

**ALASKA STATE LEGISLATURE
JOINT MEETING
SENATE EDUCATION STANDING COMMITTEE
HOUSE EDUCATION STANDING COMMITTEE
January 20, 2016
8:01 a.m.**

MEMBERS PRESENT

SENATE EDUCATION STANDING COMMITTEE

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

HOUSE EDUCATION STANDING COMMITTEE

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

MEMBERS ABSENT

SENATE EDUCATION STANDING COMMITTEE

All members present

HOUSE EDUCATION STANDING COMMITTEE

All members present

OTHER LEGISLATORS PRESENT

Representative Lynn Gattis
Representative Lora Reinbold

COMMITTEE CALENDAR

PRESENTATION: ALASKA MEASURES OF PROGRESS TESTING; EVERY STUDENT SUCCEEDS ACT

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

LEE POSEY, Federal Affairs Counsel
Education Committee
National Conference of State Legislatures (NCSL)
Washington, D.C.

POSITION STATEMENT: Provided information on the Every Student Succeeds Act (ESSA).

LISA SKILES PARADY, Executive Director
Alaska Council of School Administrators
Juneau, Alaska

POSITION STATEMENT: Related information about the Alaska Measures of Progress (AMP).

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

POSITION STATEMENT: Provided information on the Alaska Measures of Progress (AMP).

MARGARET MACKINNON, Director
Assessment and Accountability
Department of Education and Early Development (DEED)
Juneau, Alaska

POSITION STATEMENT: Provided information on the Alaska Measures of Progress (AMP).

ACTION NARRATIVE

8:01:39 AM

CHAIR MIKE DUNLEAVY called the joint meeting of the Senate and House Education Standing Committees to order at 8:01 a.m. Present at the call to order were Senators Huggins, Giessel, Stevens, Gardner, and Chair Dunleavy, and Representatives Seaton, Vazquez, Colver, Drummond, Kreiss-Tomkins, Talerico, and Chair Keller.

PRESENTATION: ALASKA MEASURES OF PROGRESS TESTING; EVERY STUDENT SUCCEEDS ACT

[8:02:04 AM](#)

CHAIR DUNLEAVY announced that the first order of business would be a presentation on the Every Student Succeeds Act (ESSA), followed by a presentation on the Alaska Measures of Progress. He introduced the members of the committees. He noted that the meeting was informational only.

CHAIR KELLER introduced the first presenter, Lee Posey, from NCSL, a bipartisan group. Chair Keller opined that ESSA is part of the problem, not part of the solution due to the ever-increasing control of education by the federal government. He said he was especially interested in hearing how the state's rights have increased. He said ESSA goes into effect in August.

CHAIR DUNLEAVY noted the arrival of Representative Drummond.

CHAIR DUNLEAVY commented that today's topics are important and it is Alaska's responsibility to provide the best education for its students.

[8:06:31 AM](#)

LEE POSEY, Federal Affairs Counsel, Education Committee, National Conference of State Legislature (NCSL), provided information on the Every Student Succeeds Act (ESSA). She began by informing the committee about the reauthorizing of the Elementary and Secondary Education Act (ESEA) to No Child Left Behind (NCLB), in 2002. She said it is NCSL's opinion that NCLB pushed the pendulum of control too far to the federal government. There were many problems from a state perspective.

She listed some of the problems with NCLB: federally mandated targets for school achievements and interventions for not meeting those requirements and mandated 100 percent proficiency in reading and math by 2014 measured by the Adequate Yearly Progress requirement. She said in order to get out of NCLB requirements, states had to seek onerous waivers from the U.S. Department of Education. In addition, the Race to the Top grants tied funding to common academic standards and assessments and other federally mandated policies.

[8:10:20 AM](#)

MS. POSEY continued to describe the path of the reauthorization of NCLB to ESEA. The U.S. House and Senate passed reauthorization bills the summer of 2015 and then a conference

committee adopted a conference report on November 19, 2015. It was signed into law on December 10, 2015.

She read a quote from the Wall Street Journal referring to ESSA as "... the largest devolution of federal control to the states in a quarter century."

[8:13:12 AM](#)

CHAIR DUNLEAVY recognized Representatives Reinbold and Gattis in attendance.

MS. POSEY described what was in the bill for the states. The bill provided for state legislative involvement, prohibitions on federal authority, and a new approach for accountability with no more Adequate Yearly Progress (AYP). Each state department of education must now consult with its legislature before submitting a Title I plan to the U.S. Department of Education.

She listed what the federal government is prohibited from doing under ESSA. It cannot dictate standards or assessments. She said there is a new approach for accountability and no more AYP.

[8:16:48 AM](#)

She detailed the implementation timeline from ESEA to ESSA. ESEA flexibility waivers ended as of 8/1/2016. State plans will be developed in the 2016-2017 school year and will be fully implemented in the 2017-2018 school year. There will be continuing regulation and guidance from the U.S. Department of Education regarding ESSA. Competitive funding for FY 2016 will flow under current law; FY 2017 dollars will flow through ESSA provisions.

[8:20:43 AM](#)

MS. POSEY described a new approach for state-designed accountability. There are some required indicators, such as academic achievement measured by proficiency on annual assessments or by another measure such as academic growth. Other required indicators are the progress of English Language Learners and a measure of school quality and student success. For high schools, graduation rates are also indicators.

States must now weigh the academic measures more heavily than the other indicators and will also need to incorporate test participation in their accountability system.

She commented on the new role of assessments. The NCLB assessment schedule remains. There is hope that if the tests are

less "high stakes", there should be less concern. She said that a statement of parental "opting out" is included; however, 95 percent of all students must be tested. There is still a risk that Title I funds could be withheld if that percentage is not met. Alaska's Department of Education and Early Development (DEED) is going to continue to look at the 95 percent requirement. Local education authorities may choose to use a nationally recognized high school assessment, such as the SAT or ACT. States may also seek to form a consortia with other states. She added that Alaska may take advantage of the federal assessment grant and do an audit of test data.

[8:27:48 AM](#)

MS. POSEY turned attention to the issue of equity in education for all students. She listed the provisions regarding subgroups of students. States must continue to disaggregate data by student subgroup. State accountability systems must identify any school in which a subgroup of students is consistently underperforming for target support and improvement.

She addressed which schools require intervention: schools that are in the bottom five percent, any high school failing to graduate one-third or more of their students, and any school in which a subgroup of students is consistently underperforming. Under ESSA, local education authorities will design an evidence-based plan to turn those schools around and the effort will be monitored by the state. The schools will be identified every three years and exit criteria can be included in the plans. The state would step in after four years of no progress, but are given no mandates regarding solutions. She noted this area was a place of compromise when ESSA was written.

[8:31:35 AM](#)

MS. POSEY related the kind of support states have under ESSA for schools and students. There are new Student Support and Academic Enrichment (SSAE) grants. These grants have three purposes: to provide all students with access to a well-rounded education, improve school conditions for student learning, and improve the use of technology in order to improve the academic achievement and digital literacy of all students. She suggested that this is an area that Alaska can make use of. Alaska is estimated to receive \$8,003,000 in FY 2017 (source: FFIS). This amounts to 0.5 percent of total available SSAE funding.

[8:34:29 AM](#)

She addressed Title I issues. Portability is not included in the bill, but there's a weighted student funding pilot that could

allow some districts to experiment. There is no formula change to date. Accountability provisions for English Language Learners were moved to Title I from Title III.

[8:35:51 AM](#)

She described Title II changes: the formula for Part A grants were amended and the hold harmless allotment will be gradually eliminated by FY 2023. She shared how the change would affect Alaska.

She described other programs in ESSA, such as Education of Migrant Children, Education of Neglected, Homeless, or Delinquent Youth, language instruction for English Language Learner and Immigrant Students, Impact Aid, Rural Education, and others.

[8:37:40 AM](#)

MS. POSEY talked about Early Education Provisions and Preschool Development Grants totaling \$250,000,000 per year. She noted there are also some permissive uses for various Title programs.

She concluded by offering to answer questions.

[8:39:36 AM](#)

CHAIR DUNLEAVY asked why a state would want to accept ESSA.

MS. POSEY explained what would happen if a state did not accept the provisions in ESSA. Some states have looked into the implications of not accepting federal funding for education and all the programs that would be affected. No state has decided not to accept federal funding.

[8:41:24 AM](#)

SENATOR STEVENS pointed to a conflict between the allowance of parents being able to opt their student out of testing and the mandate to test 95 percent of students. He asked whether the 95 percent is calculated by school, district, or whole state.

MS. POSEY clarified that the calculations are done for local education agencies and the whole state. She thought that at the high school level it might be hard to get 95 percent of students tested. She agreed there was a conflict. The state would have to come up with a plan should the 95 percent not be reached. There was a big push to get students whose parents did not allow them to take the test, to not be included in the 95 percent, but that did not happen.

CHAIR DUNLEAVY asked which rate would be used, the school's, the school district's, or the state's.

MS. POSEY said the district's rate and the state's rate.

CHAIR DUNLEAVY gave an example of a school that had zero participation, but the district met the 95 percent goal.

MS. POSEY reiterated that the department is monitoring the local education authority rate and the state rate.

CHAIR DUNLEAVY gave an example of a school where many parents do not want their students to take the test. He asked what the federal reaction would be.

MS. POSEY replied that the federal government's goal is to test all students in order for the test to be valid. She agreed that there is a conflict in the two policies.

[8:46:46 AM](#)

REPRESENTATIVE SEATON referred to examples of indicators of accountability, such as advanced courses in place of testing. He asked if a program like Alaska Native Science and Engineering Program (ANSEP) would qualify.

MS. POSEY said it could. Other courses such as AP courses could be included in a plan as an indicator.

CHAIR KELLER pointed out that the accountability system in Alaska is as a result of NCLB and is run by federal regulation. He asked if most states are the same. He suggested that deleting accountability laws would be a daunting task.

[8:50:12 AM](#)

MS. POSEY related that some states feel that few changes to their regulations will be needed, whereas, some states do not agree with that. There is flexibility in ESSA, but also expectations of standards and statewide assessments. She concluded that there is time for states to review statutes.

CHAIR KELLER referenced the grants which go directly to districts, bypassing the legislature. He wondered if there is room for changing that process.

MS. POSEY noted that it was difficult on the federal level to get recognition that legislators have a role in looking at Title I grants. It is a choice that state legislatures can make

because ESSA recognizes the state's role in the process. She said every state is different and has its own rules about federal funding.

[8:54:58 AM](#)

CHAIR DUNLEAVY pointed out that Alaska's Constitution requires that the legislature establish and maintain a system of public schools.

He asked if, under ESSA, the state has to base its standards on the Common Core model.

MS. POSEY said no; ESSA states that standards do not have to be a particular kind, but must be "challenging academic standards."

CHAIR DUNLEAVY restated that Alaska is not compelled to have standards based upon the Common Core model.

MS. POSEY agreed.

[8:56:23 AM](#)

REPRESENTATIVE COLVER asked how much flexibility states have when creating assessment models and whether they can use "off the shelf" tests.

MS. POSEY said the state is not required to use a particular assessment, but it must be used statewide. There is a peer review process at the department level that will look at assessment models. There is flexibility to look at alternative methods of assessments, such as portfolios or competency-based models.

CHAIR DUNLEAVY requested that DEED and the Alaska State Board of Education work closely with the legislature on ESSA. He handed the gavel over to Chair Keller.

[8:59:03 AM](#)

At ease.

[8:59:08 AM](#)

CHAIR KELLER followed up by noting the significance regarding the difference between federal guidance and federal regulation. He requested that Ms. Posey keep in contact with the state on that topic. He said the Alaska State Board of Education will be monitoring the reform of the state's accountability under ESSA, if that is the direction the state chooses to go.

He noted since the beginning of ESEA in 1965, expenditures in education have doubled and graduation rates are flat. He asked Ms. Posey what she sees in ESSA that gives her hope.

MS. POSEY said she looks at ESSA as a reform effort to reduce federal overreach and for the state to look for new ideas and to have the flexibility and responsibility to improve education.

9:02:46 AM

At ease

9:04:09 AM

CHAIR KELLER introduced the topic of Alaska Measures of Progress (AMP) and Lisa Skiles Parady to present it.

9:05:08 AM

LISA SKILES PARADY, Executive Director, Alaska Council of School Administrators (ACSA), related information about Alaska Measures of Progress (AMP). She reported on the ACSA/superintendent working group's meetings regarding its position on assessments and AMP, and the need to work closely with districts on the AMP process. She read the Alaska Superintendents Association's statement:

Alaska Superintendents demand and support a strong system of accountability. We will not support an assessment program that is developed without our input or that does not inform student instruction. The Alaska Superintendent Association (ASA) has been and continues to be ready to share its educational assessment expertise to collaboratively develop an effective, comprehensive assessment framework that accurately reflects student learning that is useful in guiding and informing student instruction.

The credibility of the Alaska Measure of Progress (AMP) has been called into question because it does not meet this criteria. More specifically, "The AMP information is not intended to be used to make instructional decisions..." (Achievement and Assessment Institute, University of Kansas, 2015).

A state level assessment is a condition of Alaska's waiver from the requirements of No Child Left Behind. Due to the testing vendor's failure to provide credible reports, it is necessary for the state to pause its implementation of the current accountability

system, including the 2016 administration of AMP. It is in the best interests of Alaska's students that DEED initiate a comprehensive and collaborative review of the entire system. Alaska's students deserve a system of accountability that accurately informs both classroom instruction and public understanding of student achievement.

She noted that Commissioner Hanley has reached out to ACSB and the Department of Education and Early Development (DEED) has been working on this difficult issue.

She reported that during the first working group meeting, they addressed questions about assessment, data and reporting, process, and the need for district input. The second meeting was on January 4 and a timeline was set and outcomes developed.

9:11:10 AM

MS. SKILES PARADY reported on feedback from a survey of superintendents regarding AMP. She shared the questions on the survey and preliminary results. She read several comments by superintendents, which varied. She reported that eleven districts requested to testify before the legislature on AMP and she noted that ACSB is aware of test scores and trends.

9:17:35 AM

CHAIR KELLER thanked Ms. Skiles Parady for her organization's work. He introduced Commissioner Hanley and requested a brief overview of the challenges AMP has had so far.

9:18:04 AM

MIKE HANLEY, Commissioner, Department of Education and Early Development (DEED), provided information on the Alaska Measures of Progress (AMP).

MARGARET MACKINNON, Director, Assessment and Accountability, Department of Education and Early Development (DEED), provided information on the Alaska Measures of Progress (AMP).

COMMISSIONER HANLEY agreed with Ms. Parady's assessment of AMP and ESSA. He noted challenges of Every Student Succeeds Act (ESSA) and agreed it was "a necessary adjustment, but not sufficient." He said ESSA has some flexibility, but also requires significant accountability measures in order for the state to receive federal funding.

9:22:18 AM

COMMISSIONER HANLEY provided the background of AMP. He referred to the process that led up to the new state assessment. He said it began in 2009 at an education summit where Alaskans called for a review of reading, writing, and math standards. Those new standards were adopted in 2012 and were the impetus behind requiring a new assessment. The new standards are very similar to Common Core standards and have high expectations.

He explained that the purpose of an assessment is to show how students are progressing. The shift to new standards requires time, training, and new curriculum. After three years the state implemented a new assessment. The state procurement law dictates how an assessment vendor is chosen. He described how the Achievement and Assessment Institute (AAI) of the University of Kansas Research Center was selected by an RFP evaluation committee as the assessment vendor.

[9:24:48 AM](#)

COMMISSIONER HANLEY related that the RFP had to meet federal and state requirements and he described the assessment system components. AMP was designed to be a summative test for grades 3 through 10, and to be phased in, resulting in a wholly computer-based test. Performance tasks were removed, and the state is moving toward an adaptive test - which changes questions based on a student's skills. It allows a better assessment of a student's achievement level. That test will be fully developed by spring 2018.

[9:27:42 AM](#)

COMMISSIONER HANLEY described the optional testing tools available to districts. An interim assessment can be given several times a year to check student progress, and formative resources or instructional tools will be available to teachers.

He spoke of the first administration of AMP, which was given during a 5-week window from March 30 to May 1, 2015. The first on-line administration of AMP was generally successful. He said 95.9 percent of students participated.

He related how the score ranges were established. Alaska educators met in Anchorage to make recommendations on how well students must do to meet the standards. The four levels of standards are now eight levels and the State Board of Education and Early Development adopted the test score range on October 9, 2015.

[9:32:27 AM](#)

COMMISSIONER HANELY discussed the reports for AMP and the data release. The reports include a student report, a school & district report, and a school & district summary report. He addressed the concerns related to the reports. He pointed out the issues related to the test results, included distribution delays and reports lacking sufficient level of detail.

He explained the State Board of Education's involvement in December of 2015 regarding the process of AMP testing. They are working with superintendents and the vendor on resolving the issues of concern. He detailed the actions and steps to resolution. He commented on the positives of AMP, such as the end of working under a NCLB waiver.

[9:36:38 AM](#)

COMMISSIONER HANELY shared the plan for 2016. He said AMP will be used for the spring 2016 assessment. The issues of timely and accurate reporting for 2016 tests will be resolved through the use of a high quality subcontractor with reports delivered by late June. Reports will be redesigned to provide more information. Improvements have been made to the logistical administration of the test, and any changes to the assessment system for 2017 will be considered as part of the stakeholder discussions.

COMMISSIONER HANELY stressed the importance of fixing AMP. There is a federal and state requirement to have a state assessment. There are no other options to meeting federal and state law if the state dumps AMP. It would take six months to put out a new RFP. He stated that he is determined to make AMP as good as possible, beginning now, taking into account the flexibility within ESSA.

[9:38:46 AM](#)

COMMISSIONER HANELY read from a letter he wrote to the U.S Department of Education:

Alaska is a state of extremes; our districts are both urban and rural, most are not connected to a road system, the ethnic diversity is enormous, many families still live a subsistence lifestyle, and indigenous languages are sometimes the first language.

"One size fits all" does not work for Alaska. This is particularly true for student assessment. We strongly encourage allowing states maximum flexibility to use multiple assessment tools with local school districts

having the option to select the best tool to measure the progress of their students.

[9:39:45 AM](#)

CHAIR KELLER requested a copy of the letter.

He asked if there would be new money required to get through the contract with the vendor.

COMMISSIONER HANLEY said no. The contract is five one-year contracts and is renewable on June 30 every year.

[9:40:50 AM](#)

REPRESENTATIVE KREISS-TOMKINS asked what happens if the state does not have an assessment and fails to meet federal law.

COMMISSIONER HANLEY spoke of financial sanctions including loss of \$93 million in Title monies and about \$300 million in total federal money for Education Alaska.

CHAIR KELLER requested a report on the total amount of money at risk.

[9:42:14 AM](#)

REPRESENTATIVE COLVER questioned the idea of being stuck with AMP and the statement that there was superintendent support for AMP. He wondered why the state has to stick with the vendor and AMP. He stressed that the legislature should look for other options that would have the confidence of school districts. He suggested implementing Measures of Academic Progress (MAP). He expressed an interest in looking for solutions and moving forward.

COMMISSIONER HANLEY said he is looking for solutions, as well. He clarified that he does not feel he can ignore or unilaterally not follow state and federal law. He pointed out that the state is "stuck" only because there is no time to change assessments and still follow the law. He emphasized that he is going to follow the law.

REPRESENTATIVE COLVER asked why the department is resistant to using the test 37 districts are already using - MAP.

COMMISSIONER HANLEY explained that state procurement laws require the department to put out an RFP and go through a process. He said he does not have a resistance to MAP: ESSA

allows for an interim assessment and he is seeking feedback to move in that direction.

9:46:15 AM

CHAIR KELLER suggested that under ESSA an audit can be paid for by the federal government.

REPRESENTATIVE VAZQUEZ wished to see an example of a student report and a link to test questions. She noted Alaska students are not performing to the standards and asked why the standards need to be changed. She suggested more training to meet the standards.

9:48:13 AM

COMMISSIONER HANLEY pointed out that the National Assessment of Educational Progress (NAEP) allows Alaska to compare itself to other states. The NAEP expectations are much higher, which gives the impression that Alaska scores were low. He agreed that Alaska standards were low, or missing. However, 80 percent of Alaska students were meeting Alaska standards; only 35 percent of Alaska students were meeting NAEP standards. He shared the need to change local expectations. He said he would be glad to provide student reports and scores.

9:49:20 AM

SENATOR STEVENS shared his sympathy for the enormous problems facing Commissioner Hanley. He opined that the department is on the right track and should not get rid of AMP. He suggested that the assessment be audited.

COMMISSIONER HANLEY agreed. He said the vendor has been audited at every step and will continue to be audited. He added that there is a need to audit at the local level, as well.

9:50:32 AM

REPRESENTATIVE SEATON drew attention to the the main complaint he has heard - teachers do not receive adequate, meaningful data. He asked if that would change and adaptive tests would provide accountability.

COMMISSIONER HANLEY explained that the adaptive tests will not be available until the 2017-2018 school year. However, the vendor has committed to adding more questions to the current test which would lead to better data on specific standards and questions for teachers to use within their classrooms.

REPRESENTATIVE SEATON suggested communicating to teachers the plan to have adaptive tests in order to provide useful data. He noted there are interim assessments available and wondered if they would be costly to the district.

COMMISSIONER HANLEY explained that they are part of the contract and have no additional cost.

REPRESENTATIVE SEATON suggested that those tests may be helpful to teachers.

COMMISSIONER HANLEY said those tests are still being developed. He agreed that it is important to communicate with schools and districts regarding all assessment tools.

[9:54:35 AM](#)

REPRESENTATIVE DRUMMOND voiced appreciation for computer-based testing, but noted concern about the availability of computers in some schools. She asked what is being done to ensure equal access to the computer-based test.

COMMISSIONER HANLEY responded that using computers has been left up to local districts and paper and pencil tests are allowed. The goal is to move toward all computer-based testing. It has been a challenge because funding for technology has not been included in AMP.

[9:56:24 AM](#)

SENATOR GARDNER asked why the state did not go with the MAP vendor.

COMMISSIONER HANLEY said Northwest Evaluation Association (NWEA) that owns MAP did respond and came in second out of five applicants. However, NWEA did not propose the MAP test because ESSA requires an annual summative test, which they had not developed. He said AAI had a test available that could be modified for Alaska.

SENATOR GARDNER understood that the problem was not with the test content, but with the administration of the test and the reporting of the results with useful data.

COMMISSIONER HANLEY agreed. He said the content has not been questioned, just the use of reporting data.

REPRESENTATIVE VAZQUEZ summarized that the concerns involved the administration and not the content.

COMMISSIONER HANLEY clarified that there were only a few glitches in administration. The problems related to the data reporting after the test.

[9:59:24 AM](#)

REPRESENTATIVE COLVER referred to a parent report of test results. He asked when formative resources would be available, what they are, and when they will be available.

COMMISSIONER HANLEY said those resources are only used within classrooms and are not included in the test report. This year the goal is to have the best test data available without changing the test.

[10:01:29 AM](#)

MS. MACKINNON related that several of the formative resources have been developed and are available. Those "testlets" are aligned to the standards. The bank of testlets is being expanded and will provide data to the vendor with a goal of enabling teachers to know how to group those testlets and to see immediately how students perform. She offered to make those available to the committee.

[10:02:22 AM](#)

CHAIR KELLER thanked the presenters.

[10:03:23 AM](#)

There being no further business to come before the committees, Chair Dunleavy adjourned the joint meeting of the Senate Education Standing Committee and the House Education Standing Committee at 10:03 a.m.