

ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE

March 14, 2012

8:03 a.m.

MEMBERS PRESENT

Representative Alan Dick, Chair
Representative Eric Feige
Representative Paul Seaton
Representative Peggy Wilson
Representative Sharon Cissna
Representative Scott Kawasaki

MEMBERS ABSENT

Representative Lance Pruitt, Vice Chair

COMMITTEE CALENDAR

PRESENTATION: SUPERINTENDENT KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT

- HEARD

HOUSE BILL NO. 256

"An Act repealing provisions relating to the power and duties of the Department of Education and Early Development to intervene in a school district to improve instructional practices."

- MOVED CSHB 256(EDC) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 256

SHORT TITLE: REPEAL STATE INTERVENTION IN SCHOOLS

SPONSOR(S): REPRESENTATIVE(S) DICK

01/17/12	(H)	PREFILE RELEASED 1/6/12
01/17/12	(H)	READ THE FIRST TIME - REFERRALS
01/17/12	(H)	EDC, FIN
01/25/12	(H)	EDC AT 8:00 AM BARNES 124
01/25/12	(H)	Scheduled But Not Heard
02/01/12	(H)	EDC AT 8:00 AM CAPITOL 106
02/01/12	(H)	Heard & Held
02/01/12	(H)	MINUTE(EDC)
02/03/12	(H)	EDC AT 8:00 AM CAPITOL 106
02/03/12	(H)	Heard & Held

02/03/12	(H)	MINUTE(EDC)
02/06/12	(H)	EDC AT 8:00 AM CAPITOL 106
02/06/12	(H)	Heard & Held
02/06/12	(H)	MINUTE(EDC)
02/22/12	(H)	EDC AT 8:00 AM CAPITOL 106
02/22/12	(H)	Heard & Held
02/22/12	(H)	MINUTE(EDC)
03/02/12	(H)	EDC AT 8:00 AM CAPITOL 106
03/02/12	(H)	Heard & Held
03/02/12	(H)	MINUTE(EDC)
03/05/12	(H)	EDC AT 8:00 AM CAPITOL 106
03/05/12	(H)	Moved CSHB 256(EDC) Out of Committee
03/05/12	(H)	MINUTE(EDC)
03/14/12	(H)	EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

ROBERT BOYLE, Superintendent
 Ketchikan Gateway Borough School District (KGBSD)
 Ketchikan, Alaska

POSITION STATEMENT: Provided a presentation on the Ketchikan Gateway Borough School District.

ANNETTE KREITZER, Staff
 Representative Alan Dick
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented the changes in the proposed committee substitute (CS), Version U, on behalf of the sponsor.

LES MORSE, Deputy Commissioner
 Department of Education and Early Development (EED)
 Juneau, Alaska

POSITION STATEMENT: Testified and answered questions on HB 256, Version U.

ACTION NARRATIVE

[8:03:11 AM](#)

CHAIR ALAN DICK called the House Education Standing Committee meeting to order at 8:03 a.m. Representatives Seaton, P. Wilson, Kawasaki, Feige, and Dick were present at the call to order. Representatives Cissna arrived as the meeting was in progress.

Presentation: Superintendent Ketchikan Gateway Borough School District

[8:03:35 AM](#)

CHAIR DICK announced the first order of business would be a presentation by the: Superintendent, Ketchikan Gateway Borough School District.

[8:04:18 AM](#)

The committee took an at-ease from 8:04 a.m. to 8:13 a.m.

[8:13:25 AM](#)

ROBERT BOYLE, Superintendent, Ketchikan Gateway Borough School District (KGBSD), provided a presentation on the Ketchikan Gateway Borough School District beginning with the mission statement, which read [slide 2]:

The mission of KGBSD is to provide high quality instruction to every student within a positive environment reflective of our community needs.

MR. BOYLE explained that the KGBSD's focus is on serving every student the scope and depth of the KGBSD's mission changes significantly. He pointed out that the KGBSD has focused on school readiness, including learning to read, reading to learn, doing math and language arts in elementary school and bringing those skills forward to the middle and high schools.

[8:15:26 AM](#)

MR. BOYLE described the demographics of the community the KGBSD serves, including fishing, tourism, mining, U.S. Coast Guard, the U.S. Forest Service, and a service industry for medical programs. He said the KGBSD's strategic plan creates a vision. The KGBSD's mission is to provide high quality instruction to every student within a positive environment reflective of our community needs [slide 3]. He identified the three key areas of focus as instruction, environment, and community. The school district takes its opportunity to provide education as a serious endeavor and reflects the community. He pointed out the benchmarks of success include the level of attendance, the graduation rate, and student achievement. He referred to the graphics on slide 3, which a triangle resting on written words, "intervention, programs, and positive behavior support," which

relate to the school district's basic premises. He characterized the school district's efforts as being a school restructuring effort similar to one that has happened across the state and nation over the last five or six years, which emphasizes intervention programs.

MR. BOYLE reported that the district serves 2,290 students who speak eight languages [slide 4]. The student population distribution is 53 percent Caucasian, and 32 percent Alaska Native/American Indian. He related that the preschool uses the Best Beginnings program, established with stimulus funds three years ago, which has proven effective [slide 5]. The funding for the program is derived from three sources, including Indian Education Grant Funds, Special Education funding for preschool students, and federal stimulus funds. The school district has been able to offer universal preschool to everyone in the community - serving from 140-155 preschool students for a nominal charge. He pointed out that transportation of the preschoolers is the biggest challenge at this time, as funding is not available. The district has five elementary schools, including three traditional grade schools and two charter schools. The latter, the Point Higgins School and the Tongass School of Arts and Sciences, have been nominated as Blue Ribbon Schools [slide 5]. He pointed out the district's philosophy is to incorporate the charter schools as regular schools and not consider them separate entities, but as schools very much ingrained in the district's philosophy. He turned to the KGBSD's vision, which is, "Every student acquires the skills and knowledge to succeed [slide 7]". He stated that the KGBSD has had stunning success with the response to intervention (RTI) and positive behavior support has transformed the student achievement levels. He pointed out that approximately 2.5 percent of their students are at the far below range. The district has been reaching out to those students with special services programs, which are heavily engaged in the tier three model of RTI to continue to increase their scores. He elaborated that most of their students who are not proficient are well within striking range of becoming proficient.

[8:23:33 AM](#)

MR. BOYLE stated that Schoenbar Middle School went to the one-to-one model and put a laptop in each student's hands. He noted the school received the prestigious nationwide award, the ING Award, as unsung heroes based on their quality staff and student performance. He indicated that in order for students to be successful in high school, they must be successful in middle

school. He related that the KGBSU's middle schools have dropout prevention programs in place. He characterized this as where the real action takes place to ensure student success. He explained that students who go into high school who are ready for high school, who are achieving academically, who are integrated well with their peers, and who are participating in after-school activities very seldom drop out. It is the students that become disengaged or are not prepared as freshmen who are at risk. He described the digital education program and said it is essential for the middle school students to begin a successful program in order to continue into high school fully engaged. The Schoenbar Middle School ING Award reflects this and the KGBSD's overall high school dropout rates have been significantly reduced in the last five years. He surmised the reduction is attributable to this approach. He stated that Ketchikan High School has also moved to the digital instruction era.

MR. BOYLE stated that the KGBSD has spent the past two years training and putting infrastructure into place to move towards a one-to-one model at Ketchikan High School [slide 9]. Additionally, the key to having a successful high school also comes down to having quality staff. He said that Ketchikan High School has a superior staff and as a result has obtained fantastic student and staff achievement awards. He stated that more than 25 percent of the KGBSD's staff is from Ketchikan. Students return to the community, which results in a number of talented teachers who are a product of the system. He reported that 144 of 148 seniors graduated this year. He acknowledged that four students earned a certificate of achievement since they had not met the qualifying exams. He emphasized that 144 seniors were offered over \$2 million in scholarships. The Advanced Placement (AP) program was named the best in the state and one of the top 50 AP programs within the entire U.S. He pointed out the physical plant is nice and the environment is emotionally safe. The vocational programs and remedial programs also assist students to become successful [slide 10]. He stated the goal is to ensure all students receive the type of program they need. It is not just the AP program, but the vocational, remedial, and college preparation programs that assist students in becoming successful. He referred to a photograph of a fishing vessel - owned and operated by the school district - that is used in their fisheries programs. Additionally, robotics, culinary, health services, construction academy, and child care programs are also offered at a vocational level in the high school. He indicated the community supports the district, including facilities such as the Alaska Ship &

Drydock, who have assisted the high school by offering welding programs, apprenticeships, and mentoring. The Southeast [Alaska Building Industry] Association brought them the construction academy, which ends up funding one of the vocational teachers.

8:28:41 AM

MR. BOYLE said the Revilla Alternative High School is very effective, offering personalized, high quality education [slide 11]. He characterized it as an extraordinarily successful program and one of the most successful alternative schools in the state. They offer high quality, personalized service to 120 students in the program - which is always in flux - so the student population has fluctuated from 120-180 students just this year. He related that five years ago the high school dropout rate was 120-150 students, which was reduced to 76, then 36, next 28, and last year was at 24 students. He remarked that this year or next the KGBSD is shooting for a dropout range in the teens. He credited the Schoenbar program and the Revilla Alternative High School with the small dropout rate - reiterating that of 2,290 students the school district is hoping to have less than 20 students drop out of school. He turned to Revilla's focus on dropout prevention [slide 12]. Some students have real adult life situations and to be able to work with them in a school context and adapt to situations makes a big difference.

8:30:58 AM

MR. BOYLE pointed out that students currently learn differently than they did ten years ago. The school district has created a "Fast Track Virtual School" consisting of off campus and home school programs [slide 13]. The school district currently has 53 students, some of whom were home school students who can be served. He reported the school district had upwards of 218 students take part in online education, from remediation and credit recovery and acceleration. He emphasized that acceleration - being able to graduate in three years - is sometimes effective as a dropout prevention program. Some students are capable, ready, and able to move on in a three-year period. He recapped the three-legged-stool consists of a traditional high school, an alternative school, and an online program and all three help the KGBSD serve the varied student circumstances. He stated that blended education - face-to-face education programs - and rigorous schedules at the high school is changing [slide 14]. The online program or virtual school, exclusively, is not enough of a model since some students get

lost on their own. The blended model consists of 30-80 percent online instruction with the remainder spent in traditional classroom settings whereas the traditional high school has approximately 0-20 percent of the instruction online and the rest in traditional classrooms face-to-face with teachers.

[8:34:50 AM](#)

MR. BOYLE reviewed the end results - the statistics gathered at graduation [slide 15]. He recapped the significant results, including the low dropout rate, the scholarships, and the special-needs students served. He related that all five elementary schools made adequate yearly progress (AYP) and the assessments are very good.

[8:36:03 AM](#)

MR. BOYLE listed the student achievements, and scholarships that have been garnered recently by students, including Gates Failing, who is an alternate for the U.S. Senate Youth Leadership award [slide 16]. He attributes the student success to the success of the teachers and staff, who have been recognized statewide and nationally. He highlighted the staff awards, noting eight staff received state and national recognition awards, including Rebecca Bowling, who was one of ten teachers in the U.S. selected for the Great Books Great Teachers Award [slide 17]. Finally, he said the borough and the KGBSD work together to provide an excellent education [slide 18].

[8:39:43 AM](#)

REPRESENTATIVE P. WILSON asked how many teachers are teaching at the alternative high school.

MR. BOYLE answered ten.

REPRESENTATIVE P. WILSON commented that the entire school district's program appears to be a good program.

[8:40:14 AM](#)

REPRESENTATIVE CISSNA remarked she was encouraged by the online program and asked whether some of the students are in the program due to health-related issues. She noted his assent. She asked whether he is using online technology to include

administrators, assemblies, and experts to get people into the community to understand what is happening in the KGBSD.

MR. BOYLE answered yes.

HB 256-REPEAL STATE INTERVENTION IN SCHOOLS

[8:41:27 AM](#)

CHAIR DICK announced that the final order of business would be HOUSE BILL NO. 256, "An Act repealing provisions relating to the power and duties of the Department of Education and Early Development to intervene in a school district to improve instructional practices."

[8:42:27 AM](#)

REPRESENTATIVE P. WILSON moved to rescind the motion to move the CSHB 256, labeled 27-LS1171\X, Luckhaupt/Mischel, 2/27/12 [Version X] from the House Education Standing Committee with individual recommendations and the accompanying fiscal notes. There being no objection, Version X was before the committee.

[8:43:07 AM](#)

REPRESENTATIVE P. WILSON moved to rescind the adoption of the proposed committee substitute (CS) for HB 256, labeled 27-LS1171\X, Luckhaupt/Mischel, 2/27/12. There being no objection, the motion to rescind adoption of the proposed committee substitute (CS) for HB 256, Version X, was adopted.

REPRESENTATIVE P. WILSON moved to adopt the proposed committee substitute (CS) for HB 256, labeled 27-LS1171\U, Mischel, 3/12/12, as the work draft.

[8:43:38 AM](#)

REPRESENTATIVE SEATON objected for the purpose of discussion.

[8:44:12 AM](#)

ANNETTE KREITZER, Staff, Representative Alan Dick, Alaska State Legislature, on behalf of the sponsor, explained that a proposed CS for Version T was sent out previously. She explained that Version T contained all of the amendments made to Version X. She then presented the first change in Version U, on page 3, line 22, which would amend the duties of the department. She

explained that rather than use the language "regulations adopted", this section was changed to refer to the plans the department adopts or recommends. The bill would provide an opportunity for public school and district administrators to participate so any plans must include the elements (a)-(h) - which has not been substantially changed - except subsection (g) on page 4 has been rewritten for clarity. Portions of the subsections from her prepared statement, read, as follows [original punctuation provided]:

1. Page 3: Line 22 - Amends Duties of the Department:

a. Rather than "regulations adopted", this section was changed to the plans the Department adopts or recommends.

b. The Department provides notice and an opportunity for public school and district administrators to participate in the crafting of plans and other studies and evaluations related to the improvement of public schools.

c. Any plan the Department adopts or recommends for public schools must include the items A-H, which have not changed.

d. The plans also must comply with federal and state law and the Superior Court's findings dated Feb. 4, 2009.

e. The plans must provide for training and technical support; regular monitoring, evaluation and modification of improvement efforts tailored to the strengths and weaknesses of the school; availability of courses and remedial programs necessary for all students attending a low-performing school to meet state standards for graduation in the expected timeframe. (AS 14.07.030(14) Page 9.)

MS. KREITZER explained the next change on page 4, lines 8-11, which was rewritten for clarity; however, the intent has not changed.

MS. KREITZER explained the next change, on page 4, lines 16-17, which added language so the department will, "(3) employ qualified personnel who shall provide advisory and consultative services to all public school governing bodies and personnel." This language was reformatted so it was not one long paragraph. The services must comply with AS 14.07.030(14) and may not include the use or employment of a trustee.

MS. KREITZER explained the next change on page 6, lines 26[-29], to change "if" to "when" a school is designated low performing. This change was made for clarity and the language will read, "(19) engage in a process of collaborative support to restore and improve school performance if a school is designated as low performing" She offered that this rewrites the collaborative process to provide additional clarity and streamline the language. Additionally, she pointed out that for the first school year designation as a low-performing school the word "by" is added so it would read, "(i) by August 15 of each year, selection by the superintendent of the district and the commissioner" This change would make it clear that one independent expert would evaluate the areas listed at the top of page 7 of Version U.

MS. KREITZER explained the next change to that subsection is on page 7, lines 5-6, to limit the visit by the expert to, "not more than seven days to conduct the evaluation;" Additionally, on page 7, in November - after the report is written by the expert - sub-subparagraph (iii) of Version U would read as follows: "...the coaches may advise the district for not more than 20 days in total for each school year for which they are hired;" which means that if one coach is more helpful and more needed the coach can assist for 15 days; the other coach can be there for five days, but they need not both be present for ten days.

[8:48:28 AM](#)

REPRESENTATIVE SEATON asked for clarification of the term "advise the district" and whether that means time on the ground or does it include other forms of contact.

MS. KREITZER suggested the sponsor may wish to further clarify, but she related her understanding from talking to legislative legal staff that the intent is to limit the time on the ground to 20 days.

REPRESENTATIVE SEATON requested the intent be confirmed by the sponsor.

CHAIR DICK confirmed this would be time spent on the ground. He acknowledged that phone calls and e-mails would occur, but it seemed like any more would be "in the way" and any less than that would be inadequate.

[8:49:53 AM](#)

MS. KREITZER referred to the bottom of page 7, which relates to the second year, to the mandatory selection and hiring of two additional qualified coaches. She pointed out the final word on line 31 is changed to "after" and on page 8, begins with, "input from the Association of Alaska School Boards;." She explained in year two, when two additional qualified coaches are selected to advise the district, that one coach shall be selected by the superintendent and one coach shall be selected by the local school board. She elaborated that discussion was held about the best way to assist the local school board. She stated that initially, the language read, "a school board member from a high-performance school district." She related that input from the Association of Alaska School Boards would be helpful so the language was changed to reflect their recommendations. She reiterated that these two coaches would advise the district for not more than 20 days in total for each school year in which they are hired.

[8:51:53 AM](#)

MS. KREITZER referred to the next change on page 8, lines 24-25. This language would not change the meaning of what the school improvement team can look at, but would include the Alaska State Cultural Standards and preparedness of students to learn.

MS. KREITZER referred to the next change on page 9, following line 1, which would delete proposed Section 5 that would have required the department to request proposals from and provide grants subject to appropriation to schools or districts in restoration. It seemed to clutter the bill a bit so it was removed and the department agrees with this change.

MS. KREITZER referred to the next change on page 9, lines 3-4, which deletes the language "NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE INTERVENE IN," which was discussed with the legislative legal staff. The interpretation was since language is specific in proposed Section 6 - with respect to the redirection of public school funding - it was deemed that the language is confusing and inconsistent with the language in proposed Section 6.

MS. KREITZER referred to the next change on page 9, lines 9-11, which would delete the language that the department should direct its employees who exercise supervisory authority over instruction practices in the district or in a specified school.

The reason for this change is that the new collaborative process has been set out for the department to follow.

MS. KREITZER referred to the next change on page 9, lines 14-16, which would add clarifying language under subparagraph (B) to direct the use of appropriations under this title for distribution to a district as necessary under AS 14.07.020(a)(19). She pointed out the aforementioned statute relates to the new school improvement team process. Thus the school improvement team is involved with the commissioner, the Board of Education representative, and the coaches in recommending how funding ought to be redirected, if necessary.

[8:53:20 AM](#)

MS. KREITZER referred to page 10, which would delete the former Section 7 that amended the powers of the department. She suggested members may recollect the department may employ coaches if the school or district agrees to the coach and the terms of the contract. She referred to page 10 lines 13-16, which would add a requirement that teacher contracts must require a teacher leaving employment to complete the department's exit survey.

[8:54:01 AM](#)

REPRESENTATIVE P. WILSON asked whether proposed Section 8 would apply to all teachers across the state or only to those in intervention schools.

MS. KREITZER answered the exit survey provision would apply to all teachers.

[8:54:35 AM](#)

REPRESENTATIVE CISSNA noted the different teams indicated. She offered her belief that this represents a different approach with substantial changes. She acknowledged that she sees value with the changes; however she questioned the ability to review how these changes will affect outcomes and whether it will result in an evaluative tool.

MS. KREITZER answered that the evaluative tool is the involvement by the local communities. She did not think that was explicit in Senate Bill 285 [related to the power and duties of the Department of Education and Early Development for improving instructional practices in school districts] that

passed the legislature in 2008. It was not explicit in the department's current regulations or statutes. It is important to note that one provision cites that any regulations the department undertakes in some areas for improvement of schools must be consistent with the Moore v. State of Alaska. Having said that, rather than trying to create an evaluative tool, the process itself will help inform those involved on how well it is working.

REPRESENTATIVE CISSNA suggested if there is a sense of the committee to put it on public record that there will be an evaluative process.

MS. KREITZER related her understanding that what she has observed has been a reaction to Senate Bill 285. She offered her belief that what happened is the school districts came forward and said, "This isn't working for us and we want something to change." However, the legislative process provides a very public process and an ability to make change. She pointed out that she has read and reread the minutes of Senate Bill 285 and there were many assurances that it was not going to be a takeover of the school district. Furthermore, there were many assurances that the department would implement changes on a school basis, but not on a district-wide basis; however, the testimony indicates that is not what happened - at least in one school district. This political process and the process set out in HB 256 allow for an ongoing evaluation rather than to wait five years for the outcome. Thus there will be more evaluation along the way.

[8:58:29 AM](#)

CHAIR DICK interjected that the department is being relieved of some responsibility - with the participants being broadened out - so the focus isn't on the department to perform, but making the districts perform. One of the most important components is the Board of Education's (BOE) participant on the team that will report to the BOE.

[8:59:06 AM](#)

REPRESENTATIVE SEATON pointed out that some evaluative tools are in the bill, including the teacher exit surveys and superintendents evaluating the departments; however, the evaluative tool is the determination on whether the districts and schools are low performing or whether they improve and are no longer considered low-performing schools. He offered one

problem with the current intervention is that some schools are not improving to become adequate-performing schools. He acknowledged that this bill creates a process which is more collaborative, but the evaluation will be whether students learn. He described the process as a multi-year process. He reiterated that the evaluative tool will be whether the students are low performing. He suggested this represents the evaluative tool Representative Cissna wants.

REPRESENTATIVE CISSNA remarked that one big problem is that Alaska lives in different "worlds" with diverse schools since schools range from village schools to urban schools. Some schools are not set up for the commercial life that exists in the urban setting and no one will be able to make it happen. The people survive by totally different standards. A crisis in a rural village would be something that the committee would view as a disaster. She pointed out students learn different skill sets. She didn't notice any provision in the bill the ability for the district to identify the differences in some communities that will result in different outcomes. She said, "Ketchikan is going to look like Ketchikan." The community is relatively close to Seattle and can get into the world market quickly. Some people in remote villages in the Bush choose to live in their communities for totally different reasons. She characterized this as similar to the homestead parents - who chose to home school. She offered her belief that schools ought to reflect this.

[9:02:36 AM](#)

REPRESENTATIVE SEATON expressed concern that he is hearing Representative Cissna's willingness to tolerate low-performing schools. He related that the committee is looking at low-performing schools. He questioned whether he heard correctly that some schools are just going to be low performing and the state doesn't need to address them. He acknowledged that parents have the option to home school or use distance learning, but the state must maintain specific standards and students must meet the performance standards. He expressed concern over the comments such as that some schools will be low and he wanted the record to reflect that the committee is not saying that schools don't need to perform.

REPRESENTATIVE CISSNA responded she wanted to clarify that she is discussing that performance should be high - that every single student has freedom to go to one of the Alaska public schools and get the ability to grow to their highest potential;

however, she wished to acknowledge that differs from place to place.

REPRESENTATIVE SEATON removed his objection. There being no further objection, Version U was before the committee.

[9:05:12 AM](#)

REPRESENTATIVE KAWASAKI stated he reviewed the process that HB 256 has undergone and the ensuing transformation of the bill, ranging from the original bill that would essentially repeal Senate Bill 285 to one that has changed significantly. The refinements have proven helpful; however, he questioned whether the bill will result in the outcomes the committee wants for schools. He was unsure how the bill would impact teachers on the ground, the coaches, and the school districts. He expressed some hesitation with the bill.

[9:06:43 AM](#)

REPRESENTATIVE SEATON asked whether the department would address the proposed CS, Version U.

[9:07:11 AM](#)

LES MORSE, Deputy Commissioner, Department of Education and Early Development (EED), provided overall remarks on behalf of the department. He stated that the commissioner reviewed an earlier draft and did not identify any other areas of consternation. He detailed concerns with Version U, noting this version removes some of the authority the department had, in particular, over non-teachers - instructional leaders within schools in districts. He described this language as the department's authority and ability to remove someone from a role of instructional leadership. He offered his belief that this provision would remove a tool for the department. Additionally, another concern exists with the department's inability to appoint a trustee. He expressed concern about the 20-day rule, which may be limiting since some circumstances may require other numbers of days.

[9:09:16 AM](#)

CHAIR DICK related that the intent of the 20-day rule was to help the department formulate a meaningful fiscal note. He referred to page 9, lines 9-11, which basically provides the definition of a trustee. The language was removed, as follows,

"(A) [EMPLOYEES IDENTIFIED BY THE DEPARTMENT TO EXERCISE SUPERVISORY AUTHORITY FOR INSTRUCTIONAL PRACTICES IN THE DISTRICT OR IN A SPECIFIED SCHOOL;]." This bill would create a team that will share joint responsibility. The team would have the authority to go in and say, "This is the plan." He reiterated that the language specified on page 9, lines 9-11 was essentially the definition of a trustee.

MR. MORSE answered that was not how the department interpreted the specific language. Further, it was not the case when Senate Bill 285 was put in place. The department understands that language to mean that if the department identified a principal in a school or someone at central office who is responsible for improvement in instructional practices in the district had been impeding progress, that the department could remove the person - the district could reassign the person - noting that authority was in Senate Bill 285. He emphasized the department has never exercised this tool, but that has been the department's interpretation.

CHAIR DICK suggested a willingness to entertain an amendment for the next committee to clarify this point would be acceptable.

[9:11:49 AM](#)

REPRESENTATIVE P. WILSON asked how a tenured teacher would be handled.

MR. MORSE answered that this language would not relate to teachers since the language specifically refers to someone in a leadership role in a supervisory capacity. He said the provision would refer to a principal or a central office employee. However, he advised that principals do earn tenure rights. He stated that the principal or other staff can be removed; however, the district cannot relieve the person. Thus in practicality if the district does remove the person - noting the person may not be a good administrator, but may have been a phenomenal teacher - the district could place the person in a classroom or non-supervisory capacity, or explore non-renewal options.

REPRESENTATIVE P. WILSON answered that a contract exists and the pay would continue at the higher level.

MR. MORSE agreed. He suggested that the department may make a recommendation for this to occur in the next calendar year;

however, this has never happened. He admitted he is just speculating as to the options.

REPRESENTATIVE P. WILSON suggested that his remarks reinforce the reason to delete the language. She reiterated that replacing the person, while still paying the person who was removed could cause problems. She agreed it could be worked out the next year; however she reiterated that she recognizes some problems could arise.

[9:15:25 AM](#)

CHAIR DICK suggested that obviously if there was moral turpitude involved the district could release the person.

[9:15:53 AM](#)

REPRESENTATIVE P. WILSON moved to report the proposed committee substitute (CS) for HB 256, labeled 27-LS1171\U, Mischel, 3/12/12, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, the CSHB 256(EDC) was reported from the House Education Standing Committee.

[9:16:15 AM](#)

The committee took an at-ease from 9:16 a.m. to 9:17 a.m.

[9:17:53 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:18 a.m.