

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

March 16, 2016
8:03 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 Ivy Spohnholz

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR SENATE CONCURRENT RESOLUTION NO. 1(EDC)
Relating to a legislative task force on civics education.

- MOVED HCS CSSCR 1(EDC) OUT OF COMMITTEE

HOUSE BILL NO. 102

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

- HEARD & HELD

HOUSE BILL NO. 156

"An Act relating to compliance with federal education laws; relating to public school accountability; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SCR 1

SHORT TITLE: CIVICS EDUCATION TASK FORCE

SPONSOR(S): SENATOR(S) STEVENS

01/21/15 (S) READ THE FIRST TIME - REFERRALS

01/21/15 (S) EDC, FIN
 02/26/15 (S) EDC AT 3:30 PM BUTROVICH 205
 02/26/15 (S) Heard & Held
 02/26/15 (S) MINUTE (EDC)
 03/12/15 (S) EDC AT 3:30 PM BUTROVICH 205
 03/12/15 (S) Moved CSSCR 1(EDC) Out of Committee
 03/12/15 (S) MINUTE (EDC)
 03/16/15 (S) EDC RPT CS 4DP SAME TITLE
 03/16/15 (S) DP: DUNLEAVY, STEVENS, HUGGINS, GARDNER
 03/25/15 (S) FIN AT 2:00 PM SENATE FINANCE 532
 03/25/15 (S) CLEAN AIR ACT PLAN
 04/09/15 (S) FIN AT 1:30 PM SENATE FINANCE 532
 04/09/15 (S) Moved CS SCR 1(EDC) Out of Committee
 04/09/15 (S) MINUTE (FIN)
 04/10/15 (S) FIN RPT CS (EDC) 5DP 2NR
 04/10/15 (S) DP: KELLY, MACKINNON, BISHOP, DUNLEAVY,
 HOFFMAN
 04/10/15 (S) NR: MICCICHE, OLSON
 04/13/15 (S) TRANSMITTED TO (H)
 04/13/15 (S) VERSION: CSSCR 1(EDC)
 04/13/15 (H) READ THE FIRST TIME - REFERRALS
 04/13/15 (H) EDC, FIN
 02/03/16 (H) EDC AT 8:00 AM CAPITOL 106
 02/03/16 (H) Heard & Held
 02/03/16 (H) MINUTE (EDC)
 03/16/16 (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

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|----------|-----|----------------------------|
| 02/01/16 | (H) | Heard & Held |
| 02/01/16 | (H) | MINUTE (EDC) |
| 02/10/16 | (H) | EDC AT 8:30 AM CAPITOL 106 |
| 02/10/16 | (H) | <Bill Hearing Canceled> |
| 03/16/16 | (H) | EDC AT 8:00 AM CAPITOL 106 |

BILL: HB 156

SHORT TITLE: SCHOOL ACCOUNTABILITY MEASURES; FED. LAW

SPONSOR(s): KELLER

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|----------|-----|---------------------------------|
| 03/20/15 | (H) | READ THE FIRST TIME - REFERRALS |
| 03/20/15 | (H) | EDC |
| 03/30/15 | (H) | EDC AT 8:00 AM CAPITOL 106 |
| 03/30/15 | (H) | Heard & Held |
| 03/30/15 | (H) | MINUTE (EDC) |
| 04/08/15 | (H) | EDC AT 8:00 AM CAPITOL 106 |
| 04/08/15 | (H) | Heard & Held |
| 04/08/15 | (H) | MINUTE (EDC) |
| 04/10/15 | (H) | EDC AT 8:00 AM CAPITOL 106 |
| 04/10/15 | (H) | Scheduled but Not Heard |
| 04/13/15 | (H) | EDC AT 8:00 AM CAPITOL 106 |
| 04/13/15 | (H) | Heard & Held |
| 04/13/15 | (H) | MINUTE (EDC) |
| 03/14/16 | (H) | EDC AT 8:00 AM CAPITOL 106 |
| 03/14/16 | (H) | Scheduled but Not Heard |
| 03/16/16 | (H) | EDC AT 8:00 AM CAPITOL 106 |

WITNESS REGISTER

TIM LAMKIN, Staff
 Senator Gary Stevens
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented the proposed committee substitute (CS) for CSSCR 1(EDC).

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

POSITION STATEMENT: Presented the proposed committee substitute (CS) for HB 102, on behalf of the House Education Standing Committee, which Representative Keller chairs.

EVELYN ALSOP, Education Director
 North Star Behavioral Health
 Anchorage, Alaska

POSITION STATEMENT: Responded to questions during the hearing on HB 102.

CAELA NIELSEN, Parent
Eagle River, Alaska

POSITION STATEMENT: Testified in support of HB 102.

ED GRAFF, Superintendent
Anchorage School District (ASD)
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 102.

KATHIE WASSMANN, Executive Director
Special Education
Fairbanks North Star Borough School District
Fairbanks, Alaska

POSITION STATEMENT: Testified with concern for HB 102.

JOSHUA BANKS, Staff
Representative David Talerico
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented an amendment to HB 102, on behalf of Representative Talerico.

DR. SUSAN MCCAULEY, PhD
Interim Commissioner
Department of Education and Early Development (EED)
Juneau, Alaska

POSITION STATEMENT: Testified with concern for HB 156.

POSIE BOGGS
Alaskans for Reading Proficiency
Anchorage, Alaska

POSITION STATEMENT: Offered comments on the proposed committee substitute (CS) for SCR 1; testified on HB 156, Version 29-LS0566\I.

ACTION NARRATIVE

[8:03:19 AM](#)

CHAIR WES KELLER called the House Education Standing Committee meeting to order at 8:03 a.m. Representatives Keller, Talerico, Seaton, and Colver were present at the call to order.

Representatives Drummond, Spohnholz and Vazquez arrived as the meeting was in progress.

SCR 1-CIVICS EDUCATION TASK FORCE
[Contains discussion of HB 89.]

8:03:59 AM

CHAIR KELLER announced that the first order of business would be CS FOR SENATE CONCURRENT RESOLUTION NO. 1(EDC), Relating to a legislative task force on civics education.

8:04:04 AM

REPRESENTATIVE TALERICO moved to adopt the proposed committee substitute (CS) for CSSCR1(EDC), labeled 29-LS0237\I, Glover, 3/11/16, as the working document. Without objection Version I was before the committee.

8:04:52 AM

TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, presented the CS, with the incorporated changes and notations of the requesting member, which read:

Change 1:

Page 1, Line 8, following "knowledge," INSERT:
"based on an understanding of the values of our founders that are revealed in our founding documents,"

Intent: Requested by [Chair Keller], to give specific reference to the U.S. founding documents.

Change 2:

Page 2, Lines 1, following "help":
DELETE: "ensure that schools"
INSERT: "encourage schools to"

Page 2, Line 2, following "for all students":
DELETE: "through"
INSERT: "in such a way so as to compliment"

Intent: Representative Seaton requested this to clarify that the task force would not be adopting new state standards for civics education.

Change 3:

Page 2, Line 14-20, following (4):

INSERT: "(5) Evaluate the merits of and implementation requirements for requiring high school seniors to take and satisfactorily pass the civics portion of the naturalization test used by the United States Citizenship and Immigration Services under 8 U.S.C. 1446(b) as a contingency of graduating from high school;

(6) Review the merits of and consider ways to best implement the Federal Every Student Succeeds Act (ESSA), as it pertains to civics education in Alaska;"

Result: Adds two subsections to the duties of the task force.

Intent: Incorporates the goal behind HB 89, and considers new federal policy in the field of civics education under ESSA.

Change 4:

Page 3, Lines 8-9:

DELETE: "one member of the National Education Association [(NEA)] who is a"

INSERT: "one current or retired high school teacher with significant teaching experience in civics or social studies education in the state"

Intent: Chair's request to remove explicit reference to the NEA.

[8:09:41 AM](#)

CHAIR KELLER expressed support for the bill and gratification for inclusion of the specific language inserted on his request. He stressed the importance for including the reference, and paraphrased the proposed language from page 1, line 8, which read:

... develop civics knowledge based on an understanding of the values of the nation's founders as revealed in the nation's founding documents, including knowledge of our system of government and how it works, ...

[8:10:30 AM](#)

REPRESENTATIVE COLVER turned to the fiscal note, and asked whether civic groups, or other non-profits organizations, have been solicited to cover the costs of the task force.

MR. LAMKIN indicated the frugality incorporated into the fiscal note and that costs will be borne by members of the task force. The fiscal note was previously zeroed out, he reported.

[8:12:23 AM](#)

The committee took an at-ease from 8:12 a.m. to 8:13 a.m.

[8:13:24 AM](#)

REPRESENTATIVE COLVER moved to report the CS for CSSCR 1(EDC), labeled 29-LS0237\I, Glover, 3/11/16, out of committee with individual recommendations and the accompanying zero fiscal notes.

[8:14:29 AM](#)

REPRESENTATIVE SEATON objected for discussion, and upon receiving clarification that the motion was on Version I, removed his objection.

CHAIR KELLER without further objection HCS for CSSCR 1(EDC) was reported from the House Education Standing Committee.

[8:15:14 AM](#)

The committee took an at-ease from 8:15 a.m. to 8:27 a.m.

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

[8:27:01 AM](#)

CHAIR KELLER pointed out there have been a number of versions to the bill with concerns the committee has tried to accommodate, and the at ease was to ascertain a possible understanding.

[8:27:28 AM](#)

CHAIR KELLER announced that the next 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, adopted as a work draft on

2/1/16, was the proposed committee substitute (CS) for HB 102, Version 29-LS0519\I, Glover, 1/29/16.]

[8:27:39 AM](#)

REPRESENTATIVE TALERICO moved to adopt the proposed committee substitute (CS) for HB 102, labeled 29-LS0519\S, as the working document. Without objection Version S was before the committee.

[8:28:29 AM](#)

JANET OGAN, Staff, Representative Wes Keller, Alaska State Legislature, described the changes contained in Version S, which include: page 2, line 20, "may" was removed, and "shall" was inserted; page 2, line 23, "school board" was eliminated, as it will now apply to a proposed contract; page 4, line 19, the term of the contract was extended from "one" year to "three" years, to accommodate this pilot program.

[8:30:01 AM](#)

EVELYN ALSOP, Education Director, North Star Behavioral Health, on request of Chair Keller, confirmed the proposed changes in the new version, as described.

[8:31:21 AM](#)

REPRESENTATIVE SEATON directed attention to the CS page 2, line 20, to ask the intent behind the insertion of "shall", and what mandate it places on districts for contracting with a licensed provider.

MS. ALSOP responded that the "shall" was inserted to allow for an appeal process.

[8:32:36 AM](#)

CAELA NIELSEN, Parent, stated support for HB 102, paraphrasing from a prepared statement, which read [original punctuation provided]:

I am writing this letter in support of HB 102. My name is Caela Nielsen and I am the parent of a child who has received mental health treatment in both the long term and short term facilities at North Star. The stress created in a family and a child when they enter treatment is great and can often exacerbate the

already pre-existing conditions requiring treatment. This is multiplied many times over when your child does not receive education that is equivalent to the education he would receive in his regular school setting. My child has fallen behind in his schooling and struggles to reintegrate into the public school system due to this. Can you imagine being a child who just received help for a serious mental health problem and then being told you are now one year behind in high school? This causes even more stress to the family when trying to convince the child to continue their education rather than drop out. My family received the appropriate transition material for my child to return to the community, however the struggle was in getting the educational records needed for him to transition back into school. Many of the classes he took while in treatment did not align with classes being offered at his high school. The treatment facilities are in need of support in order to properly meet the educational goals of all children. My son has often times wanted to give up, but I have advocated for him and he will return to school however, it took a full week after we left North Star to transition back into the public education system, so he will now have even more educational material he has missed. The current system for educating this population does not work. I believe by passing HB102 the education and school transitions for children receiving mental health treatment in Alaska will greatly improve. North Star has the ability to incorporate education with mental health, and when working through the treatment team process create a sound, supportive educational and transition plan for each child. Please support this population of children and pass this bill to support their educational undertakings.

[8:41:57 AM](#)

ED GRAFF, Superintendent, stated opposition to HB 102, paraphrasing from a prepared statement, which read [original punctuation provided]:

The Anchorage School District is committed to working collaboratively with other organizations for the benefit of our students. We have enjoyed strong partnerships with Providence Hospital, Alaska

Psychiatric Institute, Alaska Child and Family, Volunteers of America and Office of Children Services to name a few. Through collaboration with clinical care providers, we have continued to increase our educational service and supports for our children with the most complex mental health and behavioral needs.

The Anchorage School District agrees with most of the legislative findings set forth at Section 1 of this bill. Students admitted to residential treatment facilities are entitled to educational services and those services should not be compromised by virtue of the fact that a student needs psychiatric treatment.

Where ASD disagrees is with paragraph (3) of Section 1, which provides that a treatment center, in some instances, is able to provide more effective educational services to a student than a school district can provide. Additionally, ASD disagrees with paragraph (7) that there is a demonstrated need to provide uniform requirements to allow school boards to enter into contracts for treatment centers to provide educational services.

School districts exist to meet the educational needs of students. That is their primary role. ASD is unaware of any statistics or anecdotal information supporting the premise that psychiatric treatment centers are more able to provide educational services to students than the public school district.

ASD believes that a strong working relationship with these treatment centers is critical so that the corresponding needs of students for education and treatment can be accomplished. However, ASD also believes that this bill is not premised upon a need of students; but rather, upon a desire of certain private treatment centers to take over educational services at public expense. For this reason and others, ASD does not support HB 102.

The Anchorage School District has several psychiatric treatment facilities within its geographical boundaries. Under current law, ASD is obligated to and does serve all students who are admitted to these treatment facilities, regardless of whether they are ASD students or students from other Alaska school

districts. These current laws include both state law (AS 14.30.186, AS 14.30.340, and AS 14.14.090) and federal law (34 CFR 300.323).

Because of the presence of treatment facilities in Anchorage, ASD serves a large number of Alaskan students who are in need of residential psychiatric treatment. For decades, ASD has met the general education and special education needs of these Alaskan students and intends to continue doing so. ASD provides direct instructional support to students through qualified teachers, administrators, and support personnel. In Anchorage, where most students are served, there is not a need for residential treatment centers to provide educational services, nor does ASD agree that such a center can provide more "effective" educational services.

HB 102 has been compared to the charter school laws. The "contract" provided for in HB 102 is comparable to the charter school application required to be submitted by charter school applicants. There is an important difference, however, Charter schools are public schools. They are not private treatment centers.

Additionally, the charter school laws allow public school districts to carefully consider the need for an educational program like that proposed by the charter school applicant. Under the law, the School Board has broad authority and discretion to approve or deny a charter school contract. Unlike the charter school laws, HB 102 removes all discretion from school boards because it requires a school district to execute a contract so long as the contract meets the requirements of the law. ("A school board shall enter into a contract to provide payments to a residential psychiatric treatment center ..." HB 102, Section 2.)

ASD believes that HB 102 is unconstitutional. Article VII of the Alaska Constitution prohibits the expenditure of public funds for the direct benefit of a private educational institution. The Alaska Supreme Court has stated that "the direct benefit prohibition involves government aid to education conducted outside the public schools." *Sheldon Jackson v. State*, 599 P.2d 127, 130 (Alaska 1979). HB 102 does exactly what

Sheldon Jackson v. State prohibits - it establishes a system of education to be provided by a private organization.

The fact that the private entities at issue also provide treatment services does not mean that the educational services they provide can be supported with public funds. There's been some testimony that by providing ancillary services these treatment centers may not run afoul of the Constitution. This is not accurate. Even if non-educational services are provided, these private treatment centers would still be accepting public funds for providing educational services. The "contract" requirements of HB 102 are designed to ensure that the educational services comply with the same requirements in existence for public schools.

The Alaska Supreme Court has also found that even indirect support of private schools (such as providing bus transportation to students) violates Alaska's constitutional prohibition of using public funds for private education; *Matthews v. Quinton*, 362 P.2d 932 (Alaska 1961). Here HB 102 provides for direct payment of a local school district's educational funds to a private treatment center for the sole purpose of allowing that private center to provide educational services to students.

Finally, ASD believes the appeal process provided for in HB 102 is inappropriate. The proposed law provides a private vendor with a statutory right to appeal the district's decision to the Commissioner and the State Board of Education. No other private vendor is afforded this type of appeal in Alaska's system of public education. This represents yet another example of how public funds will be expended to support private institutions.

Thank you to members of the committee for your consideration of our written comments about HB 102. We would welcome and appreciate an opportunity to address the committee and describe in further detail our program to support students in treatment facilities, our record of success meeting these students where they are and keeping them on track to

meet their educational goals, and our commitment to serving these students now and into the future.

[8:47:05 AM](#)

KATHIE WASSMANN, Executive Director, Special Education, Fairbanks North Star Borough School District, testified with concern for HB 102, pointing out the individualized education program (IEP) needs and requirements that the bill has not addressed. The lack of an IEP becomes a liability to the school district, not the contractor. Additionally, a means for tracking student funding is not clearly stated in the bill, and she provided several anecdotal scenarios for how special education funds are determined and the administrative issues that may arise. Solving the administrative concerns will incur costs as a tracking system will need to be established. As a parent with a daughter who has been in treatment, she said, when a student falls behind in school issues can arise and the IEP becomes crucial.

[8:54:10 AM](#)

CHAIR KELLER closed public testimony.

[8:54:32 AM](#)

REPRESENTATIVE VAZQUEZ inquired what the procedure is for a student to receive an IEP.

MS. ALSOP described the collaborative process that is entered into when a student arrives. Parent's, certified teachers, the designated oversight administrator from the district, and other care providers, are included in meetings with the North Star staff when addressing/modifying an IEP.

CHAIR KELLER confirmed that the parent is involved in the process.

MS. ALSOP stressed that parental involvement is imperative.

[8:56:29 AM](#)

REPRESENTATIVE COLVER noted that federal law holds a school district responsible for providing special education services to students. He asked about the school district's ability to contract for those services, and how the districts responsibilities are satisfied.

MS. ALSOP the intent of HB 102 is for the contractor to work closely with the district to develop the IEP, with the parents or other agencies involved with the student.

REPRESENTATIVE COLVER commented that this is a highly litigious area and parents may become dissatisfied and bring charges against any/all of the agencies involved.

CHAIR KELLER pointed out that the concept of an education is held under the constitution.

9:00:39 AM

REPRESENTATIVE DRUMMOND noted that a number of changes have recently been made to the North Star facility. She asked for an updated overview from the contractor, as well as ASD.

9:02:14 AM

MS. ALSOP reviewed the situation beginning in September, and the beginning of the school year. An immediate increase in allocated time allowed for additional teaching staff, and the hiring of an administrator to oversee the special schools department was completed. Committee members visited in the succeeding two months and during that time several issues were apparent, some in the area of high priority needs, which included: absence of computer equipment for accessing on-line education; clear transitions between the neighborhood schools, the treatment facility, and re-entry to school; oversight by the administrator was not clear and apparent; transcripts were not, and are still not, being aligned; and other lingering high priority leads. She said that although the district has put forth a good faith effort, to try to meet these needs, it is still not possible for students to [matriculate] forward, as expressed in the previous testimony, and continued:

It is our belief, she stated, that if we are allowed to be able to integrate mental health with education, we can provide a system that will help that child be able to move forward and go back into their neighborhood residential school and be on the same track with their like peers. We also, do belief that we have the ability to be able to provide a much clearer transitional process.

9:05:32 AM

MR. GRAFF reported on the improvements, paraphrasing from a prepared statement [subsequently made part of the committee packet], which read [original punctuation provided]:

In order to support students in psychiatric treatment and provide educational services at NSBHS in Anchorage, ongoing conversations with the local Educational Director and the Vice President of Specialty Education of United Health Services of Delaware, Inc., have occurred and resulted in the following improvements;

1. Updated registration process with current ASD enrollment packet;

2. Enhanced communication with parents of students in psychiatric treatment at enrollment including personal calls by the transitional counselor to ensure appropriate course placement, IEP goals are addressed, and accurate contact information is shared;

3. Facilitated communication with parent or guardian and the receiving school to discuss transition plans upon student discharge;

4. Scheduled weekly meeting between ASD Counselor and NSBHS clinicians;

5. Purchased and installed technology upgrades by ASK for NSBHS facility: 92 new computers; ten radio controllers; complete reinstallation of an Anchorage School District wireless network;

6. Increased staffing:

a. Sue Doherty was recently named as Principal of Special Schools upon the death of Jerry Koetje in December. Ms. Doherty has thirty years of special education experience as a resource teacher, transition specialist, department chair, supervisor of special education, and an administrator. Most recently, she served as an assistant principal at a comprehensive high school transitioning students from residential treatment facilities back to their neighborhood school programs.

b. Transition Counselor position increased from .5 FTE (half time) to 1.0 FTE (full time).

c. Teacher positions increased from 6 FTE to 10 FTE.

7. Created Special Schools Office in ASD Education Center as home base for ASD Special Schools Principal and non-teaching staff;

8. Scheduled and conducted monthly staff meeting with Special Schools personnel;

9. Conducted daily site visits to NSBHS by the principal, counselor or special education department chair;

10. Increased communications between ASD Special Schools Principal and the hospital staff;

11. Established weekly meeting between the NSBHS Education Director and ASD Special Schools Principal;

12. Affirmed all teachers are "Highly Qualified" in relevant core areas of instruction;

13. Increased instructional day for acute care students from a half-day to full day program at the request of the NSBHS Director;

14. Established regular progress meetings with NSBHS staff Mike Lyons and Evelyn Alsup, and ASD staff Mike Henry, Executive Director of Secondary Education and Sue Doherty, Special Schools Principal;

15. Scheduled quarterly progress meetings with NSBHS staff Mike Lyons and Evelyn Alsup, and ASD staff Mike Graham, Chief Academic Officer, Linda Carlson, Assistant Superintendent for Instructional Support, Mike Henry, Executive Director, Secondary Education and Sue Doherty, Special Schools Principal;

16. Addressed reported staff shortages experienced by North Star Behavioral Health System that result in relocation of classrooms and increased class sizes, without prior notice and on any given day, by remaining flexible and committed to serving our students.

In addition, ASD has responded to a list of priority areas in need provided by NSBHS in December of 2015. Because we are committed to serving all students and enhancing our services through communication and collaboration with community providers, we have accommodated every request made by North Star Behavioral Health System through United Health Services of Delaware, Inc.

The Anchorage School District enjoys strong partnerships with Providence Hospital, Alaska Psychiatric Institute, Alaska Child and Family, Volunteers of America and Office of Children Services to name a few. Through cooperative engagement with clinical care providers, we have continued to increase our educational services and supports for our children with the most complex mental health and behavioral needs.

Anchorage School District is providing a supportive educational program for students with acute challenges. ASD disagrees with the premise that a treatment center is able to provide more effective educational services to a student than a school district can provide. School districts are in the best position to provide high quality public educational services.

Given all that has been accomplished in providing comparable general and special educational services to students in psychiatric treatment, we believe this bill is unnecessary legislation and could negatively impact the school district's ability to support our special needs students. As noted during the meeting, the bill raises concerns about accountability under IDEA, a highly litigious area, opening the door for future conflicts.

HB 102 has been compared to the charter school laws. Charter schools are public schools. They are not private treatment centers. HB 102 abrogates the local control of school boards to determine the need for educational programs and circumvents school board authority and discretion for approving or denying a charter school contract. HB 1202 removes all discretion from school boards because it requires a

school district to execute a contract so long as the contract meets the requirements of the law.

HB 102 has far-reaching implications for districts across Alaska. ASD has consistently expressed concerns about HB 102. The Anchorage School District cannot support HB 102 because districts will not maintain control over the quality of education delivered, there is potential for conflict over accountability under IDEA a highly litigious area, and the bill strips local school boards of the authority to determine what educational programs are needed in their districts.

For decades ASD has met the general education and special education needs of Alaskan students in need of residential psychiatric treatment and intends to continue doing so. We appreciate the opportunity to share these accomplishments and express our concerns relative to HB 102.

[9:09:51 AM](#)

CHAIR KELLER closed public testimony.

[9:09:57 AM](#)

REPRESENTATIVE TALERICO offered Conceptual Amendment 1, labeled 29-LS0519\S.1, Glover, 3/15/16, which read:

Page 1, line 1, following "Act":
Insert "relating to school districts;"

Page 2, line 20, following "(a)":
Insert "A school district may enter into a contract to provide payments to a residential psychiatric treatment center that provides an educational program for a student admitted to the center. If a school district and a residential psychiatric treatment center are unable to agree on a proposed contract on or before April 1 immediately preceding the first school year for which the residential psychiatric treatment center is seeking funding, the school board where a student who is admitted to the center is enrolled shall enter into a contract with the center as provided in (b) of this section.
(b)"

Page 2, line 7:

Delete "(b)"

Insert "(c)"

Page 2, line 26:

Delete "(b)"

Insert "(c)"

Page 3, line 6:

Delete "(b)(21)"

Insert "(c)(21)"

Page 4, line 14:

Delete "(a)"

Insert "(b)"

Page 4, line 23:

Delete "(c)"

Insert "(d)"

Page 4, line 24:

Delete "(a)"

Insert "(b)"

Page 4, line 27:

Delete "(d)"

Insert "(e)"

Page 4, line 30:

Delete "(e)"

Insert "(f)"

Delete "(a)"

Insert "(b)"

Page 5, line 7:

Delete "(f)"

Insert "(g)"

Page 5, line 12:

Delete "(g)"

Insert "(h)"

Page 5, line 15:

Delete "AS 14.30.800"

Insert "AS 14.30.800(f) - (g)"

Page 5, line 17:
Delete "AS 14.30.800(b)"
Insert "AS 14.30.800(c)"

CHAIR KELLER objected for discussion.

[9:10:58 AM](#)

JOSHUA BANKS, Staff, Representative David Talerico, Alaska State Legislature, explained that Conceptual Amendment 1 is offered on request of Legislative Legal Services due to concerns regarding potential constitutional conflicts by setting different standards for school districts which had entered into a contract prior to January 1, of a given school year.

[9:13:00 AM](#)

REPRESENTATIVE TALERICO expressed concern for schools that have working contracts in place with a treatment center. Without a provision for them to continue the relationship, it will cause a disruption in services in order to recreate a working system.

CHAIR KELLER removed his objection. Without further objection Conceptual Amendment 1 was adopted.

[9:14:48 AM](#)

REPRESENTATIVE VAZQUEZ clarified the intent of the amendment, and asked for comment from the contracting agency.

[9:16:30 AM](#)

MS. ALSOP stated support for the amendment as adopted.

[9:17:03 AM](#)

CHAIR KELLER REPRESENTATIVE offered Conceptual Amendment 1 to Conceptual Amendment 1, to wit:

page 1, line 8:
following "contract"
insert "with the provision in (c)"

[No objection was voiced and the motion was treated as withdrawn.]

[9:18:13 AM](#)

The committee took an at-ease from 9:18 a.m. to 9:21 a.m.

[9:21:24 AM](#)

CHAIR KELLER moved to rescind action on the adoption of Amendment 1. Without objection Amendment 1 was withdrawn.

CHAIR KELLER announced HB 102 as held.

HB 156-SCHOOL ACCOUNTABILITY MEASURES; FED. LAW
[Contains discussion of SCR 1]

[9:22:25 AM](#)

CHAIR KELLER announced that the final order of business would be HOUSE BILL NO. 156 "An Act relating to compliance with federal education laws; relating to public school accountability; and providing for an effective date." [Before the committee, adopted as a work draft on 3/30/15, was the proposed committee substitute (CS) for HB 156, Version 29-LS0566\I, Glover, 3/28/15.]

[9:22:54 AM](#)

REPRESENTATIVE TALERICO moved to adopt the proposed committee substitute (CS) for HB 156, labeled 29-LS0566\Y, Glover, 3/11/16, as the working document. Without objection Version Y was before the committee.

[9:23:08 AM](#)

The committee took a brief at-ease at 9:23 a.m.

[9:23:40 AM](#)

CHAIR KELLER described the changes proposed in Version Y beginning with Sec. 1, page 1, lines 7-13, and continuing on page 2, lines 1-6, which read as follows:

*Section 1. AS 14.03.120(f) is amended to read:

(f) By January 15 of each year, beginning in 2001, the department shall provide to the governor and make available to the public and the legislature a report on the performance of public schools in this state. The report must be entitled "Alaska's Public Schools: A Report Card to the Public." The report must include

(1) comprehensive information on each public school compiled, collected, and reported under (d) and (e) of this section for the prior school year;

(2) a summary of the information described in (1) of this subsection; the summary must be prepared in a manner that allows school performance to be measured against established state education standards; and

(3) for a report due by or after January 15, 2005, the most recent performance designation under AS 14.03.123 received by each public school **and by the state public school system.**

CHAIR KELLER explained that the inserted language is intended to generate a report on the entire school system.

[9:26:18 AM](#)

CHAIR KELLER turned to page 2, lines 17-19, which read as follows:

(2) a comparison of the state public school system to public schools in other states, including a comparison of student participation in standards based assessments and student performance on the assessments;

CHAIR KELLER explained that this language directs the State Board of Education to compare the performance of Alaska's students with that of students across the nation.

[9:27:04 AM](#)

CHAIR KELLER continued on page 2, lines [24]-29, which read as follows:

(5) [(4)] additional measures that may be progressively implemented by the commissioner to assist schools or districts to improve performance in accordance with this section; [AND WITH FEDERAL LAW; TO THE EXTENT NECESSARY TO CONFORM TO FEDERAL LAW,] the additional measures may be unique to a certain school or district if that school or district receives federal funding that is not available to all schools or districts in the state.

CHAIR KELLER said the removal of this language is to conform with a change made later in the bill, and indicated that he

would refer back to this section, when the other modification is noted.

[9:28:05 AM](#)

CHAIR KELLER turned to Sec. 4, page 3, lines 6-9, which read:

The improvement plan must, to the extent possible, include measures that increase local control of education and parental choice and that do not require a direct increase in state or federal funding for the school or district.

CHAIR KELLER said this is a response to the new federal regulations being instituted under the Every Student Succeeds Act (ESSA) and to provide local accountability.

[9:29:15 AM](#)

CHAIR KELLER continued with Sec. 5, page 3, lines [11]-14, which read:

(e) The department shall establish a program of special recognition for those public schools that receive a high performance designation, **based on the accountability system under (f) of this section, that demonstrates an improvement over the school's performance designation for 15 the previous year.**

CHAIR KELLER said this is the aspect of the bill that requires the state to establish a system of special recognition for the schools that receive a high performance designation. The recognition will be based on improvement, rather than status quo. A school maintaining the standard, for many years, will be incentivized to improve beyond the bar, he said, and there is always room for improvement.

[9:30:10 AM](#)

CHAIR KELLER remained on page 3, lines 18-19, to indicate the deleted Sec. 6 language, which read:

(1) [IMPLEMENT 20 U.S.C. 6301 - 7941 (ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965), AS AMENDED;

CHAIR KELLER emphasized the importance of this change, as it serves to remove the federal code, including ESSA, and ensures

district control. The interpretation of the language being deleted, may be construed in a manner that would inhibit the state legislature from establishing policy, as well as district involvement in the process. He pointed out that the EED attorneys do not consider this deletion to be a significant change or threat.

[9:31:54 AM](#)

CHAIR KELLER continued with Sec. 6, page 3, lines 23-25, which read:

(A) measures of student performance on standards-based assessments in language arts and mathematics; the assessments must be selected with the input of teachers and school administrators and minimize disruption to classroom instruction;

(B) measures of student improvement and academic achievement; and

CHAIR KELLER said this language assures that the measures of achievement are based on student improvement and actual performance.

[9:32:22 AM](#)

CHAIR KELLER moved to Sec. 7, page 4, lines [5-10], which read:

(2) study the conditions and needs of the public schools of the state, adopt or recommend plans, administer and evaluate grants to improve school performance awarded under AS 14.03.125, and adopt regulations for the improvement of the public schools; the department may consult with the University of Alaska to develop secondary education requirements to improve student achievement in college preparatory courses;

CHAIR KELLER said the inserted language is intended to insure that EED works in concert with the University of Alaska to improve student achievement and provide appropriate preparatory courses.

[9:32:48 AM](#)

CHAIR KELLER turned to Sec. 7, page 5, lines [16-20], which read:

(12) provide educational opportunities in the areas of vocational education and training, and basic education to individuals over 16 years of age who are no longer attending school; the department may consult with businesses and labor unions to develop a program to prepare students for apprenticeships or internships that will lead to employment opportunities;

CHAIR KELLER explained that the insertion here is to address businesses and labor union collaboration for the same purpose as the language inserted in the previously reviewed paragraph (2).

[9:33:08 AM](#)

CHAIR KELLER pointed out page 6, line 5, and the reference change, inserting AS 14.03.123(f)(1)(A) and removing [AS 14.03.123(f)(2)(A)]. He said this relates to the inclusion and consideration of the classroom teachers and local districts.

[9:33:39 AM](#)

REPRESENTATIVE DRUMMOND returned to page 2, lines 17-19, to express support for the added paragraph and ask for further elaboration on the proposed language.

CHAIR KELLER replied that it changes the accountability segment of law. He anticipates that the comparisons will be made via assessments such as the National Assessment of Educational Progress (NAEP). The assessments will not be named in the bill as it will be up to the board to make those determinations, he said, and added that it may also consider the inclusion of international standards.

[9:35:16 AM](#)

REPRESENTATIVE VAZQUEZ directed attention to page 2, lines 1-3, which read:

(2) a summary of the information described in (1) of this subsection; the summary must be prepared in a manner that allows school performance to be measured against established state education standards; and

REPRESENTATIVE VAZQUEZ suggested amending this to include "and national education standards," to remain consistent with the page 2, lines 17-19 language [paragraph (2)].

[9:36:32 AM](#)

REPRESENTATIVE COLVER asked if the CS contains opt-out provisions for parents who object to testing.

[9:37:22 AM](#)

CHAIR KELLER directed attention to Sec. 8, page 6, lines 13-31, and continuing on page 7, lines 1-3, which read:

* **Sec. 8.** AS 14.07 is amended by adding a new section to read: **Sec. 14.07.175. Development of statewide assessment plan; review of education laws and regulations.**

(a) Notwithstanding AS 14.03.078, 14.03.120, 14.03.123, 14.03.300, 14.03.310, AS 14.07.020, 14.07.030, 14.07.165, or a provision of federal law to the contrary, the department may not require a school district or school to administer a statewide standards-based assessment after July 1, 2016, and before July 1, 2018. The department and the board shall create a plan for working with school districts to develop or select statewide assessments that are approved by school districts. The plan must provide for the first administration the assessments not later than the school year that begins in 2020.

(b) The department shall review state education laws and regulations to identify unnecessary laws or regulations and areas where the laws or regulations may be changed to provide school districts with greater control over public education policy in light of the enactment of the Every Student Succeeds Act, P.L. 114-95.

(c) On or before January 1, 2018, the department shall submit a report to the senate secretary and chief clerk of the house of representatives and notify the legislature that the report is available. The report must describe

(1) the final plan for developing or selecting statewide assessments as 3 required under (a) of this section; and

(2) recommendations for changes in laws or regulations as required under (b) of this section.

(d) In this section, "school district" has the meaning given in AS 14.30.350.

CHAIR KELLER termed this to be the most important section of the bill, and said notwithstanding the existing statutes that apply to assessment and performance standards, this section establishes that EED may not require a school district to administer a standard based test assessment, after July 1, 2017. The language is not stated as an opt-out provision, but it creates a timeframe when tests will no longer be required. The current reauthorization of NCLB to ESSA will take some time to assimilate, and the bill provides the time-out to accomplish that task. The assumption is that the commissioner of education will be in conversation and negotiation with the U.S. Department of Education to ensure that federal funding remains secure. This is a reasonable action, he opined, and reported that California has paved the way with similar, successful, negotiations. Further, he stated his belief that the bill provides an important tool for the governor/commissioner for negotiation purposes and provide adequate time for the state to review Title 14 and establish clearly defined accountability and assessment requirements and standards.

[9:41:05 AM](#)

The committee took an at-ease from 9:41 a.m. to 9:43 a.m.

[9:43:58 AM](#)

REPRESENTATIVE SPOHNHOLZ asked whether a legal opinion is forthcoming.

CHAIR KELLER responded that an earlier version is under legal review, and comments, thus far, indicate that federal funds may be at risk, but the constitutionality is not under question.

[9:45:36 AM](#)

DR. SUSAN MCCAULEY PhD, Interim Commissioner, Department of Education and Early Development (EED), turned to page 2, lines 17-19, and said the ability for Alaska to accomplish the stated comparison requirements would depend on two situations. First, the ability to leverage results of like assessments that are administered by both Alaska and other states. Or the board would need to determine other factors that constitute a sufficient comparison of Alaska's state system to that of other states; such as graduation rates. Alaska currently utilizes a

unique, custom designed, assessment: the Alaska Measures of Progress (AMP). The proposed language suggests that AMP will be replaced and an alternative assessment adopted which would align with that of other states. However, other than the National Assessment of Educational Progress (NAEP), there is no other uniform assessment administered by all of the states. Every state is free to choose assessments, and some do as Alaska did, and administer unique assessments.

[9:48:55 AM](#)

CHAIR KELLER passed the gavel to Vice Chair Vazquez.

[9:49:01 AM](#)

CHAIR KELLER said the intent of the bill is to require an assessment comparison, but not to mandate a specific type of test for the state. In the past NAEP has been specified, but has received resistance. He acknowledged that the proposed language may need to be clarified.

[9:49:39 AM](#)

REPRESENTATIVE VAZQUEZ asked for elaboration on NAEP.

COMMISSIONER MCCAULEY offered that NAEP is also referred to as the Nation's assessment, as it's the only assessment required by the federal government. The test is administered to a sampling of students, in two grade levels, and national comparisons are drawn from the statistics.

[9:50:39 AM](#)

REPRESENTATIVE VAZQUEZ asked if it is possible to administer the NAEP to every child in the state.

COMMISSIONER MCCAULEY stated her understanding that the sampling system used is a prescribed and exclusive methodology and she offered to confirm her statement.

REPRESENTATIVE DRUMMOND opined that NAEP is a thorough, grade specific, assessment, and the results have continued to prove useful.

[9:54:02 AM](#)

COMMISSIONER MCCAULEY moved to Sec. 8, page 6, lines 13-31, and continuing on page 7, lines 1-3, to address the timeframe and proposed deadline. Currently, the state is under contract with the Achievement and Assessment Institute (AAI) [University of Kansas] to deliver and administer AMP. It was decided in February [2016], that the department would issue a request for proposal (RFP) to replace the AMP assessment. Federal and state law requires that an annual assessment be administered to all students in grades 3-8 as well as all high school levels. She said completing the proposal process by next spring constitutes a "tall order," and described the steps involved, which include: issuing the proposal, receiving and reviewing responses, selecting viable proposals, and formulating a new assessment. Whether the assessment chosen is custom designed, or off the shelf, she said aspects will need to be tailored to include elements that pertain specifically to Alaska. Checks and balances will need to be considered in the areas of cultural bias and sensitivity of items given the unique demographics of the state. The job must be done right, she stressed, and doing it fast, although possible, may compromise the outcome. Thus, the challenge is doing it right, as well as fast, at the same time. There may be an opportunity, and some wiggle room, she conjectured and directed attention to page 6, lines 15-17, which read:

Notwithstanding AS 14.03.078, 14.03.120, 14.03.123, 14.03.300, 14.03.310, AS 14.07.020, 14,07.030, 14.07.165, or a provision of federal law to the contrary, the department may not ...

COMMISSIONER MCCAULEY opined that it would be beneficial to negotiate an understanding of state requirements, with the U.S. Department of Education; given the reauthorization transition. The ESSA law is very different than NCLB, and an enormous transition is occurring throughout the field of education on a national level. Alaska has already begun the transition and the confluence might provide room for negotiation by establishing what the federal government will minimally require by the spring of 2017. She opined that it's improbable that the U.S. Department of Education would grant a two year reprieve from administering a statewide assessment. Additionally, the state may question the wisdom in not collecting assessment data on the students for a period of two years. However, quality is a concern, and to have all of the conditions previously stated, met by the spring of 2017, will make that a difficult period, she underscored.

9:59:27 AM

REPRESENTATIVE COLVER cautioned that rushing to prepare an assessment may not prove beneficial, and the superintendents need to be heard. The elements of the bill address reform that is necessary, he opined, and a hiatus would be appropriate. He agreed that being prepared with a new regimen by spring of 2017 may not be plausible. He then referred to the CS page 6, line 17 to point out the term "may" and opined that "shall" could be more appropriate in this section.

10:02:44 AM

POSIE BOGGS, Alaskans for Reading Proficiency, offered comments on SCR1 and HB 156, from a prepared statement, which read as follows [original punctuation provided]:

I'm involved now in six advocacy groups focused on reading proficiency for Alaskan children for example Literate Nation Alaska and the Alaska Branch of the International Dyslexia Association.

I would like to testify on SCR 1 and HB 156.

First, I would simply like The Civics Education Task Force to know a couple of little details that I think are important to their work. I would like them to know the grade level reading required for the United States original or founding documents. The Declaration of Independence requires a 12th grade reading ability, the Federalist papers require an 18th grade, college graduation reading ability, and the Constitution of the United States requires a 17th grade reading ability. Given that only 30% of Alaskan students graduate high school able to read at the 12th grade level, I think we have a little bit of a problem. School districts are not meeting the needs of our students.

Second, I would like to testify on HB 156. However, my testimony can also be related to HB 102. You just heard from a mother on HB 102 and the effects of low reading proficiency on mental health.

In HB 156, I'm very much in support of item number five, line 6 in page 2 [CS for HB 156, 29-LS0566\I, Glover, 3/28/15, previously adopted 3/30/15].

That states the methodology used to assign the state public school system of performance designation that compares the state public school system to public school systems in other states and countries. I believe that this the most important drivers that can in proof Alaska's dismal reading proficiency levels. Rep. Keller thank you very much for supporting matching the rigor of National standards because we can do it. I would further recommend that on page 3, line 23 be changed to assess English language arts that reports reading proficiency as a unique and separate result. What the heck is English Language Arts anyway is the question asked by parents.

However, on page 2 line 16 where it gives preference to measures that increase local control.

I have some concerns. My main concern is that reading instruction is scientifically evidenced but our teachers and their own educators often do not have this knowledge because the research about reading occurs outside of education. Many do not even know that it exists. If we continue to leave reading instruction up to local control this means that a school or district or school board can continue choosing to ignore and discount scientific evidence from over 35 National Institutes of Health reading research centers for over 40 years. If we do allow schools, districts, and school boards to continue current practices, Alaskan children are doomed to ridiculously low reading proficiency levels. I want the legislature to make a plan to uphold their responsibility per the Moore Case to ensure our children are proficient readers. My masters is in Educational diagnostics and Section 8 taking a break is a good idea however, in the mean time I would also recommend that there are quick standardized reading assessment tools that schools and districts could give to students that would provide a very accurate reading proficiency score so that parents know while this transition period happens. They are low cost and group administered.

[10:09:05 AM](#)

REPRESENTATIVE VAZQUEZ returned the gavel to Chair Keller.

10:09:16 AM

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 10:09 a.m.