

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

March 25, 2013

8:05 a.m.

MEMBERS PRESENT

Representative Lynn Gattis, Chair
Representative Lora Reinbold, Vice Chair
Representative Gabrielle LeDoux
Representative Dan Saddler
Representative Paul Seaton
Representative Peggy Wilson
Representative Harriet Drummond

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 151

"An Act establishing a public school and school district grading system for purposes of improving accountability and transparency; providing for Alaska strategic educators in public schools; and providing for an effective date."

- HEARD & HELD

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 41

"An Act relating to student participation in interscholastic activities; and providing for an effective date."

- MOVED SSSB 41 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 151

SHORT TITLE: SCHOOL GRADING SYSTEMS

SPONSOR(s): REPRESENTATIVE(s) REINBOLD

03/01/13	(H)	READ THE FIRST TIME - REFERRALS
03/01/13	(H)	EDC, FIN
03/15/13	(H)	EDC AT 8:00 AM CAPITOL 106
03/15/13	(H)	Heard & Held
03/15/13	(H)	MINUTE(EDC)
03/18/13	(H)	EDC AT 8:00 AM CAPITOL 106

03/18/13 (H) Heard & Held
 03/18/13 (H) MINUTE(EDC)
 03/20/13 (H) EDC AT 8:00 AM CAPITOL 106
 03/20/13 (H) <Bill Hearing Postponed to 3/22/13>
 03/22/13 (H) EDC AT 8:00 AM CAPITOL 106
 03/22/13 (H) Bill Postponed To 3/25/13
 03/25/13 (H) EDC AT 8:00 AM CAPITOL 106

BILL: SB 41

SHORT TITLE: SCHOOL SPORTS/INTERSCHOLASTIC ACTIVITIES
 SPONSOR(S): SENATOR(S) SENATOR DYSON

01/30/13 (S) READ THE FIRST TIME - REFERRALS
 01/30/13 (S) EDC
 02/15/13 (S) SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
 02/15/13 (S) EDC
 02/25/13 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)
 02/25/13 (S) Heard & Held
 02/25/13 (S) MINUTE(EDC)
 03/04/13 (S) EDC RPT 3DP 1NR
 03/04/13 (S) DP: STEVENS, DUNLEAVY, HUGGINS
 03/04/13 (S) NR: GARDNER
 03/04/13 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)
 03/04/13 (S) Moved SSSB 41 Out of Committee
 03/04/13 (S) MINUTE(EDC)
 03/13/13 (S) TRANSMITTED TO (H)
 03/13/13 (S) VERSION: SSSB 41
 03/14/13 (H) READ THE FIRST TIME - REFERRALS
 03/14/13 (H) EDC
 03/25/13 (H) EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

CHRISTY HOVANETZ, PhD, Senior Policy Fellow
 Foundation for Excellence in Education
 Tallahassee, Florida

POSITION STATEMENT: Testified in support of HB 151 and answered questions.

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

POSITION STATEMENT: Answered questions during the hearing of HB 151.

ROBERT PEARSON, Staff
 Representative Lora Reinbold

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing of HB 151.

BOB GRIFFIN, Research Fellow
Alaska Policy Forum; Contributing Member, Students First -
American Federation for Children
Eagle River, Alaska

POSITION STATEMENT: Testified in support of HB 151.

LADAWN DRUCE, Representative
Kenai Peninsula Education Association/NEA-Alaska
Soldotna, Alaska

POSITION STATEMENT: Testified in opposition to HB 151.

TIM PARKER
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 151.

JACOB BERA
Chugiak, Alaska

POSITION STATEMENT: Testified in opposition to HB 151.

KEVIN SHIPLEY, Superintendent
Kake City Schools
Kake, Alaska

POSITION STATEMENT: Testified during the hearing of HB 151.

SENATOR FRED DYSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Speaking as the sponsor, explained that the intent of SSSB 41 is to correct an omission in legislation passed last year.

JOSHUA BANKS, Staff
Senator Fred Dyson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SSSB 41, on behalf of Senator Dyson, sponsor.

GARY MATHEWS, Executive Director
Alaska School Activities Association, Inc. (ASAA)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing of SSSB 41.

ACTION NARRATIVE

[8:05:20 AM](#)

CHAIR LYNN GATTIS called the House Education Standing Committee meeting to order at 8:05 a.m. Present at the call to order were Representatives LeDoux, Saddler, Reinbold, Seaton, P. Wilson, Drummond, and Gattis.

HB 151-SCHOOL GRADING SYSTEMS

[8:05:47 AM](#)

CHAIR GATTIS announced that the first order of business would be HOUSE BILL NO. 151," An Act establishing a public school and school district grading system for purposes of improving accountability and transparency; providing for Alaska strategic educators in public schools; and providing for an effective date."

[8:06:38 AM](#)

REPRESENTATIVE REINBOLD, prime sponsor of HB 151, observed that the education committee is tasked with an important mission: to oversee the laws of education in Alaska. As a whole, Alaska can improve its system of education by instituting a grading system to help schools become aware of their effectiveness and to be a catalyst for change. She said HB 151 - the Parental Education Information Act - is a consumer report for education that creates school accountability through transparency by providing a simple and comprehensive grading system. The bill directs the Department of Education and Early Development (EED) to establish by regulation the criteria that accounts for improvement in student achievement by assigning annual performance designations on an A-F scale. She clarified that criteria for the performance designation, based on two years of data, would be as follows:

- (1) 50 percent combined student achievement data in reading, writing, math, and science
- (2) 25 percent individual learning gains of all students in reading, writing, and math

(3) 25 percent individual learning gains in reading and math achieved by students who scored at or below the 25th percentile on the statewide standards-based assessment in reading or math

REPRESENTATIVE REINBOLD pointed out the bill exempts schools with less than 20 full-time students from this section. The impacts of the grading system are as follows:

- bring clarity and understanding
- provide a consumer report card to communities
- motivate improvement
- spark community-wide support
- increase parental involvement
- be a catalyst for change

REPRESENTATIVE REINBOLD provided background information on the next speaker.

[8:11:41 AM](#)

CHRISTY HOVANETZ, PhD, Senior Policy Fellow, Foundation for Excellence in Education, directed attention to the graph found in the committee packet entitled, "School Grades by School Type in 2012." She explained the graph is a complete representation of all of the schools in Florida receiving grades A-F in 2012. Also in the committee packet was a graph entitled, "School Grades for 2012 Compared to 2011: Elementary Schools," and she noted that Florida substantially raised its proficiency standards between the 2011 and 2012 school years thereby affecting one-half of each school's grade. The graph depicts the number of schools improved to a higher grade even though the "bar of proficiency went up" in 2012. Dr. Hovanetz said, "... specifically for F schools and D schools as had been highlighted in our previous conversation, that not many schools that earned a D or an F remained a D or an F the following year. There is a lot of movement of those schools up and down based on the instructional practices and the instructional leadership of that school from year to year."

[8:14:42 AM](#)

REPRESENTATIVE P. WILSON requested clarity on the second graph.

DR. HOVANETZ restated the purpose of the graph. In further response to Representative P. Wilson, she said the numbers in

yellow are the number of schools that maintained their grade from the previous year, the numbers in green are the number of schools that increased a letter grade, and the numbers in pink are the numbers of schools that declined a letter grade. She offered that the graph portrays a comparison of schools' letter grades from 2011 to 2012.

Discussion on the graph followed.

[8:20:54 AM](#)

REPRESENTATIVE SEATON referred to the same graph for middle schools, and pointed out that in B, C, and D categories there were more schools that declined than increased a letter grade. He asked whether data from 2010 to 2011 was available, as that data would not be affected by changes in assessment criteria.

DR. HOVANETZ said the data exists for each year, although the standards are raised every "couple years." She reminded the committee that Alaska will be writing its own proficiency standards and its own grading criteria.

REPRESENTATIVE SEATON requested comparative information for 2010. He acknowledged that Alaska proficiency standards also change each year.

[The middle school graph Representative Seaton referred to was not included in the committee packet.]

REPRESENTATIVE SEATON, again taking information from the middle school graph, advised that for middle schools, in the B category, eight times as many schools decreased a letter grade than improved. In the C category, seven times as many schools decreased a letter grade than improved, and in the D category, twice as many schools decreased a letter grade than improved.

[8:24:59 AM](#)

REPRESENTATIVE LEDOUX stated her general support for the idea of grading schools; however, she suggested that the data could be used in a different context to attribute improvements in grades to school choice, or to other factors in the Florida schools. She asked how the data proves that these improvements are due to the school grading system.

DR. HOVANETZ stated that data, prior and post to the implementation of the grading system, indicates that the

percentage of students improving on national assessments for fourth grade reading and math has increased substantially, even though there were not many other reforms taking place in Florida.

REPRESENTATIVE LEDOUX asked for the effective dates of the following programs in Florida: the school grading system, the third grade reading and retention program, and the school choice program.

DR. HOVANETZ responded the school grading program became effective in 1999. At the same time, there were multiple school choice programs available, including opportunity scholarships for students in failing schools who wanted to move to better-performing schools. The third grade retention policy did not come into effect for another five years, thus that program did not play a part in the initial improvements in school performance.

[8:28:36 AM](#)

REPRESENTATIVE DRUMMOND reported from a newspaper article that the Florida school system has slipped out of the "top ten" due to budget cuts and stalled national test scores. She asked to see the accountability program data aligned with Florida's budget, noting that the governor is seeking to restore education funding, and Florida is falling in all 14 National Assessment of Educational Progress (NAEP) categories.

DR. HOVANETZ agreed that Florida's scores declined slightly in 2011, and observed that a change of governor has led to a weakening in the leadership advocating for educational reform. However, there is a strong effort to maintain the rigor of the accountability system and to increase proficiency requirements.

REPRESENTATIVE P. WILSON stated her support for the grading system, but agreed with the need for details on all of Florida's reform efforts, beginning with the starting point at which Florida was compared to other states. Information on the grading system could then be looked at relative to all of the other reform efforts and student funding.

DR. HOVANETZ reported that in the 1990s Florida was in the bottom ten ranking for fourth and eighth grade reading and math, nationwide. The most recent rankings put Florida into the top ten after the implementation of school grading. She offered to provide the state ranking data for those years, and pointed out

that Florida has not mandated any type of statewide professional development instruction or curriculum. Statewide policies such as expectations for reading levels are without specific classroom direction as to how the expectations are to be met, although districts were offered professional development, curriculum and materials, and diagnostic training assessments. For the grading system, the state holds schools accountable for ensuring that students are proficient and make at least one year's progress in one year's time, but did not direct the local districts on how to do so.

[8:35:27 AM](#)

REPRESENTATIVE SADDLER asked whether students in the Anchorage School District receive A-F report card grades.

REPRESENTATIVE REINBOLD understood through third grade students receive N, S, or O. Students in higher grades receive A-F.

REPRESENTATIVE SADDLER observed there are other assessments of school performance at the state and federal levels, and asked the sponsor for information on those assessments.

REPRESENTATIVE REINBOLD stated the annual yearly progress (AYP) report - related to the No Child Left Behind Act (NCLB) - is available, but is complicated and includes information on the district as a whole. Each school receives an individual report card on topics such as race, participation, attendance, retention, transience, economics, volunteers, drop-outs, and reading scores. She opined that HB 151 adds one more layer to data that is already being collected in order to create a simple report card similar to the sample found in the committee packet.

REPRESENTATIVE SADDLER asked whether the NCLB AYP report concludes with an overall rating.

REPRESENTATIVE REINBOLD said no.

REPRESENTATIVE SADDLER then asked whether there is a state assessment.

[8:39:40 AM](#)

MIKE HANLEY, Commissioner, Department of Education and Early Development (EED), informed the committee EED's standards based assessment (SBA) is given annually in grades three through ten as a function of complying with federal accountability measures.

Although the data can be broken down by subgroups, the main score reflects whether a school meets AYP or not. The bill adds a separate system in addition to the one already in place.

REPRESENTATIVE SADDLER asked whether the system added by HB 151 is duplicative or complementary.

COMMISSIONER HANLEY said the systems would measure slightly different aspects. At this time, EED has submitted a waiver to change the AYP model and instead rate schools on a five-star system; the proposed bill "could be considered complementary." In further response to Representative Saddler, he said a parent would go to the state web site to see the status of federal compliance and the report card created by the proposed bill.

[8:42:13 AM](#)

REPRESENTATIVE SEATON suggested a simpler chart could be developed on how many schools met or did not meet AYP rather than bringing in a new system to report on the same year.

DR. HOVANETZ clarified that the school grading system does not improve student achievement; the school grading system highlights students' performance in the school to demonstrate whether or not the school is meeting the needs of its students. The A-F grading system has been a major catalyst for schools to change albeit without any direction from the state. As schools are held accountable and grades are made public, the A-F system shines a bright light on schools that are or are not successful, leading to changes and improvements at the school. She advised that these changes follow immediately.

REPRESENTATIVE SEATON returned attention to the graph indicating declines and said he could not see how the letter scores actually produced those results. He noted that HB 151 uses a rolling average of two years and asked how a two-year average would affect the changes in Florida.

DR. HOVANETZ said Florida does not use a two-year average and could not comment on the possible impact. The two-year average is not used because it complicates the system and does not give a true picture of what is happening in a current year. She returned attention to the graph, explaining that when a 75 percent improvement rate in the number of schools graded A or B is attained, Florida raises the standard higher. From 2011 to 2012, Florida raised the bar and that explains the number of schools that are in decline. She assured the committee that in

2013 there will be an increase in A and B schools; in fact, data from 2010 to 2011 shows "a very different picture." Dr. Hovanetz restated the importance of continuing to raise the bar on standards to prevent the data from becoming meaningless.

[8:49:45 AM](#)

CHAIR GATTIS noted that Alaska is currently using a five-star program to grade schools, but the bill proposes to change from stars to A-F, for simplicity, and the rating will be prominently displayed for easy access by parents.

REPRESENTATIVE REINBOLD emphasized that the same data will be in a different and clearer form. Further, the data would be 50 percent based on achievement and 25 percent on individual learning gains in reading, writing, and math, and 25 percent on the lowest 25 percentile. Basically, the bill strips out all of the accessories and focuses on the core of achievement and learning gains. She called attention to an unnamed handout in the committee packet to point out that Alaska spends the highest amount per pupil yet ranks last according to 2011 NAEP scores; Florida spends only \$1,517 per pupil, yet ranked sixth overall in the nation in reading. Representative Reinbold concluded that the grading system was a part of a comprehensive system of reform that can also be a catalyst for change in Alaska.

[8:52:38 AM](#)

ROBERT PEARSON, Staff, Representative Lora Reinbold, Alaska State Legislature, clarified that the star system is part of EED's NCLB waiver application and is not in place at this time. Furthermore, there is a major difference between the criteria for grading in that the proposed one- to five-star system uses 70 percent achievement and learning gains, 25 percent attendance, and 5 percent participation. The grading system in the bill determines a grade on the basis of 50 percent achievement and 50 percent learning gains.

[8:53:38 AM](#)

REPRESENTATIVE LEDOUX, referring to both the star and HB 151 grading systems, observed that a school that starts out very low and makes significant gains may earn a higher grade than a school that was already performing well. Her experience is that a grading system should be based on performance rather than improvement.

REPRESENTATIVE REINBOLD responded that the grading system does just that by eliminating the nonacademic statistics such as attendance and participation, and grading 50 percent on reading, writing, math, and science testing. However, it is important to show progress to motivate schools and students.

DR. HOVANETZ agreed that the ultimate goal is to have all children proficient. Further, if students enter school proficient, there still needs to be an indication of continued progress. On the other hand, there needs to be an indication that teachers are ensuring that underperforming students are also making a year's worth of progress.

[8:57:19 AM](#)

REPRESENTATIVE SADDLER cautioned that if the basis for assessments is "gains" there is the possibility that schools will reach a limit at the top. He pointed out that Florida continues to raise standards thus students will always have room for achievement; however, if HB 151 bases 25 percent on the growth in the lowest 25 percentile of schools, and 25 percent on learning gains, there may only be a "a tiny fraction of improvement available."

MR. PEARSON advised that all schools have a mix of various achievement levels among their student body. The point of the criteria of the grading system is that a high-achieving student body will still have to make a year's progress, or more, to improve or maintain a grade. The rewarding of extra points is intended to help schools rise up students in the lowest 25 percent, and that component is recognized by schools and teachers as a very important part of the education system.

DR. HOVANETZ added that the method of defining learning gains addresses students who are performing at an advanced level, in that it measures whether they are still performing at an advanced level in the following year. In fact, only those students who maintain their advanced level are counted as making learning gains even though they are proficient.

REPRESENTATIVE SADDLER agreed with the previous statement that an A-B-C grade is a reflection of achievement but does not imply accelerated learning or improvement, and he said he was not comfortable with the added element of a change in achievement level. He asked for information about the Alaska Strategic Educator section of the bill, and any related cost.

REPRESENTATIVE REINBOLD relayed her intent is to give EED the power to recognize outstanding teachers who are willing to transfer to a D or F school. The teachers will be identified as Alaska Strategic Educators, and this can be accomplished without adding a fiscal note.

[9:02:54 AM](#)

REPRESENTATIVE P. WILSON asked if the grading system provides a means to assist individual teachers who need extra help.

DR. HOVANETZ answered that the school grade does not provide data on individual teachers, but the principal will receive accountability information on individual student performance within the school, and this will reveal whether there are classes with a majority of students who are not making learning gains.

[9:05:13 AM](#)

CHAIR GATTIS opened public testimony.

[9:05:28 AM](#)

BOB GRIFFIN, Research Fellow, Alaska Policy Forum; Contributing Member, Students First - American Federation for Children, stated his support for HB 151. He said he has attended dozens of education seminars across the country, and views this reform as one of the most effective and inexpensive that he has encountered. Alaska has a combination of expensive K-12 education per pupil and low performance, and the state is in desperate need of cultural change along the lines of the Parental Education Information Act. He compared educational statistics between Florida and Alaska, reporting that in 2011, Alaska was first in per-capita educational spending and fiftieth in reading for low- and upper middle-income students. One of the most important aspects of the Parental Education Information Act is a rating system that allows for chronically low-performing schools to show improvement. He opined there is a lack of choice in small communities and in chronically low-performing schools, and assigning grades to schools will serve as a positive catalyst for cultural change and will spur innovation and change such as happened at the Alaska Native Cultural Charter School. He disagreed with those who consider HB 151 as punitive, and compared the bill to other simple consumer rating systems that provide [objective] data. Inspiration for the Alaska Strategic Educator came from the

education summit in Anchorage and this model has been used to great advantage in another state. Mr. Griffin urged for a cultural change in K-12 education statewide, beginning with HB 151.

[9:11:29 AM](#)

LADAWN DRUCE, Representative, Kenai Peninsula Education Association/NEA-Alaska, indicated her opposition to HB 151. Ms. Druce stated that educators in Alaska are continuing to learn and strive to better Alaska's education system. She said she will serve on the advisory teacher evaluation group formed to advise EED on the new teacher evaluation regulations, a component of which is related to student learning data. Ms. Druce referred to earlier testimony and disagreed that the proposed grading system is simple and comprehensive; in fact, it is not simple to understand, as evidenced by the questions generated by the committee in this meeting. Furthermore, although assignment of a letter grade may be simple, education is not, and educating students is a complex art that involves other subject areas that the grading system does not address. The bill intends to motivate improvement, but she questioned how, and stated parental involvement is attained by inviting parents into schools to be part of the school community. She suggested that education is not a competition and is not relevant to a business model, because schools do not control their populations. She recalled teaching at Kotzebue High School in the 1980s, and said becoming a D or F school attaches a stigma - not a positive motivation - to a school in a situation where students have no other high school to attend. Finally, she asked the sponsor to identify the problems that the bill seeks to address, and to work with educators to identify and solve problems.

[9:14:36 AM](#)

REPRESENTATIVE SADDLER asked whether teachers would be attracted to serve in low-performing schools as an Alaska Strategic Educator.

MS. DRUCE was unfamiliar with that section of the bill.

[9:15:56 AM](#)

TIM PARKER informed the committee he has been a teacher at Lathrop High School for 15 years. He said his experience in motivating and improving student performance has proven that

shaming is not a positive approach on how to improve schools. It is a fact that most of the low-ranking schools deal with the problems of poverty and transiency, which cannot be solved by assigning a grade to a school. Mr. Parker recalled his teacher training taught him that improvement comes from talking to students and providing extra support. He agreed with Representative LeDoux that the bill is not tied to student performance, and advised that teacher in-service opportunities and extra time with students would be actual solutions to do so. He urged for adequate support for schools to enable teachers to provide services to students who are struggling. He stated that NEA-Alaska is in favor of positive changes in education such as providing directed professional development, professional learning communities, peer review, extending the time of the school year, creating a good evaluation system, family/school partnering, and delivering a varied curriculum. Mr. Parker urged for future legislation addressing the aforementioned topics.

[9:19:58 AM](#)

JACOB BERA said he is a teacher at Eagle River High School and a member of the Anchorage Educational Association and NEA-Alaska. He expressed his concern about HB 151 because it stigmatizes a school instead of providing ideas for improvement. He agreed with the intent of the bill which is to recognize and identify areas of success and areas which need improvement; however, HB 151 moves in the wrong direction to motivate parents and provide a catalyst for change. He returned attention to the existing school report card issued by the Anchorage School District (ASD), noting that education and assessment is more complex than a letter grade can represent and the ASD report card provides a more complete picture. For example, the ASD report card for Eagle River High School indicates improved scores, the school's goals and actions for improvement, parental involvement, school strategies, and school successes. Mr. Bera's research revealed that although the intent of the bill is well-meaning, and he supports accountability, rigor, parental information, and parental choice, the proposed report card does not provide pathways to improvement. He referred to the Alaska Strategic Educator section of the bill and questioned whether there is motivation for a teacher to transfer to a school that has been identified as a failing school. Mr. Bera gave an example of the excellent teaching staff at Mountain View Elementary, even though it has been targeted by the Alaska Policy Forum as a failing school. He provided copies of NEA-Alaska's guidelines, "Six Principles for Leading the Profession" to the committee.

[9:25:20 AM](#)

KEVIN SHIPLEY, Superintendent, Kake City Schools, agreed that Alaska needs to make changes in its educational system that will improve the performance of all students. Although he does not have a problem with the A-F grading system, he stated he has concerns about the bill. Mr. Shipley noted his experience as a "turn-around specialist" for 12 years in Texas, on which the Florida grading model is based, and that he understand the reform model of education and how it affects changes that have been implemented in Alaska. While the challenges are similar, there are differences between Alaska, Texas, and Florida, thus solutions to problems are not the same. He provided specific outcomes to the Florida model, and opined that standards have been manipulated: scores for minority students were raised, but not in a way that related to college readiness or to the ACT and Scholastic Assessment Test (SAT). He questioned the wisdom of implementing a system from another state into Alaska, citing the cost of new testing requirements for science. Mr. Shipley cautioned the unintended consequences of the bill may stigmatize low-income schools and students.

CHAIR GATTIS restated that the science section has been removed from the bill.

[9:28:32 AM](#)

CHAIR GATTIS, after ascertaining that no one else wished to testify, closed public testimony.

[HB 151 was held over.]

SB 41-SCHOOL SPORTS/INTERSCHOLASTIC ACTIVITIES

[9:28:39 AM](#)

CHAIR GATTIS announced that the next order of business would be SPONSOR SUBSTITUTE FOR SENATE BILL NO. 41, "An Act relating to student participation in interscholastic activities; and providing for an effective date."

[9:28:48 AM](#)

SENATOR FRED DYSON, Alaska State Legislature, speaking as the sponsor, informed the committee the intent of SBSB 41 is to correct an omission in legislation passed last year.

JOSHUA BANKS, Staff, Senator Fred Dyson, Alaska State Legislature, introduced SSSB 41 on behalf of Senator Dyson, sponsor. Mr. Banks said that with the continuing rise in popularity of alternative education programs, many school districts are including students from home schools and correspondence schools. In 1997 the Alaska Legislature passed into law House Bill 158 which allowed for school children enrolled in private, correspondence, or home school programs, to also enroll as part-time students in a school district. However, a problem arose related to whether a home school student was allowed to play on a football team. In response, in 2012 the Alaska Legislature passed Senate Bill 119 which allowed for high school children enrolled in an alternative education program to also participate in interscholastic activities available at a public school. Unintentionally, private and religious schools were not addressed in the law, and the Alaska School Activities Association (ASAA) recently advised home school parents that their children are ineligible to participate in high school interscholastic activities at a non-public school.

MR. BANKS said SSSB 41 will allow students to participate in private schools, adding that private schools are not required to accept a home school student onto a sports team, but the bill prevents the systematic rejection of alternative education students from the participation of activities and establishes that the law cannot be a barrier to disallow alternative education students from participation in interscholastic activities.

[9:33:15 AM](#)

SENATOR DYSON advised that the Sponsor Substitute for SB 41 strikes the word "entirely" from Section 1 of the bill passed last year. This was necessary because the interpretation of the bill was that all materials being used by an alternative school had to be from within the state.

REPRESENTATIVE LEDOUX asked why a state law is needed to allow private schools to accept participants on their athletic teams.

SENATOR DYSON explained that ASAA sets the policy for all schools that participate in a sports league. After the passage of last year's legislation, a home school student could participate in interscholastic athletics; however, the private school would then be excluded from the league. In further

response to Representative LeDoux, he confirmed that ASAA must conform to state law, thus the bill is necessary so that a home school student can play for a private school and not disqualify the private school from participating in the league.

[9:35:27 AM](#)

REPRESENTATIVE P. WILSON moved to adopt SSSB 41, as the working document. There being no objection, SSSB 41 was before the committee.

REPRESENTATIVE SADDLER stressed that high school athletics is not the same as high school activities; interscholastic activities include not only sports but also band, cheerleading, chess club, and other activities. He requested ASAA to clarify his understanding that under Senate Bill 119 it is not optional for a public school to accept a student, if the student is eligible to participate.

MR. BANKS clarified that Senate Bill 119 and the proposed bill ensure that schools have the "final say" on whether to accept students to play sports.

SENATOR DYSON recalled House Bill 158 in 1997 required a school to accept a part-time student, but Senate Bill 119 and SSSB 41 are permissive related to athletics and activities. In response to Representative LeDoux, he said the bill would apply to playing sports at private schools.

REPRESENTATIVE REINBOLD asked for a description of the situation at Chugiak High School.

SENATOR DYSON said the situation at Chugiak revealed a problem: Chugiak High School approved the participation of a student, but ASAA declared the student ineligible, and the football team was disqualified for the season. Senate Bill 119 solved that problem, but unintentionally excluded private schools, which left the need for SSSB 41.

REPRESENTATIVE P. WILSON surmised that all the games were lost due to one student.

SENATOR DYSON said yes. In further response to Representative P. Wilson, he explained that the student wanted to play and the school official thought the requirements for his eligibility were met.

REPRESENTATIVE SADDLER, in response to Representative P. Wilson, added that the student was a home school student who received permission from Chugiak High School to play, but at the end of the season the team was forced to forfeit the three games in which the student played, which were victories.

REPRESENTATIVE P. WILSON asked whether the student was recruited.

[9:42:33 AM](#)

MR. BANKS responded that ASAA bylaws carry strict penalties against recruiting; even with the passage of the bill, private schools could not recruit.

REPRESENTATIVE P. WILSON opined it should not be said that the school lost all of its games because of one student.

CHAIR GATTIS clarified that a home school student has no team to play with and last year's legislation allowed public schools to accept home school students on their teams. The proposed legislation would also allow private schools to accept home school students on their teams. This legislation is necessary to satisfy ASAA's interpretation of the statute.

[9:44:55 AM](#)

GARY MATHEWS, Executive Director, ASAA, explained ASAA is the statewide governing body for interscholastic activities which include athletics, fine arts, and academic activities in all of its 200 plus member high schools in Alaska. To be an ASAA member, a school agrees to follow a common set of rules. Every school district in the state and all of the high schools, except a few small, private high schools, are members. He agreed with previous testimony that last year Senate Bill 119 solved the problems associated with the situation at Chugiak High School, but because Senate Bill 119 specifically addressed public schools, the ASAA board felt ASAA did not have the authority to include private and religious schools. Therefore, amendments to ASAA bylaws in response to Senate Bill 119 were limited to the public school sector. However, ASAA embraces the intent of SSSB 41; in fact, ASAA has begun the process to amend its bylaws to include the private and religious schools that are in its membership. Mr. Mathews said he expects the ASAA board to open eligibility to private and religious schools in any case. He stated that the clarification on the definition of alternative education that is included in SSSB 41 is also supported by ASAA;

further, ASAA recently amended its bylaws to implement the aspects of Senate Bill 119, and is prepared to incorporate the additional changes authorized by [SSSB 41] as of July 1.

[9:47:56 AM](#)

REPRESENTATIVE LEDOUX restated that even if the bill does not pass, ASAA will allow home school students to participate and questioned why this action was not taken before.

MR. MATHEWS explained that the language in Senate Bill 119 identified public schools which raised a constitutional question. He pointed out that SSSB 41 gives private schools the opportunity to accept students, however, ASAA's interpretation of Senate Bill 119 is that public schools do not have the option of accepting a home schooled student if the student lives within the school's attendance area and meets eligibility standards. This does not guarantee that the student makes a team or is placed in a band, he cautioned.

REPRESENTATIVE SEATON said his understanding, as well, is that Senate Bill 119 did not guarantee a student a place on a team at a public school, but did guarantee that he/she was eligible to participate. He directed attention to SSSB 41, page 2, line 9, which read:

... is eligible to participate in any interscholastic activities program available in a religious or other private school regulated under this chapter

REPRESENTATIVE SEATON opined this is the same wording and requirement as that of the public school, which does not grant an option, but that acceptance is required. He then directed attention to subsection (b), page 2, lines 15-19, which read:

(b) A student is eligible to participate in interscholastic activities under this section if the student

(1) is otherwise eligible to participate in interscholastic activities under requirements established by the school and the statewide interscholastic activities governing body

REPRESENTATIVE SEATON advised the language does not allow acceptance on a case-by-case basis, and asked whether all students are to be accepted. To clarify, he asked if the

sponsor believes Senate Bill 119 "didn't guarantee him a slot on the team but did give him, guarantee them, the ability to participate, to apply and participate, and if we have the same thing here, I don't see the distinction between us not imposing on private schools what we imposed on public schools, that they must make available those opportunities to students that are really not ... enrolled in their school."

[9:53:01 AM](#)

SENATOR DYSON noted that page 1, line 7, states "is eligible," as does page 2, line 9. He advised that just because students are eligible to participate, does not mean the school is required to allow them to participate. Also, participation does not guarantee placement on a team or in a band. Senator Dyson said the language "eliminates that bar of eligibility for that student, but - in my understanding - it's still permissive for the school."

MR. MATHEWS stated that schools do not have the authority to decide whether a student is eligible, but must follow the rules, policies, and bylaws established by ASAA. He explained that public high schools have attendance areas, although some districts allow students to attend out of the area in which they live. However, private schools do not have attendance areas, but are community-wide. Senate Bill 119 said a student is eligible at the public school they would normally attend, if they were attending a public school, or with approval of the school district. He directed attention to SSSB 41, page 2, lines 6-14, which read:

(a) A full-time student who is eligible under (b) of this section who is enrolled in grades nine through 12 in an alternative education program that is located in the state and that does not offer interscholastic activities is eligible to participate in any interscholastic activities program available in a religious or other private school regulated by this chapter

(1) that the student would be eligible to attend were the student not enrolled in an alternative education program; and

(2) at which the student requests to participate, if the administrator of the school approves.

MR. MATHEWS pointed out that the above-referenced language is not in Senate Bill 119; in fact, the school administrator must

approve only if the student wants to attend a school that he would not normally attend. This is the basis of the distinction made by ASAA.

[9:57:43 AM](#)

REPRESENTATIVE P. WILSON supported language that specifies the student should choose the school in their attendance area.

MR. BANKS explained that the bill makes no limits on where a student attends a private school.

SENATOR DYSON added that private schools and some public schools are not limited to students from a certain geographical area.

REPRESENTATIVE P. WILSON surmised that the change is that students in a private or religious school can participate anywhere they wish.

SENATOR DYSON agreed, adding that waivers are available for public school students who wish for permission to attend outside of their attendance area.

[10:00:56 AM](#)

REPRESENTATIVE SADDLER read from Senate Bill 119, which becomes effective July 1, as follows:

If a home school student wants to participate in interscholastic activities at their local attendance area they can do so if they are otherwise eligible If that student who is home schooled wants to participate in interscholastic activities at a school outside of his attendance area, he can do so if: (a) he shows good cause ... and if the governing body of the school approves.

REPRESENTATIVE SADDLER explained that SSSB 41 allows students who are home schooled to participate in interscholastic activities at a private or denominational school anywhere in a school district - not only in their attendance area - because the nature of a private school is citywide attendance.

REPRESENTATIVE P. WILSON said, "... we're now saying that public school kids can't do it, but if you're rich enough to go to a private school you can go anywhere you want."

MR. BANKS clarified that Senate Bill 119 states that a home school student is eligible to participate, based on the residence of the parent or legal guardian, where the student would be eligible to attend, were the student not enrolled in an alternative education program.

REPRESENTATIVE P. WILSON interjected with the following question: "So we're not giving ... private schools ... an advantage that public school kids can't have."

SENATOR DYSON stated that the bill proposes the eligibility rules of the particular school apply. For example, elementary schools generally want students from the neighborhood, but kids can go to the ABC schools because of the eligibility rules of the ABC schools. In response to Representative P. Wilson's question, he said no.

REPRESENTATIVE P. WILSON restated her question, and her opinion that the answer is yes.

[10:05:01 AM](#)

REPRESENTATIVE SADDLER observed that Representative P. Wilson was trying to determine whether a private school student can attend any public school they wish for activities. He said the answer is no; the bill allows a student who is home schooled to participate in interscholastic activities at a private school or denominational school.

REPRESENTATIVE SEATON returned attention to page 2, line 13, which read:

... if the administrator of the school approves.

REPRESENTATIVE SEATON asked for confirmation that this language means that participation by students will be handled on a case-by-case basis, and eligibility will be based on any criteria that the private school chooses.

SENATOR DYSON said yes.

REPRESENTATIVE SEATON concluded that private schools retain the ability to discriminate on many grounds. Additionally, he emphasized that the proposed legislation only addresses home school students who are in a program "that is accredited by a recognized accrediting body."

SENATOR DYSON concurred.

[10:08:01 AM](#)

REPRESENTATIVE REINBOLD stated her support for SSSB 41, saying it will encourage participation in sports and band, helps home school students interact with their peers, and empowers parents.

REPRESENTATIVE SADDLER stated his support for Senate Bill 119 last year was partly based on the fact that parents of home school students pay property taxes that support local public schools. He said:

I have a question or concern whether the students, parents of the students who are home schooled, accredited home schools ... will be paying the support for the private schools or religious schools to whom, to which, their kids want to attend. I will assume that the administrators of those private or religious schools will have provisions for the expense of that, and with the decision accept them, that they will make note that there might be some cost involved.

SENATOR DYSON indicated that is right.

REPRESENTATIVE P. WILSON concluded the bill relates only to a home school student who wants to go to a private or religious school.

[10:09:52 AM](#)

CHAIR GATTIS opened public testimony.

[10:10:04 AM](#)

The committee took an at-ease from 10:10 a.m. to 10:11 a.m.

[10:11:17 AM](#)

REPRESENTATIVE SEATON asked for further clarification on the interpretation of language on page 2, lines 13 and 14, which read:

at which the student requests to participate, if the administrator of the school approves.

REPRESENTATIVE SEATON surmised this means that the school can apply any criteria that the school is allowed to employ. For example, anything that is not prohibited under the constitution can be used for the private school to approve or disapprove.

SENATOR DYSON, speaking as the sponsor of the bill, agreed with Representative Seaton's interpretation of that statement in the bill.

CHAIR GATTIS, after ascertaining no one wished to testify, closed public testimony.

[10:12:34 AM](#)

REPRESENTATIVE SADDLER moved to report SSSB 41 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SSSB 41 was reported from the House Education Standing Committee.

[10:13:14 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 10:13 a.m.