

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

February 10, 2012

8:01 a.m.

MEMBERS PRESENT

Senator Kevin Meyer, Co-Chair
Senator Joe Thomas, Co-Chair
Senator Bettye Davis, Vice Chair
Senator Hollis French
Senator Gary Stevens

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 170

"An Act requiring vocational education counseling in public schools."

- SCHEDULED BUT NOT HEARD

SENATE CONCURRENT RESOLUTION NO. 21

Relating to an amendment to Rule 20(a), Uniform Rules of the Alaska State Legislature, relating to standing committees.

- MOVED SCR 21 OUT OF COMMITTEE

OVERVIEW: MOORE CASE SETTLEMENT

- HEARD

PREVIOUS COMMITTEE ACTION

BILL: SCR 21

SHORT TITLE: UNIFORM RLS:EDUC./HSS STANDING COMMITTEES

SPONSOR(s): EDUCATION

02/03/12	(S)	READ THE FIRST TIME - REFERRALS
02/03/12	(S)	EDC
02/10/12	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)

WITNESS REGISTER

EDRA MORLEDGE, Staff
Senator Kevin Meyer
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Addressed SCR 21.

CHARLES WOHLFORTH, Executive Director
Citizens for the Educational Advancement of Alaska's Children
Anchorage, Alaska

POSITION STATEMENT: Summarized The Moore Settlement and answered questions.

MIKE HANLEY, Commissioner
Department of Education and Early Development
Juneau, Alaska

POSITION STATEMENT: Summarized The Moore Settlement and answered questions.

ACTION NARRATIVE

[8:01:10 AM](#)

CO-CHAIR KEVIN MEYER called the Senate Education Standing Committee meeting to order at 8:01 a.m. Present at the call to order were Senators French, Stevens, Davis, Co-Chair Thomas and Co-Chair Meyer.

SCR 21-UNIFORM RLS:EDUC./HSS STANDING COMMITTEES

[8:02:46 AM](#)

CO-CHAIR MEYER announced the first order of business was the consideration of SCR 21.

[8:03:10 AM](#)

EDRA MORLEDGE, staff to Senator Meyer, Alaska State Legislature, Juneau, said Senate Concurrent Resolution No. 21 makes the Senate and House standing education committees permanent in both bodies. She said the committees become permanent by repealing two sections of Uniform Rule 20 that served as a sunset clause.

She said the 2008 Legislature changed the Uniform Rules to create stand-alone committees in both bodies via Legislative Resolve Number 35. She said prior to 2008, education was under the purview of the merged Health, Education and Social Services Committees in both bodies. She said at the time, due to the unknown logistics of maintaining a new standing committee, a five year sunset provision was added. She said without SCR 21,

jurisdiction over education would revert back to the merged committees in both houses on January 15, 2013. She said it was determined that it was in the best interest of diligent policy making to continue the Standing Education Committees on a permanent basis. She said there was a zero fiscal note attached from the Legislative Affairs Agency.

[8:04:47 AM](#)

SENATOR STEVENS commented that he was surprised that Alaska did not have a standing committee due to the amount of issues. He said Alaska was probably the only state without a standing education committee.

CO-CHAIR MEYER agreed with Senator Stevens.

[8:06:02 AM](#)

SENATOR DAVIS commented that her goal since 1991 was to make education a permanent committee.

[8:07:07 AM](#)

CO-CHAIR THOMAS moved to report SCR 21 from the committee with individual recommendations and an attached zero fiscal note(s).

[8:07:20 AM](#)

CO-CHAIR MEYER said without objections, SCR 21 moved from the Senate Education Standing Committee.

[8:08:25 AM](#)

At ease from 8:08 a.m. to 8:09 a.m.

MOORE CASE SETTLEMENT OVERVIEW

[8:10:04 AM](#)

CO-CHAIR MEYER announced the next order of business was an overview of the Moore Case Settlement.

[8:10:10 AM](#)

CHARLES WOHLFORTH, Citizens for the Educational Advancement of Alaska's Children (CEAAC), Anchorage, said CEAAC was a non-profit corporation with 22 Alaska school district members; 21 members were rural districts plus the Anchorage district. He said CEAAC had a five member board of directors: Norman Eck, President, Northwest Arctic Borough School District; Kerry Boyd, Vice President, Yukon-Koyukuk School District; Joe Beckford, Secretary-Treasurer, Aleutian Region School District; Carol Comeau, At Large, Anchorage School District and Todd Poage, At Large, Alaska Gateway School District.

He said the Moore Case began in 2004 and was based on similar cases that were brought up in 42 states with constitutional guarantees of public education. He said the majority had been successful from the plaintiffs' point of view in trying to compel states to observe their constitutional obligation for public schools.

[8:13:13 AM](#)

MR. WOHLFORTH said in 2007, Judge Sharon Gleason defined the state's constitutional obligation and identified what rights were given to students. He said Judge Gleason found that the state met its obligation in three out of four parts and failed in terms of chronically underperforming schools. He said CEAAC continued to push towards state compliance for underperforming schools after Judge Gleason's order.

[8:14:33 AM](#)

He said Judge Gleason had two subsequent orders in 2009 and 2010 that laid out exactly what would be required for compliance. He said those orders were based on expert testimony that addressed root causes of low educational attainment with solutions.

[8:15:03 AM](#)

He said CEAAC put together a settlement that closely matched Judge Gleason's orders. He said settlement discussions started in 2011 with Commissioner Hanley from the Department of Education and Early Development (DEED) and former Attorney General John Burns. He said the case was settled in January, 2012.

[8:16:41 AM](#)

He said the parties involved in the settlement came up with four programs and a three year lump sum appropriation. He said programs continued after three years would presumably require legislation.

He said the appropriation would be allocated by the Moore Collaborative Committee (MCC). He said MCC's "shared partnership" was determined to be the most effective means for rural districts and DEED to work together. He said MCC would be comprised of seven members; three appointed by CEEAC, three appointed by DEED and one co-appointed as a non-voting chairman. He said MCC would be comprised of rural educational experts who designed programs, allocated funds and assured success.

[8:17:59 AM](#)

MR. WOHLFORTH said an independent contractor would be used to evaluate MCC grants. He said he was hopeful an effective set of programs would be established that the state continued to fund.

[8:18:23 AM](#)

He said the Two Year Kindergarten Program (TYKP) was the centerpiece for assisting underperforming schools. He said children were arriving at kindergarten behind their peers and struggled to start reading by the third grade. He said the settlement gave rural schools the opportunity to get four year olds into school and ready for kindergarten.

[8:19:35 AM](#)

He said the focus would be on the 40 lowest performing schools that are based on the Standard Based Assessment scores over three years. He said the communities where the program was implemented would have to show support through resolutions from local organizations and parents.

[8:20:14 AM](#)

He said the second program was targeted resource grants that allowed schools to identify their own problems and their own solutions. He said there was a significant matching component for local communities to contribute their own funds.

[8:20:58 AM](#)

He said the third program was a teacher retention grant that was available to any school with high teacher turnover and low student test scores. He said teacher retention was one of the root causes of low achievement. He said the grant deals with issues beyond teacher compensation, e.g., housing and community relations.

[8:23:00 AM](#)

MR. WOHLFORTH said the fourth program was the High School Graduation Qualifying Exam (HSGQE) Remediation Reimbursement Program. He said Judge Gleason stated that underperforming schools were not providing students with the necessary curriculum to take the HSGQE. He said students in the 40 chronically underperforming schools who did not pass the HSGQE would receive remedial support. He said the settlement would provide \$3000 per student to pay for remedial support and funds would follow a student to other school.

[8:24:30 AM](#)

MR. WOHLFORTH said CEAAC agreed to dismiss \$750,000 in legal expenses as part of the settlement. He said CEAAC required

districts to use accountability measures to assure curriculum execution. He said attendance requirements would be enacted for HSGQE remedial students and TYKP children.

[8:25:49 AM](#)

MR. WOHLFORTH said the state agreed that the \$18 million appropriation be used as "new money" and not used in current programs that were underfunded or recently cancelled. He said CEAAC would not advocate sweeteners for the settlement or increases in the appropriation during the 2012 legislative session.

[8:27:08 AM](#)

CO-CHAIR THOMAS asked if there were current programs that could be implemented as quickly as possible.

[8:27:44 AM](#)

MR. WOHLFORTH answered that CEAAC would like to use components from successful programs. He said the keys would be adding higher levels of accountability and quality. He said CEAAC would assist districts with the application process to expedite grants. He said CEAAC wanted to quickly implement within the time frame required to do them right.

[8:31:44 AM](#)

CO-CHAIR THOMAS asked if CEAAC would meet with the University of Alaska (UA) to address their teacher preparedness program and impact on retention.

[8:32:12 AM](#)

MR. WOHLFORTH answered yes. He said teacher quality and quantity were important settlement issues for CEAAC. He said UA teaching graduates were ready to teach and stay in rural districts. He said UA was training 30 percent of the teachers needed in Alaska. He said there was a direct correlation between teacher recruitment and low performance. He said CEAAC would like to see the UA substantially increase the number of teachers who are being trained in the skills and backgrounds that rural schools need. He said a teacher information channel between districts and UA was needed.

[8:34:41 AM](#)

MR. WOHLFORTH said funds could be used for cultural camps that orient teachers to local communities. He said camps had been done successfully in several districts.

SENATOR STEVENS asked for a student estimate on the 40 underperforming schools.

[8:36:08 AM](#)

MR. WOHLFORTH answered approximately 4000 students.

SENATOR DAVIS asked who would administer the \$18 million settlement.

[8:36:49 AM](#)

MR. WOHLFORTH answered MCC.

SENATOR DAVIS asked how CEAAC would choose their MCC representatives and if rural districts would be represented in MCC.

[8:38:00 AM](#)

MR. WOHLFORTH answered that the CEAAC board would choose candidates with rural district representation.

[8:38:27 AM](#)

SENATOR DAVIS asked who would choose the remaining four members for MCC.

MR. WOHLFORTH answered that three members would be appointed by Commissioner Hanley and a non-voting chairman would be appointed by mutual consent.

[8:38:45 AM](#)

SENATOR DAVIS asked what the qualifications were for Commissioner Hanley's appointments.

MR. WOHLFORTH answered that it was Commissioner Hanley's decision.

SENATOR FRENCH asked if \$6 million was appropriated for TYKP.

[8:39:59 AM](#)

MR. WOHLFORTH answered yes.

SENATOR FRENCH asked if the \$6 million was appropriated over a three year period.

MR. WOHLFORTH answered yes.

SENATOR FRENCH commented on the wisdom to not allow the settlement to be used to reduce funding in current or recently

cancelled programs. He asked about the difference between the current Pilot Pre-Kindergarten Program (PPKP) and TYKP. He also asked if the two programs might work together.

[8:40:42 AM](#)

MR. WOHLFORTH answered that CEAAC encouraged PPKP to continue. He said TYKP required additional teacher training and a community buy-in component. He said it made sense to begin dovetailing the two programs to cover more schools with one program.

[8:42:04 AM](#)

SENATOR FRENCH commented that 345 children were being served in PPKP and asked how many students would be served in TYKP.

MR. WOHLFORTH answered that he did not know. He said 40 schools were chosen based on Judge Gleason's orders to statistically identify the lowest performing schools. He said selection was derived from low proficiency ratings.

[8:44:46 AM](#)

MIKE HANLEY, Commissioner, Department of Education and Early Development, Juneau, said he looked forward to continue working with CEAAC. He said the focus would be on implementing program accountability and collaborating with rural districts.

[8:46:18 AM](#)

SENATOR STEVENS asked if approximately 4000 students would be affected by the settlement.

MR. HANLEY answered correct.

[8:46:42 AM](#)

SENATOR FRENCH asked if PPKP and TYKP would be simultaneously implemented.

[8:47:07 AM](#)

MR. HANLEY answered correct.

SENATOR FRENCH commented that approximately 700 children would be involved in the two kindergarten programs. He asked if there were ideas for the thousands of young Alaskans who also required the same type of education.

[8:48:10 AM](#)

MR. HANLEY answered that he hoped data from the two kindergarten programs would lead to statewide expansion.

[8:49:06 AM](#)

SENATOR DAVIS asked how long PPKP had been in existence.

MR. HANLEY answered three years.

SENATOR DAVIS asked how much money was in the budget for PPKP.

MR. HANLEY answered \$2 million. He said \$1 million was base, \$300,000 for two intervention districts and \$700,000 in onetime funding.

SENATOR DAVIS asked what two intervention districts received funding.

MR. HANLEY answered the Yupiit School District and the Lower Yukon School District.

SENATOR DAVIS asked if PPKP was an actual pilot program. She said pots of money were going into other areas.

MR. HANLEY answered that the department originally called PPKP a pilot program with the intent to keep everything consistent. He said the goal was to continue funding and eventually build capacity to implement effective programs statewide.

[8:50:45 AM](#)

SENATOR DAVIS asked what the new attendance requirements were.

MR. HANLEY answered that parents involved in TYKP would have to sign an agreement to assure an 85 percent attendance rate. He said districts would have a choice of what kindergarten model was best to incorporate.

[8:52:38 AM](#)

SENATOR DAVIS asked how money would be utilized for training the students who failed the HSQE.

MR. HANEY said districts could choose many ways to assist students to gain HSQE skills including summer camps or in-house programs.

[8:53:40 AM](#)

CO-CHAIR THOMAS said he hoped existing successful programs were sought out.

[8:54:51 AM](#)

MR. HANLEY said ten percent of the settlement funds would go into program efficacy for new or proven ideas.

[8:55:20 AM](#)

SENATOR STEVENS commented that there were some troubling implications from funding education by court order. He said all of the settlement issues were important to every student in Alaska. He said the state could not afford \$18 million for every increment of 4000 students. He asked if the parents of the forty first school would possibly sue and demand similar programs.

[8:56:46 AM](#)

MR. HANLEY answered that oversight was important. He said the settlement was a wakeup call to remedy the state's constitutional deficits. He said the amount of low performing schools was expanded to 40 locations via input from CEAAC. He agreed that it was an erroneous model to try and fund education by court order.

[8:58:51 AM](#)

CO-CHAIR MEYER asked about Mr. Hanley's MCC candidates.

MR. HANLEY answered that he wanted a consensus type of committee. He said candidates would have a statewide vision with respect in rural Alaska. He said CEAAC'S input would be welcomed.

[9:00:32 AM](#)

CO-CHAIR MEYER said he agreed that candidates with an understanding of rural culture would be important.

SENATOR DAVIS asked if MCC candidates would be from DEED.

MR. HANLEY answered that there would be no one accountable to him from DEED.

[9:01:25 AM](#)

SENATOR FRENCH commented that he appreciated the collaborative approach between DEED and CEAAC. He said it was the legislature's job to fund education and provide DEED with the tools to educate children.

[9:02:05 AM](#)

CO-CHAIR MEYER commented that education was a collaborative process and the settlement was a good first step. He said he looked forward to MCC updates.

9:03:16 AM

There being no further business to come before the committee, Co-Chair Meyer adjourned the Senate Education Standing Committee meeting at 9:03 a.m.