

**ALASKA STATE LEGISLATURE  
ADMINISTRATIVE REGULATION REVIEW COMMITTEE**

Anchorage, Alaska

October 29, 2014

1:15 p.m.

**DRAFT**

**MEMBERS PRESENT**

Representative Lora Reinbold, Chair  
Representative Geran Tarr

**MEMBERS ABSENT**

Senator Cathy Giessel, Vice Chair  
Representative Mike Hawker  
Senator Gary Stevens  
Senator Hollis French

**OTHER LEGISLATORS PRESENT**

Representative Wes Keller  
Representative Tammie Wilson (via teleconference)

**COMMITTEE CALENDAR**

PRESENTATION: DEPARTMENT OF EDUCATION & EARLY DEVELOPMENT  
REGULATIONS: RESTRAINT & SECLUSION OF STUDENTS -- 4 AAC 06.175  
& 177; ACCOUNTABILITY -- 4 AAC 06.812(B)~ 883~ 895~ 899; COMMON  
CORE STANDARDS INITIATIVE -- 4 AAC 04.145; INTERNET SPEED COSTS  
-- 4 AAC 33.665(B) & 670.

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

DEENA PARAMO PhD, Superintendent  
Matanuska-Susitna (Mat-Su) Borough School District  
Palmer, Alaska

**POSITION STATEMENT:** Answered questions related to the discussed regulations.

RACHELLE SIEPER(ph)  
Wasilla, Alaska

**POSITION STATEMENT:** Expressed concerns with Common Core standards

TIM CLINE, Director  
Interior Distance Education of Alaska (IDEA)  
Fairbanks, Alaska

**POSITION STATEMENT:** Expressed concerns.

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

**POSITION STATEMENT:** Answered questions related to the discussed regulations.

LES MORSE, Deputy Commissioner  
Office of the Commissioner  
Department of Education and Early Development  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions related to assessment regulations.

JIM POUND, Staff  
Representative Wes Keller  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided testimony related to the effect of HB 140 on regulations issued by the Department of Education and Early Development.

TARREN LESLIE  
North Pole, Alaska

**POSITION STATEMENT:** Expressed concerns with the Common Core Standards and the Alaska State Standards.

**ACTION NARRATIVE**

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**CHAIR LORA REINBOLD** called the Administrative Regulation Review Committee meeting to order at 1:15 p.m. Representatives Tarr and Reinbold were present at the call to order. Representatives

Keller and T. Wilson (via teleconference) were also in attendance.

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CHAIR REINBOLD announced that the only order of business would be discussion related to the Department of Education & Early Development regulations: Restraint & Seclusion of Students -- 4 AAC 06.175 & 177; Accountability -- 4 AAC 06.812(b), 883, 895, 899; Common Core Standards Initiative -- 4 AAC 04.145; Internet Speed Costs -- 4 AAC 33.665(b) & 670.

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DEENA PARAMO PhD, Superintendent, Matanuska-Susitna (Mat-Su) Borough School District, offered to answer questions related to the regulations being considered by the committee.

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CHAIR REINBOLD, referring to Internet speed in public schools, related her understanding that some legislators believe that "while this regulation's clearly filed, it lacks the clear articulation of ongoing fiscal responsibility." She asked Dr. Paramo to state what her stance is on Internet speed in the Mat-Su Borough School District.

DR. PARAMO said Mat-Su, along with the other larger schools in proximity to larger city centers, has access to Internet speed

connectivity greater than 10 megabits (Mb/s). She said "all of our schools" share a connectivity of between 30-100 Mb/s, and some of the high schools are over that." She said the district had been in a planning phase for some time and received federal grants to "build out fiber to our schools." She said "our delegation" - including Representative Keller - assisted the school district by [obtaining] matching state funds to have a request for proposal (RFP) to "build out to schools." She pointed out that the "trunks" that were added benefited the entire community, because surrounding neighborhoods were connected.

DR. PARAMO said certainly the five largest school districts are a minority as compared with the rest of the fifty-three districts in Alaska, and she said she is not certain how many districts have speeds above ten Mb/s. She said the issue of connectivity has been of concern to superintendents, because colleges and universities are beginning to use on-line learning to deliver curriculum.

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CHAIR REINBOLD asked if it is Dr. Paramo's understanding that all the school districts in Alaska will have to increase their Internet speeds to meet the demand of on-line testing that is approaching, and - if so - at what cost.

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DR. PARAMO answered that those of the districts in the core areas can use the enterprise system and access the Internet in "the cloud." She offered her understanding that because there

is not enough speed in some of the remote school districts, the department has arranged for caching of the assessment." She continued as follows:

The next two years of the assessment is designed to be a straightforward test; multiple - I guess - copies of similar tests with similar questions for the next two years. In the third year out is ... what's called a dynamic test where, depending on the individual who is taking the test, his or her right answer or wrong answer would select another question to really target the learning area. But until that time, the test is a multiple form test just given on-line, which is easy to cache in a system where it resides on a local server. And so, my understanding, from the training I received from the department, is that it can be done, but in the future, certainly connectivity is a concern, I think, not just for school districts but for medical places and other places in the state of Alaska.

DR. PARAMO indicated that paying according to Mb/s, without a clause in a contract, can result in higher Internet costs when "you crank up those pipes." She said she does not know how much data would be used, but noted that when her children use the Internet, the costs vary depending on whether they are texting or streaming video.

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CHAIR REINBOLD asked how much the district received in the aforementioned federal grant.

DR. PARAMO answered that the Mat-Su district received \$6 million in combined monies from the federal and state governments, and she offered her understanding that the project is just being completed. She said the district partnered with MTA - a local provider that applied for a grant available to local providers that partner with school districts - and MTA received \$1.3 million to bring "fiber" to the area inclusive of Glacier View, the district's remote K-12 school, which has under 150 students.

DR. PARAMO, in response to Chair Reinbold, clarified that the \$6 million was for connectivity to schools, including on-line learning, video conferencing, and "pushing out a class from one school to another." She said the district has been doing on-line testing through the measures of academic progress, and has found the connectivity to be an added bonus in that regard.

CHAIR REINBOLD asked Dr. Paramo to relate the cost to her district of on-line testing, including the cost of increased staffing and training.

DR. PARAMO replied that she was unsure of the specific cost to the department. She explained that the cost would depend on the system, for example, whether setup could be done on one computer, which then could communicate with multiple computers, or if someone would have to program each individual computer. She said it would also depend on how updated the buildings were in terms of wireless and firewalls. She said the district has always incurred costs during testing time because of rules and regulations related to how many students can be in a room, and proctors needed to administer the tests. She said the district

has utilized outside space, such as churches and senior centers, to accommodate large numbers of students for testing.

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DR. PARAMO, in further response to Chair Reinbold, explained that "pushing out" is when one computer can be set up to then connect the information or image to many other computers. She said if districts have that ability, then it is easier to set up for testing. In response to a follow-up question, she said an image relates to the verification and security of a student's name and test information. Each child enters his/her key name to log on, and it would take much longer to set up each computer to take the child's name rather than just doing that from one computer and "pushing that out."

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CHAIR REINBOLD, regarding the concern over privacy, asked if any private information is being released about the students or if any "mining of information" is happening on the assessments.

DR. PARAMO said the district gets students' scores from each school; parents receive information on their child's progress following Family Educational Rights and Privacy Act (FERPA) laws; each district has a housing network for its own data, as well as the On-line Alaska School Information System (OASIS) numbers, which identify each child. She explained that the OASIS numbers reside at the state level, and the district has a district number.

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CHAIR REINBOLD relayed that the committee had heard testimony during its August meeting about a breach of data that occurred in Kansas. She opined that "we're ramping it up an entire year and kind of throwing the districts into a kind of tailspin, basically, trying to get ready for these assessments." She indicated areas of concern include lack of teacher training, curriculum, and Internet speed. She asked Dr. Paramo to explain the OASIS numbers.

DR. PARAMO replied that an OASIS number is provided to each child in a school district so the state can determine funding for the child. Prior to OASIS numbers, there were times during a 20-day count period where a student had moved from one district to another and there would be a duplication of student enrollment at two schools. She said the OASIS number is 10 digits. Before the testing, that number was primarily used for the accountability of revenue that was given to school districts. She said under current the No Child Left Behind Act of 2001 (NCLB) law, districts have to report their students' progress number. She added further details.

CHAIR REINBOLD asked Dr. Paramo to confirm that "they're not in aggregate; they actually go down directly to the student."

DR. PARAMO answered that's correct.

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DR. PARAMO said students are unaware of their OASIS numbers, but are given six-digit identifier numbers in kindergarten that follow them through school. Children who receive free and

reduced lunches can key in their numbers and no longer be identified as a child of low socio-economic base. She said parents from home can put money on an account, which students access through their numbers. Students also use their numbers to check out library books and to log on from home and look up their assignments. For testing purposes, an adult aligns a student with a computer that is coded with that student's information, much like in the past when a booklet, in which a student's information was included, was handed out to that student.

CHAIR REINBOLD asked Dr. Paramo if she was comfortable with the idea of allowing an outsider to develop Alaska's student assessments, which teachers do not get to see, when the results of those assessments are used to evaluate teachers' performances. She said she knows there are a lot of teachers who are concerned about this, and she asked if teachers are relaying their concerns to Dr. Paramo.

DR. PARAMO confirmed that there are many teachers who are concerned about assessments being used prior to review of the assessments. She said the district has shared that with the commissioner of the department, and she offered her understanding that "they are in the process of getting a waiver to the waiver to not have to put those assessments in the evaluation until we are sure that these assessments reflect learning." She said the tests are secure, and educators are involved in the "process of advising." She said her doctorate is in assessment, and she does not think it would be desirable to have teachers create the tests that are used to determine students' outcomes. She said there are professional test makers for reliability and validity. She said, "Some questions that we

ask aren't really valid." She offered her understanding that the state "jumped off board with Smarter Balance," in order to have more control of and input into the state's assessments. She said she has not seen the assessment, but said the thought is that "it is an Alaskan test and they're making it for Alaska."

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CHAIR REINBOLD stated that it is a huge move away from the system where a teacher got to choose the curriculum and develop the tests. She said, "We don't know those tests; we don't know the FERPA laws." She asked Dr. Paramo if she understands that there have been changes to the FERPA laws, in that there has been an executive decision to loosen some of them. She indicated that many parents have expressed concerns about on-line testing in general, allowing an outsider develop the tests, and sufficient state statutes to protect the privacy of students. She expressed concern that haste makes waste in terms of fast-forwarding new assessments. She stated her understanding that Dr. Paramo supports the Common Core Standards, which she said are virtually identical to the Alaska Academic Standards.

DR. PARAMO said the Mat-Su Borough School District (MSBSD) does not say it follows Common Core Standards, because under current law, it must follow the Alaska State Standards. She said her district has concerns about the Common Core Standards, which the Anchorage School District (ASD) has adopted as its curriculum. She said, as allowed by law, MSBSD has its own standards informed by state standards. In response to Chair Reinbold, she

indicated that the district's standards must be "with the Alaska [Academic] State Standards."

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CHAIR REINBOLD indicated that the Common Core Standards and the Alaska [Academic] State Standards are 95 percent the same. She questioned why, if the assessments are the same, the district would not be "straight up with your people and just say, 'We're doing Common Core'?"

DR. PARAMO answered that this is part of a process in reaction to universities saying that students are not being prepared for post-secondary education - especially in mathematics. She said the result of that conversation was that "they raised the standard and they raised the rigor." She related that one young student got caught between the new and old level of standards, where "the expectation of knowledge grew without the years and matriculation through our school system." There are more standards to teach children starting in kindergarten; however, those older children have a lot to make up. She said the district is trying to solve the problem by offering free access to on-line programs to encourage self-learning. She said the change is a result of discussions that are happening nationwide. She concluded, "Students are being asked to do much higher learning at lower grade levels."

CHAIR REINBOLD said she knows that the marketing message is that there is greater rigor, but said it is debatable in the upper grades. She said it sounds like Dr. Paramo is a supporter of the Alaska Academic Standards and is fully implementing them.

DR. PARAMO responded that it is her duty as a superintendent of a school district to follow the law of the state, and "that is the law of the state."

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CHAIR REINBOLD said state legislators do not set those standards; the [State Board of Education and Early Development] does that, and maybe the law needs to be changed "where we actually are the ones [who set standards], because we're the elected policy setters." She told her to make sure she knows that it is unelected people who are running away with this policy on a train so fast that no one can catch it. She added that she has deep concerns, because one of the [board] members said, "I don't have time to study this, I'm a volunteer," so Chair Reinbold asked, "Do you have any idea what you're doing to our students as you have no time to study this?" She said that the marketing message is very debatable, and she spoke of outsiders coming in through the NCLB waiver, and they "pretty much used the federalized standards ... and now choosing the curriculum and doing these assessments is very, very alarming to me personally and also to hundreds and hundreds, if not thousands, of people out there that are just waking up to figuring out what's going on." She asked Dr. Paramo to explain [Apex Learning Inc.].

DR. PARAMO said that Apex is an on-line company that provides curriculum for courses, and she is not sure about Common Core, because she does not use Apex to look it up. It has courses approved by the College Board, and in her district, five years ago, they were looking at ways for credit recovery for students who had fallen behind. On-line learning was an effective way to

do that, and what they found was that students who had access to on-line learning were "doing it more" because it was a choice. Approximately 90 percent of the students in her district who were choosing to take an on-line course were doing so to get ahead or to learn something different. She said there are courses in English and science. Previously, students who were trying to make up a course had problems with alignment; so there were holes in the system. She said, "We use APEX for the alignment, and what we get good at as teachers is – what we're qualified to do – is to teach it." Apex was chosen because it is NCAA-approved. There had been problems regarding scholarships for students who took on-line learning that was not approved. She added that self-motivated students choose on-line learning more than others who need feedback from their teachers. "So we wanted to have higher level courses," and Apex learning is one of the only approved College Board courses. She added that the teachers are the ones who are coaching the students through the courses, "and so you have the course and the assessments and things like that all built-in in the curriculum in the Apex, but it is one of our teachers on the other end on-line...."

CHAIR REINBOLD interjected and said this where all of the concern is. The Alaska Academic Standards are virtually the same as Common Core [Standards], and "then they're picking the curriculum, then they're approving assessments, now all of the ACTs and SATs are now aligned to Common Core, so it really is a complete takeover." She said that when she looked at the on-line description of Apex, it says that the content is geared to the Common Core, and they are misleading everyone. She expressed her belief that people should quit hiding from the term Common Core. She said she wants to know who paid for Apex.

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DR. PARAMO said the College Board has controlled all of the curriculum for advanced placement (AP) for over 25 years. When giving assessments, the school does not control any of that information. She said MSBSD does not own the assessments, and that is what SATs and ACTs are for – they give a level of achievement. She said it would be difficult to find any materials for math courses that are mass-produced without having Common Core stamped on them.

CHAIR REINBOLD said monopolization of education is her concern. It is a dangerous road to go down. She asked about paying for Apex.

DR. PARAMO said, "We're moving into \$45 a student and they can take up to seven courses a day." Her district uses Apex for language classes in the Spanish immersion program and for financial literacy courses. She added that 75 percent of all funds in the school district are state funds, and 25 percent are local.

CHAIR REINBOLD surmised that the state paid for 75 percent of Apex. She asked about seeing a cost of \$500,000 for APEX.

DR. PARAMO said that was for creating on-line classrooms, not for curriculum. The state provided a grant for computers and furniture to create "cyber centers."

CHAIR REINBOLD asked if Dr. Paramo knows that there is language in HB 278 to prevent funds from being used for anything having

to do with Common Core [Standards]. There are a lot of people out there who want nothing to do with Common Core, so the intent is to prevent public funds from implementing Common Core or a program like Apex.

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DR. PARAMO said she is not exactly sure, because Common Core is stamped on everything.

CHAIR REINBOLD said the State Board of Education has done that, not the legislature.

DR. PARAMO asked for clarification.

CHAIR REINBOLD said everything goes through EED, is her understanding, for the base student allocation, so none of that money can go toward the Common Core [Standards]. That is what Chair Reinbold's intent is, so she asked Dr. Paramo if she had any concerns.

DR. PARAMO said she is not familiar with this. Her understanding is that HB 278 provides the state's 75 percent funding.

CHAIR REINBOLD said this raises a serious concern when the intention is to not use the Common Core [Standards], and everything is Common Core. She asked where it has been internationally benchmarked, that makes "you guys so excited about this." She asked if this is just "an expensive experiment to you guys."

DR. PARAMO said it has not been internationally benchmarked. One of the concerns mentioned by Chair Reinbold earlier was that the higher-end students are always fearful of "leveling-out" education. That is why her district uses the [Dynamic Learning Maps Consortium (DLM)] assessment to make sure that those kids continue to learn at an accelerated rate, she explained.

CHAIR REINBOLD said a lot of people think the higher levels are much lower. She stated that she understands the marketing message, but reality is not meeting that message. That is a discussion for another day when she invites experts on that topic, she added. She asked what will happen if the school district does not do well under the new standards.

DR. PARAMO said the district will look at the standards and at what kids know and what they are able to do. It may review what is being taught in the classrooms by using its teacher experts, and it will use that to improve learning, she said. The outcomes for students are what the district is concerned with, whether they go into the workforce, the military, or to college.

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CHAIR REINBOLD asked if her district needs the federal government or if the local teachers can be responsible for the jobs that are in the area. She said she does not think that a student from an Alaska village needs to know the same things that New York students need to know. She said she does not believe the Common Core [Standards] will ever work. She said billions of dollars are being spent, and Alaska better be getting something for the money. She asked if the standards are outcome- or process-based.

DR. PARAMO said it would depend on what is being asked of the students. To determine if they are able to achieve at the next level would be outcome-based. Responding to further questions, she said the school district is caught in the middle of "standards-jumping-rigor," so it is trying to work with that, but the feedback from the universities and workplaces is that "we're" not preparing kids well enough. The state's reaction was to change the standards....

CHAIR REINBOLD said spending this kind of money on this experiment is not acceptable.

DR. PARAMO said, "We'll find out." The standards will be more difficult, she added, and the state will get involved through the Alaska School Performance Index (ASPI) in a low-achieving school district. She noted that Alaska would have 95 percent of schools not making adequate yearly progress (AYP) without the NCLB waiver.

CHAIR REINBOLD asked what the difference is between academic achievement and school progress.

DR. PARAMO said it is debated by experts, but academic achievement is based test scores, and progress refers to growth and movement on a continuum of learning. All kinds of students come to her schools, and "we start where they are and move them on the continuum." If a student is behind, her district looks for more than a year's growth in a year, she stated. She said they also look at the upper end students, because the district's philosophy is: If you are a year in a school, you've got to grow

by at least a year. Just because a student is ahead, that does not mean that student can stall out, she added.

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CHAIR REINBOLD said that ACT and SAT are aligned with the Common Core [Standards]. What percentage of kids in Alaska get a four-year degree?

DR. PARAMO said, nationally, only about 30 to 40 percent of any population has a four-year degree, but she does not know about Alaska. In Mat-Su, to see if kids are getting what they need, there was a study assessing where the students go, and it found that 48 percent get some type of degree from a two- or four-year [program], and about 17 percent get on-the-job training. She noted that the information is on the district's website and is called, "Post-Outcome Survey Data."

CHAIR REINBOLD said she heard that 10 percent of Alaska kids get a four-year college degree and questioned why every child takes the ACT and SAT, "and why in the world should the state be paying for that?" She noted that parents used to pay, but now it is costing the state.

DR. PARAMO explained that students can take WorkKeys if they are not interested in college, and apprentice programs look at those, but she is unsure of the costs. The department is giving one opportunity to every child, which assists families who cannot pay. She said one would want academic and career plans for students and make the assessments match what they want to do with their lives. She explained that her district encourages technical training for many; however, some apprenticeship

programs expect students to take Algebra 1 and higher math. "We're taking a look at that because we're working with IBEW and labor unions to know what it is that their kids need," she said.

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CHAIR REINBOLD said, "So are you happy with the math, the Common Core math? It's all over the Internet. I mean it's a joke nationwide."

DR. PARAMO said at this point she does not know enough about the Common Core math, but she has heard the complaints and there are more than usual because the district changed its math program. She said her district is using "Go Math!" for K-8 and it is "an entirely different presentation." The district has had two math programs and one was very traditional, and that is what Dr. Paramo taught with. Then the district had "Math Expressions," which was more similar to "Go Math!" To match the new standards, "we kicked up the levels for kids so we had to find textbooks for which the teachers could use." Some of the features of the textbooks are nice, like scanner codes that take parents to a You Tube video that helps them teach their children if they are not understanding their lesson.

CHAIR REINBOLD said that parents should be able to do K-12 math, and if math is being taught in a way that parents do not understand it, that is another serious red flag. Every single parent she has talked to preferred "Saxon Math," and she questioned "why we went and did this" as math is so important and she wants to get to the bottom of why this has happened. She asked why change something when it is working.

DR. PARAMO said some people thought it was not working.

CHAIR REINBOLD noted that Dr. Paramo said there were more complaints.

DR. PARAMO said the complaints were based on the outcomes. "That they weren't achieving at the levels they needed." The calls about the math program specifically relate to the way the textbook is set up. The bigger picture is that the Alaska [Academic] Standards changed because of the achievement levels, she explained.

CHAIR REINBOLD said that is debatable. Some people believe that "you have to dig deep," and she is inviting experts to debate that. She said, "We have heard that marketing message that they've got all of you guys talking about," but whether it is accurate is another thing. It is the methodology that the parents are having difficulty with, and she will certainly continue to listen to the parents because they have the responsibility for educating their children, she stated. She said she could go on and on about the Board of Education and EED signing things that were not vetted and putting the cart before the horse. "It's just a shame that a lot of people are really paying the price, dearly."

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DR. PARAMO said she is a strong believer in math facts; every Mat-Su student will need to know their math facts.

CHAIR REINBOLD said she loves math, and she piloted her children through math because she saw some of the crazy things [schools] were doing with "Everyday Math." She wants them to get it

right, and they are not getting it right. She cannot believe that these standards were virtually rubber stamped, and no one can hide from the fact that Alaska [Academic] Standards are Common Core [Standards].

DR. PARAMO said, in response to a question, that "Go Math!" was put in this year for most schools, and some schools determine their own curriculum, but district-wide, 36 middle school and elementary teachers vetted text book companies, but they were unable to buy a book without Common Core on it. They narrowed the books down to three and teachers and parents tried them out. Go Math! was one that both the middle and elementary schools chose. High schools used a different text for Algebra 1 and Algebra 2, so there were gaps in the learning, and "that's what we were dealing with and now it's starting to level out, but our first month of school was very rough for kids learning algebra."

REPRESENTATIVE KELLER said he was helping his grandson with math.

CHAIR REINBOLD asked if EED limited her choice of textbooks to the ones that included Common Core.

DR. PARAMO said no. Individual districts choose their materials, and EED has nothing to do with determining her district's textbooks. "We liked the math inside of a textbook," but every page was stamped with Common Core. "And we said we don't want to buy that; we don't like that. We see your math matches our standards in Alaska, but we don't want Common Core on there. And ... we went to the companies and said we don't want to buy those, and they said there isn't one [without Common Core]. I guarantee, because of the trouble across the United

States, in a year or two they will start publishing the same exact textbook without Common Core written on them."

CHAIR REINBOLD said it is clear raw deception. She said to call it what it is and not hide from it. She noted that Dr. Paramo said "they" would only let the district pick one book, and she asked who "they" were.

DR. PARAMO said no. Her district went to the textbook companies after the teacher and parent group chose the textbook they preferred – the one that matched the curriculum the best. "And we said we didn't like the look of the book, because it had Common Core on it, and we were told by the companies that there was no other option." The companies did not have the books – with the content the district wanted – that did not have Common Core stamped on them.

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CHAIR REINBOLD said David Coleman has changed AP [advanced placement] history. She said it is all over the Internet. There is push-back from the left and the right—"it's massive." She asked Dr. Paramo about it.

DR. PARAMO said the Common Core [Standard] is bi-partisan regarding who likes it, and it is bi-partisan regarding who does not like it. Her district likes to offer advanced placement courses, and the advantage is that they give students college credit, depending on the university. She said the University of Alaska (UA) allows credit for AP scores of 3, 4, and 5, she added. The AP curriculum and the AP test are purchased through the College Board. She said she has not seen the AP history

changes, but it is different and the testing will be different. She noted that her mother is an AP history teacher.

CHAIR REINBOLD urged a review of AP history by superintendents, as it all boils down to David Coleman. There are a few puppet masters of all of this, she explained, and the state is losing its autonomy and the legislators are losing power. She said she is very, very concerned and she will not stop until she gets to the bottom of this. Alaska likes independence, she said, and U.S. history is very, very critical to the understanding of how this wonderful nation was built. "What our kids learn about our country is very, very important," she stressed. She said the legislature is being blamed, "and we didn't adopt the standards – that is ridiculous." She said the contracts were signed before "the bill" even passed, and it is terrible public policy. She loves education and she wants to learn more about who did this and the different timelines. She said she is really concerned about the homeschoolers; they are losing control over education because they are being told to use Common Core [Standards]-aligned items.

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DR. PARAMO said that her district does not pre-determine the math books. The homeschool parents have multiple vendors to choose from, and they can even create their own programs, she added. The district is only concerned about the outcomes, and if the students are achieving at appropriate levels, the district has no concern and does not get involved. There are over 500 approved vendors listed on the district website.

CHAIR REINBOLD said that is good in theory, but in reality, if homeschooled students take the same assessments as everyone else, they are forced into the Common Core [Standards]. If ACTs, WorkKeys, and SATs are tied to the Common Core [Standards], there is no getting away from it. She added that if those students do not make the cut score, then they do not even get a diploma.

DR. PARAMO said those tests do not have cut scores.

CHAIR REINBOLD countered that the bottom line is that the tests are aligned to the Common Core [Standards]. She said she is concerned about what jobs are available in the Bush communities, and the concept of everyone learning the same thing is not the right approach. She said Alaska is losing its sovereignty and individuality, and it is very concerning to her. She noted that there is language in HB 210 to set up the expectations that any crisis or intervention training must be evidence-based, but the regulations seem to say that it is a peer-reviewed process. She noted her concern and then asked Dr. Paramo about it.

DR. PARAMO answered that in MSBSD there has been a program since 1991 that is evidence-based, and it is called Mandt Training. Since 2008, anyone who might need to restrain someone must be trained. Regarding seclusion, the immediate reporting to EED and parents is new to the district. If a child in a classroom is restrained, "we need to be sure that every principal knows so that they can ensure that every phone call was made." She pointed out that the legislation might be research-based.

[2:22:22 PM](#)

CHAIR REINBOLD read AS14.33.127 [in part], "the department shall approve crisis intervention training for the schools, which shall include evidence-based techniques that have been shown effective in the prevention of restraint and seclusion...." It does not appear that the regulation reflects the intention of the statute, she said.

DR. PARAMO said her understanding is that if something is peer-reviewed in a scholarly sense, it is research-based. She noted that her district is partnering with a few small school districts that do not have on-site trainers. Larger school districts probably have the economy of scale and have these partnerships, and her district is the one providing the training for the two small districts in order to meet this law.

CHAIR REINBOLD asked her about fiscal concerns with this new regulation.

DR. PARAMO answered that the district has a choice to do the training on the weekend or in the evening, and would pay teachers an honorarium, or if the teachers were trained during their work day, the school would need to pay for substitute teachers.

CHAIR REINBOLD stated that zero fiscal notes are unacceptable when there truly is a cost to the district.

DR. PARAMO said, "A lot of this we would do it anyway," but if the district has to train more people, then it will cost more. Her district will not pay for a trainer to fly to the smaller school districts, she noted.

CHAIR REINBOLD said the committee is here to empower the school districts and the individuals, and it is listening to both sides.

DR. PARAMO added that the district would prefer not to have any kind of stipulation about the amount of courses being "core" or "non-core." In the district, if a school is functioning well, the district does not change it, and the same is true for its homeschool parents whose children are learning. "We would not want the department to put any stipulation that we would never put on our homeschool folks," and that includes taking away funding based on scoring. "Our homeschool is one of our schools, and I can determine the funding and the support at every building ... EED does not determine how much money goes to this class or that," she said.

[2:27:56 PM](#)

REPRESENTATIVE KELLER said he wants to see the list of the curriculum available to homeschools and how that list is selected.

[2:28:46 PM](#)

DR. PARAMO said there are some religious-based vendors that were not approved. She said the district was not looking to buy religious material, so "we run into problems there." Parents bring forward the vendors and then they are vetted at the school. There are some "silly" rules, whereby a calculator sold at a religious store would be denied. But there are 500 statewide and local vendors available, she added.

[2:29:59 PM](#)

RACHELLE SIEPER(ph), said she homeschools her children through IDEA in the Mat-Su Valley, and she noted that Dr. Paramo said there were over 500 vendors available, and that is true. She is able to select the best curriculum for her students, but she is concerned that the new regulations state that curriculum materials for a course of study must be aligned to state standards. She expressed concern that vendor options will be reduced. The regulations also say that test scores will change how contact teachers monitor and suggest curriculum for the students. She stated that many homeschool [parents] are choosing to avoid teaching to the Common Core, so the students will not perform well on the tests, and then there will be more monitoring. She asked how the new assessments will impact her curriculum choices in the future.

[2:33:36 PM](#)

CHAIR REINBOLD said the screws are getting tighter and tighter, and "we were told for years that it would have nothing to do with curriculum at all." She kept disagreeing, because if there are standards and assessments, the choices will be limited. She asked the witness to submit her concerns in writing. She said this goes against the U.S. Constitution.

[2:34:55 PM](#)

TIM CLINE, Director, Interior Distance Education of Alaska (IDEA), informed the committee that IDEA is the largest school in Alaska and it is focused on providing customer service to families, which is foremost in his mind when reviewing new

regulations and laws. He applauded the efforts of Senator Dunleavy in drafting this new law, but the regulations sometimes "miss the mark, and change is hard." His organization exists to support parents in educating their children as they see fit, and it is done by becoming partners with the parents instead of telling them what to do. Drawing from his experiences traveling around the country, Mr. Cline opined that there is no program like IDEA and there is no other state school system that allows state funding for homeschools. Members should expect for IDEA to be around for a long time as it understands what works, he said. Mr. Cline expressed concern with the [proposed] curriculum changes and the social implications to history. Once IDEA parents are told to teach their students in a certain way and use a certain curriculum, they will be "out in force." Customizing education to the individual child allows IDEA to meet the expectation of the parent, which is IDEA's goal. He characterized the new rules regarding the SAT, ACT, or WorkKeys as a hoop that students have to go through, but said there will be a problem if cut scores are established.

[2:40:08 PM](#)

CHAIR REINBOLD related her agreement with Mr. Cline's comments and added that [the regulations] infringe upon parental rights. Research shows that parent involvement is the number one indicator of success. She stressed that it's wrong to strip these homeschool parents, who are giving up their lives to educate their children, of choice for their children. Furthermore, homeschool education is some of the most cost-effective education, she opined. Therefore, she wanted to protect and preserve cost-effective education, particularly in today's economic climate. She then urged any individual or

organization that is being told what curriculum to use or how to teach something to contact her office. She emphasized that she will vehemently protect parents' rights, state's rights, and local districts' rights.

[2:41:34 PM](#)

MR. CLINE then turned to curriculum, which he characterized as a critical piece. He opined that [the state] needs to hang on to the curriculum it has already approved through the [state] School Board and keep those materials available for those who choose to use them to teach their children because they are going to become less available on the open market. With regard to children who perform poorly, Mr. Cline related that with no more than support for the parents [IDEA] students perform close to other students [in other education models] on tests. He related that homeschoolers struggle in certain areas just as students [in other education models] struggle in certain areas. He stated that in general homeschool students struggle in math. The goal with IDEA is to search for solutions for parents who teach their children. To that end, many great ideas are being developed. For example, the early literacy screening requirements for kindergarten through second grade was a potential difficulty for those in IDEA as it was being thrust on the IDEA parents with short notice. Parents in the IDEA don't like that kind of change being thrust upon them. In response to that change, IDEA found a tool that allowed the parents to be in the room while the child took the on-line test, and provided the parent with the results. Once parents understood [the test] wasn't threatening and that there were no consequence regardless of [how] their child [scored/ranked], [the test] was found by most to be valuable. Although in most cases the test validated

what the parent already knew about their child, there were some surprises that provided an opportunity to offer suggestions for the challenges the child might be having. Drawing from his 34 years in education, of which the first 20 were in building base programs, Mr. Cline said he has never seen anything that works as well as IDEA. He attributed the success of IDEA to parental involvement, which he opined is a critical component.

CHAIR REINBOLD mentioned a symposium that is planned for 12/9-10/14 in Anchorage and invited Mr. Cline to attend.

[2:46:58 PM](#)

}MIKE HANLEY, Commissioner, Department of Education and Early Development, said Dr. Paramo is a strong leader for education in Alaska, and many people look to MSBSD for innovation and leadership in providing opportunities for their students. The district often thinks outside the box to get the job done, including its use of Apex courses and College Level Examination Program (CLEP) tests.

[2:47:32 PM](#)

CHAIR REINBOLD said one of the many issues of the legislature is that HB 278 provided funding to increase Internet speed, and there is no fiscal note attached.

COMMISSIONER HANLEY said the fiscal note was attached to the bill itself, so the funding has already been appropriated by the legislature. Fiscal notes on regulations represent additional funds that the department would need, he explained. The fiscal

note is a zero because EED does not need additional funding to implement what the legislature put in place, he added.

[2:48:29 PM](#)

CHAIR REINBOLD said, "So how much did this cost?"

COMMISSIONER HANLEY stated that the legislature appropriated \$5 million. It was sponsored by Senator Olson, and the goal was to get all districts up to 10 megabits, which is a minimal Internet speed. The original proposal was \$7 million, he said.

CHAIR REINBOLD asked, "Do you anticipate going above 10 megabits?"

[2:49:21 PM](#)

COMMISSIONER HANLEY said no, 10 megabits was the goal. Such a speed is much lower than found in most houses in Anchorage and Fairbanks. He noted that Dr. Paramo mentioned that some of her schools have a speed of 100 megabits. It is recognized as a place to start, he explained.

CHAIR REINBOLD asked if he anticipates "going higher."

COMMISSIONER HANLEY said the idea was driven by the legislature, "so I'm not sure what the legislature would plan in the future."

[2:50:06 PM](#)

CHAIR REINBOLD said a lot of the legislature is influenced by the department, so she asked him to please tell her what the

anticipated needs will be, and the complete, total cost for the 10 megabits.

COMMISSIONER HANLEY said this is an area where EED and schools are consumers, not drivers. The Statewide Broadband Task Force is in the Department of Commerce and Economic Development (DCCED), he explained. He believes school Internet availability is a positive step forward, but, again, the bill was driven by a couple of legislators with input from DCCED.

[2:51:23 PM](#)

CHAIR REINBOLD asked for the total costs of the legislation and future costs.

[2:51:48 PM](#)

COMMISSIONER HANLEY said \$7.3 million was estimated by DCCED and the Broadband Task Force to get all schools up to 10 megabits.

[2:52:23 PM](#)

CHAIR REINBOLD asked if he believed that was correct.

COMMISSIONER HANLEY answered in the affirmative.

CHAIR REINBOLD said HB 278 explicitly prohibits spending of money to implement the Common Core Standards, and yet certain schools are fully implementing Common Core Standards. "How do you deal with the prohibition of spending on Common Core Standards yet unrestricted funding goes to a Common Core district such as ASD?"

[2:53:01 PM](#)

COMMISSIONER HANLEY said there were a couple of versions of the bill, and when introduced, there were conversations between legislators about if the legislation will "stop the work we're doing." In the House Finance [Committee], the person who introduced the legislation said:

We have adopted the Alaska State Standards and we have not adopted the Common Core Standards as written, so if you're going to get assistance to be able to put the Alaska State Standards in place, and being able to find curriculum and others to do with the standards that we have adopted (and they are our own standards that we've adopted) so this does not stop the department from going forward with the standards that they have out there.

So, he said, the testimony during the hearing was "basically around putting a hedge between the work that's being done in Alaska and our work that is currently being done with the Alaska [Academic] Standards." That is what EED focuses on, he added. The EED does training and professional development for school districts on the Alaska standards—not the Common Core, but this does not prevent ASD from getting funding in the future even though it had adopted the Common Core. He said he doubts there would have been much support for the bill if Anchorage legislators thought that their school district would not be funded because it had adopted the Common Core.

[2:54:47 PM](#)

CHAIR REINBOLD noted that he referred to a small amount of testimony, but there was a lot more, and she is aware of that because she worked on the bill for about 91 days. One of the versions stated that no state funding may be spent to implement the Common Core, and many legislators did not want this federal overreach in education, she said. "I know you can debate one comment here and there, but I was there ... and I know I stripped a lot of this language out in the House Education [Committee]." The committee took public testimony, she said. She told him to look globally, not just at a little snapshot, and she asked, "Are we doing Common Core or are we not?"

[2:56:03 PM](#)

COMMISSIONER HANLEY said, "We adopted the Alaska Academic Standards; they are substantially similar, as we've said, to the Common Core [Standards], but we didn't join the club, which means we didn't buy into anybody else having overreach or a say into our standards. We still get to determine where we go."

[2:56:40 PM](#)

CHAIR REINBOLD said that someone said, in 2010, that Commissioner Hanley stated that the Alaska Academic Standards were 97 percent the same and 3 percent better. She said it was a very, very prominent person who said that. "Why are you hiding from the word Common Core?"

[2:57:03 PM](#)

COMMISSIONER HANLEY said [EED] intentionally did not buy the Common Core. A Chevy and a Ford are both pickup trucks, and

they might even have the same engine, but there are differences. When he made the quoted statement he was talking about the outcomes of the students.

[2:58:18 PM](#)

CHAIR REINBOLD told him to take a guess at the differences [between the Alaska Academic Standards and Common Core Standards].

COMMISSIONER HANLEY estimated that 40 percent of language arts was changed and 50 percent of the math.

CHAIR REINBOLD asked if the changes were significant or just grammatical.

COMMISSIONER HANLEY said that he would say they are substantial because the stakeholders in Alaska determined that they were important enough to include. [After obtaining information], he said that 42 percent of English language arts standard were changed, and 49 percent of math standards are different from the Common Core Standards, but the outcomes that are expected of the students are similar.

[3:00:34 PM](#)

CHAIR REINBOLD said that Commissioner Hanley said 95 percent at one hearing, "and in an email you said nearly identical; from a very prominent person in the community you said 97 percent the same, and now you're saying that they are 49 percent changed and 42 percent changed." That is a serious conflict of testimony, she surmised.

3:01:09 PM

COMMISSIONER HANLEY clarified that at the end of the day Alaska wants its kids to be competitive with their peers around the country. The expectations [EED] has are substantially similar to Common Core expectations, but changes have been made on how to get there, based on the stakeholder input, and he repeated the percentages of the standards that have been changed.

3:02:22 PM [3:02:14]

CHAIR REINBOLD remarked that a lot of the books are being stamped "Common Core" and the testing is being aligned to the curriculum, and she offered her understanding that the U.S. Department of Education had to approve "the waiver in these standards."

COMMISSIONER HANLEY responded that he has no control over the publishers of curriculum. He said the responsibility of the department is to set expectations.

CHAIR REINBOLD clarified that she wanted to know whether the U.S. Department of Education has anything to do with the College and Career Ready Standards.

COMMISSIONER HANLEY responded as follows:

The State Board of Education approved these standards; they were vetted by the University of Alaska; and, as such, they were deemed as vetted by the university as college and career Ready.

CHAIR REINBOLD reiterated her question as to whether the U.S. Department of Education had anything to do with that.

COMMISSIONER HANLEY answered no. He said one of the things the department had to do when it applied for the waiver was to have college and career ready standards in place. He said, "They had been adopted eight months earlier and vetted, so they recognized that our standards were vetted by our university and were college and career ready."

CHAIR REINBOLD asked, "Did they approve these standards or not? Did they accept them as part of the waiver?"

COMMISSIONER HANLEY reiterated that [the U.S. Department of Education] accepted the department's standards, because they were vetted by [Alaska's] university as being college and career ready. In response to a follow-up question, he named Diane Hirshberg, who is with the University of Alaska, as well as with ISER [Institute of Social and Economic Research], as the person who initiated the work. He said, "She took that and had several conversations with several professors, as well as some of the technical institute."

[3:04:37 PM](#)

REPRESENTATIVE TAMMIE WILSON said she wanted to clarify that she did make the statement [referred to by the commissioner] in a discussion held during a House Finance Standing Committee meeting. Commissioner Hanley said that "we didn't have to worry about any money being spent on Common Core because we had Alaska Standards." Now that Alaska has at least one district that has

adopted the Common Core Standards, she asked, "Would not the base student allocation come into play now whether or not they got that because they did?" She then asked, "Because they were allowed to adopt the Common Core, and you could only adopt standards that are more stringent than the current ones, are we saying now that Alaska standards are not as stringent as the Common Core Standards are?"

[3:05:25 PM](#)

COMMISSIONER HANLEY responded that the Anchorage School District adopted the Common Core Standards prior to the department's adoption of standards in June 2012. He said his conversations and testimony were that "this would not stop the department's work, because it says that the department will not spend money." However, he said, it did not seem to be his or the legislature's intent to have local control and tell districts that they could not adopt a particular curriculum. He said because the Alaska State Standards are in regulation, it is required that districts address them with their students. He said Ed Graff, the Superintendent of the Anchorage School District, does "a crosswalk" between the Alaska State Standards and the Common Core Standards and has to address the differences between the two.

CHAIR REINBOLD opined that Commissioner Hanley misled at least ten legislators by telling them "we weren't doing Common Core," because she has heard from people who have told her they are being forced to buy curriculum based on the Common Core Standards. She said the assessments that Anchorage is doing are Common Core and "the media's all over that." She said Commissioner Hanley is saying that "we're not doing Common Core,

but the tests are based on Common Core, and the same assessments being done in Anchorage are being done statewide." She stated, "I think that you need to own it and come ... outright and ... tell the people of the state that we are doing Common Core, and ... be completely upfront with the alignment for the Common Core and that the assessment ... and, of course, curriculum is ... ending up being selected because of the assessments." She indicated that she had heard from Commissioner Hanley varying percentages of similarity between the two standards, ranging from the 40 percent range to 98 percent. She said this is confusing to legislators, and maybe the real issue is that the legislature needs to change statute so that the legislature does get to select the standard and make the decisions about local control.

[3:08:52 PM](#)

COMMISSIONER HANLEY responded that the state's standards and assessments are not aligned to the Common Core Standards; they are being custom made for Alaska with Alaskans being involved.

CHAIR REINBOLD asked, "So, you're stating now that our assessments are not aligned to the Common Core?"

COMMISSIONER HANLEY answered, "I'm saying that the assessment that we are working on - the AMP [Alaska Measure of Progress] - is aligned to the Alaska Standards with Alaskan educators helping write the items."

CHAIR REINBOLD offered her understanding that Commissioner Hanley had just said that [the state] is not aligned to the Common Core. She offered her understanding that Marcy Harmon,

at a prior meeting, had testified that "we're not doing Common Core," and she said "that was, like, days before my last testimony in August."

COMMISSIONER HANLEY stated, "So, since we're not doing the Common Core, and so our assessment is aligned to the Alaska Standards and is customized for Alaska - and I'm speaking about the AMP."

[3:09:39 PM](#) [3:09:58]

CHAIR REINBOLD said, "I know the AMP, trust me." Regarding the BSA [base student allocation], she asked for confirmation that "all this funding comes through DEED" and [the department] sends it out to the districts.

COMMISSIONER HANLEY confirmed that is correct.

CHAIR REINBOLD said the department is, through regulation, prohibited from money from being spent on Common Core; however, "it's being funneled through you." She asked, "Isn't that virtually the same thing?"

COMMISSIONER HANLEY answered no. He explained that the formula that the department distributes to the school districts is based on a student count, and aside from very few restrictions, such as 70 percent needing to go to instruction, there are local decisions made on how the money is spent to best meet the needs of the students. He said, "It's a local control issue."

CHAIR REINBOLD said the regulation prohibits EED from spending money to implement the Common Core, but "you're sending money to

someone who is implementing" it, and that is virtually the same thing. It goes against the statute and the regulation.

COMMISSIONER HANLEY said, "Well, we don't spend the BSA, so we don't spend that money. We provide it to districts to meet the needs of their kids." He asked Chair Reinbold if she was suggesting that the department stop sending money to Anchorage.

CHAIR REINBOLD answered, "Absolutely not." She said she was just addressing a regulation that EED cannot spend money on Common Core.

COMMISSIONER HANLEY said that is a statutory provision that was put in place under HB 278.

CHAIR REINBOLD said she understands that, but a regulation usually interprets the intent of legislation, and it looks like "it's almost identical, so I don't understand ... why you need this regulation in the first place."

[3:12:00 PM](#)

COMMISSIONER HANLEY said the intent of the legislature and the administration was to clarify "what money is." He said the statute says the department may not expend money to implement the set of standards. The regulation has one small difference and that is the department may not expend state money, or money received from other sources, to implement the set of educational curriculum standards. The regulation clarifies that EED could not find grants to support implementation of the Common Core [Standards]. Commissioner Hanley remarked:

Honestly, I think this strengthens the statute not only for myself, but for the people who follow me to make sure that it matches up with the intent of the legislature.

[3:13:13 PM](#)

CHAIR REINBOLD stressed that her intention was to not spend state money on the Common Core Initiative in any fashion. She restated that the commissioner had said the state is not doing Common Core, although there have been statements that it is "virtually identical," which has caused confusion for homeschools and for school districts. She said, "Regarding the new regulations on district accountability, what was the need for the new accountability program?"

[3:15:07 PM](#)

COMMISSIONER HANLEY responded that the accountability regulations were a "simple fix." Previously, the WorkKeys assessment was required in 11th grade. Because some students already had plans to go to college, the legislature and the governor provided the option of taking the WorkKeys, the SAT or the ACT assessment tests. The biggest change is that when EED developed its ASPI scores, 2 percent credit was given to schools for their participation in the WorkKeys assessment, but now schools are given 8-10 percent credit for providing a career readiness indicator. Another change is that the "jury exemption" was already in place in statute for low-performing schools, and the new regulation adds that EED use its one- or two-star designation of a low-performing school instead of AYP.

[3:16:43 PM](#)

CHAIR REINBOLD asked why EED needed a waiver from the NCLB.

COMMISSIONER HANLEY said that by last year 100 percent of students would have to be deemed proficient and all schools would have been deemed as failing no matter what level of success schools reached. In his contact with principals and teachers, it seemed like an erroneous model because there was no way to get to proficiency. Also, the waiver allowed EED to remove some restrictions on the use of Title 1 [Elementary and Secondary Education Act of 1965] money; restrictions are placed on schools that are deemed not proficient for a certain number of years.

[3:19:02 PM](#)

CHAIR REINBOLD asked what percentage of total funds are federal funds. She clarified that she was asking for what percentage of K-12 education funding comes from the federal, state, and local governments.

[3:19:18 PM](#)

COMMISSIONER HANLEY answered that about 8-12 percent comes from the federal government, and over \$200 million comes from local contributions. He added that about 13 percent is federal funds, including Title 1, about 86 percent of the budget comes from general funds (GF), and local funds are not in the EED budget. The department's budget is federal, GF, and 1 percent of other funds.

CHAIR REINBOLD concluded that EED needed the waiver so "all the schools didn't look to be failing." She opined that a tiny amount of federal funding dictates how state dollars are spent. She asked, "First of all explain to me why would all our schools be failing? What were you guys doing wrong, that everybody would be failing?"

COMMISSIONER HANLEY said EED applied for a waiver because a school of one hundred students could be 95 percent proficient and it would be deemed failing because of two students.

CHAIR REINBOLD asked whether the waiver was obtained in order to retain federal funds.

COMMISSIONER HANLEY said no. The department obtained the waiver because under AYP essentially all of our schools would have been deemed failing, which is not accurate, he opined. In further response to Chair Reinbold, he said the schools would be deemed failing under the NCLB system.

CHAIR REINBOLD noted the amount of money that has been spend on education and restated her question.

[3:23:53 PM](#)

COMMISSIONER HANLEY remarked:

I'll go back and say that I didn't say that all of our schools would be failures, I said that they would all be deemed as failures and the difference is, and the frustration that I would have, is that we've got

schools that are doing very well. And yet, based on this 100 percent rule that every child meet proficiency, they would be called failing, and I didn't think it was accurate. So, we, we got out from under that ... but funding wasn't tied to it.

COMMISSIONER HANLEY continued to explain that the use of Title 1 funding was more flexible. In further response to Chair Reinbold he estimated that Title 1 funding is \$60 million.

CHAIR REINBOLD restated her question as to why EED wanted the NCLB waiver. She remarked:

You didn't do it for funding, is that correct? O.K. So we ended up implementing these new college and career readiness assessments, these new college and career standards, and all this, for no money, just, just because the federal government wanted you to do this.

COMMISSIONER HANLEY said no. The standards are not tied to the waiver, but the department has been working on them for two years, and they were in place in June, 2012, and the waiver came after that. The standards were not done to get the waiver, but the standards that were in place allowed EED to get the waiver.

CHAIR REINBOLD asked whether there were any requirements or mandates put on the state to get the federal dollars and to get the NCLB waiver. She gave the example of costs to the state for the expansion of Medicaid.

COMMISSIONER HANLEY said "Not tied to funding." To get the waiver, the department had to have standards in place, which it did, it had connect teacher evaluations to student learning, and it needed an accountability system in order to get rid of the AYP system.

CHAIR REINBOLD remarked:

So these new standards that you developed, supposedly two years before, started working on them, you weren't doing this in anticipation of the waiver at all.

COMMISSIONER HANLEY said correct.

[3:27:01 PM](#)

CHAIR REINBOLD asked for an explanation of the difference between academic achievement and school progress in the accountability regulations.

COMMISSIONER HANLEY explained that academic achievement is a function of proficiency - how many students are proficient - and one of the flaws in AYP was that "all students had to get above the bar." The department wanted to get all students to the level of proficiency, but also recognize school progress, which is growth towards proficiency. A low-performing school that moves students towards proficiency should get credit. The difference is: progress towards proficiency and the number at proficiency.

CHAIR REINBOLD returned to the new regulations about district accountability and asked whether the new district accountability

standards were developed to ensure that EED was in alignment with the NCLB waiver.

COMMISSIONER HANLEY stated that to get a waiver from AYP, EED needed to develop its own standards. In further response to Chair Reinbold, he said EED has a five-star rating system, and a school that does not meet the requirements is rated on a scale of one to five. The department recognizes and rewards schools at the top end and helps support schools in the one-star range. In further response to Chair Reinbold, he said a one-star school will be contacted to understand why it has the rating, for example a small school is impacted by one student, and then EED provides support through coaches, mentors, and/or state support.

CHAIR REINBOLD pointed out that the House Education Standing Committee took out the college and career readiness indicator from HB 278 and asked what percentage of students are getting four-year college degrees.

COMMISSIONER HANLEY said he did not have that information.

REPRESENTATIVE KELLEY noted that a one-star school is as low as a school can go. He asked whether there is a point at which the rating system designates a school as a failure.

COMMISSIONER HANLEY said there isn't. Previously at EED there was a system of school interventions and his experience was that interventions caused conflict and strife. The one- to five-star system identifies schools that are really struggling and in the last two years districts have appreciated the model and the support coaches.

[3:32:20 PM](#)

CHAIR REINBOLD called attention to the committee's 8/14/14 hearing on assessments. She remarked:

Last hearing you were unable to provide the guidelines, when we talked about the cognitive abilities and things like that, but in Appendix D, ... the contract policy for accommodations were due, if you look at the [Achievement & Assessment Institute (AAI)] contract from Kansas, who we're doing the testing through, they were due on August 1. However, you could not provide them to us at the hearing.... Now on your DEED website, these draft guidelines for accommodations are part of regulation 4 AAC 06.775, AAC 06.721-724, and they appeared in October of 2014. Were the draft guidelines on these assessments part of the information that was submitted [to] AAI [in] August for the design of these assessments?

[3:33:24 PM](#)

LES MORSE, Deputy Commissioner, Office of the Commissioner, Department of Education and Early Development, responded that the aforementioned guidelines are the participation guidelines and are not used by the test company in designing the test, but are what districts use to determine what accommodations that they provide to students with special needs, either in special education or English language arts. Thus the guidelines are to help work with the special education students when they take the assessment so that they can be appropriately accommodated based

on their disability, or on any limitation they may have due to their English language proficiency.

CHAIR REINBOLD referred to a memo from "legal" [document not provided]. She asked whether the guidelines were given to AAI when the new assessments were developed.

MR. MORSE said the guidelines are not needed to "build" the assessment, but are needed to build individual education plans (IEP's) for students so they can take the assessment. In further response to Chair Reinbold, he said no, the state board has yet to approve them. He continued:

AAI doesn't need them. They certainly can look at them. There are reasons why AAI would need them ... for example, let's say we decide students can't use a highlighter function that might be on the computer, then of course, AAI would need to know that so that they would not make that a function of our test. Outside of that, AAI really doesn't need those, other than making sure that accommodation is available on the test or is not available. It's the state decides what those are, working with districts.

CHAIR REINBOLD expressed her desire to learn why there was a \$700,000 increase in the contract to AAI.

MR. MORSE explained that there was a technical error on the original issuance of the contract. The change was an amendment to correct the amount in the original request for proposal (RFP). In further response to Chair Reinbold, he advised that

the final RFP was issued as amended and there are no additional dollars needed at any point, nor any additional appropriation.

CHAIR REINBOLD said this type of mistake raises a red flag. She turned to HB 140 which requires that EED assess the department and other departments and "all the costs associated in aggregate to the private sector and, of course, that would be including municipalities as well." Chair Reinbold asked whether EED has completed a cost analysis of Common Core, Common Core implementation, the assessments, and [the cost to increase] Internet speed.

[3:38:06 PM](#)

COMMISSIONER HANLEY said there are no regulations to implement the Common Core or Common Core assessments. October 15th is the effective date for HB 140, thus any regulation posted after that date is required to go through that process.

CHAIR REINBOLD stated that her interpretation is that House Bill 140 is in effect and asked whether EED will apply the requirements of the bill to the regulations under discussion.

COMMISSIONER HANLEY said it is not required for regulations that were posted prior to October 15th.

[3:39:06 PM](#)

JIM POUND, Staff, Representative Wes Keller, Alaska State Legislature, said a regulation that is proposed is not filed, and in order for it to be filed, the regulation is required to

have the budget as directed by HB 140, because House Bill 140 supersedes the filing of the aforementioned regulations.

COMMISSIONER HANLEY related that EED has been advised by counsel that these regulations do not require [the budget] process. He said EED will seek confirmation in this regard.

CHAIR REINBOLD expressed her belief that HB 140 should apply and said she will formally request costs because people have a right to know how much the Common Core, Alaska Academic Standards, mandates from the federal government, and the Internet speed will cost. She then asked why the assessments were fast-forwarded from 2015 to 2014.

COMMISSIONER HANLEY opined EED has not "fast-forwarded." He said the date on the regulations was changed from 2016; however, all of the districts have known of the change in date for at least one and one-half years. The change was a "clerical fix" in order match the date so all of the districts would know EED's goal.

CHAIR REINBOLD pointed out that assessments are aligned to the Common Core and the standards are fairly new. She inquired as to the date of the full implementation of "the Common Core Standards, across the state, the Alaska Academic Standards."

COMMISSIONER HANLEY clarified that assessments are aligned to Alaska standards.

CHAIR REINBOLD said:

There is debate there, tremendous debate there....  
For all practical purposes, I am choosing to use  
Common Core and Alaska Academic Standards ... the  
same.

COMMISSIONER HANLEY said the standards were fully adopted in June 2012, and districts had the responsibility to implement them into their districts. In further response to Chair Reinbold, he said EED did not set a specific date but districts had the responsibility to review curriculum and plan for moving toward the implementation of the new strategies, which may include new curriculum, to address the new standards.

CHAIR REINBOLD surmised EDD adopted standards and then within a year or so required districts to implement the new standards, and required that assessments are "in trial" two years later in August of 2014.

[3:43:47 PM](#)

COMMISSIONER HANLEY said the assessments will be given in the spring of 2015, which is three years. In further response to Chair Reinbold, he said assessments were given in the spring of 2014.

CHAIR REINBOLD pointed out that teachers teach to the assessments the year before, and the assessments will take place in the 2014-2015 school year. She questioned the reason for fast-forwarding from the original date of 2015-2016 and whether EED believes "it's putting them in a tailspin at all."

COMMISSIONER HANLEY expressed his belief that the time period is closer to three years. He acknowledged that any transition to higher standards is "going to be a challenge," but there is an urgency for the sake of the kids to eliminate the need for remediation.

CHAIR REINBOLD further questioned why the state is paying for SAT/ACT/WorkKeys testing when about 10 percent of the state's students get a four-year degree, yet all students are forced to participate in the testing. She officially requested the costs of the SAT/ACT/WorkKeys [assessments] in their entirety, including the cost of proctors, and asked if this testing is part of the NCLB waiver.

COMMISSIONER HANLEY said no. The department has not put forward any regulations in regard to that; in fact, that requirement is statutory and is found in HB 278. The intent of the legislature was to provide choice.

CHAIR REINBOLD stressed her disagreement that the state is paying for Common Core aligned tests. She restated her question.

COMMISSIONER HANLEY restated that the assessments have nothing to do with the NCLB waiver.

CHAIR REINBOLD noted that a student who does not take one of the assessments graduates with a certificate of achievement and not a diploma.

[3:49:13 PM](#)

COMMISSIONER HANLEY pointed out that this provision was voted on by the legislature. He said he was very supportive of the provision that was included in HB 278 by the governor, and passed by the legislature.

CHAIR REINBOLD spoke to the controversy surrounding HB 278. She asked whether all students, including homeschoolers, are required to take an ACT, SAT, or WorkKeys assessment to get a diploma.

COMMISSIONER HANLEY said yes.

CHAIR REINBOLD opined homeschoolers are forced to "do Common Core," and this was of great concern to schools such as IDEA.

COMMISSIONER HANLEY pointed out that there remains the choice to take WorkKeys, which was previously in statute.

CHAIR REINBOLD asked for confirmation that the legislature is obligated to pay for all students to take these tests even if a student has no college plans or post-high school training aspirations.

COMMISSIONER HANLEY said correct. In further response to Chair Reinbold, he said this has nothing to do with NCLB or the waiver, but was the intention of EED, the governor, and the legislature.

CHAIR REINBOLD restated her opposition to the aforementioned legislation. She restated her question regarding the total cost of the ACT, SAT, and WorkKeys assessments to municipalities, the state, and other agencies.

COMMISSIONER HANLEY answered that the cost was reflected in Fiscal Note 36 for \$525,000. In further response to Chair Reinbold, he confirmed this is an annual expense.

[3:51:40 PM](#)

CHAIR REINBOLD turned attention to the new regulation addressing the restraint and seclusion of students. House Bill 210 held an expectation that crisis intervention training programs are to be evidence-based. However, proposed regulation [4 AAC 06.175 & 177 Restraint & Seclusion of Students], expects the program to be subject to a peer review process or other scholarly research. She asked for an explanation of the changes to existing regulations.

COMMISSIONER HANLEY stated that there are two recognized methods of determining evidence-based: a peer review process or subject to scholarly research. These are two identified ways to determine a solid program.

CHAIR REINBOLD opined evidence is more outcomes-based, is a proven method, and is very different than a program being looked at by a peer. Her research found that there are two different meanings and she asked for clarification. She paraphrased [in part] from AS 14.33.127 as follows:

**Sec. 14.33.127. Crisis intervention training.** (a) The department shall approve crisis intervention training programs for schools, which shall include training in

- (1) evidenced-based techniques that have been shown to be effective in the prevention of restraint and seclusion of students;
- (2) evidence-based techniques shown to be effective in keeping school personnel and students safe when imposing physical restraint or seclusion of students;
- (3) evidence-based skills related to positive behavior supports, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;

CHAIR REINBOLD restated her question.

[3:53:47 PM](#)

COMMISSIONER HANLEY explained that this is the process that defines evidence-based research. Typically, regulations are intended to clarify the way to move forward and these are two ways to get to [and] identify evidenced-based.

CHAIR REINBOLD cautioned "that has brought concern and others have brought concern in regards to that.

REPRESENTATIVE T. WILSON stated that other educational standards can only be adopted by school districts if they are more stringent than those of the Alaska [Academic] Standards. She asked whether the Common Core Standards that were adopted by ASD are more stringent than the Alaska [Academic] Standards. Also, the basic student allocation comes from EED. Representative T. Wilson stressed the intent of the legislation and asked whether any funding from EED goes to buy curriculum that is going to the Common Core Standards.

[3:55:26 PM](#)

COMMISSIONER HANLEY said there are no restrictions on the standards adopted by a local school district, but the district has an obligation to meet the Alaska [Academic] Standards. For example, if a district adopted lower standards it would have to demonstrate that the Alaska [Academic] Standards are being addressed. He expressed his belief that the Common Core [Standards] and the Alaska [Academic] Standards are substantially similar, and there are several areas in which the Alaska [Academic] Standards are slightly higher. The Anchorage School District has the responsibility to address the differences. Regarding paying for curriculum, he explained that through a funding formula EED supports districts based on their student count, but does not determine the local decisions of curriculum. There was no intention to put a restriction on districts purchasing curriculum, and EED does not purchase curriculum.

REPRESENTATIVE T. WILSON understood that to have a different set of standards a district must have approval by EED.

COMMISSIONER HANLEY stated there is no process for a different set of standards; districts are all obligated to address the Alaska [Academic] Standards.

[3:57:40 PM](#)

REPRESENTATIVE T. WILSON observed her concern is not just about how close the Alaska [Academic] Standards are to the Common Core [Standards], but if districts choose their standards, and the

curriculum and testing is aligned, changing standards and testing still do not support struggling schools. She asked whether EED will do anything differently than it did during NCLB, such as helping schools academically, not financially, so that students have the ability to pass the tests.

COMMISSIONER HANLEY said yes. The department is working more extensively than in the past; in fact, staff spend more time in districts - to the greatest extent possible - working with all levels in districts and with teachers. The department is switching from an intervention model to supporting low-performing schools to ensure students and schools are successful. It is too early to determine success as assessments will take several years; however, EED will have a new baseline this year and will be able to build from there.

REPRESENTATIVE T. WILSON asked if the amendment was not right regarding monies going to support Common Core standards or curriculum, would it be necessary to make a change in statute so that the intent is clear. She surmised the commissioner believes the legislature is talking about teacher support by EED; however, her constituents do not want to see Common Core anymore. In addition, she expressed her belief that money outside the formula could [support Common Core]. She concluded that the intent was to ensure that the state was not using any of its funding to keep going forward with the initiative.

[4:00:00 PM](#)

CHAIR REINBOLD said that was her understanding as well. She opined that there's "a bit of trickery with this amendment in not spending any money to implement this set of standards." Our

[intent] was not to spend any state public funds on any part of the Common Core Initiative in any fashion. Chair Reinbold expressed her frustration that she was told the state wasn't using the Common Core and that it won't have to do with the curriculum, particularly since the curriculum has to be selected on the specific standards across the state and the assessments are the same [as] the Common Core [assessments]. Chair Reinbold surmised that the result is the state is following the Common Core Standards, assessments, and curriculum. Therefore, freedom is being lost by the state, individuals, and homeschoolers. Chair Reinbold characterized it as a developing monopoly, for all practical purposes. She related that she would vehemently fight for the state's rights and the legislature's stamp of approval rather than the Board of Education being able to move ahead without legislative approval and her concerns being void upon arrival. Furthermore, she expressed concern with her treatment as an elected official.

[4:02:08 PM](#)

REPRESENTATIVE KELLER related his understanding from today that the definition of "evidence-based" is peer review, and asked if that's a standard definition in the education field. He related his further understanding that peer review is taking an unspecified number of people with experience in the same area and obtaining their input. He opined that it seems to be a crude tool.

COMMISSIONER HANLEY confirmed that often in research conversations peer review is how evidence-based is determined. There is a consensus from people in like fields with like expertise to determine whether evidence is valid.

REPRESENTATIVE KELLER surmised then that the peer review process can be described in order to review it and obtain a better appreciation of it.

COMMISSIONER HANLEY replied yes.

[4:03:44 PM](#)

CHAIR REINBOLD announced that Commissioner Hanley will be receiving a follow-up letter from [the committee] to address additional concerns, including the costs in their entirety.

[4:04:23 PM](#)

TARREN LESLIE began by specifying that she is representing herself and her family. She then informed the committee that she homeschools through IDEA and supports the idea of any unused student allotment being allowed to roll over to the next year. Therefore, the unused student allotment would be available in addition to the current year's student allotment. She expressed her opposition to any students being forced to use state-standards aligned materials because the State Standards are Common Core Standards. Ms. Leslie informed the committee that she has read the Common Core Standards in its entirety and the Alaska State Standards as well as multiple letters from UAF, CCSSO, Commissioner Hanley, and others in which it is stated that the Alaska State Standards and Common Core Standards are "nearly identical." She then pointed out that the Common Core Standard adoption regulations includes the "15 percent rule" under which a state is allowed to adopt the Common Core Standards and refer to them by another name if up to 15 percent

of the state's own unique standards are added. That is essentially what Alaska has done, although she questioned whether Alaska added a full 15 percent of its own unique standards. She noted that some of the letters she has delineates the additions Alaska made to the Common Core Standards.

[4:06:40 PM](#)

CHAIR REINBOLD said that Ms. Leslie could email her those letters as a follow-up to the remarks provided during the meeting.

MS. LESLIE characterized many of the changes as "minutia" and were grammatical. For instance, "changing the term to 'explain why' where the Common Core Standards say 'know that' or 'design' instead of 'develop.'"

CHAIR REINBOLD, noting that her office has performed a complete word-for-word comparison of the Common Core standards versus the Alaska State Standards, stated her agreement with Ms. Leslie.

[4:07:16 PM](#)

MS. LESLIE, continuing her testimony, said that since the Common Core Standards are the Alaska State Standards she opposes any students, especially correspondence students being forced to use any State Standards aligned material. She then urged the committee to uphold a limitation for no funds to be spent on Common Core implementation to include purchase of Common Core curriculum by individual districts. She asked for the removal of limitations on students requiring four fundable or Core

courses for the correspondence program. She also urged that no legislated action to be taken if a child scores poorly. Most parents, program contact teachers, and the correspondence programs themselves would be self-corrected. Others, she opined, are simply on a different sequence and taking a different route to the same end although at various points in time will be ahead or behind the public school sequence. The art of problem solving in math curriculum is a prime example and although it's a greatly advanced math curriculum, it doesn't teach math per the Common Core [curriculum]. Therefore, a student could fail the Common Core test for not knowing to write paragraphs describing how they reached their answer or to draw blocks in the Common Core [curriculum]. Ms. Leslie then asked for the removal of regulations requiring homeschool programs and their contact teachers to do anything new, extra, or specific in their response to low Alaska state test scores. Furthermore, she requested the removal of limitations on purchasing nonsectarian items from sectarian vendors and highlighted Mr. Cline's example of purchasing a calculator from a sectarian. She also requested the removal of the requirement for the SAT, ACT, and WorkKeys and if that doesn't pass, she requested the addition of a clause specifying that no SAT, ACT, or WorkKeys cut scores are to be implemented at any point in the future. In conclusion, Ms. Leslie said she agrees with the comments of Chair Reinbold, Representative T. Wilson, and Mr. Cline. She added that since AAI, Alaska's new testing company, left SBAC is a Common Core testing company.

[4:10:05 PM](#)

CHAIR REINBOLD stated that she will do what she can to empower responsible homeschooling parents that are caring enough to give

their life. She further stated, "I don't believe we should break something that is working." She requested Ms. Leslie email her testimony to her and invited her to an upcoming symposium for parents in Anchorage scheduled for December 9th and 10th.

[4:11:06 PM](#)

MS. LESLIE, noting that she has been homeschooling her children for a long time, said that she homeschools her children to keep them out of the Common Core system. Prior to the implementation of the Common Core, she explained that she homeschooled her children because the overall curriculum in public school, but in particular the math curriculum. Upon reviewing the Common Core math problems of a friend's child in second grade, she said she determined that the Common Core math problems are easier than the public school curriculum her son had in the early 2000s. Therefore, she disputed the notion that the Common Core standards are harder or more rigorous.

[4:12:14 PM](#)

CHAIR REINBOLD remarked, "For one, there's a reason IDEA is the biggest school." She then agreed that the notion that the Common Core Standards are more rigorous is very debatable.

[4:13:05 PM](#)

**DRAFT**

**ADJOURNMENT**

There being no further business before the committee, the Administrative Regulation Review Committee meeting was adjourned at 4:13 p.m.