

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

February 1, 2016
8:01 a.m.

MEMBERS PRESENT

Representative Wes Keller, Chair
Representative Liz Vazquez, Vice Chair
Representative Jim Colver
Representative Paul Seaton
Representative David Talerico
Representative Harriet Drummond
Representative Jonathan Kreiss-Tomkins

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 157

"An Act relating to language immersion charter schools; relating to teacher certification; and relating to standards-based assessments in language immersion charter schools and language immersion programs."

- HEARD & HELD

HOUSE BILL NO. 102

"An Act providing for funding of educational services for students in residential psychiatric treatment centers."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 157

SHORT TITLE: LANG. IMMERSION SCHOOLS/TEACHER CERTS.

SPONSOR(S): REPRESENTATIVE(S) KREISS-TOMKINS

03/20/15	(H)	READ THE FIRST TIME - REFERRALS
03/20/15	(H)	EDC, FIN
02/01/16	(H)	EDC AT 8:00 AM CAPITOL 106

BILL: HB 102

SHORT TITLE: RESIDENTIAL PSYCH CTR; EDUC. STDRS/FUNDS

SPONSOR(s): EDUCATION

02/11/15	(H)	READ THE FIRST TIME - REFERRALS
02/11/15	(H)	EDC, FIN
03/20/15	(H)	EDC AT 8:00 AM CAPITOL 106
03/20/15	(H)	Heard & Held
03/20/15	(H)	MINUTE(EDC)
04/08/15	(H)	EDC AT 8:00 AM CAPITOL 106
04/08/15	(H)	<Bill Hearing Rescheduled to 4/10/15>
04/10/15	(H)	EDC AT 8:00 AM CAPITOL 106
04/10/15	(H)	Heard & Held
04/10/15	(H)	MINUTE(EDC)
04/13/15	(H)	EDC AT 8:00 AM CAPITOL 106
04/13/15	(H)	Scheduled but Not Heard
04/15/15	(H)	EDC AT 8:00 AM CAPITOL 106
04/15/15	(H)	Heard & Held
04/15/15	(H)	MINUTE(EDC)
02/01/16	(H)	EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REID MAGDANZ, Staff
Representative Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Assisted in the presentation of HB 157, and responded to questions.

SUSAN SCHMIDT, Executive Director
Staffing and Operations
Anchorage School District (ASD)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 157.

BRANDON LOCKE, Director
World Languages
Anchorage School District (ASD)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 157.

KATHERINE GARDNER, Executive Director
Human Resources
Matanuska-Susitna Borough School District
Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 157.

JENNIFER HUTCHINS, Principal

Fronteras Charter School
Spanish American Immersion School
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 157.

JANET OGAN, Staff
Representative Wes Keller
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 102 on behalf of the House Education Standing Committee, sponsor by request, chaired by Representative Keller.

MICHAEL LYONS, Vice President of Specialty Education
Universal Health Services
North Star Behavioral Health Systems
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 102.

EVELYN ALSUP, Director of Education
North Star Behavioral Health Center
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 102.

MIKE GRAHAM, Chief Academic Officer
Anchorage School District (ASD)
Anchorage, Alaska

POSITION STATEMENT: Testified with concern on HB 102.

LINDA CARLSON, Assistant Superintendent
Culturally Responsive Education
Anchorage School District (ASD)
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 102, and responded to questions.

ACTION NARRATIVE

[8:01:13 AM](#)

CHAIR WES KELLER called the House Education Standing Committee meeting to order at 8:01 a.m. Representatives Seaton, Drummond, Kreiss-Tomkins, Talerico, and Keller were present at the call to order. Representatives Vazquez and Colver arrived as the meeting was in progress.

HB 157-LANG. IMMERSION SCHOOLS/TEACHER CERTS.

8:01:30 AM

CHAIR KELLER announced that the first order of business would be HOUSE BILL NO. 157, "An Act relating to language immersion charter schools; relating to teacher certification; and relating to standards-based assessments in language immersion charter schools and language immersion programs."

8:02:23 AM

REPRESENTATIVE KREISS-TOMKINS, as sponsor of HB 157, stated that the overall goal of the legislation is to make immersion language charter schools an easier reality in Alaska, for new and existing facilities. He paraphrased from the sponsor statement, which read as follows [original punctuation provided]:

Language immersion education is an increasingly popular educational model, especially in today's rapidly globalizing world. Language immersion education also produces impressive educational outcomes. Decades of experience from around the world have shown that language immersion education can create second-language fluency while also contributing to academic success in other subjects.

Alaska already has a variety of successful and popular immersion programs. Fronteras in the Mat-Su (Spanish) and Rilke Schule in Anchorage (German) are both planning moves to new facilities as interest grows. Anchorage School District's world languages immersion program teaches three languages - Japanese, Russian, and Spanish - and is in the process of adding French and Chinese. In rural Alaska, interest is growing in immersion as a way to teach endangered Native languages, Ayaprun Elitnaurvik in Bethel leading the way.

HB 157 creates a charter school designation with the specific mission of delivering a curriculum in a foreign or Native language, and holds these schools to a strict immersion standard. It requires fully certified teachers in these charter schools to have the specialized skills necessary to successfully teach in an immersion setting, and it includes provisions that will put in the classroom language speakers who know how to teach but may not be able to get the

necessary formal qualifications to become fully certified. HB 157 also allows teachers in immersion charter schools that teach an Alaska Native language to be certified through processes developed by local communities.

Immersion education broadens students' knowledge of the world, gives them skills to help them succeed in their future careers, and often improves their academic performance not just in language classes, but in all subjects.

8:04:25 AM

CHAIR KELLER asked for a description regarding the academic approach of an immersion school.

REPRESENTATIVE KREISS-TOMKINS explained that an immersion school caters to a target language other than English, as predominant in the classroom, although not necessarily exclusive; often a blend. Children who learn a second language in school, particularly at an early age, often become fluent in both.

8:05:34 AM

REID MAGDANZ, Staff, Representative Kreiss-Tomkins, Alaska State Legislature, emphasized that immersion schooling goes beyond teaching a language to include instruction of academic subjects, such as social studies and math, in the immersion language, while other topics may be provided in English.

8:06:21 AM

MR. MAGDANZ provided a sectional analysis, stating that Sec. 1 and Sec. 2, work in unison for the establishment of a language immersion charter school. Section 2 further provides the subsections (a)-(f) to establish the specific requirements for immersion language facilities that are outside of the standard charter school standards. The major difference is that an immersion school provides half of the instructional hours, at each grade level, in the target language. Additionally, the teachers, instructing in the target language, the language other than English, must have mastery of that language and some training in immersion education. Section 3 creates a language endorsement, received via application to the Department of Education and Early Development (EED), to satisfy verification of an immersion teacher's training. Sections 4, 5, and 6 deal

with the state's Type M, limited teacher certificate program. Current law validates these certificates for teachers of vocational education, Alaska Native language and culture, or military science courses. The Alaska Native language portion has been extracted and addressed specifically, creating Sec. 6, to encompass all languages. The bill proposes some minor changes, regarding teacher qualifications. Additionally the limited certificates are probationary, initially valid for one year, and subject to revalidation by the school administrator; currently the certificate is valid for five years. Finally, Sec. 6 removes the authority of the board of education to require additional academic training as a prerequisite for certification renewal. He explained that many qualified professionals, or Native elders, may not hold a baccalaureate degree but are able to provide essential knowledge. Section 7 deals with certifications made by local tribal government. The premise is that rural community members are best suited to determine who in their village has the ability to speak the Native language, as well as further the culture. The certificate is only automatically valid in a language immersion school; beyond that scope, the local school board would need to provide permission for use of the certificate within the district. The last section, Sec. 8, covers the requirements for testing, and is modeled after an example originating in Hawaii, he said. It stipulates that students may take standardized tests in the target language, in so far as federal regulation allows.

[8:12:25 AM](#)

REPRESENTATIVE COLVER expressed support for HB 157 and opined that legislation addressing this situation is overdue. He asked about the application of the Type M certification, as it appears in the bill.

MR. MAGDANZ said the references are found in Sec. 5, subsection (b), and Sec. 6, subsection (d). He directed attention to Sec. 5, page 4, lines 24-29, and read:

Sec. 5. AS 14.20.025 is amended by adding new subsections to read:

(b) A limited certificate issued under this section is initially valid for one year. The department may extend a limited certificate issued under this section for an additional four years if the school board of the district or regional educational attendance area

that requested the issuance of the limited certificate requests that the certificate be extended and certifies that the person has demonstrated skills in classroom instruction, curriculum development, and student assessment.

[8:13:48 AM](#)

REPRESENTATIVE COLVER asked whether it is the intent that every certificate will have a probationary period, as mentioned.

MR. MAGDANZ responded yes.

REPRESENTATIVE COLVER noted that Sec. 5 provides the authority to the local school boards to extend the certificate, however, other sections address department policy. He suggested that a school board may not agree with a charter school and questioned the approval process.

MR. MAGDANZ pointed out that the bill allows language immersion charter schools, and only those schools, the ability to request a limited language certificate. The academic policy committee of the immersion school would request the certificate, without having to approach the local school board. Currently school boards are the authorizing entity and make the request on behalf of the school.

[8:16:32 AM](#)

REPRESENTATIVE SEATON referred to the ability to extend the certification for five years and asked about the purpose of the limitation.

MR. MAGDANZ responded that a one year probationary period would apply, with the opportunity to be continued for four years.

[8:18:19 AM](#)

REPRESENTATIVE DRUMMOND noted that language immersion programs have existed in the Anchorage public schools for several decades, and asked how teacher selection and program performance compares to what is being proposed. Additionally she queried whether the certificate could impact programs that are not operated in charter schools.

REPRESENTATIVE KREISS-TOMKINS acknowledged ASD's history of language programs and said the district was contacted, during the crafting of the bill.

MR. MAGDANZ added that the limited certificates, being proposed, would be valid in any of the Anchorage public school immersion programs.

[8:20:34 AM](#)

REPRESENTATIVE VAZQUEZ directed attention to the bill and said the proposed deletion of the language on page 4, lines 19-22, regarding the requirement for academic training, suggests the need to also delete similar language on page 5, lines 1-2.

MR. MAGDANZ offered his understanding of the drafter's intent.

[8:23:16 AM](#)

REPRESENTATIVE SEATON read from page 5, lines 28-31, which states:

(c) A person who possesses a limited teacher certificate issued under this section may teach a subject other than the language in which the person demonstrates proficiency under (b)(4) of this section if the person completes a course or program of study in language immersion education.

REPRESENTATIVE SEATON expressed concern that the certificate M holder would be allowed to teach classes other than the target language course, despite the possibility that they may lack qualifications in those subjects. He stated support for the intent of allowing competent speakers access to instruct, but opined that the certificate should not allow indiscriminate teaching, without adequate qualification considerations.

[8:25:11 AM](#)

REPRESENTATIVE COLVER turned to page 6, line 10, and read:

(e) The board may not require, as a condition for extending or renewing a limited certificate under (d) of this section, that a person complete additional academic training.

REPRESENTATIVE COLVER asked if, in order to implement this provision, it will be necessary for EED to promulgate new regulation.

MR. MAGDANZ responded yes.

[8:26:17 AM](#)

REPRESENTATIVE SEATON recalled the Old Russian Village schools, hosted in his district, which practice 100 percent immersion for specific years. He asked for assurance that the bill does not invoke limitations on language immersion programs at facilities that are not charter schools.

REPRESENTATIVE KREISS-TOMKINS stated that the bill does not impinge on existing programs being operated within a district, nor it require that the immersion program be provided by a charter school.

[8:28:17 AM](#)

REPRESENTATIVE TALERICO supported Representative Seaton's concern and referred to Sec. 2, page 2, lines 21-23, which read:

Except as provided in (d) of this section, a language immersion charter school shall provide at least 50 percent of the school's instructional hours for each grade level in an indigenous or foreign language.

REPRESENTATIVE TALERICO asked about the 50 percent requirement in each grade level, and how it was derived.

REPRESENTATIVE KREISS-TOMKINS acknowledged the concern and said a number of sources were considered, in proposing the 50 percent level.

MR. MAGDANZ confirmed the variety of methods used, around the world, with a general consensus that 50/50 is an effective approach.

[8:30:24 AM](#)

CHAIR KELLER noted that the official language of the United States is English and asked whether there is a reason to clarify and acknowledge that fact within the bill.

REPRESENTATIVE KREISS-TOMKINS said there are implicit assumptions in the bill which could be made explicit through further verbiage.

[8:32:36 AM](#)

REPRESENTATIVE VAZQUEZ directed attention to page 7, lines 11-15, which read:

(c) The department may not recognize a teacher certificate issued by an Alaska Native tribe if the person who possesses the teacher certificate has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime involving a minor under AS 11.41.410 - 11.41.460 or a law or ordinance in another jurisdiction with elements similar to an offense described in this subsection.

REPRESENTATIVE VAZQUEZ cited specific state statute not listed which, she opined, might allow someone with serious crime violations to teach. She suggested that the Department of Law (DOL) be asked for an opinion.

[8:35:12 AM](#)

REPRESENTATIVE COLVER turned to Sec. 7, page 6, lines 19-20, which read:

(1) the Alaska Native tribe submits a description of the Alaska Native tribe's certification procedures to the department;

REPRESENTATIVE COLVER asked how the academic back-up will be fulfilled in creating an Alaska Native language and culture certificate, and whether EED would need to write new regulation.

REPRESENTATIVE KREISS-TOMKINS said the intent is to acknowledge that a fluent Native language speaker, identified by a community, would not be required to undergo a proficiency test. Some states, such as Kansas, may require Native American language teachers to take a battery of tests.

MR. MAGDANZ acknowledged that the bill, as written, does not well define Alaska's situation, and it is expected to be crafted further to better address the proposed program.

[8:37:27 AM](#)

REPRESENTATIVE COLVER pointed out the testing requirement proposed in Sec. 8, and asked whether the statewide standards-based assessments in the target languages exist or need to be created. The proposed section reads:

Sec. 8. AS 14.30 is amended by adding a new section to article 9 to read:

Sec. 14.30.430. Testing in language immersion educational programs. The department shall, to the extent permitted by federal law, allow students enrolled in language immersion charter schools established under AS 14.03.257 or other language immersion programs to take statewide standards-based assessments in the language of instruction of the language immersion charter school or language immersion program.

REPRESENTATIVE KREISS-TOMKINS responded that other immersion programs, across the country, may have a similar requirement, and any pertinent tests that could be implemented will be identified. Following a recent meeting with EED, the section may be eliminated, he reported.

REPRESENTATIVE COLVER said the intent of an immersion program is to work, teach, and learn, in a foreign language, and he acknowledged the variables involved. A bottom-up approach may need to be taken to resolve the best means for testing, he opined.

[8:40:15 AM](#)

CHAIR KELLER pointed out a series of "may" and "shall" declarations, page 4, line 25, page 5, line 12, and page 6, lines 4 and 17, which suggest incongruous applications, which he asked to have scrutinized.

MR. MAGDANZ agreed.

[8:43:05 AM](#)

CHAIR KELLER opened public testimony.

[8:43:34 AM](#)

SUSAN SCHMIDT, Executive Director, Staffing and Operations, Anchorage School District (ASD), stated support for HB 157, and

stressed the difficulty in finding teachers for Alaska Native languages. She said, despite its sizeable population, it isn't easy to fill Native language positions in Anchorage, and added that it must be even more difficult in smaller districts. As a 12 year immersion school principal, she reported students are fluent by the fourth grade in English, as well as the target language. Alaska is on the cutting edge of offering language immersion programs, she opined, and it appears to help the children excel in other subjects; as shown via testing that is administered in English. Immersion language programs are beneficial to students who will take their place in a global economy.

[8:46:12 AM](#)

BRANDON LOCKE, Director, World Languages, Anchorage School District (ASD), stated support for HB 157, and described the ASD immersion program, which has approximately 2,500 students enrolled in levels K-12. The Japanese program is celebrating its 26th year and other languages served include: Spanish, Russian, German and Mandarin Chinese. The programs in the district follow the 50/50 model, which he detailed and said a full immersion model doesn't exist in Anchorage. He noted that many of the teachers arrive from other fields, with backgrounds in areas such as engineering or medicine. Hires are made based on an individual's ability to speak the target language fluently. These teachers are well educated, but may not be proficient enough in English to pass the basic competency tests to receive a teaching credential; the tests are administered in English. Alaska is nationally recognized as a best practices model for language immersion.

[8:50:05 AM](#)

REPRESENTATIVE SEATON asked for clarification regarding the validity of the provisional certificates and any restrictions for use in certain physical areas or regions.

MR. MAGDANZ responded that the limited certificate is valid only in the district that made the request.

[8:52:57 AM](#)

KATHERINE GARDNER, Executive Director, Human Resources, Matanuska-Susitna Borough School District, stated support for HB 157, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I am speaking to you today to express my support for House Bill 157, specifically those amendments and additions which pertain to the requirements of certification for teachers of immersion programs.

The Mat-Su School District supports education choice as a fundamental part of our school system. We are proud that Fronteras Spanish Immersion Charter School is one of the many successful options available to families in our Borough. I can speak from experience in supporting the hiring at Fronteras Spanish Immersion Charter School, however, that adequately staffing an immersion school is a challenging task under the current regulatory landscape in Alaska. Skilled language and culture teachers are not readily found in the typical labor market and many times individuals who possess the requisite knowledge of the language or culture are not licensed teachers. The flexibility proposed in HB 157 recognizes these realities, and supports alternative methods to teacher certification, similarly to how we would other non-traditional teacher experts.

I would ask the committee to give adequate consideration to an extended effective date for those provisions which impact current programs and teachers. Though some of the stated requirements for operation of a charter school will be easy to demonstrate some may require time to show compliance. For example - the addition of the language immersion endorsement for all existing language immersion teachers, teaching in the schools designated language. I want to also express my support for a deeper look into the certification process for language immersion teachers, as raised by some of the questions which have [been] asked today which speak to the rigor of the certification renewal process - though I support additional flexibility for our district and the language immersion school we have - we are interested in hiring the best teachers and as you've recognized immersion teachers are teaching traditional subjects in the immersion language not simply the language itself so to have little to no requirements of these individuals to pursue certificate renewal would be inconsistent with other practitioners.

[8:55:43 AM](#)

JENNIFER HUTCHINS, Principal, Fronteras Charter School, Spanish American Immersion School, stated support for HB 157 and stressed the difficulty involved in hiring certified teachers who are fluent in target languages. Testing a candidate in a language other than their native tongue is a barrier. The teachers are solid, but it is difficult for them to gain the appropriate certification to remain in the classroom. She offered that widespread support exists for this bill. Native speakers are available, and would like to assist in the classroom setting, thus removing barriers will be helpful in fulfilling the need for teachers.

[9:00:08 AM](#)

REPRESENTATIVE SEATON acknowledged the multiple articles included in the packet and asked whether data is available to support the claims. If statistics are available charting success of comparable programs, he asked to have the documents added to the packet.

CHAIR KELLER said public testimony would remain open, and announced HB 157 as held.

HB 102-RESIDENTIAL PSYCH CTR; EDUC. STDRS/FUNDS

[9:01:37 AM](#)

CHAIR KELLER announced that the final order of business would be HOUSE BILL NO. 102, "An Act providing for funding of educational services for students in residential psychiatric treatment centers."

[Before the committee was proposed CSHB 102, labeled 29-LS0519\P, Glover, 4/7/15, adopted as the working draft on 4/10/15.]

[9:01:48 AM](#)

REPRESENTATIVE VAZQUEZ moved to adopt the proposed committee substitute (CS) for HB 102, labeled 29-LS0519\W, Glover, 3/16/15, as the working draft. [Version W had been previously adopted as a working draft and amended, on

3/20/15, and then replaced by working draft Version P, on 4/10/15.]

The committee took an at-ease from 9:02 a.m. to 9:03 a.m.

9:03:03 AM

CHAIR KELLER announced there being no objection, Version W was before the committee as the working document.

9:04:21 AM

REPRESENTATIVE COLVER asked for clarification regarding the version of the working draft under consideration. He noted that the committee packet also contained Version I.

The committee took an at-ease from 9:04 a.m. to 9:05 a.m.

9:05:55 AM

REPRESENTATIVE COLVER moved to rescind the committee's previous action in adopting Version W. [There being no objection, it was so ordered.]

9:06:07 AM

REPRESENTATIVE COLVER moved to adopt the proposed committee substitute [CS] for HB 102, labeled 29-LS0519\I, Glover, 1/29/16, as the working draft. There being no objection, Version I was before the committee.

9:06:27 AM

JANET OGAN, Staff, Representative Wes Keller, Alaska State Legislature, stated that the goal of HB 102 is to ensure an equitable education is being provided to special needs students who require residential psychiatric treatment.

9:07:40 AM

MICHAEL LYONS, Vice President, Specialty Education, Universal Health Services, North Star Behavioral Health Systems, stated support for HB 102, paraphrasing from a

prepared statement, which read as follows [original punctuation provided]:

Thank you for the opportunity to update the Committee regarding the proposed amendment to HB 102 and our efforts since last April 15th when Chairman Keller appointed a subcommittee consisting of Representatives Drummond, Talerico and Vasquez. The subcommittee Chaired by Representative Vazquez was asked by Chairman Keller to further study issues related to educational services in residential psychiatric treatment centers (RPTC). We would like to take this moment to thank Representatives Vazquez, Drummond and Talerico for their time, research and visit to North Star this past year.

We firmly believe that education is the civil rights issue of our time and that every child, including children with mental illness deserves an equal opportunity to succeed in school. State and federal law is clear - that no matter where children live, ALL children are entitled to a free and appropriate public education that is comparable, equitable and adequate. For the past six years, my colleagues and I have dedicated ourselves to bring awareness of how some of the State's most vulnerable children have been receiving substandard educational services while seeking in some cases life-saving mental health treatment. In addition to bringing awareness, we continue to put forth solutions that will dramatically improve the educational services for a class of children who so desperately need a voice.

In order to give you a broader understanding of why we believe this year's Committee Substitute to HB 102 is a needed solution, I would like to share with you some of the most recent events since last April and our efforts to work collaboratively with the Anchorage School District (ASD).

In April of 2015, representatives from North Star and ASD began meeting to discuss program needs, best practices, measurable outcomes, service delivery and ways to work more collaboratively with one another. The first two meetings were attended by the Commissioner of Education who helped set the framework for future discussions. Meeting participants from ASD included several high level district administrators and Mr. Jerry Koetje who was appointed Acting Principal of Special Schools in July. Sadly and unexpectedly, Mr. Koetje passed away in December. Mr. Koetje was a lifelong educator who helped hundreds if not thousands of children throughout his tenure and he hit the ground running upon coming to North Star. Mr. Koetje will be dearly missed by so many and we truly appreciated all of his efforts while working for the children at North Star.

The spirit of the meetings between ASD and North Star has been very collegial with a strong focus on program enhancement, accountability and communication. Both organizations recognize that communication and collaboration is critical to addressing issues and the overall success of the program. As of January, 2016 there have been over twenty meetings between the two organizations.

In addition to the ongoing operational meetings between North Star and ASD, Representatives from the Education Subcommittee including Representatives Vazquez, Talerico and Drummond, visited the facility on September 16, 2015; the ASD School Board President, visited on December 4, 2015; and the Commissioner of Education visited on January 12, 2016. We sincerely thank everyone for taking the time to visit and see the program first hand. There is no doubt that touring the facility humanizes the hard work of our professional teams as well as the resiliency, courage, strength and determination of our patients and students.

To give you a context of our student population, each fall, ASD counts the number of students in

each school setting across the District. Students at North Star fall currently under the Whaley Center (the District's Special Education Center) and according to ASD, there was a total of 113 students counted of which over 50% are classified as receiving Special Education Services. I will speak a bit more about special education services later but when a special education student is admitted to North Star, the current ASD practice is to amend the student's Individualized Education Plan (IEP) to reflect "consultative services". Under this practice, we do not believe that special education students are receiving the appropriate level of special education services as prescribed by previous IEP teams and this needs to be addressed immediately.

Going back to our initial meetings and in preparation for our second meeting on April 28, 2015, North Star asked if ASD could bring the District's plan for addressing the following areas:

1. A Communication Plan that will outline strategies for strengthening the collaboration and information sharing between ASD, North Star, parents, students, resident school districts and other stakeholders
2. The 2015-2016 Staffing Plan including teacher certification areas
3. The Curriculum Model including a Master Schedule reflecting the amount of time for direct instruction and on-line instruction
4. The Administrative Supervision Plan with a schedule for providing on-site management and communication with families, treatment team, resident school districts and students
5. Policies and Procedures for admissions, Individualized Education Plans (IEP) and transitions

6. A list of Outcome Measures that will be tracked to be shared with stakeholders through the School Improvement Plan (SIP)

7. A program Budget including allocations for materials, resources and equipment

All of these areas are usually considered standard operating items that all schools should have in place and served a good starting point for ASD and North Star to evaluate the current operating system and steer our future conversations. Recognizing that the school's Master Schedule, Staffing Plan and Curriculum Model needed intense focus and would require the District to assign additional resources, North Star knew it was critical to get further clarification on how the district was going to address each of these areas last April. Throughout our discussions heading into the late spring and early summer, we never received concrete information to the requests just mentioned. We strongly believed that without the above items in place, it was going to be very challenging to start the new school year and the students' education was going to be compromised.

As the 2015-2016 school year evolved, it was important to us to recognize where progress was being made. We have been very complimentary and grateful to ASD for areas that have been improved upon. However, with that said and although well intended, ASD's most recent efforts have not been proactively implemented without constant prodding and follow up from North Star. I would like to take this opportunity to share with you some of the areas of progress emerging from the collaboration to date:

- ASD hired an Acting Principal separate from the Whaley Center to oversee the District's Special Schools. Mr. Jerry Koetje transitioned to this position in late July. Due to the passing of

Mr. Koetje, ASD is currently recruiting to fill this open position

- The Transition Counselor position was filled as of September 11th. As you may recall, we learned about this position being allocated to North Star last year through a FOIA request but the allocated position previously never served the students of North Star

- Four new teachers hired, two new teacher assistants hired

- A new Individualized Learning Plan (ILP) was authored by ASD to set the course of each patient's educational experience

- 95 new laptop computers were ordered and the internet bandwidth was increased to accommodate the on-line learning platform

- Instructional hours were increased through the expanded Master Schedule

Throughout the first semester, we also shared with ASD our continued list of ongoing concerns that should have been addressed prior to the school year beginning and still need immediate attention:

- Establishing the level of onsite services provided by the Acting Principal assigned to all Special Purpose Schools and the access for parents, students, teachers and stakeholders

- Student course schedules listing the actual courses students are registered in

- Full student registration to the on-line APEX course system

- Completion of each student's ILP

- Further technology assessment and plan

- Identification of Outcome Measures
- Curriculum assessment and plan
- Streamlining of Enrollment Process
- Intake, Course Registration and Transition Policies and Procedures
- AIMS Web Testing

The goal has always been and will continue to be to serve every student with excellence as the standard; education is a universal right and a student's education should never be compromised. Although progress has been made in some areas, many students did not receive an appropriate, comparable and adequate educational experience the first semester. In fact, it was disheartening that this class of children did not have the resources they should have in a timely manner.

Specifically, from the onset North Star described the lack of technology that was not available to students in order to participate in the District's Apex On-line Learning Program. During the Education Subcommittee's tour of North Star on September 16, 2015, they heard first hand from a District IT representative that the infrastructure was inadequate and there were less than 20 functioning computers. However, after the tour everyone was encouraged at the working lunch when Acting Principal, Mr. Koetje reported that he was given the authority for 64 computers and a temporary bandwidth solution. By this time, one month of school had already passed and not only did students not have access, they didn't have course schedules nor were any of the Individualized Learning Plans (ILPs) completed. In the spirit of collaboration, both organizations continued to move forward in hopes that the situation would be rectified immediately.

The problem grew worse over the next two months and on November 6, 2015, North Star reported to ASD its frustration that the promised computers were still not delivered, bandwidth was not increased and students still did not have access to the on-line APEX system that they were supposed to be taking classes in. When questioned, the Acting Principal stated that the District had "tabled the plan". Sensing North Star's shock and disappointment, ASD delivered 60 computers that same afternoon and commissioned the IT Department to begin upgrading the bandwidth in order to allow students to participate in their classes on-line.

Sadly, this class of children did not receive appropriate, equitable and adequate educational services the first semester. North Star respectfully raised concerns regarding students not having course schedules and that their transcripts were not reviewed nor aligned to their previous placement. Furthermore, North Star sought help in understanding why only 5 ILPs were completed to date and the District's procedure to move all special education IEPs to a "consultative" model. These concerns and Priority Needs were shared in full transparency with ASD's Board Chairman, the Commissioner of Education and ASD Administration. ASD chose not to respond in writing to these concerns; however, North Star did review the list in a meeting with ASD as to be open with the reflection and reassessment process. The question we have to ask is if this happened in any other school, wouldn't there be outrage for a failure to provide an adequate education let alone to this vulnerable class of children?

Members of the House Educational Committee, providing educational services for students residing in an RPTC is a specialty service that must integrate a variety of different disciplines including medical, educational, clinical, behavioral, recreational and transitional services. Because the needs of the students are so complex and require such individualization, it

is more appropriate in some instances to give RPTC's the option to serve as an Educational Services Provider and contract with the local school district. North Star presented a draft contract for ASD's review and ASD stated that they were not interested in contracting with North Star to provide the educational services.

After reviewing the course of events the past several years, it appears to be a logical next step to allow a three year pilot project for RPTCs to become an Educational Service Provider. This proposal was presented to the Commissioner of Education for his review and input. Under this legislation, a participating RPTC would be required to comply with over eighteen accountability standards including a comprehensive financial audit. The RPTC would also be required to report back to the Legislature its Outcome Measures each school year and we think this will dramatically improve services to children and increase academic accountability.

Current law permits school districts to contract with educational service providers approved and accredited by the DEED as found within existing Alaska Statute 14.03.083. The amendment to AS 14.03.083 would authorize school districts to contract with RPTCs to provide educational services for children confined to the facility by court or physician's order for treatment of a diagnosed mental illness.

There are a total of 12 RPTCs statewide which could qualify treating approximately 250-300 students. We expect only a few of the larger facilities will consider to act on the legislation thus affecting a very small number of students. Fairbanks School District already has such a contract with the Boys and Girls Home of Alaska which is working well for its 24 patients.

Under the bill, the process would entail an RPTC (who desired to provide education within its

facility) present a proposed contract to the District. If the District and the RPTC couldn't reach agreement within 30 days, the RPTC could present the proposed contract top the Commissioner of Education similar to the Charter School appeal process.

Another big reason this legislation is so important is that we recently asked ASD where we could find the preliminary budget allocations for North Star being presented to the school board at its first hearing February 1st for the 2016-2017 school year and we were told that we would not be able to see where and what was being presented to the Board for serving students at North Star next year. In the spirit of transparency, we find this very troubling and again it shows that this class of children is not being appropriately addressed. Unless we stay vigilant and vocal, this class of children will continue to be treated unfairly and inadequately. We have often pondered what the Office of Civil Rights would think regarding how children with mental illness continues to be served but we know the solution rests here with our local officials.

[9:25:34 AM](#)

EVELYN ALSUP, Director of Education, North Star Behavioral Health Center, testified on HB 102, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I appreciate the opportunity to be able to come and update this committee on the progress of the educational services provided in our facility.

Leaders from North Star and ASD began meeting in April to discuss the educational program needs, service delivery, and identifiable outcomes for the program. The commissioner of education attended the first couple of meetings to help set the guidelines and framework for further discussions. The meetings were attended by Mike

Graham and Linda Carlson from the ASD and Evelyn Alsup and Mike Lyons from North Star. As the meetings progressed, the district brought in Mike Henry (secondary director of education) and Mr. Jerry Koetje acting principal for special schools. Sadly, Mr. Jerry Koetje passed away in December. His passing was unexpected and he will be sorely missed as his enthusiasm for education was contagious. During the onset of the meetings, both parties recognized that communication and collaboration was vital to improving the educational service for this population and for the continued success of the educational program. As of January, there have been over 20 meetings between the two organizations.

Representatives from the Education Subcommittee visited the North Star facilities on September 16, 2015; Kameron Perez-Verdia the ASD School Board President, visited on December 4, 2015; and the Commissioner of Education visited on January 12, 2016.

From the onset of our discussions, North Star has come to each meeting with an agenda (that was previously e-mailed to ASD for their input) so each organization could be productive and collaborative in the time allotted for the discussion.

My colleague, Mike Lyons, outlined the successes of this school year so far, and for those we are truly thankful. Students are receiving more instructional time and the increase in teachers has allowed this to be successful.

Sadly, I must report that we are still struggling to clearly identify how if at all student's transcripts are being aligned with sending schools. This alignment is important to the student being able to matriculate toward graduation with his/her like peers. We are continuing to wait on all students having course schedules. A clear course schedule is important

to ensure all classes are congruent with resident schools; as placing students in courses they do not need or that are not required for graduation becomes a source of frustration for the student and family and can lead to added stress and ultimately not having the credits to graduate with peers. To date we are unsure how or if outcomes are tracked and recorded. The use of outcomes linked with curriculum design are important to the success of the educational program as they allow administrators and teachers to identify the areas of growth and those needing added structure and alignment. In each meeting with ASD, we have asked for a program budget; sadly, we still do not have a budget for this program. Having the budget clearly outlined would allow for a complete master schedule and development of curriculum plan for the program. The process for transitions of students returning to sending school programs is not defined; these transitions allow students to be successful in their return to the resident school and community. The district developed an Individual Learning Plan or ILP that would be implemented for each student upon admission it is not being utilized. This ILP would benefit parents and sending schools upon a child's transition back to the resident school. AIMS web testing to assess the areas of strength and need in the elementary school population is not occurring like it does in other programs throughout the district. We are lacking a clear curriculum assessment and plan, assessing the curriculum and developing a curriculum plan are standard operating procedures for schools. These assessment tools allow evaluation of academic programs so schools can meet the expectations of accrediting educational agencies, and state and local stakeholders. The addition of the principal and transition counselor was greeted with great anticipation as we eagerly looked forward to the added administrative oversight to the program. However, we have no administrative plan that outlines the functions or schedules of the added administrators in which to share with families,

therapists, and resident school districts. This is needed to provide communication and understanding of processes within the program.

Each of the above areas of continuing need, are all ordinary operational procedures for schools. Although improvement was made in certain parts of the educational program, we are still far from resolving the educational inequity of this population. Still today students receiving mental health treatment in North Star are not being given the opportunity to achieve the same educational progress as their like peers in public schools.

[9:31:33 AM](#)

MIKE GRAHAM, Chief Academic Officer, Anchorage School District (ASD), reported the progress and limitations that have occurred regarding the collaboration between the Anchorage School District (ASD) and North Star, during the last year. A positive working relationship has been formed, he opined, and acknowledged that many of the educational concerns, brought forward by North Star, hold merit. He said the district has stepped forward, in a good faith effort, to establish an educational program that allows students to continue academic learning, while receiving residential treatment; on par with what all students receive. He reviewed a number of the improvements made in the last year, which include: transition plans for students returning to their home schools; individualized learning plans for all but the acute care students; on-line curriculum supported by 92 new computers; creation of a fulltime principal - the appointment being imminent; increasing the counselor position to fulltime; expanding six teacher positions to ten; establishment of a special schools office; and regular meetings scheduled between ASD and North Star on a weekly, monthly, and quarterly basis. A cooperative agreement has been proposed by North Star, which presents some concerns for the district, he said, and paraphrased a series of points, which read [original punctuation provided]:

1. Provide a direct line administrator responsible for technical assistance including

applicable district training. Curriculum design, and program implementation. This staff administrator will also ensure compliance with Department of Education (DOE) rules and regulations pertaining to alternative education programs; and

2. Disseminate information about and assist in the development and adoption of promising educational practices for students in mental health facilities or State supported facilities; and

3. Coordinate activities for the identification, location, and evaluation of all children served in educational programs in mental health facility settings; and

4. Serve as the fiscal intermediary in collecting state and federal per pupil education funds

5. Remit ninety five percent (95%) of the full time equivalency (FTE) funding including a portion of federal funding from the School District to North Star. Reimbursement due to North Star shall be paid in monthly installments, beginning on or about July 30, 2016; and

6. Provide up to 10 days of mainframe student information system training to North Star employees at no cost; and

7. Serve as the Local Education Agency and provide general supervision of educational services through:

a. A review of the special education procedures for providing education programs to determine compliance with provisions of the Agreement and applicable State and School District educational rules.

[9:37:02 AM](#)

MR. GRAHAM opined that passage of HB 102 could result in litigation, which may prove counterproductive. He disputed some of the claims made by North Star against ASD including the lack of meetings and an indifference to student needs. He said the collaboration has been extensive, students are receiving a full day of instruction, and incursions from the past have been rectified.

[9:40:13 AM](#)

LINDA CARLSON, Assistant Superintendent Culturally Responsive Education, Anchorage School District (ASD), stated that Anchorage serves not only the long term care students, at North Star Behavioral Health Center, but students from across the state who are in acute care. In the last year, she reported, 90 out-of-district individual educational plans (IEPs) were addressed. These 90 IEPs were all for acute care students, who averaged 17-20 days of care in Anchorage. The district's attorney has advised that rewriting every student's IEP is not necessary, if what the student arrives with is sufficient. The district works on the goals of the IEP with the parents. She addressed concerns, regarding HB 102, paraphrasing from a prepared statement, which read as follows:

The Anchorage School District is responsible and is held accountable as the local education agency (LEA) under IDEA and AS 14.30.186, which states, 'Special Education and related services shall be provided by the city school district in which a treatment facility is located for a child with a disability placed at a facility.' Furthermore, 'A school district shall develop an individual Education program for special education and related services for each eligible child with a disability.' This is mandatory language under AS 14.30.278.

MS. CARLSON said the bottom line is that ASD cannot be hands-off, with regard to the educational program, nor is that the intent. Legal and policy obligations exist, and ASD expects to meet those requirements.

[9:45:23 AM](#)

REPRESENTATIVE SEATON noted the legal concerns expressed by ASD and asked to have written comments provided to the committee regarding consequences of inadequate instruction, as well as contracted services. A legal impairment may occur, he conjectured, and it is important to have an understanding of the responsibility/liability.

[9:46:31 AM](#)

REPRESENTATIVE KREISS-TOMKINS asked about federal funding available for students who hold an IEP.

MS. CARLSON responded that, for a student who is considered level three acute, approximately \$78,000 is received in federal funds. Students identified at lower levels receive less depending on the complexity of their needs and the related services required.

[9:48:02 AM](#)

CHAIR KELLER inquired about the responsibilities and parameters of the counselor requirements, including the daily/weekly hours worked, as well as student contact and access.

MR. GRAHAM explained that these counselors don't perform the same duties as are expected from their counterparts in the mainstream schools. These specialty counselors provide transitional assistance for students, review needs, and ensure cooperation between case management, the home school, and related activities; acting as in intermediary to meet the student's needs. He said the counselor, for North Star, is at the facility twice weekly.

CHAIR KELLER queried how a student is tracked, when they leave a facility.

MR. GRAHAM explained that any contact would be via the home school; however, continued treatment isn't tracked by North Star. In response to a member's request, Mr. Graham agreed to provide the committee with a copy of the contract submitted to ASD in December, 2015.

REPRESENTATIVE SEATON pointed out that the packet includes a number of comments submitted during previous hearings on the bill and asked to have current comments solicited from the contributors.

[9:52:43 AM](#)

REPRESENTATIVE VAZQUEZ shared personal observations from her visit to the North Star facility, which upheld the points previously cited regarding limited internet access. Instruction was primarily via computer, lasting for three to four hours per day. She expressed shock at the conditions the at-risk students faced. Further, information requested by her office, was not made readily available. She said, "It was painstaking to get information, frankly, from the school district, of the type of information that should have been more readily available." Her letters of request will be provided to the committee.

[9:55:21 AM](#)

REPRESENTATIVE SEATON cited recent education commission reports of the national averages for on-line/virtual class graduation rates. Apparently it is only about 20 percent, and he expressed hesitation to incorporate this as a primary methodology for instruction.

[9:57:15 AM](#)

REPRESENTATIVE DRUMMOND pointed out that North Star operates on a national level, and asked to see results from the other schools with which it is affiliated. She stated her understanding that ASD has made this request, for comparison information, as well as for program success rates, without response. Additionally, she expressed concerns for the responsibility regarding computer access in a hospital setting. The hospital and housing is owned by North Star, she pointed out, and asked why the school district is responsible for installation of broadband services and computer equipment.

CHAIR KELLER announced HB 120 as held.

9:58:51 AM

ADJOURNMENT

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