

**ALASKA STATE LEGISLATURE**  
**SENATE HEALTH, EDUCATION AND SOCIAL SERVICES STANDING COMMITTEE**

January 18, 2006

1:25 p.m.

**MEMBERS PRESENT**

Senator Fred Dyson, Chair  
Senator Lyda Green  
Senator Kim Elton  
Senator Donny Olson

**MEMBERS ABSENT**

Senator Gary Wilken, Vice Chair

**COMMITTEE CALENDAR**

Overview: No Child Left Behind Update

**WITNESS REGISTER**

Donna Foxley, Region 10 Representative  
United States Department of Education (USDOE)  
400 Maryland Avenue SW  
Washington, D.C. 20202

**POSITION STATEMENT:** Presented an overview on updated regulations for the No Child Left Behind Act.

**ACTION NARRATIVE**

**CHAIR FRED DYSON** called the Senate Health, Education and Social Services Committee meeting to order at [1:25:13 PM](#). Present were Senators Kim Elton, Donny Olson and Chair Fred Dyson. Senator Lyda Green arrived during the course of the meeting.

**Overview: Updated Regulations for the No Child Left Behind Act**

CHAIR DYSON announced that the committee would hear from the U.S. Department of Education (USDOE) for an update on the No Child Left Behind Act (NCLBA). He invited Donna Foxley to come forward.

DONNA FOXLEY, Region 10 Representative, United States Department of Education, began by discussing how the requirements for highly qualified teachers specified within the NCLBA pertain to Alaska. While Alaska faces challenges in this area due to its

geographic situation, the USDOE believes these challenges can be met with innovative solutions such as using satellite technology and videotapes to provide lessons from highly qualified teachers to rural areas.

SENATOR LYDA GREEN arrived at [1:35:32 PM](#).

MS. FOXLEY discussed the USDOE's implementation of the 2 percent special needs assessment policy. She said this policy increases the proportion of students for which districts are allowed to apply modified achievement standards from 1 percent to 2 percent of their overall student population. She added that this policy includes criteria intended to protect students with disabilities from being inappropriately assessed.

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MS. FOXLEY said the USDOE plans to release draft regulations governing the 2 percent special needs assessment policy on December 15 [2006], after which time state representatives will have 75 days to comment on them.

MS. FOXLEY discussed the USDOE's authorization of pilot programs for the use of growth models as an alternative to the existing performance measures required under the NCLBA. She said under these models, individual students would be evaluated according to improvements in their own levels of proficiency. She added that the standards of accountability of the NCLBA will remain the same for states adopting these models, but they will allow more flexibility in meeting these standards.

She said the USDOE has issued authorization for pilot programs for ten states and will consider similar applications from any other state. She added that while it is interested in the results of these programs, it is only authorizing the use of growth models as an experiment and cannot ensure that states will be able to use them as a permanent alternative to existing performance measures.

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MS. FOXLEY said the secretary of the USDOE formed a commission with the goal of making the higher education system more relevant to the nation's need for a competitive workforce in the 21st century. She said this goal is particularly important for Alaska because its workforce is not prepared to develop some of

the economic opportunities, such as the gas pipeline, that may exist in the 21st century.

She said the USDOE will soon have an open-forum hearing in Seattle and encouraged Alaskans with a vested interest in the future of K-12 education to participate. She said the department is particularly interested in input from representatives of community colleges and vocational/technical schools, since they are expected to play an important role in the development of a competitive workforce.

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MS. FOXLEY said the USDOE recently established The Center for Rural Education, headed by William L. Smith, former commissioner of the USDOE. The USDOE is concerned with the challenges facing rural education, since 42 percent of the nation's schools are located in rural communities or small towns. She said several states are interested in how Alaska is addressing the challenges facing its rural school districts.

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CHAIR DYSON asked how Alaskans could get involved.

MS. FOXLEY suggested that interested parties contact William Smith or Bento Gonzales, Acting Assistant Secretary for the USDOE's Office of Vocational and Adult Education. She offered to forward additional comments to the USDOE.

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SENATOR KIM ELTON asked if the 2 percent cap refers to 2 percent of all students within a district or 2 percent of the students with disabilities in a district.

MS. FOXLY replied that it refers to 2 percent of the entire student population within a district.

SENATOR ELTON said that, in his experience, students with disabilities make up far more than 2 percent of the general student population. He expressed concern about limiting the number of students with disabilities that receive special consideration when their progress is evaluated.

MS. FOXLEY replied that the alternative assessment method is meant to be applied to students with significant cognitive

limitations, and these students represent a small portion of the total student population with disabilities.

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SENATOR ELTON expressed his concern over the costs that Alaskan school districts will face in attempting to fulfill the mandates of the NCLBA. He said while the challenges presented by rural school districts may well be overcome through creative solutions such as the use of satellite technology, there will be costs associated with these solutions. He said he is worried that the USDOE may not assist Alaska with the implementation of these solutions because of a concern that it will cause other states with rural school districts to request additional funding.

MS. FOXLEY replied that although the state may incur costs while fulfilling the mandates of the NCLBA, its requirements are similar to those of the 1996 Elementary and Secondary Education ACT (ESEA), with the key difference that they are more enforceable. She said when considering the costs of achieving NCLBA standards, one should also consider the costs of not achieving them, such as limiting a child's potential simply because he or she lives in a rural area.

SENATOR ELTON remarked, "Quite frankly, I am thinking that the Utah solution may be the best way to go because a federal recipe that you try to apply universally ends up hurting Alaska for reasons that you have already spoken to."

MS. FOXLEY replied that Alaska had its own standards in place before the NCLBA and, if anything, the Act has strengthened the state's ability to meet those standards by bringing more federal money into the state.

SENATOR ELTON expressed frustration that the NCLBA imposes general regulations that are sometimes impractical and expensive for Alaska, while preventing districts, municipalities and the state government from making independent decisions that may be more sensible.

MS. FOXLEY replied that while she respects those concerns, the NCLBA was passed by Congress, and it is the duty of the USDOE to enforce it. She said states are able to define some of the terms within the requirements of the NCLBA. For example, while the Act requires highly qualified teachers, the states determine what constitutes a highly qualified teacher.

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SENATOR ELTON said, with regard to the Commission on Higher Education, he does not understand what role the federal government has in directing post-K-12 institutions and students on how to best prepare themselves to compete in the new global economy. He said it seems the goal of competitiveness will be best achieved if these decisions are left to the institutions and their students.

MS. FOXLEY replied that over 80 percent of the funding for public universities and community colleges comes from the federal government; given the growing concern of the business community that graduates are unprepared for their jobs, it is concerned and wants to ensure that its educational funding is advancing its goal of creating a competitive workforce.

She added that globalization has presented an urgent challenge to the educational system, and that the goal of the USDOE is to create a dialogue among parties with an interest in the welfare of the educational system to best coordinate their efforts.

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CHAIR DYSON thanked Ms. Foxley for her presentation. He adjourned the Senate Health, Education and Social Services Standing Committee meeting at [2:26:29 PM](#).