requirements, reporting requirements, not only that will drive instruction and are important for driving instruction and looking at improvement, but we have schools that don't have the capacity at all to do the type of data collection, reporting, analysis and just sending a simple [indisc.] to the department right now. We're slowly gearing up. We've been gearing up since we put in our testing requirements here in the State of Alaska. I believe we've been gearing up since 1994 in a good, consistent, slow, purposeful way. This law has put us on a fast course because there are reporting requirements that we're going to need to adjust our state reporting requirements for. There are reporting requirements by school and district, which Mr. Leal will go into, and I think it was very telling when Dr. Sclafani said that they found only six states currently prepared to be able to do the data reporting, collection and analysis that this law clearly requires.

So, we're into an annual testing plan from grades 3 to 8, plus once in grades 10 to 12 and, again, Mr. Leal will go into this in some detail. We have a goal of 100 percent proficiency in 12 years. We now have a biennial NAEP testing requirement in reading and math in grades 4 and 8 and that will require the state to hire a NAEP coordinator. That is not with our funds. There is federal funding for that position but we still have to get a qualified person. We will have testing in science and we'll have testing yearly for limited English proficient students and that means we need to select the test that all of our districts can use so that the data that comes into the state, and that we report to you as well as, of course, to the parents and the general public, is good and consistent and that we know what it is.

We hope to, with all of these data requirements and reporting requirements, the US DOE and, of course, the spirit of No Child Left Behind, is hoping to close the achievement gap by using these particular pieces and any pieces that the state might add, such as monitoring attendance, participation rates and testing, graduation rates, etcetera. Data is the key and the state is charged to ensure that all districts and schools

provide the data required in an accurate manner.

They believe, and I believe that most of us believe it, as soon as we really get our hands really around this, that this data will not only provide our parents with a better understanding of how their schools are doing and therefore, of course, how their children in those schools are doing, it should provide our elected officials a better understanding of what is happening in their areas and across the state. It would also provide, we hope, for some analysis that will give feedback to principals and others on what is needed to develop their teachers, their aides, their principals, their own central office folks.

CHAIRWOMAN GREEN asked if any of the reporting requirements will replicate the school designator requirements.

DR. FORD SLACK said it will and that Mr. Leal will discuss that. She concluded by telling legislators that DEED and the legislature will have to work as partners. She would like to see a stronger tie between DEED and the professional organizations so that DEED can support school districts in a much more comprehensive way. She said she also believes that the challenges that are presented in the ESEA may provide the state with better instructional strategies in the long run. The ESEA will require everyone to be more alert and accountable.

SENATOR WILKEN asked if the ESEA also applies to universities.

DR. FORD SLACK said it does. Pieces of Title 2 specifically refer to partnerships between DEED, school districts, and the university. The university will not get a lot of money, but it is clear that with the reauthorization of this bill, the US DOE expects universities to work in partnership with state departments of education and the districts. She pointed out that Dr. Sclafani learned that Alaska has some unique features and that it does not produce the amount of teachers and administrators that many of the other states do. Therefore, Alaska's ability to impact some of the many people that it brings into the state may require DEED to "put our heads around a different interim delivery system" to make sure that people brought into the state clearly know what the State of Alaska requires.

SENATOR WILKEN asked how much money the 8 percent increase represents.

DR. FORD SLACK clarified that Alaska received an increase of 8.9 percent for all programs, including special and vocational

education. DEED believes it will amount to about \$20 million. She noted Alaska is the test case right now just to see what its district allotments will be under Title 1. It contains features that DEED cannot calculate so the US DOE is running the figures, which should be available next week.

MR. MARK LEAL, Director of Assessment, DEED, distributed a handout to members that followed the slide presentation he would give. He affirmed that Dr. Ford Slack's response to Chairwoman Green's question about the school designator requirements is part of the reason DEED requested an alternative time line. DEED is not sure how to two will fit. Right now, DEED is putting the finishing touches on the model. DEED is proceeding with status and growth and there have been some indications that the model will not fit very well with the ESEA. He added that a number of other states are in a similar position. DEED and the other states are providing input and waiting for the federal government to give direction.

CHAIRWOMAN GREEN asked if the ESEA makes it more important to have legislation in place, rather than less important.

MR. LEAL replied, "It makes it more important that it be two years." He then said he would focus his presentation on assessment, accountability, and reporting requirements. He said that Dr. Sclafani gave committee members a good overview of the ESEA. Now, DEED is trying to figure out the details of what the changes in the ESEA mean for districts and individual schools. He said the phrase, "The devil's in the details" is applicable because the ESEA contains many details that have implications for the state.

MR. LEAL began his slide presentation. He said the annual tests in reading and math given to students in grades 3 through 8 need to be aligned with the state standards. The test results are the primary piece of the accountability system. That system for the state, districts and schools needs to be based on performance on the state assessments for all students and for students in subgroups (race and ethnic groups, students with disabilities, students in poverty, and limited English speaking students).

CHAIRWOMAN GREEN asked if different assessments will be given to the subgroups.

MR. LEAL explained the same assessments will be used but DEED will report aggregate data. He then continued with his presentation and said the requirements for assessments mandate that at least 95 percent of all children in the state be assessed, as well as at least 95 percent of each subgroup. That will have quite an effect on Alaska because many schools will

need 100 percent participation. In order to not test one student, a school must be able to test at least 20 students, which some schools do not have.

MR. LEAL discussed the state testing requirements:

- 2002-2005 - Reading and Math: Must test annually in one grade, 3-5, 6-9, and 10-12. He noted that Alaska already meets this requirement with the benchmark tests.
- Beginning in 2002-2003 - must annually assess LEP students on English language skills. DEED needs to select a test to be used for that assessment.
- Beginning in 2003 - NAEP - Biannual tests in Reading and Mathematics. Test random sample of state students grades 4 and 8. Scores used to confirm state progress. Mr. Leal stated that test will be used to compare how Alaskan students do based on Alaska standards to how they do based on the federal standards of NAEP. Grade 8 students will be given both the NAEP and the benchmark test which will provide a clear indication of how Alaska has established its cut points for advanced and proficient in relation to the federal government's cut points.
- Beginning in 2005 - Reading and Math: Must test annually, every grad 3-8, plus one grad 10-12.
- Beginning in 2007 - Science: Must test annually in one grad, 3-5, 6-9, 10-12.

CHAIRWOMAN GREEN asked how the exit exam will fit into the ESEA.

MR. LEAL told members the exit exam raises an interesting question for DEED because there is no federal requirement for a high stakes exit exam. He added that DEED has just done a major overhaul of the high school exit exam to refocus on the minimum competencies of essential skills. The federal requirement for that grade 10-12 test is that DEED be able to identify at least two areas of high performance so DEED will need to administer a test in which proficient and advanced students can be recognized. That puts DEED in a box because the previous test could have been used to identify advanced students but, if it is used, DEED is faced with using a high stakes exam for students. He said one way around the dilemma is to administer the previous test at grade 11 or 12.

CHAIRWOMAN GREEN asked if DEED could use the previous test for the ESEA requirement rather than for the high school exit exam.

MR. LEAL said DEED would need to be able to go back and set the additional cut scores because the new scores only measure

proficient or not proficient. He said the only problem he sees with using that exam is that it is extremely expensive to score. He said once DEED settles on one form, some of the costs associated with the high school exit exam would go down a bit.

CHAIRWOMAN GREEN asked if it is a random sample test or a test of the entire population.

MR. LEAL said it is for the entire population. He then continued and said there are several requirements associated with reporting results from assessments. They must:

- Produce individual student interpretive, descriptive and diagnostic reports.
- Disaggregate achievement levels by different groupings.
- Enable itemized score analysis to be produced and reported to districts and schools. He noted DEED will have to work with its test contractor on this requirement.

CHAIRWOMAN GREEN asked for an explanation.

MR. LEAL explained the test would be scored and the school would receive a report that determined what percentage of students gave the correct answer to each question. Right now, DEED can provide proficiency levels and scores on each performance standard. This requirement delineates one more level to provide scores on each question.

CHAIRWOMAN GREEN responded, "It would appear to me that this is the only reason you would give this kind of test - so you could go back and say over in Building X, or whatever, those teachers aren't teaching fractions worth a darn...." She asked if the lack of a specific skill or concept in a particular classroom could be determined.

MR. LEAL said it could but cautioned that would take specific interpretation at the school site because one of the dangers of reporting at the itemized level is that if the test doesn't change, teachers get good at teaching to specific questions.

MR. LEAL continued his presentation and said regarding the testing of students in English, students who have attended schools in the U.S. for three consecutive years in English must be tested. He noted that was intended for states with large immigrant populations. It does not address the immersion programs in Alaska. Dr. Sclafani indicated that it was the federal government's view that students should be able to read in English by the third grade. States with immersion programs need to split

those programs so that students learn English in the early grades also.

TAPE 02-23, SIDE B

CHAIRWOMAN GREEN asked how Alaska's immersion programs works.

DR. FORD SLACK told members the immersion programs that are normally used with indigenous language groups are most often based on the Kohenga-reo movement from New Zealand, which is known as the "language learning nest." The concept behind that program is that to hold on to a language that is culturally based and different from a European-based language, speakers must speak to children consistently in that language only. The belief of the Maori, and later the Hawaiians, was that the students were hearing plenty of English elsewhere so Native languages should be used exclusively in the school setting. In New Zealand the Native language is used all of the way through high school with curriculum development in Maori but New Zealand is bilingual with English and Maori holding equal stead. She noted she has had some experience with the use of that concept with the Navajo and Ojibwa peoples. Students cannot be more than two generations removed from the speaking of the language. In Alaska, current generations speak their Native language. She believes school districts are trying to replicate that system using the Native language exclusively from pre-school through fourth grade. She noted that scientifically based reading programs are clear that English language happen during those same years, which requires a fair amount of English to be spoken so DEED is faced with a challenge in working with districts that have brought in language immersion programs or are in the process of developing programs with their Title 7 and Title 3 funds. She said DEED and the BIA have some particular issues to work out and that the US DOE is not flexible on its requirement that students be able to read English proficiently by grade 3.

CHAIRWOMAN GREEN asked if a student in an immersion program through the fourth grade would not be subject to testing until the seventh grade.

MR. LEAL said the implications are that those students would have to be tested every year. The three-year window would apply to a student who went to school outside of the country. He noted students in the language immersion program in a public school would not fall in that category and would have to be tested in English.

SENATOR DAVIS asked if students in immersion programs now have to

be tested.

MR. LEAL said they do.

SENATOR DAVIS asked if the difference under the ESEA is that those students must read proficiently in English by grade 3.

MR. LEAL said that is correct.

CHAIRWOMAN GREEN commented that will be quite a challenge.

MR. LEAL informed members the ESEA requires three reports: a state report card; a state report to the Secretary of Education; and district report cards. The first state report card needs to be produced no later than the school year, beginning next year and must contain student achievement at each proficiency level on the aggregate and disaggregated, comparisons between achievement of subgroups, and the most recent two year trend. DEED disaggregated scores this last year but those scores were not included on the report card. It has not compiled comparisons of achievement of subgroups. It currently reports aggregate proficiency levels and the recent two-year trend. He noted DEED currently reports graduation rates but not in the way the federal government wants them so that method will have to be changed in regulation. Additional reporting requirements will be the achievement levels for sub groups as compared to annual goals, the percentage of students not tested disaggregated by category and subject, and an explanation of the state's accountability system.

MR. LEAL told members the state report card will also require reporting of:

- the professional qualifications of teachers;
- the percentage of districts making adequate yearly progress;  
and
- the number and names and schools in improvement.

DEED will need to add those categories to its current state report card as those figures are not currently identified and reported.

MR. LEAL said the requirements of the report to the Secretary of Education mirror the requirements of the state report card except the report to the Secretary also requires DEED to report the results from the English language proficiency testing of limited English speaking students and drop out data for all districts and schools disaggregated by race and ethnicity.

MR. LEAL reviewed the district reporting requirements as follows. Districts will have to report virtually the same items for the district and each school that receives any federal funds [slides 14, 15 and 16] as the items required in the school report card. He said he can't stress enough that amassing the information will be a huge task. He noted that even the large districts that have data capabilities will have to significantly change and add to their capacity. A number of districts do not have the capacity to collect and report the information so DEED will need to work with them and figure out a way to verify the information.

CHAIRWOMAN GREEN asked if the reports must be done by next Spring.

MR. LEAL said the first year of reporting begins in September of 2002.

SENATOR WILKEN asked if the federal government gave the state money to implement those changes.

MR. LEAL said Alaska received \$3.5 million to develop assessments. The federal government has indicated that if the state has already developed assessments, the state can use some of that money for data enhancement. DEED does not have all of its assessments developed yet.

CHAIRWOMAN GREEN asked how many extra personnel will be required in a small, medium and large district to compile the information.

MR. LEAL said he could not answer that question. He noted that DEED should be able to set up and provide templates to school districts to gather the information. He surmised that the larger school districts will probably want to develop their own templates to fit their data capabilities while others will be asking DEED for the answer.

MR. LEAL referred to page 9 of the handout and said the key to accountability for the ESEA is the concept of adequate yearly progress. States are charged with defining adequate yearly progress and once they set baselines, they must establish goals so that all students will be proficient in 12 years. The starting point is the number proficient in the lowest achieving schools or the lowest achieving demographic subgroup, whichever is higher. He explained that to determine the starting point for math for example, DEED will take all of the scores statewide for math from the 3rd, 6th, and 8<sup>th</sup> grade benchmark test and list the schools based on percentage of students proficient. Therefore, a school

with 100 percent of its students proficient at grade 8 would be the number 1 school. All schools would be rank ordered and the school at the 20<sup>th</sup> percentile would become Alaska's baseline. DEED is currently working with its school designator contractor to create a model based on last year's data. He said the baseline must be established this summer.

MR. LEAL referred the bottom of page 10 of the handout and said the chart shows the concept in the ESEA of increasing achievement over time with the goal of 100 proficiency at the end of 12 years. He said if DEED finds the starting point on math this year is 40 percent proficient, it will have to set measurable goals to achieve 100 percent proficiency in 12 years.

CHAIRWOMAN GREEN asked if a penalty will be enforced if there is no progress in seven years, for example.

MR. LEAL said the ESEA contains sanctions for each school and each district. He added that each subgroup will also have to show adequate yearly progress.

CHAIRWOMAN GREEN commented, "This makes the designator program look like a piece of cake."

MR. LEAL addressed slide 21 on page 11 of the handout, which defines the sanctions. Districts must identify the schools that fail to make adequate yearly progress at the beginning of each school year. After two consecutive years of not meeting adequate yearly progress, the school would be expected to develop an improvement plan to cover a two-year period. The school would receive technical assistance from the district and they would need to provide school choice for which the district would pay transportation costs. After three years of not meeting adequate yearly progress, the district would need to provide supplemental services to students from independent service providers at the district's expense.

DR. MCLAIN added that to give members a sense of the immediacy of the ESEA, he recently signed letters for six school districts with school sites in their second to third years of making inadequate yearly progress. Those districts will have to provide school choice and transportation for students. Even though the federal government cannot dictate how districts will provide transportation, the law still applies even though the nearest school might be 100 miles away. This will become an immediate issue for Alaska.

MR. LEAL referred to page 12 of the handout, which delineates the

sanctions after four years of inadequate yearly progress. A school would move into a corrective action status and the district would have to implement at least one action. The list of corrective actions includes:

- Replacing staff
- Implementing a new curriculum
- Decreasing management authority at the school level
- Appointing an outside expert
- Restructuring the internal organization of the school.

In addition, the district would have to continue to offer supplemental services and public school choice to students.

After five years of inadequate yearly progress, the district would need to prepare a plan that would take effect within a year. That plan would require the district to implement at least one of the following options:

- Reopen the school as a public charter school
- Replace all or most staff
- Enter into a contract with a management company
- Turn over the operation of the school to the state.

He pointed out that a school must make adequate yearly progress for two years before any sanctions can be removed.

He stated that, regarding supplemental assistance providers, there will be additional responsibilities to the state. DEED will need to maintain a list and develop criteria to measure the effectiveness of the providers.

CHAIRWOMAN GREEN asked who would be defined as a provider.

MR. LEAL said DEED will have to develop standards by regulation. Providers would include private tutors. DEED will be in an awkward position because it wants to be able to assure the quality of providers but it does not want to be accused of limiting choice for parents.

CHAIRWOMAN GREEN asked if other states have begun the process of licensing providers.

MR. LEAL said some states are moving in that direction but many are expressing doubt about that route. He noted they are waiting for further direction from the US DOE.

MR. LEAL noted the reporting requirements for schools identified as needing improvement will provide notification to parents no later than the first day of school. That notification should explain what identification means, how the school compares with other schools in the local attendance area, the reasons for identification, and what the school is doing to address the problem. DEED will annually review the progress of all districts to make sure they are making adequate yearly progress and it will publicize the results of its review. He pointed out the remainder of the handout lists the accountability provisions for districts. He then offered to answer questions.

SENATOR WILKEN asked if it would be possible to see the ESEA requirements formatted in a timeline from 2003 to 2005.

MR. LEAL said DEED has been working on a time line for the next three months, which is huge, and eventually plans to create a timeline for the next three years. DEED is looking for the best way to communicate this information to interested parties.

DR. P.J. FORD SLACK informed members that DEED has always been challenged to find highly qualified people. Other states are equally challenged and are recruiting from DEED. She commented:

So while departments of ed haven't been mentioned in this law, I believe that we are also an endangered species. I know that some of the members of this committee have seen me in other roles and I thought that I had seen the federal law that would beat all federal laws with IDEA and all of its iterations, but I must say that this law, in itself, if people don't retire they may be thinking of a new profession here pretty soon.

CHAIRWOMAN GREEN said she has heard many concerns expressed about the school designator program but its requirements are nothing compared to the ESEA.

DR. MCLAIN said her comment brings close to home the reason why DEED put forth legislation to align the date for the state accountability school designator program. He thanked the committee for its efforts on that legislation. He said that DEED has been working on the status and growth piece, which has been very complicated, only to find out now that the US DOE may have some of its own ideas about whether or not the state can do that. Therefore, DEED is looking at meshing all that it has already done and, thankfully, the rules are not set in cement. He

commented that Dr. Ford Slack and Mr. Leal have been involved in the norm referenced/criterion referenced debate and did not have time to discuss that with the committee today. On that issue, the US DOE has been moving more towards Alaska's position.

CHAIRWOMAN GREEN asked if there were any further questions.

There were none.

CHAIRWOMAN GREEN wished the DEED representatives well and asked them to keep legislators informed of any legislative changes that may be on the horizon. She then adjourned the meeting at 2:52 p.m.