

ALASKA STATE LEGISLATURE  
**SENATE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE**  
Work Session  
April 12, 2002  
1:34 p.m.

**MEMBERS PRESENT**

Senator Lyda Green, Chair  
Senator Jerry Ward

**MEMBERS ABSENT**

Senator Loren Leman, Vice Chair  
Senator Gary Wilken  
Senator Bettye Davis

**OTHER LEGISLATORS PRESENT**

Senator Donny Olson  
Representative Reggie Joule

**COMMITTEE CALENDAR**

STATEWIDE SCHOOL SAFETY REPORT/MCQUEEN SCHOOL CLOSURE, KIVALINA

**PREVIOUS COMMITTEE ACTION**

See Joint Senate HESS & CRA minutes dated 4/3/02.

**WITNESS REGISTER**

Mr. Carl Rose  
Association of Alaska School Boards  
316 W 11th St.  
Juneau, AK 99801

**POSITION STATEMENT:** Presented report on the McQueen School Closure

**ACTION NARRATIVE**

**TAPE 02-28, SIDE A**

Number 001

**CHAIRWOMAN LYDA GREEN** called the Senate Health, Education & Social Services Committee work session to order at 1:34 p.m. Committee members Ward and Green were present, as well as Senator

Olson and Representative Joule who represent the Kivalina district. She asked Mr. Rose to discuss his project report.

MR. CARL ROSE, Executive Director of the Association of Alaska School Boards, informed members that he was the leader of the fact-finding team that went into Kivalina in the Northwest Arctic Borough School District. He gave the following statement.

In context I would say with a fact finding team such as this, if it were a school or if it were any entity, I think you'd want to start by trying to get an answer to the question why. As we went into Kivalina, we asked some questions why, in terms of some of the concerns over safety that [were] reported in the paper. As we got on site and looked at some of the information, we had some concerns over student learning. As we took a look at the facts, we were more concerned with student learning than we were with some of the evidence we were seeing in terms of safety and, if I could for a moment, we had Trooper Greenstreet from Kotzebue with us. Much of the concern over behavior was either investigated or addressed by the troopers and the behavior did not rise to the level of illegal - legal question. What did happen was we did evidence that there was some aggressive behavior, some bad manners but none of it rose to the level where the troopers needed to press charges.

What was most alarming to us was we started to look at some of the information on student learning, some of the data, and we were very concerned with what we saw. Going back to my early comments, we asked the question why. We asked the question why, we looked at the processes that were being delivered and that led us to examine some of the strategies that were being employed, which led us to some of the goals, which led us to the mission and eventually the overall vision of the school district.

What this report represents is all of the "disconnects" between those entities. I'm talking about the school child in the classroom, the parents and teachers, the community and school, central office, executive staff and eventually the school board - up and down. We found that there were issues regarding trusting relationships. There was a lack of cooperation and ultimately communication.

CHAIRWOMAN GREEN asked Mr. Rose if he is referring to the students.

MR. ROSE said he is talking about the systemic approach of delivering education so from the policy arm of the school board down to the delivery to the child, there were areas of disconnect that caused people to ask a lot of questions. He then continued his report.

They were not well informed, communication was not taking place, there didn't appear to be a lot of cooperation and, as I mentioned, those trusting relationships. Well, when you deal with the system, these are critical issues. More importantly, as we did our investigation and we took a look at what we were seeing, ultimately we found that the needs of children were not being addressed - they weren't the highest priority. All of the report as you have received, much of that report - the majority of the report deals with adult behavior and I think we conclude that it is the adult behavior that needs to change and it's much more important than kids'. Our evidence has been that we model what we teach or we're teaching something else. And, I think in the case of Kivalina, some of the adult behavior is pretty much being modeled by some of the kids.

The state should be alarmed with the way that this was advertised in the paper. I do want to tell you that there is tremendous room for improvement. I think that there are a number of options that are available for the district to exhaust before state intervention but as you can see in the conclusion in my report, or our report, we talk about a group of people led by a competent - I think we referred to it as a competent team leader - to come in and address the needs or the behaviors that led up to the closure of the school, one, and secondly an education improvement plan. I think that there's a tremendous amount of opportunity here and I think they have the wherewithal within the district. You're already funding that school through the foundation formula. I've - I was concerned about how this report would be received by many of the people here, simply applying a cost-benefit ratio to the amount of money that's spent and the outcome that is received. So, I was well aware of that.

I'd like to talk to you just briefly about another thing that concerns me. We're on the verge of designating our schools. I think Kivalina may be one of many examples. I think the way that we go about addressing the Kivalina incident in terms of improving that situation will be key to the model that we employ with schools that we identify as poor performing schools. So with that I wanted to share with you that the School Board Association is very concerned about this. We deal a lot in the area of governance. We deal a lot in the area of leadership and in community engagement and we will work with Northwest Arctic to try to address some of those issues but let me be clear - this cannot be a top down or a bottom up: it has to be both. There needs to be a willingness throughout the district to work together and put the interests of kids first.

With that, let me share with you some of the things that I just recently read in the American School Board Journal, it's a publication of the National School Board Association. They identify four things that we can learn from our mistakes. The first thing is that you can't do something big like this with a narrow majority of people. Essentially what it's saying is you have to build a broader base of support to improve and make the changes that need to be made and all of the reasons why. So, we need to have this discussion in a larger context to focus on what you need in place to make the positive move.

Secondly, these complex issues in education, you can't deal with them with the latest educational fad, you just can't transport things in here and hope that it's going to fix the issue. You need to take the time to plan and think your way through to design programs that accurately address some of the needs that you're trying to address through your plan. A clear and concise plan that's comprehensive is essential. I think we all know that. We all talk about it but we don't necessarily practice it but a clear and concise plan that's comprehensive. And then lastly, these areas of disconnect - if you're going to try to do something with the public in a democracy, you have to relieve those areas of disconnects. The four things I've just mentioned are clearly evident in the case of Kivalina - all four of them. And so, there is a roadmap here as to how we expand the support that we need, how we fashion

and design school improvement plans, how we put together a clear and concise and comprehensive plan for that school district and lastly to cause more of a desire to cooperate and build a level of trust throughout the system so we can communicate and have a positive effect.

One of the things that is hard to talk about, but I think is really important, is you have to be honest with yourself in dealing with your failures. If you're not honest in dealing with your failures, then it's very difficult to be successful in terms of achieving. Now if you honestly take a look at Kivalina, which we've tried to do, we raise a number of issues that should cause a lot of people to be concerned. As I shared this with both Kivalina and with the Northwest Arctic Board, I asked them to consider taking this report and not necessarily debating or arguing over its contents, but to take a look at how we move forward. What would be the next steps if we were going to improve the quality of education? I think for the most part, that was received fairly well. I can't go in there and wave a wand and fix everything, Senator, but I do think we placed the issues squarely before the communities and being an outsider going into a town and raising the issue of their school and community being dysfunctional, the word 'dysfunctional' was a very difficult thing to use in this case. And as I visited with them I explained that when you go to a school that is functioning well, you find that communities are supportive of their schools. You find that there are behavioral standards that are acceptable and you find that the delivery of education, the system of delivery of education, is meeting the needs of kids. And when those things are not there, the school is dysfunctional.

Likewise, with the community, there were some things in the community - adult behaviors, the willingness to accept less than acceptable performance on behalf of the kids, or behavioral issues, these things are reflective of a community that may be dysfunctional. [It is] very difficult to tell parents that but we did it because that's what we saw. There was not necessarily a level of acceptance, but a willingness to just examine that within the context of the overall report.

As I shared the report with them it became clear that this issue was more than just a Kivalina issue, which is why I wanted to speak to you today. As a state, and I mentioned earlier, we have other areas of concern and I think when you take a look at Kivalina this may well be reflected, as I mentioned in the opening introduction, this may be a snapshot of rural education. So as we put together this comprehensive plan that is clear and concise for how we deal with Kivalina we are probably putting together a comprehensive plan and model for how we address other schools.

I think I'll stop there Senator, other than to say that I was close to the issue, I got in and I got to see some things and I found that there were inconsistencies depending on who you talked to. I will tell you this: when it came to the closure of Kivalina school, I can't second guess why these things happen but it did happen, it caused the state to focus on Kivalina, it caused us to take a closer look and it's a tremendous opportunity now for residents of Kivalina, as well the Northwest Arctic Borough School District and the rest of us who are involved in education to take a helping hand and try to improve the situation. I think there's an opportunity here and I think that the state should be concerned with the results that have been reported and with the report that we've submitted. The School Board Association will do everything in its power to work with other entities to help the Northwest Arctic, to help rural education and ultimately to help all kids. If we're here for all kids and we want to leave no kids behind, that's what we want to try to do. So with that I'll try to answer any questions you might have.

1:45 p.m.

SENATOR WARD asked, if Mr. Rose does not believe education is the first priority of the community of Kivalina, what is the first priority.

MR. ROSE said he felt the community was not appreciative of the outside pressure. Kivalina is a subsistence, whaling community, and the residents are very concerned about losing their culture and traditional ways. Putting those priorities against Western values causes tremendous strife. He noted the parents are extremely protective of their children, even to a fault. Residents wanted local determination and, over time, the result

has been a standard they were unaware of. 10 and 20 years ago success was measured using graduation and drop out rates while today a different scale of competencies is used. He admitted that creates some pressure, but that is not all bad. He feels the opportunity to have a conversation to gain a better understanding of why they should perform has not taken place.

SENATOR WARD asked if any of the events rose to a level that required state trooper action and whether any of the parents and students were being pressured by the same group that threw the teachers out to not participate in the educational system.

MR. ROSE replied that he did not feel anyone in the community was being threatened but he believes any one who feels threatened probably is. He interviewed some of the teachers that left who gave a variety of reasons for leaving, not all of which were safety. He noted the only things he saw that could be prevalent in this Eskimo subsistence village is that the people have a tendency to be polite and understated and they try to stay away from conflict. However, a few people in that community have very aggressive behavior. He felt the dynamic was one of a very passive community leveraged against some aggressive behavior. He saw cases in which a parent was supportive of his children irrespective of inappropriate behavior on the children's part.

SENATOR WARD noted if the elders had been involved, the school closure probably would not have happened. Senator Ward said he has been unsure about the logic of building high schools all over the Bush yet he doesn't necessarily endorse a blanket policy of moving students to boarding schools. He then asked if the Northwest Arctic Borough School District (NWABSD) has interviewed the parents in Kivalina and noted he would like to formulate a program during this process to give to other communities to empower parents to be prideful of their school. He expressed concern that more Native teachers are not being trained and that the state has to bring teachers in from elsewhere who do not want to live in the Bush for more than half of a year. He felt an incentive needs to be offered, such as paying a person from the community 25 percent more to teach.

MR. ROSE stated the people of Kivalina are passive and kind and that there are good students in Kivalina. The school closure was the result of lower expectations and the lack of implementation of a quality instructional program that met the needs of students. Those things can be rectified but unfortunately they had to become a statewide concern before anyone took a look. He cautioned members that with all of the options available to remedy the situation, he would hesitate to endorse a knee-jerk

reaction.

SENATOR WARD noted that he did not read the word "parent" very many times in Mr. Rose's report, which is why he was so pleased to find out the head of the NWABSD planned to interview the parents individually. He felt if the parents cannot be empowered to be involved in the education of their children, no amount of money or laws will change anything. He maintained that something is causing the parents to be disengaged from their children's education.

CHAIRWOMAN GREEN remarked that committee members received a letter from Sophie Ferguson who spoke about appointing a group to go to Kivalina and "have an eye on this" and that might segue into Senator Ward's ideas. She then indicated that both Mr. Rose and Commissioner Holloway stated that communication problems were a large part of the problem yet she found that absent in the report. She then said that she does not have test scores from 10 or 12 years ago, but if those scores were no better than the scores today, a great deal of time and money has been spent resulting in a disappointing record. She then asked Mr. Rose if the fact-finding team addressed the issue of reopening the gym in Kivalina. She was wondering why the gym wasn't used as a negotiating tool.

MR. ROSE said he inadvertently left the word "communication" out of the report. As he reported back to the community, he identified the lack of a trusting relationship and an inability or unwillingness to cooperate thereby leading to a breakdown in communication at every level. He said the fact-finding team's initial concern was one of safety but that rapidly turned to the unmet educational needs of students. He said on the issue of the gym, almost everyone involved was disappointed to see the gym reopened for a host of reasons. The decision to reopen the gym was made under tremendous pressure locally. Although everyone seems to disagree with that decision now, at the time it was a relief valve. The fact-finding team was not involved in that decision.

CHAIRWOMAN GREEN suggested that should have been covered in Mr. Rose's report because she believes it was perceived as an error.

REPRESENTATIVE JOULE gave the following backdrop on the Kivalina situation. Kivalina is located on a spit. For the last 25 to 30 years, it has been fighting erosion. There is no place to expand and the 13 new houses that are being built right now are the first the community has seen in a long time because of the lack of space. The new houses are almost "pressed together." As many

as three generations of people are living under one roof - 17 to 20 people. One reason the village cannot hire a village public safety officer (VPSO) is because of the lack of housing. He remarked the people have been very active in trying to relocate the community but have met with one obstacle after another and the process has been painfully slow.

Regarding the issue of low test scores, REPRESENTATIVE JOULE felt there is a relationship to what Mr. Rose said, that being that in rural communities there are very limited opportunities for employment. The only jobs that exist are at the school, as a community health aide, or with the tribal council. One challenge that needs to be examined is how to embrace the low test scores. He believes low test scores will be found in many rural villages because there is a disconnect between what students are learning and what they will do after high school. Up until last year or so, the only viable opportunity to visit those centers was through boarding schools. He advised members it is important to be mindful of helping students to make the connection of the value of their education in terms of employment if the state continues to use a Western model.

REPRESENTATIVE JOULE said students need to be plugged in to what job opportunities are available in a place like Kotzebue. He questioned whether people could work at jobs in Kotzebue for two weeks on and two weeks off like they do at the Red Dog mine. He suggested that housing could be part of the employment package, as in aviation. He believes that is the kind of challenge the state needs to look at when trying to get students connected to their education. He indicated that everyone has focused on the misbehavior of a relatively small number of students and the community is paying a high price for that. He noted in the Native value system, respect is very important, but respect must be a two-way street. He thought Commissioner Holloway and Mr. Rose have said the Kivalina school closure incident presents an opportunity to move the importance of education forward for all Alaskans, regardless of where they live, by finding a way to make students feel plugged in. He said the disconnect is both economic and social and is partly caused by isolation. He then suggested a regional prison could provide employment in rural areas in which people could work two weeks on and two weeks off.

2:15 p.m.

SENATOR WARD noted that his ancestors no longer live in Ferry (ph), Alaska because there are no jobs there. He agreed that legislators need to have a full discussion about whether government dollars are keeping communities stationary. He

questioned whether government is doing a disservice to Native communities by not allowing them to be nomadic when there are no jobs to support them. He noted he does not want boarding homes but he does not want to trap people by keeping them in one place.

CHAIRWOMAN GREEN noted she asked a few questions of Commissioner Holloway at the previous hearing.

MR. ROSE asked to first address a comment made at the previous hearing about racism being part of the problem. He said that although everyone acknowledges that racism is alive and well in our society, the problem in Kivalina is that a standard based on an assimilation model is being applied. He believes education is the great equalizer, yet the people of Kivalina are not aware of the value of a quality education so do not emphasize it. He said his hometown of Skagway is similar in size and population to Kivalina. The education delivery system and behavioral standards in Skagway are reinforced by the community. The opportunities available through education that young people see everyday are very different than in Kivalina. The Western societal and educational values that exist in Skagway are very different from Kivalina. That is a reason to fashion a model of opportunity for Kivalina rather than an assimilation model. He said the model used to address the problems facing Kivalina will be the start of a model for all schools that are not performing well.

CHAIRWOMAN GREEN called Commissioner Holloway to testify.

COMMISSIONER SHIRLEY HOLLOWAY, Department of Education and Early Development (DOEED), informed members that in response to the question about why the gym was kept open, when she was told the school was closed she assumed all of it was closed and learned about the gym several days later. She believes that reopening the school could have been used as part of an important conversation about behavioral standards.

CHAIRWOMAN GREEN asked if a definition of school closure is contained in statute or regulations.

COMMISSIONER HOLLOWAY deferred to Assistant Attorney General Jean Mischel to discuss that issue.

MS. MISCHEL, Assistant Attorney General, Department of Law, informed members that the statutes do not contain a strict definition of school closure, but a regulation exists on the discontinuation of schools. That regulation was drafted in the 1970s in response to the Molly Hootch litigation. The regulation does not differentiate between a permanent or temporary

discontinuation but it contains a procedure that she does not believe was followed by the NWABSD.

CHAIRWOMAN GREEN asked if the current regulations are adequate to deal with a closure.

COMMISSIONER HOLLOWAY said she believes the state board of education should review that regulation as it needs to be updated in light of this incident.

SENATOR WARD asked if there is another community hall or gathering place in Kivalina other than the gym.

REPRESENTATIVE JOULE said Kivalina has a community center but it is not used for recreational activities.

COMMISSIONER HOLLOWAY said there may be some kind of contractual arrangement for gym use that DOEED is not aware of. She then asked Mr. Truitt to Chairwoman Green's question about authority issues.

MR. KEN TRUITT, Assistant Attorney General, Department of Law, explained the statutory authorities in the area of education as follows. The primary directive for the commission of education is found in the Alaska Constitution, which states that the legislature shall, by general law, establish and maintain a system of public schools for all children of the state. The Alaska Supreme Court has labeled this as a pervasive state authority for the delivery of education. This constitutional provision provides that the legislature will be the primary institution to deliver that. The legislature has delegated the specific authority to manage and govern schools to school districts. So, school districts have the very specific authority to manage the operations, the delivery of education, and to govern and provide for the governance of schools and school districts. The legislature has also provided DOEED and the state board of education with the general authority over the delivery of education in the state. However, the exact relationship between a school district's specific authority and the department's general authority is unclear. Related to Kivalina, he cannot say with certainty how far DOEED's authority reaches. The primary authority to deal with the problem lies with the school district. Nowhere in Title 14 is DOEED given specific authority to operate a school that exists within a borough school district; that specific authority is given to the school district itself. DOEED does have general authority but what that means in Kivalina will depend on how the situation unfolds.

CHAIRWOMAN GREEN asked if, at some point, authority was given to the school district by DOEED.

MR. TRUITT said it was given to the borough by the legislature.

CHAIRWOMAN GREEN asked if DOEED acted as a pass-through agency.

MR. TRUITT said it did not.

CHAIRWOMAN GREEN asked if the legislature could be involved in the Kivalina situation at some point.

MR. TRUITT said it could.

CHAIRWOMAN GREEN asked if the legislature can withdraw a district's authority to oversee a school.

MR. TRUITT explained that Title 14 lays out the authority of school districts so it does not grant authority to specific districts.

CHAIRWOMAN GREEN maintained that districts were given unilateral authority.

MR. TRUITT indicated a school district is a part of a city or borough so it must operate within the bounds of Alaska statutes that provide for the governance of cities and boroughs. Other statutes are specific to regional education attendance areas (REAA).

CHAIRWOMAN GREEN clarified that she was saying that the state endowed the title of school district on 53 different districts because those districts had to do something to be given that authority. She was thinking if a district was not living up to those requirements, the agreement could be altered by the legislature.

MR. TRUITT believed that to be correct. He said at some point in the Kivalina situation, DOEED would have some sort of authority. He noted the ambiguity is highlighted in Mr. Rose's report when he speaks to the district being the sole authority to address the problem but concludes that if the problem is not solved, the state should intervene. He believes everyone recognizes that the primary body with the authority to govern that school is the school district. If, however, the school district completely abdicates authority to follow through with its statutory duties, everyone assumes another body has the authority to do something. While that scenario is not specifically laid out in statute,

DOEED does have general supervisory authority to oversee education in Alaska.

CHAIRWOMAN GREEN said it is not the plan for anyone to intervene and the legislature hopes the school district can resolve the issue. She applauded Mr. Schaeffer for his offer to speak to the parents in Kivalina and emphasized the importance of giving that information to the school board for its use.

MR. TRUITT stated there are no other authorities in statute that he is aware of. He then noted both the school districts and DOEED are given specific statutory authority to enter into agreements with each other to provide for the more efficient or economical delivery of education services. DOEED is given specific authority to establish, maintain, and govern area regional and special schools, although he is not entirely sure what that means. Regarding the options Mr. Rose spoke of, he said DOEED can provide consulting and contractual services to assist districts. He ventured that since that specific authority is stated in both entities' statutory grants of authority, it looks like the legislature contemplated it as an option to be exercised.

CHAIRWOMAN GREEN asked for an example.

COMMISSIONER HOLLOWAY replied DOEED enters into contracts on a regular basis with school districts to work on specific projects or if it uses district employees to work on statewide issues. DOEED is encouraging NWABSD to enter into some partnerships within and outside of their region to turn the Kivalina situation around.

CHAIRWOMAN GREEN asked to be kept informed about funding for a group to do the follow-up work in Kivalina.

COMMISSIONER HOLLOWAY asked Dr. Ford-Slack to address Chairwoman Green's question about Title 1 schools.

DR. P.J. FORD-SLACK, Director of Teaching and Learning Support, DOEED, informed members that Title 1 is not a new program; it is part of the reauthorization of the Elementary and Secondary School Act (ESEA). The Division of Teaching and Learning Support largely deals with curriculum issues and most of its staff is funded with federal funds. Under ESEA, DOEED has 10 title programs. Right now, the division is working on what is called "adequate yearly progress." The documents she submitted to the committee contain the old definition that Alaska has used to decide which schools get specific help under Title 1 funds. The old definition of "adequate yearly progress" was:

Schools with 11 or more students taking the California Achievement Test (CAT) 5, where 61 percent or more of the students are not proficient or advanced, levels having answered 50 percent or more of the questions correctly and have not made adequate yearly progress. Schools that do not make adequate yearly progress for two consecutive years are designated as Title 1 school improvement sites for the following year.

DR. FORD-SLACK said DOEED has had quality school facilitators go in and work with these sites. Alaska has at least 83 schools that might have been eligible but only 13 are designated as school improvement sites because Alaska's schools are small. DOEED either had incomplete data or not enough students. A couple of factors were present in Kivalina's case:

- In 1998, 12 students were tested and 50 percent did not meet proficiency. The definition required 60 percent so Kivalina was classified as having made adequate yearly progress.
- In 1999, 9 students were tested but the school population was too small to be classified.
- In 2000, 13 students were tested and 84 percent did not meet proficiency. Kivalina failed to make adequate yearly progress.
- In 2001 there is some question as to what happened to the test. No data was submitted so DOEED was unable to submit the information to the federal government for classification as a school improvement site.

DR. FORD-SLACK said that what she does know is that the Kivalina school definitely needs help. DOEED then asked its quality school team leaders to provide any extra help possible with extra funds, such as assistant in-service, providing information on standards, looking for assessment experts, responding to curriculum designs, special education or behavioral concerns. She noted that page 2 of the handout contains a breakdown of the money the NWABSD receives under all of the title programs. The only program DOEED can get school-specific data for is Title 1 and it knows in FY 02 the Kivalina school was eligible and received \$70,063. The Kivalina school would be eligible under the other title programs, such as Migrant Education, Math and Science, Reading, Safe and Drug Free Schools, for other pieces of the allocations but DOEED does not have that breakdown by school.

CHAIRWOMAN GREEN asked if the NWABSD has that breakdown.

DR. FORD-SLACK said the district may have it. She then explained the third handout contains a list of Title 1 school improvement sites for 2001-2002. She reminded legislators that the list is

based on the old definition of "adequate yearly progress," which is changing. After meeting with the designator committee and a consultant for the last three days, she learned that about three quarters of Alaska's schools could fall into the needing improvement arena.

CHAIRWOMAN GREEN asked if the number of students (11) will go down.

DR. FORD-SLACK said she does not believe so because if the number is lower, the data would not be significant. She noted that DOEED might not use that sort of determination to pick up Alaska's schools. DOEED is very aware of how much smaller Alaska's schools are than those in other states, so it must be sure to include all of its schools so that they can get help from Title 1.

CHAIRWOMAN GREEN asked if that will help with the small class size number.

DR. FORD-SLACK said she believes it will as DOEED will have to be able to show that it has paid attention to all of Alaska's schools.

CHAIRWOMAN GREEN asked Dr. Ford-Slack to confirm that the \$1.753 million is federal money that does not pass through the legislative budget process.

DR. FORD-SLACK said that is correct. She then drew members' attention to List A and said 32 schools failed to meet adequate yearly progress in March 2001 based on CAT 5 testing and would be identified as school improvement sites except they were too small under the existing definition. She noted the list provides an indication of other sites with academic problems. List B contains 38 schools that are low performing but did not meet the requirements for identification as Title 1 school improvement sites for a variety of reasons, including missing data or lack of students in the grade to be tested.

CHAIRWOMAN GREEN asked if information of this sort can be included in the interim designator reports before 2005.

COMMISSIONER HOLLOWAY's answer was inaudible.

CHAIRWOMAN GREEN said several people have expressed concern about delaying the designator in light of this issue. She wants to be sure that the legislature gets enough information to determine the actual status of schools and that no more schools are found to be in crisis, like Kivalina.

2:45 p.m.

SENATOR WARD remarked the legislature passed legislation requiring a high school qualifying exam, but every once in awhile one learns after the fact that something doesn't fit. He noted that Representative Joule described a community that has no jobs to provide income other than a few government jobs that require higher education. He expressed concern that the legislature may have trapped a large group of people into a bad situation because they cannot relate to the need for a higher education. Perhaps some would be better off learning to operate a D-8 Cat to work at Cominco. He asked Commissioner Holloway, as the testing process unfolds, to report back to the committee as to whether or not his concern is reflected. He maintained that the legislature cannot create enough government jobs to hold those people for the future.

CHAIRWOMAN GREEN took public testimony.

MR. MIKE DUNLEAVY, Assistant Superintendent of the NWABSD, informed members that the NWABSD has embraced the standards movement since it began. NWABSD's former superintendent, Jerry Covey, was instrumental in getting the state to adopt performance standards. Since that time, the NWABSD has geared its program toward the standards movement. The NWABSD has aligned its curriculum in reading, writing and math to the standards; it has implemented internal assessments; it has contracted out to align the standards with the assessment; it has geared all staff development toward the standards; its curricular resources have been chosen as the best way to teach to the standards; and it continues to strive in that direction. He believes one problem encountered in Kivalina was the result of the NWABSD's attempt to assist students in meeting those standards. For some time, education in Alaska was determined by local school boards. With the standards movement, the bar was raised in some areas but was uniform across the state. In an attempt to meet that bar, some resistance has occurred because the change may have occurred too quickly for some students. In the NWABSD's effort to raise the bar in Kivalina, a few individuals have had a difficult time reaching those standards. Coupled with that are issues involving danger on the part of some students and adults that helped contribute to the school closure. He pointed out, in regard to the gym remaining open while the school was closed, there is no real blueprint for closing a school. When the decision to close the school was made, the gym was left open because it was contracted out to community organizations. Most schools in the district contract with local organizations for gym use.

CHAIRWOMAN GREEN asked Mr. Dunleavy to send her a copy of those contracts and the payment schedule, as well as a breakdown of the monies routed to the advisory school board in Kivalina.

MR. DUNLEAVY agreed to do so and then continued his testimony.

The NWABSD looked at the school closure in Kivalina as part of a painful process of improving the educational situation for students in the Northwest. The district is fully prepared to continue with that process. The district has taken a number of steps that began before the school was actually closed, including meeting with the community several times. It is working on a long range plan and has sent a letter to the Kivalina advisory board inviting it to participate in a joint task force. The borough mayor, Ross Schaefer, has visited the community and will continue to be part of the process. He pointed out that most schools in Alaska have the authority to develop their own calendars. As such, the calendar for Kivalina can be amended to accommodate the school closure.

CHAIRWOMAN GREEN said everyone has assumed the school calendar would be extended this year. She asked who accompanied Mayor Schaefer and what kind of short term plans the NWABSD is looking at. She then asked for a copy of the NWABSD letter to the advisory school board and whether an internal joint task force is adequate or whether help from outside of the district will be necessary.

MR. DUNLEAVY said he believes Kivalina is a local issue but during the process the NWABSD may ask for assistance from DOEED and other organizations. He repeated his belief that this issue originated locally and will need to be solved locally.

CHAIRWOMAN GREEN stated she believes the district needs to get outside assistance to help resolve the situation in Kivalina and asked that it be one of his priorities.

MR. DUNLEAVY said in its letter to the advisory council, the NWABSD has suggested that the make up of the task force include an individual from an organization such as DOEED.

SENATOR WARD asked how many people the community hall in Kivalina will hold.

MR. DUNLEAVY said he is not sure of its capacity.

SENATOR WARD asked if Kivalina has a community hall.

MR. DUNLEAVY said there is.

SENATOR WARD said he hopes that, at the very least, the NWABSD speaks to people who have been facilitators and can extract information in the best way possible. He again expressed concern that the parents in the community be interviewed so that they can be part of the solution because without them, the district will not have a model with which to help other communities. He said he looks forward to reading the report of the interview of parents.

MR. DUNLEAVY said Mayor Schaeffer has started that process.

CHAIRWOMAN GREEN asked Mr. Rose to reiterate the recommendations in the report.

MR. ROSE said the recommendations were based on outside facilitation that would assist the school district in addressing two things: the behavior that led up to the closure of the school and an educational improvement plan to address the needs of students. The fact-finding team also identified that much of the problem had to do with the behavior of adults more than the behavior of students. The two things offered are anecdotal because of the behavior leading up to closure and the needs of students. The team feels strongly that competent outside facilitation with a group identified from inside will be very helpful in pulling the community together. A "fix" cannot be done from the top down or vice versa.

CHAIRWOMAN GREEN asked if the team's recommendations for developing and implementing a school improvement plan still hold.

MR. ROSE said very much so. He said he believes the advisory board is key at the local level. It provides an opportunity for community input on school issues and also provides for the dissemination of information. He said he understands that advisory board members have had some training but he is not sure that members understand their role and responsibilities. The fact-finding team discussed this matter with school district personnel in an exit interview. He maintained that there is more than enough blame to go around, from top to bottom, and every level needs to look at its role and responsibilities. That could be done through a communications audit. He repeated that the recommendations advocated by the fact-finding team still need to be focused on.

CHAIRWOMAN GREEN took public testimony.

MR. WALTER SAMPSON, a member of the Northwest Arctic Borough Assembly, said that based on the testimony he has heard, he is frustrated by the testimony given by Commissioner Holloway as she tagged Kivalina as a dysfunctional community. He felt it is sad to see a state agency do that because it is not the entire community that is creating the problem; it is a small percentage of people. He felt that any time an onsite facilitator is used to resolve a problem like this one, it creates a problem for the community.

TAPE 02-29, SIDE A

MR. SAMPSON said if the problem is the behavior of the adults,

the problem is a community issue. He indicated if the local people are ignored in the process and not brought into the dialog, the problem will become larger. He repeated the need to work things out at the local level.

CHAIRWOMAN GREEN informed Mr. Sampson that Mayor Schaeffer visited with her last week and she recommended that he take one of the executives and school board members with him to visit because it is a school district responsibility.

SENATOR WARD added that someone with conflict resolution skills needs to be involved and help the local leaders decide what questions should be asked to create a roadmap by the parents. He indicated that no one intended to send someone in to take the place of the local parents.

CHAIRWOMAN GREEN commented that everyone wants to see a positive outcome and that students, parents and teachers are satisfied. However, students must go to school with a willingness to participate and learn and that message comes from the home and the community. She asked Mr. Rose to provide her with a copy of the article he referred to about the four points.

SENATOR WARD asked if the community of Kivalina was informed of the hearing today.

REPRESENTATIVE JOULE said it was.

SENATOR WARD encouraged people to contact their legislators.

CHAIRWOMAN GREEN agreed and then adjourned the meeting at 3:18 p.m.