

ALASKA STATE LEGISLATURE
JOINT MEETING
HOUSE EDUCATION STANDING COMMITTEE
SENATE EDUCATION STANDING COMMITTEE
Anchorage LIO, 1500 E. Benson Boulevard
December 7, 2016
2:02 p.m.

MEMBERS PRESENT

HOUSE EDUCATION STANDING COMMITTEE

Representative Wes Keller, Chair
Representative Jim Colver
Representative Paul Seaton
Representative David Talerico
Representative Harriet Drummond

SENATE EDUCATION STANDING COMMITTEE

Senator Mike Dunleavy, Chair
Senator Charlie Huggins, Vice Chair
Senator Cathy Giessel
Senator Berta Gardner

MEMBERS ABSENT

HOUSE EDUCATION STANDING COMMITTEE

Representative Liz Vazquez, Vice Chair
Representative Ivy Spohnholz

SENATE EDUCATION STANDING COMMITTEE

Senator Gary Stevens

OTHER MEMBERS PRESENT

Representative Lora Reinbold
Representative Shelley Hughes
Representative Sam Kito, III

COMMITTEE CALENDAR

PRESENTATION: COMMISSIONER JOHNSON DEPARTMENT OF EDUCATION AND
EARLY DEVELOPMENT: UPDATE ON THE DEVELOPMENT OF THE ESSA STATE
PLAN

- HEARD

PRESENTATION: COMMISSIONER JOHNSON DEPARTMENT OF EDUCATION AND
EARLY DEVELOPMENT: THE IMPLEMENTATION OF HB 156

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

MICHAEL JOHNSON, EdD, Commissioner
Department of Education and Early Development (EED)
Juneau, Alaska

POSITION STATEMENT: Assisted with both EED presentations and responded to questions.

SUSAN MCCAULEY, PhD
Education Policy Coordinator
Department of Education and Early Development (EED)
Juneau, Alaska

POSITION STATEMENT: Provided both EED presentations, and responded to questions.

ACTION NARRATIVE

[2:02:06 PM](#)

CHAIR DUNLEAVY called the joint meeting of the House and Senate Education Standing Committees to order at 2:02 p.m. Representatives Keller, Colver, Drummond, and Talerico; and Senators Dunleavy, Huggins, and Gardner were present at the call to order. Representative Seaton and Senator Giessel arrived as the meeting was in progress. Representatives Hughes, Kito, and Reinbold were also in attendance.

Presentation: Commissioner Johnson Department of Education and Early Development: Update on the Development of the ESSA State Plan

[2:02:26 PM](#)

CHAIR DUNLEAVY announced that the first order of business would be a presentation by Commissioner Johnson, from the Department

of Education and Early Development (EED): Update on the Development of the ESSA [Every Student Succeeds Act, 12/10/15] State Plan.

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REPRESENTATIVE KELLER pointed out the importance of putting parents in the "driver's seat," as regards their child's education, which he expounded, is the thrust of Sec. 1, in HB 156. The bill provides a third law in the educational statute series contained in AS 14.03. The first law establishes public schools, the second sets forth purpose, and HB 156 provides the third by addressing parental control. Additionally, the deletion [Sec. 5, (c)(5)] is significant as a means for keeping parents in the loop by removing the language that required EED to conform to federal law.

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MICHAEL JOHNSON, EdD, Commissioner, Department of Education and Early Development (EED), introduced himself and turned the presentation over to the Education Policy Coordinator.

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SUSAN MCCAULEY, PhD, Education Policy Coordinator, Department of Education and Early Development (EED), established that the State Board of Education (board) and EED do not hold, or desire to hold, ESSA [Every Student Succeeds Act, 12/10/15] and federal education rules, as the vision for public education in Alaska. Referring to AS 14.03.015, she paraphrased the section to underscore the purpose of education in Alaska, which reads as follow:

It is the policy of this state that the purpose of education is to help ensure that all students will succeed in their education and work, shape worthwhile and satisfying lives for themselves, exemplify the best values of society, and be effective in improving the character and quality of the world about them.

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DR. MCCAULEY said a mission statement was newly adopted by the board, to assist educators in upholding the education policy, to wit: "An excellent education for every student every day." The board has also revised the strategic priorities, focusing on

five key points, which are to: increase student achievement; inspire community ownership of educational excellence; modernize the education system; ensure excellent educators; and promote safety and well-being. Specific, actionable goals are being created to address each of these priorities. When speaking about ESSA, she said, it is necessary to ensure that the state priorities and the federal law are complimentary and not in conflict. Much of HB 156 is synchronous with aspects of ESSA, which enjoyed a high level of bipartisan support as a vehicle to supplant the widely unpopular No Child Left Behind Act (NCLB) [2001]. Laws typically state what is required and infrequently state what is not allowable, but ESSA is full of prohibitions, she pointed out, and opined that it represents a direct response to the "bureaucratic, one-size-fits-all, and heavy handed nature of No Child Left Behind."

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DR. MCCAULEY reviewed the evolution of the national approach for education reform beginning with the Elementary and Secondary Education Act (ESEA), 1965. The goal of ESEA was to improve the quality of education for low income students. It is periodically reauthorized by Congress, which resulted in the No Child Left Behind (NCLB) version that was in effect from 2002-2015. "For all intents and purposes," she said, "It became a system of puppet schooling, with prescribed metrics that were imposed on all schools in the country." The Every Student Succeeds Act (ESSA) is the most current reauthorization and was signed into law on December 10, 2015. It authorizes states to control the majority of educational decision making, which was withdrawn under NCLB. Residing under Title I, are three key elements, she continued, which are: standards and assessments; accountability; and school support and improvement. The approach the department is taking, in establishing the state educational plan in concert with ESSA, is to lay a foundation that will provide the maximum benefit for Alaska's students and ensure that the plan represents what Alaskans value the most for their children. To that end, the department and board have been meeting with stakeholders and engaging in conversations meant to inform the plan. The development process is reliant on participation from diverse audiences, practitioners, and leaders. Thus, some decisions are still being formulated and formalized, pertaining to the requirements of the key elements being presented today.

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DR. MCCAULEY proposed to address each key element by first visiting what ESSA requires, identifying how it differs from what was held by NCLB, and reviewing Alaska's status for meeting the requirement, as held in statute. Beginning with education standards, she said ESSA requires assurance that states have adopted challenging academic content standards in English language arts (ELA), mathematics, and science, and that the adopted standards are aligned with public college and relevant Career Technical Education (CTE) entrance requirements. The major difference between ESSA and NCLB, throughout, is what the U.S. Department of Education (USED) is not allowed to mandate. Thus, for this element, it prohibits the Secretary of Education from: exercising authority over states' standards, requiring states to submit their standards for review, or incentivizing the adoption of any particular set of standards. Alaska's current status shows that ELA and mathematics standards were adopted in 2012 and science standards and grade level expectations were last revised in 2006. In this ongoing process, the department will continue collaborating with the board, as it considers adoption/revision of standards.

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DR. MCCAULEY addressed the assessments aspect, stating that ESSA requires annual content assessments for ELA, mathematics, and science. The ELA and math assessments are to be conducted annually in grades 3-8, and at least once in grades 9-12. The science assessments are to be administered at least once in grades 3-5, 6-9, and 10-12. The differences from NCLB are: states can use a single summative assessment or multiple interim assessment to produce a summative score; districts may choose to use other "nationally-recognized high school assessments" rather than the state's assessment - with state permission; states are allowed to establish their own laws regarding "opt-out" provisions; and ESSA maintains a 95 percent assessment participation rate, but consequences for not meeting the requirement are to be determined by the state. Alaska's current status shows that assessments are being annually administered in ELA and mathematics in grades 3-10 and in science in grades 4, 8, and 10. Thus, continuing the status quo will meet the requirements of ESSA.

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DR. MCCAULEY continued with the committee handout page titled, "Key Element 2: Accountability," page 18, and said ESSA provides that the state will determine an accountability system

using requirements that must: "meaningfully differentiate" school qualities and student achievements; have ambitious state-designed long-term goals for all students and traditional subgroups such as economically disadvantaged and ability challenged; include five required indicators; include additional indicators at the state's discretion; weigh the academic measures more heavily than the other indicators; and incorporate a participation factor of at least 95 percent. The five, required ESSA accountability indicators must show: academic achievement as measured by proficiency on state assessments - what percent of children are proficient; another measure of academic achievement, such as student growth from year to year to indicate movement towards proficiency; high school graduation rates; a measure of school quality or student success and recognition of a measure of non-academic achievements; and measure of progress in learning English for English learners. The final two requirements are newly added indicators. Under NCLB districts were required to submit adequate yearly progress (AYP) reports, attain standardized metrics, such as 100 per cent student proficiency by a date certain, and the Secretary of Education was allowed to prescribe aspects of the accountability system. Currently the Alaska's status for accountability includes the Alaska School Performance Index (ASPI), and a summative star rating for schools on a 1-5 scale. The ASPI elementary/middle school indicator percentage weightings for students in grades K-8 are: school progress 40, academic achievement 35, and attendance at 25. The percentages for high school are: school progress 40, academic achievement 20, graduation rate 20, college and career ready 10, and attendance rate 10. She said that, should the board choose to retain the star system, the measures, with little alteration, are in keeping with ESSA standards; however, the star system itself is not a requirement.

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DR. MCCAULEY said the ESSA requirement for "Key Element 3, School Support & Improvement," [handout page 25] directs states to identify schools that require comprehensive support. Schools to be identified are Title I facilities that rank in the lowest five percentile, and any high school with a graduation rate of less than 67 percent. However, ESSA provides vague guidelines to indicate what constitutes comprehensive support - a departure from the prescribed interventions dictated under NCLB which included steps for replacing the administration and faculty. Additionally, any school in which a subgroup of students is consistently underperforming, must be targeted for support;

however, the state is given with the responsibility for identifying what constitutes a consistently underperforming school and the best means for providing support. The strategies the state undertakes to fulfill these requirements, are to be evidence-based; another significant departure from NCLB's research-based approach. By removing prescribed interventions and employing an evidence v. research based approach, the department and districts are allowed a welcomed latitude of flexibility. Alaska's current status, she explained, is that the agency has been identifying "focus and priority schools," monitoring school improvement plans, and using the State System of Support coaching model to assist the lowest performing schools. All of this was put in place to comply with NCLB requirements and to be consistent the NCLB waiver.

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DR. MCCAULEY addressed the topic of what to expect with the new administration, quoting from department advisors who report, "There's no appetite in Congress for revisiting ESSA;" - it has garnered bipartisan support, it includes appropriate guardrails while providing adequate flexibility, and the developers would like to see implementation given a chance. The U.S. Department of Education has issued draft regulations and EED has gathered and submitted public comments in response to key areas. The first issue addressed was the timeline for implementation. Next, a move was made to require an overall summative rating, such as the star rating, to which objections were noted. She said, "It's not that we think that's a bad idea, necessarily, we just don't think that the U.S. Department of Education should tell us to do that, if the law doesn't require it." The final area for comment was graduation. The law is not prescriptive regarding the use of a 4-year graduation rate. The initial ESSA draft regulations did not permit a 5-year graduation period, referring only to an extended year graduation. The 5-year allowance is integral in Alaska, particularly for schools that serve special populations, where it can be used as one of the comprehensive support possibilities. She provided examples of how the 5-year graduation allowance works in Alaska's educational matrix, to stress its importance. These concerns were raised and comments were submitted to USED. The final ESSA regulations were released on 11/28/16, and the revisions reflected all of the expressed concerns: the implementation timeline has been delayed by one full school year, now 2019; the summative rating was made optional; and the 5-year and extended year graduation rate was accepted for special populations. Dr. McCauley explained that, although the regulations won't go into

effect until 1/31/17, pending review by the incoming Secretary of Education, Alaska's issues of concern have been addressed and incorporated. Further, there is general, widespread acceptance for ESSA, and the expectation is that the latest version received by EED is what will go forward for full implementation.

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DR. MCCAULEY reviewed the decision points that have not been finalized in each of the key elements, beginning with standards and assessments. Consideration is being given to high school assessments, and whether one or more grade levels should be tested. The law only requires testing of only one grade level, but the choice is up to the state. Regarding accountability, she said the size for a subgroup is being questioned, as well as what measures to apply in determining school quality and student success. A subgroup size is limited under ESSA to 30 or less, but Alaska currently has subgroups with as few as 5 students. The number of small schools across the state makes the appropriate determination of a subgroup size crucial, for accountability purposes. Apropos to school support and improvement, she stressed that determinations need to be made regarding what will be perceived as most helpful and what innovative approaches will best support school improvement, as well as meet Alaska's unique opportunities and challenges.

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DR. MCCAULEY expanded on the process used for developing Alaska's state plan, which include: incorporating work generated from ESSA stakeholder groups to help prepare tribal organizations, school districts, parent groups, and associations; consistent agency consultation with a broad representation of education stakeholders; use of focus groups at various events/meetings across the state; formation of topic-specific work groups to identify ways and means for meeting the new requirements; draft plan delivery geared for March, 2017, with September as the delivery target; continued efforts to seek broad input to complete the draft; engagement of, and approval by, the board regarding related regulations; and consultation with the legislature, as required by law. Dr. McCauley finished by providing images of the EED website and describing how to access the ESSA information page, which the department is maintaining for the public's edification and comments.

[Chair Keller assumed the gavel.]

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REPRESENTATIVE REINBOLD recalled that the federal common core standards were called the Alaska academic standards, and are now known as the college and career academic standards which, she opined, are all virtually identical, and USED mandates a student participation rate of 95 percent on the assessment. She referred to the committee packet and the department handout titled, "Joint Meeting of the House & Senate Education Committees," [39 numbered, undated pages] page 10, to point out that, in accordance with "Key Element 1," assessments are to align with college entrance requirements and asked what specific tests are being considered.

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DR. MCCAULEY responded that the law requires Alaska's standards be aligned with college entrance requirements but does not specify an assessment. Alaska has accomplished this requirement by having UA review the K-12 standards. It determined that any Alaska, public school graduate, by meeting the standards, will be prepared to take college, credit bearing classes. She stressed that there is no requirement for a particular score on a specific assessment, neither was the university's review linked to a specific assessment. In further elaboration, she said the university received no prescription, nor was one required under ESSA, in evaluating the standards and arriving at its determination. The intent behind the requirement is to eliminate learning gaps and ensure that public school graduates will be well prepared when they enter university. The public schools and postsecondary institutions are supposed to be working in concert to ensure a student's preparedness, she reiterated, and underscored that the standards must align for that reason. Thus, there is no prescription under ESSA to accomplish that end, but assurances need to be made to the USED that college readiness is the goal and can be met.

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CHAIR KELLER asked [due to technical difficulties, Chair Keller's question was not captured on the record.]

DR. MCCAULEY said there is not a set process in regulation; however, there is a requirement in statute for EED to establish standards, as well as the federal expectation. She said it is necessary to consider what Alaska's process will be for measuring the requirements and standards.

CHAIR KELLER commented [due to technical difficulties, Chair Keller's comment was not captured on the record.]

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REPRESENTATIVE SEATON, recalled that the University of Alaska (UA) practices an open enrollment policy, and has reported that every year a percentage of Alaskan graduates require remedial classes. He asked whether the criteria UA used to comply with ESSA was designed to eliminate the need for remedial courses.

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DR. MCCAULEY said yes, and explained that a committee was convened to assure that the standards aligned with Alaska's postsecondary expectations and that graduates would be ready to enroll at college in credit bearing, non-remedial courses.

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SENATOR DUNLEAVY noted that many UA students enroll nation and international locales. Considering the transient populace, he asked how it would be possible to eliminate education gaps between K-12 and college level study. The system is not unified, he opined, nor was it ever intended to be, as the college level is entirely different. He asked whether there is an expectation that, by adopting certain standards at the K-12 level, by the time a student enters college "they should do fine, and if not, what happens, or whose fault is it, or where's the responsibility." He posited that a differentiation should be made between remedial and developmental as being two very different concepts. Perhaps the concept is to create K-12 feeder schools to universities, he conjectured.

DR. MCCAULEY offered that the thrust is to ensure that high school graduates choosing to enter college will be prepared to enroll in credit bearing classes. The new law stipulates that the K-12 academic standards need to be in line with relevant CTE standards. This is a new requirement, she pointed out and opined that it speaks to [the federal government] not holding the perspective that K-12 institutions are feeder schools to universities, but rather establishes a goal to ensure that graduates are prepared to pursue any chosen postsecondary program or the work force.

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SENATOR GARDNER directed attention to the handout, page 30, to ask whether Alaska's schools were invited and participated in developing the state plan.

DR. MCCAULEY deferred comment and offered to provide further information.

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SENATOR DUNLEAVY recalled that the initial federal team, which worked to establish the Secondary Education Act (ESEA), 1965, called for the bypass of state governments and viewed state legislatures as a hindrance, particularly in relation to the civil rights movement. He posited that this is an attitude still held today, despite the law requiring governmental consultation, and asked, "Under ESSA, what does that consultation look like?"

DR. MCCAULEY responded that the law is not prescriptive, and stated:

It says consultation with the legislature, and that language is included in a paragraph that requires consultation with a whole lot of entities: parents, administrators, teachers, the governor, state boards of education - the legislature is in that list ..., but it doesn't say at all what that needs to look like.

SENATOR DUNLEAVY opined that ambiguity resides in the [reauthorized ESEA] bill and asked what the department's approach will be for interpreting any vagueness. He suggested that a minimalist view would be to leave off any actions that aren't required, allowing maximum flexibility for state initiatives. Using subgroups as an example he said:

The question would be why would we want to have any subgroups at all if we don't have to, or why would we not want to minimize those subgroups and why would we want to maximize those subgroups.

DR. MCCAULEY said the department began engaging stakeholders in the planning process as early as March 2016, which was not a requirement, thus, in some cases, the agency has already exceeded federal consultation law. She said there has been no indication, from any of the state educational entities including

the legislature, that a minimalist consultation approach is expected, and opined that focusing on what the state entities anticipate will be sufficient for keeping with federal requirements.

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SENATOR HUGGINS returned to the strategic priorities, committee handout page 4, to highlight the third and fourth points. "Modernize the education system," he said, "that's an 800 pound gorilla; I hope you're serious about that." The fourth point, [to] ensure excellent educators, may be difficult considering the national forecast that educators are soon to be in short supply, he said, and predicted, "You're going to be getting warm bodies." The state has little prerogative as far as the qualification/production of quality teachers. The tenant that is most important for the state, however, is that the responsibility to educate, as was established under NCLB, has now been significantly changed to include educational authority. It's important that the department exercise that authority and get on with [achieving the strategic points.] Education in the state is now "accountable to ourselves," he stressed, and it's important to be candid, frank, and honest, without camouflage, as to what is being accomplished. The educational outcomes in the state will be the fault of all involved whether students excel or not and can no longer be attributed to an unworkable system - NCLB. Alaska's scholar program is a prime example of a failed system, with a large number of students not completing college despite their way being paid, he finished, and said the possibilities under ESSA are exciting.

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SENATOR DUNLEAVY turn to the handout, page 10, and the requirement to have standards and assessments align with college entrance requirements to ask whether university requirements have changed recently. He pointed out that the entrance requirement to UA may or may not involve holding a high school diploma, as there may be other avenues for entering the system.

DR. MCCAULEY answered that ESSA is not specific and allows the state to make college ready determinations.

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REPRESENTATIVE KELLER asked how many pages comprise ESSA.

DR. JOHNSON responded that it is over 300 pages without references, and including the references it is 1,000 pages.

REPRESENTATIVE KELLER conjectured that, given its volume, ESSA may well be specific on how to relate and receive feedback from stakeholder groups; noting that it would only be fair to extend standards to all entities. Regarding the regulations of ESSA, he suggested that it is on the agencies back to gather information that reflects what the sovereigns of the state desire. Such information, he opined may best be obtained via the legislators who represent their constituents interests and EED may want to use legislative resources to ensure equal access to entities across the state.

DR. MCCAULEY said that the public comment process permits any entity to submit feedback on the draft regulations directly to EED. In addition, the agency assembled an advisory committee for the purpose of ensuring representation comprised of peers, principals, and superintendents. The department's final comment was based on that input, but did not include conversations with legislators. The public comments were not developed behind closed doors in Juneau, she stressed.

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REPRESENTATIVE REINBOLD queried whether EED, or the state board, are able to completely change the standards; does ESSA provide that level of freedom.

DR. MCCAULEY answered yes, full discretion is allowed.

REPRESENTATIVE REINBOLD noted that the AMP (Alaska Measurement of Progress) assessments have been a challenge and the new assessments still need to be fair, reliable and valid. She questioned how a home school, international, or students new to the state might be impacted, when trying to enter the UA system. Finally, she asked whether ESSA presents any additional costs to the state.

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DR. MCCAULEY assured the committee that the requirements held by the state, to provide assessments that are valid, reliable, and of high technical quality, remain in place. For any students who are schooled outside of Alaska's public system, the age level standards and achievements are available.

REPRESENTATIVE REINBOLD restated the question: will students who are not a product of the state public system, not having been through the assessments, be able/eligible to enter the university system.

DR. MCCAULEY said not necessarily, and explained that the requirements are in place for students who have attended public school in Alaska exclusively; not those who prepared for college via other means. Regarding additional costs to the state, Dr. McCauley contrasted the costs of the NCLB flexibility waiver with ESSA. The provisions under NCLB, and the NCLB waiver that caused consternation are completely absent from ESSA, she said, and provided two examples: 1) NCLB required teachers to obtain highly qualified status, which necessitated a great deal of record keeping, reporting, and planning; and 2) the NCLB waiver required evaluation systems that used student performance data. She opined that there are no requirements contained in ESSA that will result in unfunded mandates, new requirements, or complicated systems, as was the case under NCLB and the waiver.

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REPRESENTATIVE SEATON directed attention to the key element for school support and improvement, pages 25-27 of the handout, to report that there is a current movement away from applying evidence-based criteria, and replacing it with research-based. Evidence-based is restrictive, he noted, and best applied to "randomized control experiments or designed projects." The national conference for state legislators, which he recently attended, spoke to this specific topic, he said and expressed concern whether this facet of the EED strategy is in keeping with the latest approaches, unless the department is defining the term differently for this application. If not redefined, he posited, its use would be restrictive and run contrary to the flexibility that EED is espousing.

DR. MCCAULEY said the department's intent is to move away from the heavy hitting technical requirement of research-based to a softer evidence-based requirement. Under NCLB unless the intervention methods or support strategies used a strong research-base approach, the U.S. Department of Education would disapprove the action. An evidence-based approach allows latitude for strategies that indicate a likelihood of improving student achievement. There will need to be some evidence that the action will attain the intended outcome, but there is no need to reach the threshold requirement of a random controlled trial. It's perceived that the [research-based] requirement

impedes innovation that might likely result in significant improvement.

REPRESENTATIVE SEATON explained that the federal terminology, discussed at the conference, was exactly the opposite as it relates to health department, and he asked to have EED ensure that it is being applied appropriately for education purposes.

[3:25:00 PM](#)

CHAIR KELLER asked what evidential source could be applied to a strategy. For example, he said, could the teacher coaching program, widely used in Alaska, be supported by anecdotal evidence and receive federal approval.

DR. MCCAULEY said the new regulations indicate that the state can make determinations and approvals for intervention strategies. State determined intervention strategies must be supported "to the extent practicable by the strongest level of evidence." Thus, she pointed out, vagueness exists - what does practicable mean - but the sentiment is clear that there should be some evidence of effectiveness without restricting innovations that could be useful.

[3:27:09 PM](#)

REPRESENTATIVE SEATON pointed out that, for the majority of research where reference is made to the strongest level of evidence, it relates to randomized, controlled trials. He underscored the need to explore how these terms are to be understood in the field of education, given that it is opposite when applied to the area of health.

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SENATOR DUNLEAVY noted the various ways for entering college that wouldn't require a high school diploma, or other program, that has been aligned with college entrance requirements. One means is by taking college classes, while in high school, similar to a junior college approach, but which may extend high school for six to seven years because of the class level focus. He asked whether such an approach would be allowable under ESSA.

DR. MCCAULEY explained the waiver structure, which EED submitted under NCLB for use as an alternate graduation metric for specific alternative schools; allowing for an extended, 5 year graduation period and alleviating any punitive aspects attached

to a late graduation. The same will be allowed under ESSA, she opined.

SENATOR DUNLEAVY asked what assessment approaches the department is considering, and suggested various existing, low cost, established assessments that should be available.

DR. MCCAULEY deferred response to the HB 156 section of the presentation.

SENATOR DUNLEAVY posed another question for that section of the presentation regarding any penalties a school might receive if it doesn't achieve a 95 percent testing quota due to parents opting their students out of assessments.

[3:34:39 PM](#)

REPRESENTATIVE DRUMMOND said the flexible graduation rate has been beneficial for special populations, and asked whether the metric can be applied to comprehensive high schools to track graduates in a similar way.

DR. MCCAULEY said that, as per ESSA requirements, the four year graduation rate must be used unless a school is serving a special population and justification has been made to USED.

REPRESENTATIVE DRUMMOND opined on the need for a five year graduation rate, and that it exists outside of alternative programs. Perhaps a comprehensive high school could qualify an identified subgroup.

DR. MCCAULEY stressed that the degree to which the state supports students to graduate is important, as well as the accountability to the federal government. The law makes frequent references to four year and extended year graduation, which, she opined, is a move in the right direction. The required caveats are for schools which serve special populations and schools where special justification has been provided.

REPRESENTATIVE DRUMMOND indicated interest in exploring the flexibility options beyond alternative schools.

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The committee took an at-ease from 3:38 p.m. to 3:45 p.m.

**Presentation: Commissioner Johnson Department of Education and
Early Development: The implementation of HB 156**

3:45:18 PM

CHAIR KELLER announced that the final order of business would be a presentation by Commissioner Johnson, from the Department of Education and Early Development (EED): The Implementation of HB 156. [Contains discussion of HB 156 passed into law without governor's signature 7/28.16.]

3:45:46 PM

SUSAN MCCAULEY, PhD, Education Policy Coordinator, Department of Education and Early Development (EED) provided a review focused on the sections of HB 156 with target actions for EED. She drew attention to Sec. 5, which requires a comparison of Alaska's public school system to public schools in other states. The department is still in the process of determining how this will be approached. Expectations are being clarified as to whether the National Assessment of Educational Progress (NAEP) tests will suffice, or if other assessments need to be considered. Moving to Sec. 7, she said special recognition is to be given to school's based on overall improvement and performance. Recognition measures are not required under ESSA, but will be incorporated into the accountability aspect of the state plan.

3:47:19 PM

DR. MCCAULEY continued with Sec. 8, of HB 156, and referred to AS 14.03.123 (f), which reads: Standards-based assessments must be selected with the input of teachers and school administrators and minimize disruption to classroom instruction. The process for selecting new assessments included a great deal of stakeholder input, she said. The section provides flexibility for the department and alleviates it from the state procurement processes, she explained, and detailed how the new assessment selection was undertaken to comply with HB 156 requirements. Considerable time was focused on minimizing the disruption that assessment instruction and administration can cause in the classroom schedule. The proctoring method chosen will allow districts to choose from computer-based or paper-based assessments and allows schools to set specific schedules for testing while allowing flexibility within the testing window. Neither of these facets are going to be prescribed to districts by EED, she underscored.

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DR. MCCAULEY paraphrased Sec. 9, AS 14.07.020(a), which reads: "The department may consult with the University of Alaska to develop secondary education requirements to improve student achievement in college preparatory courses." She reported that there has been increased partnership with UA, as directed by the State Board of Education and the Board of Regents, in an effort to strengthen the alignment between the two educational systems. She described how the agencies are interacting, in light of HB 156, and said that, of primary consideration, has been how to reduce the number of UA students needing developmental coursework.

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DR. MCCAULEY paraphrased additional language from the same section and statute, which reads: "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." She reported that the EED commissioner, the president of the statewide chamber of commerce and the UA president, have been involved in conversations focused on ways and means to promote internship/apprenticeship opportunities in the business community and how to provide students with opportunities to learn and earn credits outside of the traditional high school or college classroom settings.

[3:52:10 PM](#)

DR. MCCAULEY paraphrased from Sec. 10, AS 14.07.175, which reads:

The department may not require a school district or school to administer a 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 of the assessments not later than the school year that begins in 2020. ... The department shall require a school district or school to administer a statewide standards-based assessment if the United States Department of Education provides notice that it intends to withhold all or a portion of

the state's education funding as a result of the department's compliance with this section.

DR. MCCAULEY said the department is moving forward to offer a standards-based assessment to districts, consistent with the language in HB 156, allowing districts the choice of administering assessments. Districts annually sign assurances, when applying for federal funds, which contain a statement that a standards-based assessments will be administered. It will be the district's prerogative whether or not to sign the assurances; to date, all districts have signed the statement. The bill makes it very clear that EED cannot require a district to administer an assessment and, if the decision is made in favor of assessing, parents have the right to choose whether or not to have their student participate. The U.S. Department of Education (USED) has confirmed that the state is required to administer an assessment, and the department is offering the choice to the districts. The requirement was waived by the federal government, by agency request, for 2016 without consequence; however, USED expressly stated its expectation that Alaska would resume compliance in 2017.

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[Due to technical difficulties a dialogue exchange between Representative Colver and Chair Keller was not captured.]

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SENATOR DUNLEAVY asked for clarity on the federal assessment requirement and compliance by the department.

DR. MCCAULEY said the department agreed to offer a standards-based assessment to districts.

SENATOR DUNLEAVY said:

As part of accepting the [federal] grant, we have to administer an assessment. ... But parents are under no obligation to force their children to take the assessment. ... Will school districts be threatened in any form or fashion, coerced in any form or fashion, or made to feel bad ... if there are a number of parents in a specific school that choose not to send their children to school that day to take the assessment; yes or no.

DR. MCCAULEY replied, "No."

SENATOR DUNLEAVY asked if the federal government has threatened the state or school districts with penalty, monetary or otherwise, should students not participate in the assessment.

DR. MCCAULEY said the answer depends on the definition of threatened: ESSA holds that schools, districts, and states will assess at a participation rate of 95 percent. The rate is to be factored into the state accountability system. The federal law is vague regarding consequences for non-compliance. The ESSA regulations indicate that a state will use one of four methods to respond to test participation rates that fall below the 95 percent threshold: 1) the summative performance rating of a school may be lowered; 2) the school may be identified to receive targeted support and improvement measures - although targeted support and improvement is not defined under ESSA; 3) the school's academic performance indicator may be lowered one level; or 4) a consequence may be imposed based on a state determined action that is sufficiently rigorous and described in the state plan.

SENATOR DUNLEAVY noted that ESSA contains no indication that federal funding will be jeopardized if a parent decides to not have their student take the test. He asked for assurance that there will be no concern, notes home or finger pointing, if only 5 students in a class of 30 are in attendance to take the assessment.

DR. MCCAULEY said, "No."

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CHAIR KELLER predicted that the Department of Law may become involved.

[3:59:06 PM](#)

REPRESENTATIVE COLVER expressed concern regarding the administration and procedures surrounding assessments. It has been the norm, he said, for other school work to be disrupted for perhaps several weeks to accommodate the proctoring of assessments. Additionally, the resulting score can be acquainted to being a speedometer reading versus identifying specific areas where a student needs to improve. He asked what the department's plan is for providing a meaningful assessment.

DR. MCCAULEY explained that state law defines the purpose of assessment, which is to inform policy level decision making for the improvement of student learning. One of the problems with the last assessment, she opined, is that the department attempted to make it be everything to everyone. Inadvertently and unintentionally, the state assessment was basically competing with the local level assessments, which are better able to provide specific student information; far better than a state level, summative assessment. The department then moved to develop reports to provide useful data, however, the statutory purpose for assessment is for policy level decision making and general accountability. The districts already have in place highly valuable tests that inform classroom instruction insights. However, she assured, lessons have been learned regarding what the state summative assessments should and should not do to meet state law, without being overly burdensome or creating a duplication of effort, and which will render valuable data for state reporting purposes. The flexibility provided by HB 156, removing the requirement for the department to obtain an assessment via the state procurement process, is very helpful to this end, she stressed.

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REPRESENTATIVE REINBOLD commented on the need to hold education sovereign within the state, versus responding to dictates from the federal government, and opined on the failures of the national approach to education since 1965. Assessments occur in a window period, she noted and asked about the implementation of a standardized opt-out procedure. Further, she requested that copies of correspondence between EED and USED be made available to committee members for their own interpretation.

DR. MCCAULEY responded that EED is not developing a standardized opt-out procedure for districts. She opined that doing so would be inconsistent with HB 156, which requires local school boards to establish policies and procedures to permit opting-out by parents. Districts will choose different methods for approaching this topic, and she suggested various means that may be instituted at the local level.

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CHAIR KELLER agreed that the bill language directs local school districts to establish and standardize opt-out procedures. He indicated his interest in having a future response for how this requirement is being addressed by districts and the department,

and pointed out that there is no consequence for non-compliance included in the statute.

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REPRESENTATIVE SEATON returned to the ESSA requirement that schools, districts, and states will assess students at a participation rate of 95 percent, to be factored into the state accountability system. He noted that one action for non-compliance would be that a school with an academic performance indicator could have their star rating reduced from a four to a three or three to a two, say, and asked to have the other three possible actions repeated.

DR. MCCAULEY reiterated that the school may be identified for targeted support and improvement measures, that it receive the lowest performance level on the academic indicator portion of the metric, or be subject to a state determined action that is sufficiently rigorous and described in the state plan.

REPRESENTATIVE SEATON asked if there is anything being contemplated for inclusion in the state plan.

DR. MCCAULEY responded that the department has not determined which of the four options will be chosen as a means for complying with the ESSA requirement.

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SENATOR GARDNER directed attention to the committee handout, page 33, and paraphrased the final bullet point, which read in part: "Comparisons with some other states are possible with our new assessment." She queried how an assessment, uniquely crafted for Alaska, will allow comparisons to be drawn with other states in terms of student performance.

DR. MCCAULEY answered that the new assessment is not used exclusively by Alaska. She said it's possible that a metric calibration will be available, and said the parameters for the assessment are still be formed. A question is whether the new assessment options will be superior to NAEP, given that NAEP is administered in all 50 states. Determinations are being made, she emphasized.

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CHAIR KELLER interjected that HB 156 inserts compliance language regarding a requirement that has long existed. He opined that NAEP could be an appropriate assessment, but the board and EED will choose the mechanism for compliance.

SENATOR GARDNER agreed that NAEP would be appropriate, as a national assessment, and suggested that the bullet point would be more accurate if it read, "Comparisons with some other states might be possible with our new assessment," as the possibility has yet to be ascertained.

[4:11:44 PM](#)

REPRESENTATIVE DRUMMOND referred to the committee handout titled, "Enrolled HB 156 Sectional Analysis," [unnumbered] page 2, provided by Chair Keller's office, and paraphrased the language, which read:

Section 10. Adds a new section prohibiting the department from requiring a school district or school to administer a statewide standards-based assessment after July 1, 2017, and before July 1, 2019.

REPRESENTATIVE DRUMMOND pointed out that the EED committee handout, page 38, reads: "... after July 1, 2016 and before July 1, 2018. She questioned the inconsistency on these dates and expressed concern for the length of time that will have lapsed between the state proctored, standards-based assessments. She opined that there may be a lack of data available to guide policy decisions.

CHAIR KELLER pointed out that all the school districts have agreed to take statewide assessments.

DR. MCCAULEY said it appears that the sectional analysis document may be incorrect, and concurred that the law doesn't prohibit the department from administering assessments, but rather prohibits the department from making assessments a requirement.

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SENATOR DUNLEAVY voiced that the impetus for HB 156 serves as a reminder to the federal government that the state is in charge of education for the people of Alaska. Services provided by the department are to the state, not the federal government, he

reminded, and said, "When in doubt, ... err on the side of the people of Alaska; when in doubt, work with the representatives on the educational matters; ... work with us; side with us."

CHAIR KELLER echoed the final sentiments offered by Senator Dunleavy and thanked the day's participants.

[4:15:29 PM](#)

ADJOURNMENT

There being no further business before the committees, the joint meeting of the House Education Standing Committee and Senate Education Standing Committee was adjourned at 4:15 p.m.