

**ALASKA STATE LEGISLATURE**  
**SENATE EDUCATION STANDING COMMITTEE**

April 12, 2016

6:03 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**

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 156(EDC) AM

"An Act relating to the duties of the State Board of Education and Early Development, the Department of Education and Early Development, school boards, and school districts; relating to public school curriculum and assessments; relating to compliance with federal education laws; relating to public school accountability; relating to a statewide assessment plan and review of education laws and regulations; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 156

SHORT TITLE: SCHOOL ACCOUNTABILITY MEASURES; FED. LAW

SPONSOR(S): REPRESENTATIVE(S) KELLER

03/20/15	(H)	READ THE FIRST TIME - REFERRALS
03/20/15	(H)	EDC
03/30/15	(H)	EDC AT 8:00 AM CAPITOL 106
03/30/15	(H)	Heard & Held
03/30/15	(H)	MINUTE(EDC)
04/08/15	(H)	EDC AT 8:00 AM CAPITOL 106
04/08/15	(H)	Heard & Held
04/08/15	(H)	MINUTE(EDC)
04/10/15	(H)	EDC AT 8:00 AM CAPITOL 106

04/10/15	(H)	Scheduled but Not Heard
04/13/15	(H)	EDC AT 8:00 AM CAPITOL 106
04/13/15	(H)	Heard & Held
04/13/15	(H)	MINUTE(EDC)
03/14/16	(H)	EDC AT 8:00 AM CAPITOL 106
03/14/16	(H)	Scheduled but Not Heard
03/16/16	(H)	EDC AT 8:00 AM CAPITOL 106
03/16/16	(H)	Heard & Held
03/16/16	(H)	MINUTE(EDC)
03/18/16	(H)	EDC AT 8:00 AM CAPITOL 106
03/18/16	(H)	Heard & Held
03/18/16	(H)	MINUTE(EDC)
03/21/16	(H)	EDC AT 8:00 AM CAPITOL 106
03/21/16	(H)	<Bill Hearing Rescheduled to 3/23/16>
03/23/16	(H)	EDC AT 8:00 AM CAPITOL 106
03/23/16	(H)	Moved CSHB 156(EDC) Out of Committee
03/23/16	(H)	MINUTE(EDC)
03/24/16	(H)	EDC RPT CS(EDC) NT 5DP 2NR
03/24/16	(H)	DP: KELLER, TALERICO, COLVER, SPOHNHOLZ, VAZQUEZ
03/24/16	(H)	NR: DRUMMOND, SEATON
03/25/16	(H)	FIN REFERRAL ADDED AFTER EDC
04/04/16	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
04/04/16	(H)	Moved CSHB 156(EDC) Out of Committee
04/04/16	(H)	MINUTE(FIN)
04/05/16	(H)	FIN RPT CS(EDC) NT 3DP 1DNP 4NR 1AM
04/05/16	(H)	DP: WILSON, GATTIS, THOMPSON
04/05/16	(H)	DNP: KAWASAKI
04/05/16	(H)	NR: SADDLER, PRUITT, EDGMON, MUNOZ
04/05/16	(H)	AM: GUTTENBERG
04/10/16	(H)	TRANSMITTED TO (S)
04/10/16	(H)	VERSION: CSHB 156(EDC) AM
04/11/16	(S)	READ THE FIRST TIME - REFERRALS
04/11/16	(S)	EDC, FIN
04/12/16	(S)	EDC AT 6:00 PM BUTROVICH 205

**WITNESS REGISTER**

REPRESENTATIVE WES KELLER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of HB 156.

JIM POUND, Staff  
Representative Wes Keller  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented information on HB 156.

CHRISTA MCDONALD, Staff  
Senator Mike Dunleavy  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented information on HB 156.

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

**POSITION STATEMENT:** Explained Conceptual Amendment 1 to Amendment 2.

NORM WOOTEN  
Executive Director  
Association Alaska of School Boards

**POSITION STATEMENT:** Presented information on Amendment 3.

SUSAN MCCAULEY  
Interim Commissioner  
Department of Education and Early Development (DEED)  
Juneau, Alaska

**POSITION STATEMENT:** Explained Amendment 4.

DAVID NEES, representing himself  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 156.

JACK WALSH, Superintendent  
Craig School District  
Craig, Alaska

**POSITION STATEMENT:** Testified in support of HB 156.

BARBARA HANEY, representing herself  
North Pole, Alaska

**POSITION STATEMENT:** Testified in general support of HB 156.

ED GRAY, representing himself  
Sitka, Alaska

**POSITION STATEMENT:** Testified in support of HB 156.

#### **ACTION NARRATIVE**

[6:03:59 PM](#)

**CHAIR MIKE DUNLEAVY** called the Senate Education Standing Committee meeting to order at 6:03 p.m. Present at the call to

order were Senators Huggins, Giessel, Gardner, and Chair Dunleavy. He noted one bill before the committee - HB 156.

**HB 156-SCHOOL ACCOUNTABILITY MEASURES; FED. LAW**

[6:04:47 PM](#)

CHAIR DUNLEAVY announced the consideration of HB 156.

[6:04:51 PM](#)

REPRESENTATIVE WES KELLER, Alaska State Legislature, sponsor of HB 156, introduced the bill.

JIM POUND, Staff, Representative Wes Keller, Alaska State Legislature, presented information on HB 156.

[6:05:30 PM](#)

REPRESENTATIVE KELLER explained that the bill takes advantage of the action in Washington, DC, to rewrite education in America. It follows the premise that the needs of the kids are better met under the local control of school districts. The bill allows the Department of Education and Early Development (DEED) to stop the test-based education system that is currently in place. During this break, state educators will work with local schools and districts, along with concerned parents, to develop an assessment plan for the state that considers specific district needs.

He said the bill also gives DEED the opportunity to work with the university for guidance regarding college bound students and with local businesses and unions. The bill changes the reporting provisions that compare Alaska with other states and it makes for an education system that meets or exceeds federal standards.

He noted an amendment made on the House Floor that removes one reference to a requirement for crisis intervention training.

[6:07:38 PM](#)

SENATOR GARDNER noted Section 1, page 2, line 6, where it speaks to a report due by, or after, January 15 received by each public school and by the state public school system. She asked for an explanation.

REPRESENTATIVE KELLER understood the confusion. He clarified that AS 14.03.123(a) was not changed; it states that DEED will give a designation to the education system along with school districts. The "state public school system" is a means of

comparing Alaska's schools to other states. The designation is determined by the state school board.

[6:09:50 PM](#)

SENATOR GARDNER asked if it is conforming language that adds proposed aspects as to how the state would compare with other states.

REPRESENTATIVE KELLER clarified that it is conforming language, but Section 1 requires that the information goes into the state report card.

[6:10:38 PM](#)

SENATOR GARDNER inquired about the state's temporarily suspending assessments for four years and how it would compare itself with other states.

REPRESENTATIVE KELLER suggested that the state use the National Assessment of Educational Progress (NAPE).

[6:11:51 PM](#)

At ease

[6:13:57 PM](#)

CHAIR DUNLEAVY brought the meeting back to order.

[6:14:14 PM](#)

SENATOR GARDNER referred to page 3, lines 7 - 10, and asked how local control would be increased. Alaska is already a state that in statute and in practice supports local control of education; that includes a system of electing school board members that set policy. She understood the resistance against federal efforts, but maintained that there are also state efforts that are interfering with local control. She asked if this provision in the bill is aimed at the state, federal government, or other entities. Also, she questioned what is meant by increasing parental choice - choice of schools or of participation or other.

[6:15:32 PM](#)

REPRESENTATIVE KELLER responded that he is thinking about the perspective of the local school districts being the closest to the parents. If a school is having problems, the solutions should be worked out with the parents and teachers involved. He said consistent with that, in Section 8 it asks for a review of Title 14 assessment accountability laws with the idea that they

will report back to the legislature in order to reduce undue state control.

[6:16:59 PM](#)

CHAIR DUNLEAVY took up the amendments.

[6:17:31 PM](#)

SENATOR HUGGINS moved Amendment 1 to HB 156, labeled 29-LS0566\X.A.1:

Page 1, line 1, following "Act":

Insert "**relating to a parent's right to direct the education of a child;**"

Page 1, following line 7:

Insert a new bill section to read:

"\* **Section 1.** AS 14.03 is amended by adding a new section to read:

**Sec. 14.03.016. A parent's right to direct the education of the parent's child.** (a) A local school board shall, in consultation with parents, teachers, and school administrators, adopt policies to promote the involvement of parents in the school district's education program. The policies must include procedures

(1) recognizing the authority of a parent and allowing a parent to object to and withdraw the child from a standards-based assessment or test required by the state;

(2) recognizing the authority of a parent and allowing a parent to object to and withdraw the child from an activity, class, or program;

(3) providing for parent notification not less than two weeks before any activity, class, or program that includes content involving human reproduction or sexual matters is provided to a child;

(4) recognizing the authority of a parent and allowing a parent to withdraw the child from an activity, class, program, or standards-based assessment or test required by the state for a religious holiday, as defined by the parent;

(5) providing a parent with an opportunity to review the content of an activity, class, performance standard, or program;

(6) ensuring that, when a child is absent from an activity, class, program, or standards-based assessment or test required by the state under this

section, the absence is not considered an unlawful absence under AS 14.30.020 if the child's parent withdrew the child from the activity, class, program, or standards-based assessment or test or gave permission for the child's absence.

(b) The policies adopted under this section may not allow a parent categorically to object or withdraw a child from all activities, classes, programs, or standards-based assessments or tests required by the state. The policies must require a parent to object each time the parent wishes to withdraw the child from an activity, class, program, or standards-based assessment or test required by the state.

(c) Nothing in this section prohibits a school employee or volunteer from answering a question from a child about any topic.

(d) In this section,

(1) "child" means an un-emancipated minor under 18 years of age;

(2) "local school board" has the meaning given in AS 14.03.290;

(3) "parent" means the natural or adoptive parent of a child or a child's legal guardian;

(4) "school district" has the meaning given in AS 14.30.350.

\* **Sec. 2.** AS 14.03.016(d), enacted by sec. 1 of this Act, is amended by adding a new paragraph to read:

(5) "human reproduction or sexual matters" does not include curricula or materials for

(A) sexual abuse and sexual assault awareness and prevention training required under AS 14.30.355; or

(B) dating violence and abuse awareness and prevention training required under AS 14.30.356."

Page 1, line 8:

Delete "**Section 1**"

Insert "**Sec. 3**"

Renumber the following bill sections accordingly.

Page 14, line 12:

Delete "Section 16"

Insert "Section 18"

Page 14, line 13:

Delete "Sections 10, 12, and 14"  
Insert "Sections 12, 14, and 16"

Page 14, following line 14:

Insert a new bill section to read:

**"\* Sec. 21.** Section 2 of this Act takes effect  
June 30, 2017."

Renumber the following bill sections accordingly.

Page 14, line 15:

Delete "secs. 17 and 18"  
Insert "secs. 19 - 21"

CHAIR DUNLEAVY objected.

[6:17:53 PM](#)

CHRISTA MCDONALD, Staff, Senator Mike Dunleavy, Alaska State Legislature, presented information on HB 156. She explained that Amendment 1 takes components of SB 89 regarding parental rights, (excluding the abortion services provider piece) and would allow parents to opt out of standards based assessments, activities, or programs. It would also provide a notice to parents two weeks before sex education takes place, but it would not require written permission. It creates an opt-out for sex education.

CHAIR DUNLEAVY said SB 89 was thoroughly vetted. He thanked the Association of Alaska School Boards for helping with [Amendment 3].

[6:20:46 PM](#)

At ease

CHAIR DUNLEAVY returned to Amendment 1.

He removed his objection and Amendment 1 was adopted.

[6:21:46 PM](#)

SENATOR HUGGINS moved to adopt Amendment 2 to HB 156, labeled 29-LS0566\X.A.2:

Page 1, line 5, following "**regulations;**":

Insert "**relating to physical examinations for teachers;**"

Page 14, following line 4:

Insert a new bill section to read:

"\* **Sec. 15.** AS 14.30 is amended by adding a new section to read:

**Sec. 14.30.075. Physical examinations for teachers.** (a) A school district may require physical examinations of teachers as a condition of employment. A school district may not pay the cost of physical examinations for teachers. This section does not affect the coverage of any health insurance benefits that a school district provides to teachers.

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

Page 14, line 12:

Delete "Section 16"

Insert "Section 17"

Page 14, line 15:

Delete "secs. 17 and 18"

Insert "secs. 18 and 19"

CHAIR DUNLEAVY objected for discussion.

MS. MCDONALD explained Amendment 2 would eliminate the district's responsibility to pay for mandatory health exams for teachers. It was requested by the Alaska Council of School Administrators (ACSA) and the Alaska Association of School Boards (AASB).

CHAIR DUNLEAVY requested she read Section AS 14.30.075.

MS. MCDONALD read: "A school district may require physical examinations of teachers as a condition of employment. A school district may not pay the cost of physical examinations for teachers."

CHAIR DUNLEAVY moved to adopt Conceptual Amendment 1 to Amendment 2 - to change "may not pay" to "is not required to pay."

SENATOR GARDNER objected.

She asked what the difference is between saying a school district "is not required to pay" and "may not pay."

LISA SKILES PARADY, Executive Director, Alaska Council of School Administrators (ACSA), explained that Amendment 3 is from a

joint effort with AASB and ACSC to eliminate the district's responsibility to pay for physicals as a cost-saving measure. The change to "is not required to pay" is that in different negotiated agreements it is agreed by the parties to pay for physicals. In those cases, ACSA will support the agreements.

[6:25:14 PM](#)

SENATOR GARDNER suggested that it is more direct to say "a school district may pay the cost of physical examinations."

SENATOR HUGGINS commented that "not required" allows them to pay, but it does not imply that they will pay.

CHAIR DUNLEAVY asked if she is requesting the original language.

SENATOR GARDNER clarified, in keeping with the language in the previous sentence, "they may require it," she is suggesting "they may pay."

MS. PARADY appreciated the simpler language, but said it has the connotation that they won't pay unless there is an agreement that they do. She wanted the schools to pay when there are agreements to do so.

SENATOR GARDNER withdrew her objection to Conceptual Amendment 1 to Amendment 2.

CHAIR DUNLEAVY withdrew his objection to Amendment 2. Seeing no further objection, Amendment 2 was adopted.

[6:26:55 PM](#)

SENATOR HUGGINS moved to adopt Amendment 3, labeled 29-LS0566\X.A.3:

Page 1, line 1, following "**Act**":

Insert "**relating to questionnaires and surveys administered in public schools;**"

Page 14, following line 5:

Insert a new bill section to read:

"\* **Sec. 16.** Section 4, ch. 2, SSSLA 2015 is repealed."

Renumber the following bill sections accordingly.

Page 14, line 12:

Delete "Section 16"

Insert "Section 17"

Page 14, line 15:

Delete "secs. 17 and 18"

Insert "secs. 18 and 19"

CHAIR DUNLEAVY objected for discussion.

MS. MCDONALD read Amendment 3.

NORM WOOTEN, Executive Director, Association Alaska of School Boards (AASB), presented information on Amendment 3. He said that AASB administers the School Climate and Connectedness Survey (SCCS) that is given to about 35 districts throughout Alaska each year. He clarified that the surveys do not ask for private student information, but are to improve school climate and eliminate destructive behaviors. The information is used to teach healthy behaviors. The survey is available for parents to look at and parents are allowed to opt out, but very few do.

[6:29:58 PM](#)

CHAIR DUNLEAVY withdrew his objection and Amendment 3 was adopted.

SENATOR HUGGINS moved to adopt Amendment 4, labeled 29-LS0566\X.A.4:

Page 1, line 5, following "**regulation;**":

Insert "**relating to suicide awareness and prevention training;**"

Page 8, line 12:

Delete "at a school receives"

Insert "**by the district receive** [AT A SCHOOL RECEIVES]"

Page 8, line 13:

Delete "at each school receives"

Insert "**by the district receive** [AT EACH SCHOOL RECEIVES]"

Page 9, line 19:

Delete "at a school receives"

Insert "**by the district receive** [AT A SCHOOL RECEIVES]"

Page 9, line 21:

Delete "at each school receives"  
Insert "by the district receive [AT EACH SCHOOL RECEIVES]"

Page 11, line 1:

Delete "at a school receives"  
Insert "by the district receive [AT A SCHOOL RECEIVES]"

Page 11, line 2:

Delete "at each school receives"  
Insert "by the district receive [AT EACH SCHOOL RECEIVES]"

Page 12, line 14:

Delete "at a school receives"  
Insert "by the district receive [AT A SCHOOL RECEIVES]"

Page 12, line 16:

Delete "at each school receives"  
Insert "by the district receive [AT EACH SCHOOL RECEIVES]"

Page 13, line 8:

Delete "at a school receives"  
Insert "by the district receive [AT A SCHOOL RECEIVES]"

Page 13, line 9:

Delete "at each school receives"  
Insert "by the district receive [AT EACH SCHOOL RECEIVES]"

Page 14, line 2:

Delete "at a school receives"  
Insert "by the district receive [AT A SCHOOL RECEIVES]"

Page 14, line 3:

Delete "at each school receives"  
Insert "by the district receive [AT EACH SCHOOL RECEIVES]"

Page 14, following line 4:

Insert a new bill section to read:

"\* **Sec. 15.** AS 14.30.362(a), added by sec. 15, ch. 2, SSSLA 2015, is amended to read:

**Sec. 14.30.362. Suicide awareness and prevention training.** (a) A school district and the department shall provide youth suicide awareness and prevention training approved by the commissioner to each teacher, administrator, counselor, and specialist who is employed by the district or department to provide services to students [IN GRADES SEVEN THROUGH 12] in a public school in the state at no cost to the teacher, administrator, counselor, or specialist."

Renumber the following bill sections accordingly.

Page 14, line 12:

Delete "Section 16"

Insert "Section 17"

Page 14, following line 14:

Insert a new bill section to read:

"\* **Sec. 20.** Section 15 of this Act takes effect on the effective date of sec. 15, ch. 2, SSSLA 2015."

Renumber the following bill section accordingly.

Page 14, line 15:

Delete "secs. 17 and 18"

Insert "secs. 18 - 20"

CHAIR DUNLEAVY objected for discussion. He said that Amendment 4 is an effort by several agencies.

MS. MCDONALD explained Amendment 4 makes technical corrections to HB 44 trainings. It replaces "school" with "district" and removes "in grades seven through 12."

[6:31:23 PM](#)

SUSAN MCCAULEY, Interim Commissioner, Department of Education and Early Development (DEED), explained the change in wording from "school" to "district" is in response to a belief in districts that quantifying data at the school level may be overly burdensome. When a school or district is held to a certain percentage of its educators who need to have received training, and the tracking of meeting that percentage is at the school level, it can vary widely year to year. She gave an example. Amendment 4 deals with accountability at the district

level, which is far easier to track, rather than at the school level.

[6:33:25 PM](#)

CHAIR DUNLEAVY withdrew his objection and Amendment 4 was adopted.

SENATOR HUGGINS moved to adopt Amendment 5, labeled 29-LS0566\X.A.5:

Page 1, line 5, following "**regulations;**":

Insert "**relating to contracts for student assessments;**"

Page 14, following line 4:

Insert a new bill section to read:

"\* **Sec. 15.** AS 36.30.850(b) is amended by adding a new paragraph to read:

(47) contracts of the Department of Education and Early Development for student assessments required under AS 14.03.123 and AS 14.07.020."

Renumber the following bill sections accordingly.

Page 14, line 12:

Delete "Section 16"

Insert "Section 17"

Page 14, line 15:

Delete "secs. 17 and 18"

Insert "secs. 18 and 19"

CHAIR DUNLEAVY objected for discussion.

[6:33:56 PM](#)

MS. MCDONALD explained Amendment 5 would exempt DEED from procurement exemption for the purposes of a standardized assessment.

DR. MCCAULEY clarified that Amendment 5 is in a statute related to the state's procurement code. It adds to the list of exemptions in the state mandated procurement code for the purposes of standardized assessments. The state would still need to go through a process for selecting an assessment, but it would not hold the state to expectations of the procurement code and process which requires a formal RFP, bids or proposals to be

submitted, a committee to be formed, scoring criteria to be considered, and time constraints. It may or may not result in putting the state in the best position to negotiate, financially, for an assessment; is not a speedy or efficient process. She gave an example of states that have this exemption and more flexibility in selecting a vendor. The state would be freer using an RFI and could negotiate directly with vendors.

[6:37:27 PM](#)

SENATOR GARDNER noted there is an RFP process that is supposed to safeguard state purchasing, but cost more in some ways. She asked if the amendment provides flexibility and makes things faster and cheaper.

DR. MCCAULEY said there are current circumstances that make this amendment necessary, but she thought it would also be applicable in the future. Current circumstances include a short timeline. The previous process did not result in a satisfactory result.

She gave examples of similar exemptions within the procurement code.

She commented on the high level of engagement by the working group of superintendents. The procurement process is limiting and closely governed. She opined that it is possible, if not probable, that a better process is needed in order to have a better outcome.

[6:40:43 PM](#)

SENATOR GARDNER agreed that if the process limits engagement to the extent that there are 47 waivers there might be a different problem than Amendment 5 fixes.

CHAIR DUNLEAVY removed his objection and Amendment 5 was adopted.

[6:41:05 PM](#)

SENATOR HUGGINS moved Amendment 6, labeled 29-LS0566\X.A.6:

Page 1, line 5, following "**regulations;**":

Insert "**repealing the minimum expenditure for instruction for school districts;**"

Page 14, following line 4:

Insert a new bill section to read:

"\* **Sec. 15.** AS 14.17.520 is repealed."

Renumber the following bill sections accordingly.

Page 14, line 12:

Delete "Section 16"

Insert "Section 17"

Page 14, line 15:

Delete "secs. 17 and 18"

Insert "secs. 18 and 19"

CHAIR DUNLEAVY objected for discussion.

MS. MCDONALD explained Amendment 6 repeals the 70 percent rule. This repeal has been requested by the AASB Resolution 2.20 and the Alaska State Board of Education. They feel the rule itself applies an arbitrary percentage to a complex system.

[6:41:34 PM](#)

DR. PARADY spoke in support of Amendment 6, to repeal the minimum expenditure for instruction for school districts. Last year there were 24 school districts that had to request a waiver. She noted that historically up to half of school districts require a waiver each year. She maintained the 70/30 percent requirement was arbitrary to begin with. She said numerous rural districts are structurally unable to meet the requirement. She described the two patterns of waivers rural sites are requesting - districts with budgets of \$3 million or less and districts with operations and maintenance over 20 percent of the operating fund budget.

She said there already is a mechanism in place to monitor district spending. Budget reviews will continue to take place without the 70/30 rule. The State Board of Education also supports Amendment 6.

[6:44:51 PM](#)

SENATOR GARDNER asked Dr. McCauley if there is any value in retaining the 70/30 language.

DR. MCCAULEY said the school board felt that due to all the waivers there was something wrong with the 70 percent rule. Also, the time it takes to justify those numbers is no longer justified. She said the original intent was valuable, to prioritize that money be spent on instruction, however, there are other methods that account for spending.

[6:47:04 PM](#)

SENATOR GARDNER asked whether, with passage of Amendment 6, a smaller portion of school funds is going to go into instruction.

DR. MCCAULEY did not assume that. She opined that schools would continue to spend as much, or more, on instruction.

CHAIR DUNLEAVY recalled the history of the rule. He said over time it has become more of an exercise. Once it is determined what schools should be measuring, resources will be allocated to support outcomes.

[6:48:50 PM](#)

CHAIR DUNLEAVY removed his objection and Amendment 6 was adopted.

[6:48:58 PM](#)

CHAIR DUNLEAVY opened public testimony.

[6:49:34 PM](#)

DAVID NEES, representing himself, testified in opposition to HB 156. He spoke in opposition to Amendment 6. He opined that the bill will eliminate accountability at the local and district levels, and the responsibility will fall to the legislature if there is an issue. ESSA is required by the federal government and has a fine if it is not used. He said he is also concerned with other aspects of the bill.

CHAIR DUNLEAVY noted the bill will be held over.

[6:53:20 PM](#)

JACK WALSH, Superintendent, Craig School District, testified in support of HB 156. He spoke of the accommodations that will make it easier for districts to meet the intent of the law. He commented on Amendment 6 and described the difficulties of smaller districts. He agreed the 70 percent rule is not the only measure of accountability and that schools will continue to put resources into the classrooms.

[6:56:25 PM](#)

BARBARA HANEY, representing herself, testified in general support of HB 156. She had some concerns with the waiver of the procurement process for assessments. She suggested including parent input more.

[6:57:37 PM](#)

SENATOR GARDNER asked about her concerns with the procurement code waiver.

DR. HANEY believed that all state resources should go through the procurement process. She said other states have had issues when they did not follow procurement processes. She suggested to have a streamlined process.

[6:59:09 PM](#)

ED GRAY, representing himself, testified in support of HB 156. He spoke about parental rights. He said there was no partnership with the state by the federal government and federal law was imposed on schools. He encouraged parents to be a part of the conversation.

CHAIR DUNLEAVY commented that many are concerned with imposition by the state and the federal government leading to discontent. He concurred with Mr. Gray and others regarding parent rights.

[7:03:33 PM](#)

MS. PARADY spoke as the ASSA executive director and said ASSA has concerns about having a robust accountability system and an on-going working group involved in the process. She voiced appreciation for the sponsor saying he wants to "do this right, not fast." She noted the indeterminate fiscal note causes concern regarding federal funding because districts cannot survive without Title funds.

CHAIR DUNLEAVY appreciated the sponsor bringing the bill forward. He discussed his discontent with the federal government. In 2001 this component was put into NCLB because the federal government thought that schools would try to mask low-performing sub groups. He said this bill is close to calling the federal government's bluff and he is willing to find out what the consequences are. He did not see the sponsor or the body putting Alaska on a suicide mission with the federal government.

[7:07:51 PM](#)

SENATOR GARDNER commented that the bill requires a hiatus from assessments and emphasizes local control. She asked whether the bill prohibits districts from offering assessments.

MS. PARADY opined that it does not.

[7:08:49 PM](#)

DR. MCCAULEY addressed Senator Gardner's question saying the language does not prohibit a district from administering a state assessment; it says the state may not require a school district or a school to administer a statewide standards-based

assessment. The problem Dr. Parady spoke to is that federal language requires DEED to assess all students in grades 3-8 and once in high school. The concern is if that is the federal requirement, it is possible, and quite likely, that the state will be out of compliance with federal law.

The indeterminate fiscal note reflects that concern. The bill speaks to a two-year hiatus, and within that time period a new state plan must be offered to comply with ESSA. It is not known what the ramifications may be. Title funding might be at risk for the amount of \$99 million, which is why the fiscal note is indeterminate up to \$99 million.

[7:11:54 PM](#)

CHAIR DUNLEAVY concluded that the ship has already sailed and the department has already suspended the AMP assessments. No one wants to endanger Alaska, but the state needs to find out the consequences, in light of lack of response by the federal government.

[7:12:55 PM](#)

SENATOR GARDNER agreed they are important considerations. She asked if a district wants to assess their students, is there a path to do so, a test to use, and a cost.

DR. MCCAULEY said the assessment mentioned in the bill is not relevant to what districts might choose should they want to test locally. It is speaking specifically to the state mandated assessment, not the ones districts could use. The bill does not pertain to assessments in general. Districts could choose to administer the state mandated assessment, but they are not required to do so.

SENATOR GARDNER asked, if a district wanted to do an assessment, could they use the NAPE test.

[7:15:13 PM](#)

DR. MCCAULEY said it would not meet federal requirements in many ways.

SENATOR GARDNER asked if it could be adapted to meet federal requirements.

DR. MCCAULEY did not believe so.

[7:17:54 PM](#)

CHAIR DUNLEAVY held HB 156 in committee with public testimony open.

7:18:03 PM

There being no further business to come before the committee, Chair Dunleavy adjourned the Senate Education Standing Committee at 7:18 p.m.