

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

April 3, 2013
8:02 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

HOUSE BILL NO. 190

"An Act providing for course credit in secondary school based on demonstrated mastery of the subject."

- SCHEDULED BUT NOT HEARD

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
03/25/13	(H)	Heard & Held
03/25/13	(H)	MINUTE(EDC)
03/29/13	(H)	EDC AT 8:00 AM CAPITOL 106
03/29/13	(H)	<Bill Hearing Postponed to 4/1/13>
04/01/13	(H)	EDC AT 8:00 AM CAPITOL 106
04/01/13	(H)	-- MEETING CANCELED --
04/03/13	(H)	EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

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

POSITION STATEMENT: Testified and answered questions during the discussion of HB 151.

JUAN COBA, State Policy Director
 Foundation for Excellence in Education
 Tallahassee, Florida

POSITION STATEMENT: Testified and answered questions during the discussion of HB 151.

CHRISTA VON BERGEN, Staff
 Representative Lora Reinbold
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the discussion of HB 151.

BOB GRIFFIN, Education Research Fellow
 Alaska Policy Forum
 Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HB 151.

CLARK JOLLEY, Senator
 Oklahoma State Senate
 Edmond, Oklahoma

POSITION STATEMENT: Testified during the discussion of HB 151.

MR. LES MORSE, Deputy Commissioner

Department of Education and Early Development
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the discussion of HB 151.

ACTION NARRATIVE

[8:02:39 AM](#)

CHAIR LYNN GATTIS called the House Education Standing Committee meeting to order at 8:02 a.m. Representatives Gattis, Reinbold, Seaton, P. Wilson, and Drummond were present at the call to order. Representatives LeDoux and Saddler arrived as the meeting was in progress.

HB 151-SCHOOL GRADING SYSTEMS

[8:03:12 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." [Version 0 was before the committee.]

[8:03:42 AM](#)

REPRESENTATIVE REINBOLD noted that members' packets contain a proposed committee substitute (CS) for HB 151, Version I. She explained that Version I would allow an exemption for schools with fewer than 20 full-time students but would allow the schools to opt in to the grading system.

[8:04:51 AM](#)

REPRESENTATIVE P. WILSON moved to adopt the proposed committee substitute (CS) for HB 151, labeled 28-LS0496\1, Mischel, 3/28/13, as the working document.

REPRESENTATIVE DRUMMOND objected for the purpose of discussion.

[8:05:08 AM](#)

REPRESENTATIVE REINBOLD directed attention to Section 5 of the bill, which would allow an exemption for schools with fewer than 20 full-time students to opt into the grading system at the

school's discretion. Additionally, this section will create clear instructions for the school's display of the yearly performance designation. It requires the school to promptly post the designation on the website, as well as to notify parents and guardians of enrolled students about the yearly performance. However, the posting of the grade at the front office of the school is optional. Finally, the purpose of this section is to ensure a link to the performance designation assigned to each school district and public school is available on the website and home page of the Department of Education and Early Development (EED).

REPRESENTATIVE P. WILSON referred to subsection (d) and asked whether schools are exempt if they have fewer than 20 full-time unless they notify the department otherwise.

REPRESENTATIVE REINBOLD agreed that [Section 5, subsection (d)] is optional for the smaller schools.

REPRESENTATIVE P. WILSON noted that under subsection (g), each school shall prominently display on the [school's] Internet website [the performance designation assigned each year for the duration of the year]. She asked whether all schools have the ability to comply with this requirement.

CHAIR GATTIS asked whether this means schools who maintain a website should display the performance information.

REPRESENTATIVE P. WILSON commented the aforementioned requirement reads "shall" so it means the school performance information must be prominently displayed on the website.

REPRESENTATIVE REINBOLD interpreted this to mean the school "shall" display the information if it has an Internet website. She assumed most schools have Internet websites.

[8:08:21 AM](#)

MIKE HANLEY, Commissioner, Department of Education and Early Development (EED), offered his understanding that every school district has a website, although he was unsure if each school within the district has its own website. Although each school he has checked has its own website within the district's website, he couldn't confirm whether all schools have Internet websites.

REPRESENTATIVE SEATON referred to language on page 4, under subsection (e), which read, "The department shall adopt regulations to implement this section and provide annual incentives" He asked what that would entail.

COMMISSIONER HANLEY declined to venture a response and deferred to the sponsor.

REPRESENTATIVE REINBOLD said existing law already provides for the department to assist underperforming school districts, if possible. She offered to provide some examples from Florida [as the model for this bill], but again, the department already has the flexibility to support underperforming schools.

REPRESENTATIVE SEATON expressed concern about the bill's mandatory nature with regard to the need to develop regulations and incentives; however, he was unsure what this entails or the parameters for the department.

CHAIR GATTIS asked whether the department understands the parameters.

COMMISSIONER HANLEY said he unsure of the sponsor's intentions. For example, the incentives could be recognition on the EED's website, or in local publications. Perhaps the recognition could be accomplished with plaques, but he was not sure if it fits with the sponsor's intent. The department did not prepare a fiscal note since he was unsure of the incentives.

REPRESENTATIVE REINBOLD offered to provide some clarity. She referred to AS 14.03.123, which states, "The department shall establish a program of special recognition for those schools that receive high performance designation." Further, the department "recommends that schools that receive high performance designation under the U.S. Department of Education (U.S.DOE) Blue Ribbon Schools Program." She said this language is in current law. Additionally, if the high performance school is a Title I school, the department recommends that Title I be distinguished as a school award, but both programs are already federally sponsored. She offered to provide links and e-mail the information.

REPRESENTATIVE SEATON responded he was still uncertain what the department is required to do with respect to the Alaska Strategic Educator. Referring to page 4(i), he remarked that the Bush experiences high turnover. In instances in which a school earns a designation of "D" or "F," whether any new

teacher who voluntarily takes a job in the Bush is designated as an Alaska Strategic Educator.

REPRESENTATIVE REINBOLD answered that the department already has designated underperforming schools. This language will give the department the authority to identify an Alaska Strategic Educator to travel to the Bush; however, he/she would travel from a higher performing area to the Bush school. Again, this would give the department the power to identify the "D" or "F" schools and place the strategic educators where needed.

[8:14:06 AM](#)

REPRESENTATIVE SEATON said the language in Version I requires the department to take action. He read, "... the department shall identify as an Alaska Strategic Educator a teacher who volunteers to be assigned and is assigned to teach in a classroom ...". Granted, the school could be anywhere in Alaska, including the Matanuska-Susitna Borough (MSB) or the Bush. Apparently any teacher would qualify, including a brand new teacher, who would be designated by the department as an Alaska Strategic Educator. In fact, the bill doesn't differentiate between moving staff from one part of a district to another; instead, anyone who volunteers in a low-performing school shall be identified as an Alaska Strategic Educator. He voiced concern whether this serves the bill's intent.

REPRESENTATIVE P. WILSON asked whether this process requires two teachers will be in the classroom or if one is transferred to another location when the Alaska Strategic Educator is transferred.

REPRESENTATIVE REINBOLD deferred to Mr. Coba to answer.

REPRESENTATIVE P. WILSON surmised many schools with a designation of "D" or "F" would be rural schools requiring air travel, which is costly.

[8:17:55 AM](#)

JUAN COBA, State Policy Director, Foundation for Excellence in Education, offered his understanding that the language under discussion is intended to provide an incentive to high-performance teachers to move to lower performing schools. For example, in Florida teachers are given monetary incentives to supplement their salaries if they move to low-performing schools or schools with challenged populations, such as in low socio-

economic areas. While Florida doesn't have the geographical challenges Alaska has, it does have some isolated areas. He was unsure of how to address the specific question.

REPRESENTATIVE SEATON explained that Alaska has a number of single-site school districts. He related a scenario in which a single site school was a low-performing school, which under the bill means that a first-year teacher could be designated as an Alaska Strategic Educator. He further understood Florida provides monetary incentives. He asked for clarification on which Florida teacher is being offered an incentive.

MR. COBA responded that in Florida school districts negotiate their own salary schedules. The intent is not necessarily to move new teachers, but to provide teachers who have a proven track record some incentives to move to a low performance school.

[8:21:14 AM](#)

CHRISTA VON BERGEN, Staff, Representative Lora Reinbold, Alaska State Legislature, noted that the bill states [on page 4, lines 19-22, subsection (i)], "A school principal, a school district, and the department shall identify as an Alaska Strategic Educator a teacher who volunteers to be assigned and is assigned" [to teach in a classroom in a school for the school year immediately after a school year for which that school earned a designation of "D" or "F" under this section.] Therefore, the aforementioned teachers would need to volunteer. The only change in this bill is to add the title, "Alaska Strategic Educator." She clarified that the bill does not add any monetary compensation.

CHAIR GATTIS surmised that the volunteer teacher is given a title and certain prestige to attain the title "Alaska Strategic Educator."

MS. BERGEN answered yes.

REPRESENTATIVE SEATON acknowledged the point, but noted that in districts in the MSB and the KPB with numerous schools and teachers significant movement could happen; however, in rural Alaska, many school districts already experience 50 percent turnover in many schools. Certainly, some of these schools will fall in the "D" or "F" category. Therefore, anyone applying to be a teacher in the Bush would automatically be volunteering to teach in those schools. He emphasized the bill states that a

school principal, a school district, and the department "shall" identify an Alaska Strategic Educator. He questioned whether that's the intent of the bill.

REPRESENTATIVE REINBOLD suggested that approximately 78 schools would be exempted since they have less than 20 full-time students. She characterized this bill as being a consumer information education act that basically informs the community, the teachers, and parents of where the schools stand in terms of achievement and progress gains that the students are making, which she viewed as important.

[8:24:22 AM](#)

REPRESENTATIVE SADDLER noted that much of the bill's focus is on grading and promoting awareness of a school's performance. The section that designates the Alaska Strategic Educator seems to be the way the bill addresses school performance. He asked for clarification on what it means to be a strategic educator. For example, he asked whether teachers will receive extra pay.

[8:24:58 AM](#)

REPRESENTATIVE REINBOLD responded that the honor of having a title bestowed on the teachers would serve as an incentive, similar to recognition offered to members serving in the military. Although the bill does not address monetary incentives - since the legislature does not negotiate contracts - she believed that teachers will be drawn to help the "underdog" schools due to the recognition the title grants them.

REPRESENTATIVE SADDLER asked for clarification on whether the incentive is basically lauding someone to take on a tough assignment.

REPRESENTATIVE REINBOLD agreed that serving as an Alaska Strategic Educator would be "a badge of honor" for teachers. She emphasized the specific language in the bill states a school principal, a school district, and the department "shall" identify an Alaska Strategic Educator who volunteers to be assigned to be assigned and is assigned to teach in a classroom in a school for the school year immediately after a school year for which that school earned a designation of "D" or "F".

REPRESENTATIVE SADDLER understood teachers willing to take on the assignment would be designated an Alaska Strategic Educator, but the title is not given based on their prior achievement.

REPRESENTATIVE REINBOLD agreed, noting these teachers will be identified by the principal, school district, and the department. In further response to Representative Saddler, she agreed that no monetary compensation is designated in the bill, but those types of decisions could be made during labor negotiations.

[8:27:44 AM](#)

BOB GRIFFIN, Education Research Fellow, Alaska Policy Forum, after mentioning that he served as a delegate to the Mayor's Education Conference in Anchorage in November, explained that the concept of strategic educator came from a former North Carolina superintendent who spoke at the mayor's conference. The superintendent related that the school districts in North Carolina used a strategic educator moniker to attract high quality teachers to their tough schools. He characterized the program as being a very successful program, which has been proven to work elsewhere. While the North Carolina schools did not offer teachers any financial incentives these schools were able to attract teachers who were driven by challenges. The North Carolina superintendent offered his belief it was one of the most effective programs to attract high-quality teachers to low-performing schools without providing monetary compensation.

[8:29:50 AM](#)

REPRESENTATIVE SADDLER asked whether any additional benefits or authority was provided to the strategic educators in the North Carolina program.

MR. GRIFFIN answered no; teachers received a signature block indicating they were strategic educators. In fact, teachers would compete to earn the moniker. He compared it to the military practice of awarding decorations for service. This actually attracted the right type of teachers to the low-performing schools, similar to the reason the Peace Corps volunteers are attracted to help. In response to Representative Saddler, Mr. Griffin responded that in order to participate in the program, strategic educators must first volunteer and then be selected to serve. For example, not all of the volunteers were selected to participate in the North Carolina program, but just those who had a track record of proven effectiveness.

REPRESENTATIVE P. WILSON, after mentioning she previously lived in North Carolina, questioned whether the program would work in

Alaska given the state's current lack of transportation infrastructure. She further questioned how this could work in Alaska especially given that some of the remote schools lie in areas without residential electricity in some homes.

[8:34:01 AM](#)

MR. GRIFFIN pointed out that people are motivated by different things. Moreover, the fact that it won't cost anything makes the program attractive. He offered his belief this program will attract the right types of people, which are those motivated by the satisfaction of good performance rather than by economics. Again, the track record of the North Carolina program illustrates that it could work in Alaska, although it may not provide the ultimate solution.

REPRESENTATIVE REINBOLD reminded members that the Department of Education and Early Development (EED) already has coaches and mentors in schools that are in intervention mode. She characterized this program as one that might be complementary to existing EED's efforts. Again, teachers would be attracted since it would be a "badge of honor" and recognition. Finally, it is the legislature's responsibility to do everything possible to help students and schools, she said.

[8:36:03 AM](#)

REPRESENTATIVE DRUMMOND directed attention to the language on page 4, subsection (i), which read, "A school principal, a school district, and the department shall identify as an Alaska Strategic Educator ... ". Specifically, the language in HB 151, subsection (i) doesn't read "or" so it appears a substantial number of people would be involved in identifying teachers that may not normally be involved in the teacher selection process. Specifically, she asked whether the department has been involved in identifying teachers for any other reason.

COMMISSIONER HANLEY answered no. With respect to the bill, he envisioned the process would entail the school district and principal selecting a strategic educator and the department confirming their selection. However, he did not expect the department would step in to identify teachers for schools since those types of decisions are left to local control.

REPRESENTATIVE DRUMMOND asked whether a school principal would be involved in hiring decisions or if hiring is usually done at the school district level.

COMMISSIONER HANLEY expressed he is most familiar with the Anchorage School District (ASD). He noted the ASD was able to make staff hiring decisions within the parameters given by the district. However, speaking as a former principal, he stated he hired staff for his school.

REPRESENTATIVE SEATON suggested the committee is currently discussing two programs. First, one program identifies a select group of educators who are selected based on criteria and their performance as high-quality educators, who are subsequently bestowed honorary titles. Second, the other program under discussion is the one described in the bill as currently written, which requires that a school principal, a school district, and the department "shall" identify as an Alaska Strategic Educator. He voiced concern that the bill would allow new teachers to be designated as Alaska Strategic Educators. He questioned whether the sponsor prefers the program as written in the bill or whether the program will be more selective and use master teachers. He pointed out testifiers mentioned master teachers taking on a difficult task in an underperforming school. However, the bill reads that anyone who "volunteers" could be selected. Thus a new teacher could be accepted as an Alaska Strategic Educator once the teacher "volunteers" and is confirmed by the school.

[8:40:21 AM](#)

REPRESENTATIVE REINBOLD ventured perhaps that language could be changed. She suggest that discretionary language, such as changing "shall" to "may" on page 1, line 9. Nonetheless, she pointed out the selection process consists of a series of decisions, such that first the person is identified, then he/she volunteers, after which he/she is confirmed. Further, the EED currently has mentors and coaches in schools and this program would complement that process.

[8:41:37 AM](#)

CLARK JOLLEY, Senator, Oklahoma State Senate, stated that he chaired the Oklahoma Appropriations Committee and sponsored a similar bill several years ago.

REPRESENTATIVE REINBOLD suggested Senator Jolley describe the effects of the bill.

SENATOR JOLLEY explained Oklahoma has been issuing two report cards; however, parents still really couldn't get a sense of how their children were performing. He explained that instituting the "A-F" grading system changed the dynamics, which resulted in parents becoming more involved in the process, asking questions of superintendents and school board members. Since the program costs very little to implement, Oklahoma hopes to use funds to reward the "A" schools or other schools that improve. To implement the reform, Oklahoma used data from ongoing testing and simply calculated school performance using a different matrix for the "A-F" grading system. He hoped another bill will pass, such as one the committee is currently considering. Speaking to the original program, he said Oklahoma's goal was to inform parents about the performance of their schools, which is being accomplished. However, the program is not without controversy because some people routinely object to transparency or accountability, although others have embraced the process. The effect has been to "kick start" a discussion on current education policy and seek to make it better for students.

REPRESENTATIVE P. WILSON asked him to describe some changes that were necessary to make.

SENATOR JOLLEY responded that Oklahoma made some initial changes, including issuing four grades for schools. First, Oklahoma offered a grade for academic performance and another for growth of the school, site, and district. Next, Oklahoma identified the bottom 25 percent of students. Finally, Oklahoma graded the school improvement as a whole, including graduation rate, dropout rate, advanced placement. Initially, the school was graded based on academics comprising $66 \frac{2}{3}$ percent, and the whole school at $33 \frac{1}{3}$ percent. Currently, this is being revised so the grade will be based solely on academics, with 50 percent based on required testing achievement, 25 percent on the site's growth, and 25 percent on the performance of the bottom quartile. The whole school improvement grade was moved into a bonus category. Thus schools could obtain points based on the whole school improvement and use these points to move up to a letter grade. He anticipated this program would be considered by both the Senate and the House this year. He suggested the current bill is similar to Alaska's bill.

REPRESENTATIVE P. WILSON suggested that perhaps the bill should sunset since the sunset provision would trigger a review. She expressed concern about the legislature's ability to perform continuity and follow up on the program.

8:50:10 AM

SENATOR JOLLEY argued against including a sunset provision in the bill. Instead, the legislature needs to make a policy decision to implement the program. He suggested that the committee could decide how "user friendly" the data should be. In his experience, when a bill contains a sunset provision, the tendency is for legislators to find reasons not to reinstate the program. They may simply claim the program is not working rather than working to improve the policy. He emphasized that the "A-F" metric is an easily understood metric. In his view, Alaska's report is far more thorough than Oklahoma's report, but Oklahoma's report was difficult to understand unless the person truly understood education policy and statistics, whereas the "A-F" metric as proposed by HB 151 would be easily understood by parents.

8:53:00 AM

SENATOR JOLLEY, in response to Representative Seaton's comment on an article, explained one of the problems with the bottom quartile is that it didn't truly identify the bottom quartile, but rather it identified the bottom quartile of state achievers. He explained that Oklahoma system uses advanced, satisfactory, limited knowledge, and unsatisfactory categories. The bottom 25 percent has always been those scoring in the limited knowledge, and unsatisfactory categories. However, since some schools only had five percent in the aforementioned category, a huge amount of the school's overall grade was limited to a small number of students; for example, perhaps 20 of 700 students. Subsequently, the formula has been changed to better reflect the bottom 25 percent of all students. Additionally, it was also problematic since the bottom percentage grading is the most difficult challenge to meet. For example, a suburban district with high student achievement found it brought the school's grade down. He compared the phenomenon as similar to "Everybody hates the Congress but everyone loves their own Congressman." In the same way, everyone likes to think their school is performing well. Some of the schools people thought of as "A" schools ended up being "B-D" schools, so people were upset and opposed the grading.

8:56:13 AM

REPRESENTATIVE SEATON directed attention to the specific language in HB 151, which states, "(3) 25 percent on the individual learning gains in reading and mathematics, if any,

achieved by students who scored at or below the 25th percentile on the statewide standards-based assessment in reading or mathematics." He asked whether that is the same language as Oklahoma uses in its program.

SENATOR JOLLEY answered no. He offered his understanding that this language means the bottom quartile of students statewide. If the goal of HB 151 is to model it after Oklahoma's program, it would have to be on a site-by-site basis. Of course, everyone tests reading and math, he said. Thus each school district would look at the bottom 25 percent of students. For example, a school with 800 students would examine the bottom 200 students, not the bottom 25 percent of the statewide performers. Actually, Alaska's language is a little less restrictive than Oklahoma's prior language, but it isn't the same direction Oklahoma is currently moving towards, he said.

[8:58:56 AM](#)

REPRESENTATIVE DRUMMOND asked whether Oklahoma has any schools not on the road system. She also asked if any schools require boats or planes for access.

MR. JOLLEY answered no.

REPRESENTATIVE P. WILSON voiced concern whether it is wise for Alaska to exempt some schools.

SENATOR JOLLEY argued against exempting schools except in terms of protecting students' privacy. He recommended exempting schools from complying only if the school is so small that it is possible to assess how individual students perform since it is not acceptable to disclose how an individual student is performing on any assessment. In response to Representative Saddler, Mr. Jolly explained that the previous accountability system was called the Academic Performance Index, which was on a "0-1,500" scale. In Oklahoma schools were initially assessed differently, but the performance grading system was replaced by the "A-F" system. This was changed to avoid inundating parents with statistical analyses and instead provide parents with one report card rather than three. This was accomplished without extra cost because it did not require compilation of more data, simply compiling data already collected.

SENATOR JOLLEY, in response Representative Saddler, said he was satisfied with the program. The old method of grading schools was abolished because it didn't make any sense. It was

difficult to determine where on the scale a good school fell. Similarly, in his own experience, the elementary school his children attended attained a perfect 1,500 score, with no room for improvement in student achievement. This seemed problematic, he said. Additionally, he disliked two report cards. He stated Oklahoma also had some political changes that have affected the political climate. Some districts embraced the grade sheets while others disliked them so having just one metric for everyone makes an "apples to apples" comparisons and removes excuses. Also, the new system provides an opportunity for students and teachers to feel pride when the school scores well on assessments and the "A-F" system. In closing, he recommended a unified system such as the one in his state.

[9:06:48 AM](#)

REPRESENTATIVE REINBOLD mentioned that this model has been implemented in 12 other states, but she cautioned it does take courage to make this effort. She offered her belief that it is important to provide information on school performance to consumers and communities. She said one of the guiding principles in her district is education reform. She hoped that this committee has the courage to pass HB 151.

[9:07:28 AM](#)

REPRESENTATIVE DRUMMOND removed her objection.

CHAIR GATTIS announced that Version I was now before the committee.

[9:08:10 AM](#)

REPRESENTATIVE P. WILSON made a motion to adopt Conceptual Amendment 1, on page 3, line 30, to only exempt schools to protect student identity. She acknowledged it would be tough for some schools, but she supported a statewide effort.

CHAIR GATTIS related a scenario in which one student excels and the school wants to opt in. She asked whether Conceptual Amendment 1 would allow this.

REPRESENTATIVE P. WILSON said that scenario is not part of Conceptual Amendment 1.

REPRESENTATIVE SEATON objected for purpose of discussion. He recalled earlier testimony by Senator Jolley, such that Oklahoma

has moved away from the percentile in standard-based assessments since one or two students performing very poorly could affect the school. For example, students scoring below the 25th percentile would count as 25 percent of the school's lowest grades, as well as count for individual learning gains. Still, he was uncertain how a small population in a small school would affect the grading system of those below the 25th percentile. He asked for further clarification.

REPRESENTATIVE P. WILSON offered her belief that his concern could be addressed via another amendment, but is not affected by Conceptual Amendment 1.

REPRESENTATIVE SEATON, in terms of student privacy, asked where the individual identification would occur.

REPRESENTATIVE P. WILSON offered her understanding that under the federal program, "No Child Left Behind" includes privacy provisions. Therefore, Alaska currently has criteria in place to address the privacy issue, but asked for further clarification from the department.

REPRESENTATIVE SEATON sought clarification that Conceptual Amendment 1 would include all schools since criteria exist to prevent identifying a single student.

[9:14:53 AM](#)

REPRESENTATIVE P. WILSON restated that the intent of Conceptual Amendment 1 is for all schools to participate and the only exemption would be to protect a student's identity.

REPRESENTATIVE SEATON removed his objection.

REPRESENTATIVE P. WILSON, in response to a question, referred to page 3, lines 3-31, and to page 4, line 1. Conceptual Amendment 1 would require all schools to participate except to protect the identity of a particular student. She was unsure how the privacy issue is currently handled. In further response to Representative Saddler, she explained the reason the amendment is a conceptual is that she was unsure of what is necessary to accomplish this, but the bill drafter could implement the intent.

CHAIR GATTIS pointed out that some schools are so small, such that with five students in a school people could compare the grades and scores and identify individual student scores.

REPRESENTATIVE SADDLER maintained his objection.

LES MORSE, Deputy Commissioner, Department of Education and Early Development (EED), introduced himself.

REPRESENTATIVE P. WILSON referred to page 3, line 30, subsection (d), which read, "A school that has fewer than 20 full-time equivalent students is exempt from this section unless the principal of the school notifies the department that the school is included." She explained the purpose of Conceptual Amendment 1 is to include all schools unless it would allow a particular student to be identified. She offered her belief that student privacy is currently being addressed, but she was unsure.

[9:18:20 AM](#)

MR. MORSE clarified that federal law prohibits the state from indicating the performance of any student to maintain student privacy, including the performance of those students who excel. Currently if a school has five or fewer students, the department does not report any results. Similarly, for schools with more students the reports would indicate ranges, such as reporting 70 percent or greater are proficient and 69 percent and fewer are not.

REPRESENTATIVE P. WILSON asked whether the EED could implement Conceptual Amendment 1.

MR. MORSE related his understanding that Conceptual Amendment 1 will address protections for students' privacy. He envisioned that the department would deploy a strategy to protect students' privacy and comply with the Family Educational Rights Privacy Act.

REPRESENTATIVE P. WILSON understood the drafter would comply.

REPRESENTATIVE SADDLER asked whether this exemption is solely at the discretion of the principal.

REPRESENTATIVE P. WILSON answered no; it would be up to the department, based on the language in subsection (c).

REPRESENTATIVE SADDLER asked what criteria would be used.

REPRESENTATIVE P. WILSON suggested it would be the criteria currently being used by the department.

MR. MORSE clarified that the department doesn't report five or fewer students and in instances of greater than five students, the scores are reported in ranges until the student numbers about 40 students, although he was unsure of the specific cutoff. However, the results fall in a range to protect the identities of individual students, he said.

REPRESENTATIVE P. WILSON acknowledged the department would probably need to promulgate regulations using the intent of the bill.

[9:23:12 AM](#)

REPRESENTATIVE LEDOUX asked whether a student could waive the confidentiality requirements to allow scores to be reported.

MR. MORSE said the federal FERPA categorizes data which cannot be disclosed by the school; however, schools can receive permission to share some information with respect to award announcements. Currently, Alaska has 135,000 students in 500 schools in 53 districts so it is impossible for the state to track this and suppress score results. He said that schools can make decisions at the local level based on permissions they may have.

[9:24:45 AM](#)

REPRESENTATIVE LEDOUX offered her understanding that small schools would be graded, but the information would not be shared unless the local school board authorized it.

MR. MORSE suggested that would probably be true in small schools, such as those with five or less students. However, keep in mind that due to funding considerations, very few schools exist with fewer than 10 students. Perhaps only 5 of the 109 students would fall in the tested grades. He said complexities exist with respect to privacy act limitations.

REPRESENTATIVE SEATON noted that Conceptual Amendment 1 doesn't require any achievement grades to be released, but pertain to the grading system for the whole school and individual performance would not be included at all. He surmised that in very rare circumstances the school grade would affect the performance of individual students since only a single grade is being released for the whole school.

[9:27:15 AM](#)

REPRESENTATIVE SADDLER suggested the gross cutoff to allow a principal to notify the department he/she does not what his/her school to be included would give more flexibility. However, if the intent of the bill is to be more transparent, then efforts to make it less transparent are somewhat counterintuitive. He maintained his objection.

[9:28:10 AM](#)

A roll call vote was taken. Representatives Reinbold, Seaton, Wilson, LeDoux, and Gattis voted in favor of the adoption of Conceptual Amendment 1. Representatives Saddler and Drummond voted against it. Therefore, Conceptual Amendment 1 was adopted by a vote of 5-2.

REPRESENTATIVE SEATON expressed concern with subsection (c) of HB 151. He suggested that very few students may fall in the group, since it is 25 percent of the students who achieve less than the 25th percentile on statewide standards. Again, one-fourth of the grade would be based on that formula, he said. Thus the achievement grade would subsequently be rolled into paragraph (2) since it is part of the individual learning gains of all students. Further, the result would also be rolled into the combined student achievement data. He reminded members that Oklahoma passed its bill by 94-4 to reform the system to rid itself of the triple count of students. He said Alaska doesn't have the grading system yet and it took Florida ten years to get its grading system developed. He pointed out that Oklahoma is currently revising its plan. He voiced reluctance in making changes without further research, particularly given that Oklahoma is still in the process of refining its system. He was unsure how to address his concern.

[9:31:37 AM](#)

REPRESENTATIVE P. WILSON suggested paragraph (3) [25 percent on the individual learning gains in reading and mathematics, if any, achieved by students who scored at or below the 25th percentile on the statewide standards-based assessment in reading or mathematics] should be done by site rather than by the state as a whole. She offered her understanding that Oklahoma decided to address this provision by site.

REPRESENTATIVE REINBOLD concurred that Oklahoma decided to address this provision by site.

MR. COBA explained that in Florida, and perhaps in Oklahoma as well, the figure is the bottom 25 percent at the school, rather than the bottom 25 percent statewide. Thus each school would have its own figure, which would be used to measure the school grade.

REPRESENTATIVE SEATON was unsure how that fits in with Alaska's statewide standards-based assessment.

REPRESENTATIVE P. WILSON offered her belief that the bill is not yet clear.

[9:34:40 AM](#)

REPRESENTATIVE REINBOLD surmised that language could be added to paragraph (c) by adding "by site".

REPRESENTATIVE P. WILSON suggested the committee might need to research this.

REPRESENTATIVE REINBOLD said as sponsor she is amenable to changes.

REPRESENTATIVE P. WILSON asked for clarification on whether everyone in the school would be tested or if it is limited to some grades.

REPRESENTATIVE REINBOLD said that all the standards-based tests will be administered as currently done. She explained that testing would not change under the bill. In further response to Representative P. Wilson, she clarified that the same tests would be administered at the current levels.

[9:38:11 AM](#)

MR. MORSE explained that the language on page 2 is based on the current testing program. He has worked with the sponsor to ensure that the testing didn't change. Currently, he explained that reading, writing, and math are tested for grades 3-10, which would be included. Science is not tested at every grade level, which is why the language is clear that intervals for grades 4, 8, and 10, are tested. While a grade-to-grade score isn't possible, it's still possible to apply an achievement score for science. However, additional testing isn't built into the system. If the state changes its testing program and tests the new standards, it is possible to test different levels, but

it would nonetheless still include grades 3-8, plus some high school grades. The department feels strongly about growth, which is best calculated through continuous grade level testing. Currently, the Alaska Board of Education & Early Development makes the determinations and under federal law is required to test grades 3-8, plus one grade in 10-12. Thus the state tests grades 3-8, as well as grade 9, although grade 9 is not yet required under federal law. In response to a question, he agreed the state will test grades 3-8. In some instances grades 9 and 10 are tested, he said.

[9:41:14 AM](#)

REPRESENTATIVE SEATON suggested the high school test will be based on achievement in grades 9-10, as well as growth between grade 9 to 10, but junior or senior components would not be incorporated into that figure.

MR. MORSE clarified that if students are in the 9th grade for a full year, then the department would be able to do a growth score under the current system. So as long as a test was taken in 8th grade the growth score could be tracked, even if the testing occurred in another school. In further response to Representative Seaton, he confirmed that new students would be excluded unless they tested outside Alaska.

[9:43:04 AM](#)

REPRESENTATIVE DRUMMOND questioned how scores in the 10th grade would be used since this testing would be based on two years of dates.

MR. MORSE suggested that the department would look at both grades 9 and 10. He acknowledged that the department does not capture 11th or 10th grade, but an elementary school does not capture kids in K-2 either.

REPRESENTATIVE DRUMMOND suggested that the grade for a 9-12 high school would only track half the scores without any opportunity to show improvement above the 10th grade.

MR. MORSE agreed that is correct; however, that's not unlike the current accountability system.

[9:44:40 AM](#)

REPRESENTATIVE SEATON noted that the language on page 3, line 27 subsection (c), reads, as follows, "(3) 25 percent on the individual learning gains in reading and mathematics, if any, achieved by students who scored at or below the 25th percentile on the statewide standards-based assessment in reading or mathematics" He asked for an explanation of how that would work.

MR. MORSE responded he was unable to answer since it wasn't something he previously noticed.

[9:45:36 AM](#)

MR. GRIFFIN said he thinks this is in error; that it should read "and" in both instances.

REPRESENTATIVE REINBOLD said she believes he is correct that it should read "and".

MR. GRIFFIN, with regard to how the improvements impact the overall grade, said the way the system is set up any improvements can only improve grades, but would not lower the grade. For example, if a school earned a "B" for its academic achievement and did not experience test score gains for the bottom quartile, then the grade would still be a "B" since the school would retain the last grade given. In further response to Representative Seaton, he pointed out that the language is under "learning gains" and if there are no gains it would not affect the overall grade. In response to a question, he related his understanding that the gains represented a positive affect and could not result in a negative effect.

REPRESENTATIVE SEATON disagreed that this calculation is included in the bill since it says 25 percent will be on individual gains of all students. Further, paragraph (2) requires 25 percent on individuals learning gains for those below the 25th percentile. Thus the 25 percent would not count or is only an additive in the bill.

REPRESENTATIVE P. WILSON sought clarification of what the bill would do. She suggested that sometimes scores are counted three times.

[9:51:22 AM](#)

MR. COBA directed attention to the language on page 3, line 23, to the language in subsection (c). First, the score is based on

50 percent on combined student achievement data. Thus in Alaska it would be those students tested on reading and mathematics, with some testing in science. The other half of the grade would be based on individual learning gains of all students, which consist of reading and mathematics, exclusively, since those tests are given each year in grades 3-8. Additionally, Alaska also tests in 9-10 grades. Basically, a school would earn different points for each of the components. He agreed it is possible for a student to be counted in each of three categories; however, it isn't different than what currently happens. The scores measure both achievement and growth.

REPRESENTATIVE SADDLER offered his belief this is a simplistic representation of a complicated formula.

MR. COBA suggested that it captures two important scores, including where a school stands, which could reflect high-performance students. The growth would indicate how well that school performed in moving students from the date of receiving the student until the end of the school year.

[9:56:25 AM](#)

REPRESENTATIVE REINBOLD summarized that first, 50 percent of the school's scoring will be based on achievement. Next, the scoring will be based on student gains since a certain population may not have met standards. This will help assess whether the school is moving in the right direction. Granted, this bill isn't perfect, but it's important to put a grading system into place and this is a proven system. However, it does take courage to take these steps, but [the legislature, administration, and parents] deserve to know how schools are doing, she said.

REPRESENTATIVE P. WILSON directed attention to page 3 lines 9-10, which read, "...the department shall annually assign to each public school, including charter schools and boarding schools, and to each school district a performance designation ..." which would single out each school, she surmised.

[9:58:08 AM](#)

REPRESENTATIVE SEATON pointed out, however, that the language on page 3, lines 28-29, states, "... the 25th percentile on the statewide standards-based assessment ..." so this should be cleared up, perhaps by indicating the 25th percentile within a school on the wide standards-based assessment.

[9:58:39 AM](#)

REPRESENTATIVE DRUMMOND referred to language on page 3 lines 9-11, which read, "the department shall annually assign to each public school, including charter schools and boarding schools, and to each school district a performance designation ..." and asked whether the sponsor intended to grade all school districts.

REPRESENTATIVE REINBOLD related her understanding was yes.

REPRESENTATIVE DRUMMOND asked whether this was part of the Florida model.

MR. COBA concurred.

CHAIR GATTIS announced that HB 151 [Version I, as amended,] would be held over.

[9:59:41 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:59 a.m.