

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

March 17, 2015

3:31 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

PRESENTATION: ELEMENTARY AND SECONDARY EDUCATION ACT FLEXIBILITY
WAIVER RENEWAL

- HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 31

SHORT TITLE: SEXUAL ABUSE/ASSAULT PREVENTION PROGRAMS

SPONSOR(s): SENATOR(s) GARDNER

01/26/15	(S)	READ THE FIRST TIME - REFERRALS
01/26/15	(S)	EDC, FIN
02/12/15	(S)	EDC AT 3:30 PM BUTROVICH 205
02/12/15	(S)	Heard & Held
02/12/15	(S)	MINUTE(EDC)
03/17/15	(S)	EDC AT 3:30 PM BUTROVICH 205

BILL: SB 64

SHORT TITLE: SCHOOL BOND DEBT REIMBURSEMENT

SPONSOR(s): FINANCE

03/02/15	(S)	READ THE FIRST TIME - REFERRALS
03/02/15	(S)	EDC, FIN
03/12/15	(S)	EDC AT 3:30 PM BUTROVICH 205
03/12/15	(S)	Heard & Held
03/12/15	(S)	MINUTE(EDC)
03/17/15	(S)	EDC AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

LAURA PIERRE, Staff
Senator Anna MacKinnon
Alaska State Legislature
Juneau, Alaska,

POSITION STATEMENT: Noted a forthcoming amendment to SB 64.

DR. MARK MILLER, Superintendent
Juneau School District
Juneau, Alaska

POSITION STATEMENT: Testified against SB 64.

DR. DEENA PARAMO, Superintendent
Mat-Su School District
Palmer, Alaska

POSITION STATEMENT: Testified in favor of SB 64.

T.J. PRESLEY, Staff
Senator Berta Gardner
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented changes in version H of SB 31.

ROSEMARY WEBB, Co-President
Child Lures Prevention
Seattle, Washington

POSITION STATEMENT: Testified in support of SB 31.

JENNIFER MITCHELL, Co-President
Child Lures Prevention
Seattle, Washington

POSITION STATEMENT: Testified in support of SB 31.

KATE TOVIAS, Employee
Committee for Children
Seattle, Washington

POSITION STATEMENT: Spoke of curriculum developed for child protection.

MIKE HANELY, Commissioner
Department of Education and Early Development (DEED)
Juneau, Alaska

POSITION STATEMENT: Presented information about the Elementary and Secondary Education Act Flexibility Waiver Renewal.

DR. SUSAN MCCAULEY, Director
Teaching and Learning Support
Department of Education and Early Development (DEED)
Juneau, Alaska

POSITION STATEMENT: Presented information regarding Elementary and Secondary Education Act Flexibility Waiver Renewal.

LES MORSE, Deputy Commissioner
Department of Education and Early Development (DEED)
Juneau, Alaska

POSITION STATEMENT: Presented information regarding Elementary and Secondary Education Act Flexibility Waiver Renewal.

ACTION NARRATIVE

[3:31:23 PM](#)

CHAIR MIKE DUNLEAVY called the Senate Education Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Huggins, Gardner, and Chair Dunleavy. He said there would be two bill hearings and one presentation.

SB 64-SCHOOL BOND DEBT REIMBURSEMENT

[3:32:29 PM](#)

CHAIR DUNLEAVY announced the consideration of SB 64. He noted that public testimony was still open.

LAURA PIERRE, Staff, Senator Anna MacKinnon, Alaska State Legislature, noted a forthcoming amendment to SB 64.

CHAIR DUNLEAVY continued public testimony.

DR. MARK MILLER, Superintendent, Juneau School District, testified against SB 64. He maintained that SB 64 is unfair to everyone but Anchorage and he asked the committee move the date up so that all districts could benefit and analyze their budgets.

CHAIR DUNLEAVY closed public testimony.

[3:35:57 PM](#)

At ease

[3:36:15 PM](#)

CHAIR DUNLEAVY announced the arrival of Senator Stevens and opened public testimony.

DR. DEENA PARAMO, Superintendent, Mat-Su School District, testified in favor of SB 64. She described the school bond debt reimbursement program, a great example of a highly effective state government program working for its people. She related that the Mat-Su District benefitted from a bond package that built six new educational facilities. The program is part of a sound facility maintenance strategy that extends the useful life of facilities. She appreciated that the program will be reinstated after five years.

She described the Mat-Su District as unique because it is a growing district. There are currently 80 modular units in place. She said she cannot support the discontinuance of the School Bond Debt Reimbursement Program altogether. However, the School Board and administration understand the immense financial challenges facing the state and the district is willing to tighten its belt.

SENATOR HUGGINS voiced appreciation for the administration in Mat-Su.

CHAIR DUNLEAVY closed public testimony.

[3:40:34 PM](#)

SENATOR HUGGINS offered Conceptual Amendment 1.

CHAIR DUNLEAVY objected.

SENATOR HUGGINS said the amendment would change the effective date from May 1, 2015, to January 1, 2015, making it retroactive.

SENATOR GARDNER spoke of the Anchorage School District and her reasons for supporting the amendment. She noted she has never voted against school bonds, but she hoped the funds saved would go to classrooms. Referring to a previous testimony, she said "we are already out of apples."

SENATOR DUNLEAVY withdrew his objection. There being no further objection, Conceptual Amendment 1 was adopted.

SENATOR HUGGINS moved to report, SB 64, as amended, from committee with individual recommendations and attached fiscal note. There being no objection, CSSB 64(EDC) was reported from the Senate Education Standing Committee.

[3:42:59 PM](#)

At ease

SB 31-SEXUAL ABUSE/ASSAULT PREVENTION PROGRAMS

[3:45:45 PM](#)

CHAIR DUNLEAVY announced the consideration of SB 31. He said it was the second hearing.

T.J. PRESLEY, Staff, Senator Berta Gardner, Alaska State Legislature, presented changes in version H of SB 31. He said the changes address some of the concerns of superintendents and clarify language. He noted other changes are forthcoming after discussion with the Department of Education and Early Development (DEED) and superintendents.

MR. PRESLEY presented the sectional analysis:

Section 1: No changes

The uncodified law of the State of Alaska is amended by adding a new section to read: SHORT TITLE. Section 4 of this Act may be known as Erin's Law.

Section 2: Conforming

AS 14.30.070(b) amended to read: (b) The Department of Health and Social Services may require the district to conduct [ADDITIONAL] physical examinations that it considers necessary, and may reimburse the district for the [ADDITIONAL] examinations on the basis and to the extent the commissioner of health and social services prescribes by regulation.

Explanation: Conforms to AS 14.30.070(a) repeal in Section 7

Section 3: Substantive

AS 14.30.075 Repeal requirement that school districts pay for physical examinations for teachers.

Section 4: Substantive

AS 14.30.355 Substance of Erin's Law

Clarifies that notices are sent to parents instead of "student, parent teacher notification"

Clarifies that training is required for mandated reporters

Clarifies frequency of training to comport with mandated reporter training

(c) Initially, within six months of employment for a new teacher or administrative staff member, including an athletic coach; and

(2) thereafter, at least once every five years.

Section 5: Conforming

Conforms to repeal of AS 14.30.070(a) in section 7

Section 6: Substantive

Repeals requirement that certificated preschool teachers must be fingerprinted and background checked a second time after being hired.

Section 7: Substantive

Repeals:

AS 14.30.070. Physical examination required (a) the governing body of each school district shall provide for and require a physical examination of every child attending school in the district. The examination shall be made when the child enters school or, in areas where no physician resides, as soon thereafter as is practicable, and thereafter at regular intervals considered advisable by the governing body of the district. For purposes of this subsection, physical examinations, within the scope of chiropractic practice, may be conducted by a chiropractor

AS 14.30.120. Certificate of physical examination the school board, when physical examinations are made, shall deliver to the parent, guardian, or other person having the responsibility for or control of the child a report signed by the physician or nurse making the examination, specifying the findings with respect to the health and physical well-being of the child. For purposes of this subsection, physician examinations, within the scope of chiropractic practice, may be conducted by a chiropractor.

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At ease

[3:48:04 PM](#)

SENATOR HUGGINS moved to adopt the CS for SB 31, labeled 29-LS0420\H, as the working document.

CHAIR DUNLEAVY objected for discussion.

MR. PRESLEY continued to describe the changes in version H.

[3:53:00 PM](#)

CHAIR DUNLEAVY opened public testimony.

[3:53:32 PM](#)

ROSEMARY WEBB, Co-President Child Lures Prevention, testified in support of SB 31.

JENNIFER MITCHELL, Co-President, Child Lures Prevention, testified in support of SB 31. She asked if Alaska is looking for pre-K through 12 education for sex abuse prevention.

CHAIR DUNLEAVY said yes.

MS. MITCHELL related that Child Lures Prevention provides developmentally appropriate and research-based educational programming for pre-K through sixth grade and for grades 7 - 12. They both align with national health education standards.

She stressed the importance of teaching this curriculum in schools. She said 50 percent of sexually abused children experience the abuse in the home. The use of mandated reporters working in schools presents a good opportunity to teach children. She shared statistics about sexual abuse of children. She said prevention education does improve children's knowledge and skills related to abuse prevention. She said Child Lures Prevention would be honored to work with school districts in Alaska.

CHAIR DUNLEAVY asked the sponsor if the presenters will discuss their curriculum and how it is delivered.

MR. PRESLEY suggested also learning how the curriculum was developed.

MS. WEBB described the program and its availability on CD, DVD, USB flash drive, and, soon, on a web site.

[3:57:10 PM](#)

CHAIR DUNLEAVY pointed out that state law mandates that curriculum is adopted at the local level. The committee is simply hearing curriculum options.

SENATOR GARDNER named the programs available as found in members' packets. She asked if "Affection Lures - Safe and Healthy Boundaries" is one of Child Lures Prevention's programs.

MS. WEBB said yes.

SENATOR GARDNER asked about the cost of the program.

MS. WEBB explained that the programs are turnkey and provide a 45 minute training video, scripted lesson plans for all grade levels, and student videos. If one school ordered a program kit it would cost \$489, plus shipping; there is a bulk rate of \$439 each for six.

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KATE TOVIAS, Employee, Committee for Children, spoke of curriculum developed for child protection. She said the non-profit organization has created a social/emotional learning program for children called "Second Step," as well as a child protection unit. She said the vision statement for the Committee for Children is "Safe Children Thriving in a Peaceful World." She stressed that "safe" is the key word.

She said training for all programs is online. She listed several types of programs. She referred to an article titled "Safe, Supported, and Ready to Learn" in members packets. She noted they have done research with the Adverse Child Effect Study (ACES.) She said the scope and sequence of the Child Protection Unit is also in members' packets. Mandatory training is required and the program focuses on safety and is developmentally appropriate. She described examples of lessons.

She described the training involved for the three modules and said that all information is available online.

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CHAIR DUNLEAVY recognized testifiers available for questions.

CHAIR DUNLEAVY removed his objection. There being no further objection, the CS for SB 31, version H, was adopted.

He noted the sponsor is still working on the bill. He thanked Senator Gardner for her work with various organizations to fine-tune the bill.

CHAIR DUNLEAVY held SB 31 in committee.

[4:08:11 PM](#)

At ease

**PRESENTATION: Elementary and Secondary Education Act Flexibility
Waiver Renewal**

[4:09:51 PM](#)

CHAIR DUNLEAVY announced a presentation by Commissioner Hanley from Department of Education and Early Development (DEED).

[4:10:32 PM](#)

MIKE HANELY, Commissioner, Department of Education and Early Development (DEED), presented information about the Elementary and Secondary Education Act Flexibility Waiver Renewal. He explained that there is a waiver in place due to the latest iteration of the Elementary and Secondary Education Act (ESEA) - No Child Left Behind (NCLB) - which has been scheduled for reauthorization by Congress for over seven or eight years. He said NCLB set a bar of 100 percent proficiency for all students by 2014 or schools would be deemed failing, and there were restrictions as to how Title I money could be spent. So, Alaska applied for, and received, a waiver from NCLB in 2013. The waiver allows the state flexibility from many of the onerous parts of NCLB.

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CHAIR DUNLEAVY asked if the waiver was developed by the Department of Education and Early Development (DEED).

COMMISSIONER HANLEY said the waiver was from U.S. DOE and DEED applied for it.

CHAIR DUNLEAVY asked if NCLB has been renewed.

COMMISSIONER HANLEY said no. He explained that the Secretary of Education offered the waivers. To adopt a waiver, the state had to consider three principles; an accountability system, rigorous expectations of students - college and career readiness, and a plan for supporting effective instruction and leadership.

He turned to Alaska's ESEA Flexibility Waiver Renewal process. He said the state has until March 31 to submit a renewal to continue the waiver.

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He described the public comment process. There are three opportunities for people to submit comments regarding the waiver. People can submit comments to U.S. DOE via DEED's home page by March 25. The department will hold three webinars for public comment. The State Board of Education will take public

comments until mid-May following the State Board of Education's meeting on regulation changes.

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COMMISSIONER HANLEY went into detail about each component of the waiver. The first principle is college-and-career-ready expectations for all students. The state adopted new English Language Arts and Mathematics standards in 2012 that set the bar higher. The university system vetted the standards for college and career readiness. The standards will be assessed for the first time this year using the Alaska Measures of Progress (AMP). The department proposes no changes for this component.

He addressed principle 2: state-developed differentiated recognition, accountability, and support. He said Alaska developed the Alaska School Performance Index (ASPI) which determines a score and star rating for all schools that measures growth. Proposed changes are to maintain current ASPI scores, but reset the Annual Measurable Objective targets (AMO's) based on 2015 assessment data as a new baseline. The ASPI scores for each school district will be frozen for this year and compared to next year's scores for growth. The goal of the AMO is to reduce by half the number of students who are not proficient over the course of six years.

He concluded that there are no consequences for the new assessment. He said he fully anticipates that ASPI scores will drop because the targets are much higher.

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COMMISSIONER HANLEY highlighted the third principle - supporting effective instruction and leadership. Student learning will now be connected to teacher evaluation. Alaska has adopted changes for teacher and principal evaluations systems by including consideration of student achievement data as a part of an evaluation. The proposed changes include postponing the inclusion of student learning data until the 2016-2017 school year. Instead, districts will pilot the use of student learning data for the 2015-2016 school year.

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SENATOR GARDNER asked if the changes require a statutory change.

COMMISSIONER HANLEY replied that they will be done through regulation.

SENATOR GARDNER inquired if there was legislation in the last session regarding this issue.

SENATOR DUNLEAVY said no. He asked who the proposed changes are going to.

COMMISSIONER HANLEY said they are going to the U.S. DOE as part of Alaska's waiver.

CHAIR DUNLEAVY said the legislature is not involved in the process and cannot accept or reject the waiver process. The legislature ceded authority to DEED to do several things, including waiver applications.

[4:25:07 PM](#)

SENATOR STEVENS summarized that the state will test students and then freeze the results because they are not being used for comparison this year.

COMMISSIONER HANLEY said that is correct.

SENATOR STEVENS asked how Commissioner Hanley could then say the test scores will drop.

COMMISSIONER HANLEY explained that currently about 80 percent of students show proficiency and this year a lower percentage will be deemed proficient, according to the new rankings.

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COMMISSIONER HANLEY continued to explain that this will allow a year of using data for piloting and trial. Another proposed change is to remove the 20/35/50 percentage requirements for the use of student learning data in teacher evaluations. Without that change, 20 percent of teacher evaluations would be tied to student learning the first year, 35 percent the second year, 35 percent the third year, and eventually 50 percent.

He summarized that the waiver will provide a model that will make more sense for Alaska.

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SENATOR HUGGINS provided a hypothetical example of a poor teacher.

COMMISSIONER HANLEY said districts have requirements to use improvement plans for teacher performance.

SENATOR HUGGINS said some problem teachers remain in the system.

SENATOR STEVENS opined that student learning is key to effective teaching. He voiced concern about removing that element from teacher evaluations. He asked what the eight elements of a teacher evaluation are.

COMMISSIONER HANLEY listed several of the components of the teacher evaluation: knows the curriculum and how to teach it, connects to the community and parents, contributes to the profession.

DR. SUSAN MCCAULEY, Director, Teaching and Learning Support, Department of Education and Early Development (DEED), presented information regarding Elementary and Secondary Education Act Flexibility Waiver Renewal. She added effective learning environment as a component.

SENATOR STEVENS agreed those are important. He questioned the removal of student achievement.

COMMISSIONER HANLEY said student achievement remains an important part of teacher evaluations.

CHAIR DUNLEAVY asked how much Alaska receives from ESEA grants.

COMMISSIONER HANLEY said no grants are tied to the waiver. He thought the state receives over \$200 million in grant money.

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LES MORSE, Deputy Commissioner, Department of Education and Early Development (DEED), presented information regarding Elementary and Secondary Education Act Flexibility Waiver Renewal. He explained that \$200 million was the total of all federal funds and ESEA has about \$60 million in title funds.

CHAIR DUNLEAVY said the legislature has no authority in the decision or in policy. The waiver deadline is coming up at the end of March. He asked what the legislature could do if it opposed the waiver. "Would the department renew the waiver anyway?" He inquired.

COMMISSIONER HANLEY said yes. It is preferable to going back to Adequate Yearly Progress. He said he has a responsibility to the state and he feels a sense of accountability. He feels these conversations are important.

He offered to provide the eight teacher evaluation standards.

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SENATOR HUGGINS commented on the migration rate in Anchorage.

COMMISSIONER HANLEY said there could be a high number of migrant students in a couple of schools.

SENATOR HUGGINS did not know how a teacher could be accountable for 50 percent of migrant students.

COMMISSIONER HANLEY said the department allows for things outside the teacher's control when evaluating teachers.

SENATOR HUGGINS said he was defending teachers.

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SENATOR STEVENS asked if there is a connection between tenure and teacher evaluation.

COMMISSIONER HANLEY did not think so.

CHAIR DUNLEAVY thanked the department for answering the questions. He said he is interested in the federal government's accounting of success in federal schools. BIA schools have terrible scores in spite of \$20,000 funded per student. It bothered him that the state has no say in education as the representative of the people. He summarized what will happen with the waiver process. He referred to the Moore case. He concluded that the legislature has a mandate to maintain education.

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COMMISSIONER HANLEY offered to continue to answer the committee's questions.

SENATOR STEVENS voiced appreciation that the education bar is set higher. He said he has a concern about freezing some of the test data. He wondered how soon progress can be measured.

COMMISSIONER HANLEY thought the true measurement would be to see if students are prepared for post-secondary education.

He read the eight standards of teacher evaluations:

A teacher understands how students learn and develop and applies that knowledge in teaching practice.

A teacher teaches students with respect for individual and cultural characteristics.

A teacher knows their content area and how to teach it.

A teacher facilitates, monitors, and assesses student learning.

A teacher creates and maintains a learning environment in which all students are actively engaged and contributing members.

A teacher works as a partner with parents, families, and community.

A teacher participates in and contributes to the teaching profession.

[The eighth component is student learning.]

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There being nothing further to come before the committee, Chair Dunleavy adjourned the Senate Education Standing Committee at 4:49 p.m.