

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

March 27, 2020

8:07 a.m.

MEMBERS PRESENT

Representative Harriet Drummond, Co-Chair
Representative Andi Story, Co-Chair
Representative Grier Hopkins
Representative Chris Tuck
Representative Tiffany Zulkosky (via teleconference)
Representative Mike Prax

MEMBERS ABSENT

Representative DeLena Johnson

COMMITTEE CALENDAR

HOUSE BILL NO. 153

"An Act relating to early education programs provided by school districts; relating to funding for early education programs; and relating to the duties of the state Board of Education and Early Development."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 153

SHORT TITLE: PRE-ELEMENTARY PROGRAMS/FUNDING

SPONSOR(S): REPRESENTATIVE(S) DRUMMOND

05/07/19	(H)	READ THE FIRST TIME - REFERRALS
05/07/19	(H)	EDC, FIN
03/09/20	(H)	EDC AT 8:00 AM DAVIS 106
03/09/20	(H)	Heard & Held
03/09/20	(H)	MINUTE(EDC)
03/11/20	(H)	EDC AT 8:00 AM DAVIS 106
03/11/20	(H)	Heard & Held
03/11/20	(H)	MINUTE(EDC)
03/14/20	(H)	EDC AT 1:00 PM DAVIS 106
03/14/20	(H)	Heard & Held
03/14/20	(H)	MINUTE(EDC)
03/25/20	(H)	EDC AT 8:00 AM DAVIS 106
03/25/20	(H)	Scheduled but Not Heard

03/26/20 (H) EDC AT 8:00 AM DAVIS 106
03/26/20 (H) -- Continued from 3/25/20 --
03/27/20 (H) EDC AT 8:00 AM DAVIS 106

WITNESS REGISTER

LOKI TOBIN, Staff
Senator Tom Begich
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: During the hearing on HB 153, gave a continuation of the sectional analysis begun on 3/26/20.

MICHAEL JOHNSON, Ph.D., Commissioner
Department of Education and Early Development
Juneau, Alaska

POSITION STATEMENT: Offered information and answered questions during the hearing on HB 153.

KAREN MELIN, Deputy Commissioner
Department of Education and Early Development
Juneau, Alaska

POSITION STATEMENT: Provided information during the hearing on HB 153.

ACTION NARRATIVE

[8:07:07 AM](#)

CO-CHAIR HARRIET DRUMMOND called the House Education Standing Committee meeting to order at 8:07 a.m. Representatives Story, Hopkins, Zulkosky (via teleconference), Tuck, Prax, and Drummond were present at the call to order.

HB 153-PRE-ELEMENTARY PROGRAMS/FUNDING

[8:08:17 AM](#)

CO-CHAIR DRUMMOND announced that the only order of business would be HOUSE BILL NO. 153, "An Act relating to early education programs provided by school districts; relating to funding for early education programs; and relating to the duties of the state Board of Education and Early Development." [Before the committee was the proposed committee substitute (CS) for HB 153, Version 31-LS0928\U, Caouette, 3/4/20, adopted as a working document during the House Education Standing Committee meeting on 3/9/20.]

CO-CHAIR DRUMMOND noted that at its last meeting, the committee had left off part way through a sectional analysis of Version U. She told the committee that Legislative Legal Services was unable to take on amendments for anything other than "end of session bills," so she said she would like to discuss potential amendments that might go into a committee substitute when the committee moves forward with HB 153.

[8:09:43 AM](#)

LOKI TOBIN, Staff, Senator Tom Begich, Alaska State Legislature, recollected that committee members had indicated they had questions regarding Section 12 in the sectional analysis, which read as follows [original punctuation provided]:

Section 12. Amends AS 14.07.165(a), relating to the duties of the state Board of Education and Early Development (board) and directs the board to adopt regulations establishing standards for an early education program that is (1) half-day, (2) full-day, and (3) less than half day and is locally designed and evidence-based. The lead teacher of a program must hold a valid teacher CS HB 153 v. U | 3.4.2020 | 3 certificate and have satisfactorily completed a minimum of six credit hours in early childhood education or completed the six credits within one year of the teacher's employment or have two or more years of experience teaching kindergarten or other early education programs. Regulations must also establish the development of appropriate objectives and accommodations for all children, which allow districts to adapt content to be culturally appropriate to local communities.

[8:10:52 AM](#)

The committee took an at-ease from 8:10 a.m. to 8:11 a.m.

[8:11:39 AM](#)

CO-CHAIR DRUMMOND noted that Section 12 was on pages 10-11 of Version U.

[8:11:49 AM](#)

CO-CHAIR STORY directed attention to language in paragraph (5), on page 11 of Version U, beginning on line 5, which read:

(5) regulations establishing standards for an early education program provided by a school district for children who are four and five years of age

CO-CHAIR STORY posited that the language would be strengthened by adding "locally designed, evidence-based" before "early education program". She said as the analysis continued, she would be pointing out areas where the policy being put forth was perhaps too specific, when policy is usually broader than regulation. She then brought attention to page 11, line 11, which specified a full-day program as consisting of six hours, and she offered her understanding that a lot of the programs were four hours.

[8:13:27 AM](#)

MS. TOBIN recommended inserting the Alaska statute that defines school hour days instead of delineating standards for a half-day program, and full-day program, and a locally designed program.

CO-CHAIR STORY directed attention to language on page 11, beginning on line 14, which read as follows:

(B) a requirement that a teacher in charge of a program hold a valid teacher certificate issued under AS 14.20

CO-CHAIR STORY said she would like clarification as to whether that refers to a school-level or school district-level program. She said there are instances where certified teachers would oversee many schools; there would be different levels of teachers working there, and there may be paraprofessionals.

MS. TOBIN indicated that Anji Gallanos and the National Institute for Early Education Research (NIEER) worked together to draft the standards, which delineate the qualifications for a pre-K program. One of those qualifications is having a certified teacher in charge of the classroom. She offered her understanding that the language of sub-paragraph (B) refers to the lead teacher in a classroom, who would be assisted by paraprofessionals or educational aides.

CO-CHAIR STORY expressed her interest in hearing more on the topic from [feet]-on-the-ground leaders.

[8:16:05 AM](#)

CO-CHAIR DRUMMOND noted that Anji Gallanos was the early learning director for the Department of Education and Early Development (DEED) before moving to Colorado to run its early learning program. She said these standards were written by Ms. Gallanos before she left Alaska.

MS. TOBIN confirmed that Ms. Gallanos wrote the standards in collaboration with NIEER. Further, she noted the standards were drafted in consultation with "the Oklahoma model," which she said is one of the longest-running early education pre-K programs in the nation. She indicated that the standards were from SB 6, which was introduced at the beginning of the current legislative session. She said the precursor to that was Senate Bill 99. In response to Co-Chair Drummond, she confirmed that SB 6 addressed preschool.

[8:17:05 AM](#)

REPRESENTATIVE PRAX commented that in the industrial world, standards take away local decision making. He asked for more information regarding the following terms, in relation to the field of education: national standards, teacher certification, and local control.

[8:18:21 AM](#)

REPRESENTATIVE TUCK noted that the section being discussed addresses that which is the responsibility of the board, and the board has regulatory authority. Under Version U, the new language in paragraph (5) would be adopted [language previously provided], and he said he thinks that would leave local control. He expressed concern that getting too prescriptive in this section would result in micromanaging local districts. He said, "If people have a problem with half-day, full-day, then we just go right back to the statutes if that makes things simpler." [Regarding the suggested language from Co-Chair Story], he said he thinks "this whole thing" is about evidence-based programs. He added, "If we need to put it in other statutes and other areas of the bill, I guess I'm okay with that, but I think this whole thing is designed around evidence-based programs."

[8:19:48 AM](#)

CO-CHAIR DRUMMOND pointed out that "locally designed, evidence-based" is already on page 11, line 12; therefore, she questioned whether it needs to be repeated. Regarding what the regulations must include [under Version U], she then paraphrased [subparagraph (A)], which read as follows:

(A) standards for a
(i) half-day program consisting of
not less than two and one-half hours;
(ii) full-day program consisting
of six hours; and
(iii) locally designed, evidence-
based program that is less than half a day that meets
early education program standards;

CO-CHAIR DRUMMOND observed that it looks like "locally designed, evidence-based" applies just to and half-day program.

[8:20:30 AM](#)

MS. TOBIN echoed Co-Chair Story's recommendation by suggesting that "locally designed, evidence-based" could be added on page 11, line 5. She then suggested that "(A) standards for a" [on line 8] be deleted and replaced with language referring to the statute pertaining to the definition of a school day. She said [sub-subparagraphs] (i) and (ii) could be removed. She deferred to Commissioner Johnson for more input.

[8:21:47 AM](#)

MICHAEL JOHNSON, Ph.D., Commissioner, Department of Education and Early Development, related that there are no mandated national standards in education. He explained that national groups come together to create standards from which states can draw to create their own unique standards. Further, he stated that Alaska has state-adopted standards, but they are not mandated. He listed two of the five questions pertaining to students. The first is: What do we want them to know and do? That is answered with effective standards. The second question is: How will we teach them those standards? The answer is effective curriculum and instruction. In response to Co-Chair Drummond, he named the remaining five essential questions to be answered daily on behalf of every student. Question three is: How will we know if they've learned it? That question is answered through effective assessments. Question four is: What will we do if they don't learn it? The answer is through effective intervention. Question five is: What will we do if

they already know it? The answer to that is through effective enrichment. He said answering those questions for every student, every day, will lead to an excellent education.

[8:24:57 AM](#)

CO-CHAIR DRUMMOND recapped that the committee would make sure that the term "locally designed, evidence-based" would be applied to all [paragraph (5)] on page 11.

[8:25:19 AM](#)

REPRESENTATIVE HOPKINS recollected that Commissioner Johnson had mentioned at a previous meeting "having a lot of these regulations in front of the state school board" by March or April. He asked whether that timeline was still in effect.

COMMISSIONER JOHNSON said he does not have a timeline; he has had to readjust the schedule. He said the department would like the regulation writing process to be an inclusive one. He expressed excitement over passage of HB 153 and bringing stakeholders together and gathering input from parents and others around the state to put together regulations to implement the bill as effectively as possible.

REPRESENTATIVE HOPKINS expressed his hope that the committee would find ways to add language to include educators' voices from all levels of the field.

[8:27:02 AM](#)

CO-CHAIR DRUMMOND expressed confidence that HB 153 would be passed by the legislature.

[8:27:38 AM](#)

CO-CHAIR STORY asked how Head Start fits into the picture. She returned to her previous question about programs and whether that applies to Head Start and other partners with which [DEED] works closely.

[8:29:15 AM](#)

MS. TOBIN responded that HB 153 does address regulation, reform, or change that would apply to Head Start and change the way DEED interacts with Head Start. She deferred to Commissioner Johnson for further comment.

[8:29:55 AM](#)

COMMISSIONER JOHNSON proffered that HB 153 would provide the opportunity to grow the early childhood community. He said the Alaska Early Childhood Coordinating Council (AECCC) is a group that advocates for early childhood, and passage of HB 153 would add another element in that group's conversation about supporting Head Start and other early childhood programs and ensuring work is done with the shared vision of getting students reading by the end of third grade. In response to Co-Chair Drummond's question of who comprised the AECCC, when the group met, and how they were supported, he replied the AECCC was comprised of over 20 experienced representatives from various early childhood advocacy and support programs in Alaska, met quarterly, and was co-chaired by the commissioner of the Department of Education and the commissioner of the Department of Health and Social Services. The AECCC was begun under Governor Sean Parnell, he imparted.

[8:32:59 AM](#)

CO-CHAIR STORY returned to the language [in subparagraph (B)], on page 11, lines 14-15, [text previously provided]. She asked Commissioner Johnson her question about whether the program was at the school district level or school level.

COMMISSIONER JOHNSON responded that program participation varies by school; therefore, he suggested that "program" could refer to the school level. He deferred to Ms. Tobin for further response.

[8:35:47 AM](#)

MS. TOBIN said the standards were drafted based on NIEER, which states that highly qualified, well-compensated teachers are critical for the success of a high-quality, early education program. She said in a small school there may be a certified teacher overseeing several classrooms, with the help of paraprofessionals and instructional aides; in other schools there may be one teacher in the classroom. She said the program has not yet been implemented, so that information is yet unknown. She stated that because of the stair-stepping grant program delineated in Section 8, there will be opportunities for districts to receive additional resources to build their capacity and offer training. Those receiving grants will have the opportunity to earn the certifications necessary to ensure

high quality early education programs are produced in communities.

[8:37:13 AM](#)

MS. TOBIN, in response to Co-Chair Drummond, said currently 26 districts offer some kind of pre-K program.

[8:37:54 AM](#)

COMMISSIONER JOHNSON, to the question of whether each of those 26 districts have at least one teacher with a valid teacher's certificate in early childhood education, said he would research for an answer. He said the programs vary a great deal; some are in partnership with municipalities, while others are partnership with Head Start or other programs.

[8:38:41 AM](#)

REPRESENTATIVE HOPKINS asked whether, under statute, there was currently a certificate for early education teachers.

COMMISSIONER JOHNSON answered that he knows there is an endorsement for early childhood on a teaching certificate, but he said he would need to research to confirm whether there was a standalone early childhood certificate.

REPRESENTATIVE HOPKINS asked whether that would be like having a secondary teacher's certificate and then having an endorsement to teach art or biology, for example.

COMMISSIONER JOHNSON answered that he thinks what Representative Hopkins was saying was correct. He related that he had just been made aware that there is a "type E" certificate for early childhood.

[8:40:50 AM](#)

CO-CHAIR DRUMMOND said she had received a note from Posie Boggs, of the Alaska Reading Coalition, who has been helpful concerning HB 153. She said Ms. Boggs has asked the committee to think about the locally designed, evidence-based program term. Co-Chair Drummond said she does not know where that definition would be derived.

[8:41:22 AM](#)

MS. TOBIN said the definition is provided in Version U of HB 153, [in Section 18, subsection (1), paragraph (1)], on page 19, beginning on line 28, which read as follows:

(1) "evidence-based reading intervention" means an intervention based on reliable, trustworthy, and valid evidence that has a demonstrated record of success in adequately increasing a student's reading competency in the areas of phonemic awareness, phonics, vocabulary development, reading fluency, oral language skills, and reading comprehension;

MS. TOBIN explained that "intervention" was included as part of drafting from Legislative Legal and Research Services and may be considered for deletion. As for "locally designed," she said she thinks there are Alaska standards, and she deferred to Commissioner Johnson for comment.

[8:42:15 AM](#)

CO-CHAIR DRUMMOND remarked that on page 11 the subject is the early education program, and "hopefully we're not yet at the reading intervention stage with those kids." She said she would like to see a definition added.

[8:42:40 AM](#)

REPRESENTATIVE HOPKINS, returning to the subject of a type E certificate, indicated that a staff person from Representative Story's office had handed him some information that the type E childhood certificate is earned with an associate degree and 20 hours of supervised practice. He asked whether this certificate is what will be used going forward to determine who is qualified as a certificated early education teacher.

[8:43:30 AM](#)

COMMISSIONER JOHNSON confirmed that that is the current requirement to earn a type E certificate, and he said he has not contemplated a change to that requirement; however, he said as the bill is interpreted and regulations are created, that is something that could be revisited. He surmised that requirement is based on the practice of other states, but information could be gathered as to what other states are doing.

REPRESENTATIVE HOPKINS concluded that those regulations had not yet been decided.

[8:44:26 AM](#)

MS. TOBIN moved on to Sections 13-16 of the sectional analysis, which read as follows [original punctuation provided]:

Section 13.

Amends AS 14.17.500 by adding new subsection (d) that establishes an early education student shall be counted in the school district's average daily membership (ADM) as a half day student once the early education program has been approved by the department.

Section 14.

Amends AS 14.17.905(a) to include students in early education programs approved by the department in the definition of an elementary school.

Section 15.

Amends AS 14.17.905 by adding new subsection (d) to avoid letting school districts count pre-K students twice in Foundation Formula ADM calculations.

Section 16.

Amends AS 14.20.015(c) to ensure teaching certificate reciprocity for teachers moving to Alaska from out-of-state and adds that such teachers must complete at least three credits or equivalency in evidence-based reading instruction in order to be eligible for an Alaska teaching endorsement in elementary education.

[8:46:25 AM](#)

REPRESENTATIVE PRAX asked whether the federal funding referred to in Section 15 pertains to the Head Start program.

MS. TOBIN answered that Section 15 essentially says that an early education student cannot be counted twice, for example if a student is in a Head Start program and a pre-K program. She clarified, "You can't receive state funds and federal funds for the same student."

[8:47:09 AM](#)

CO-CHAIR DRUMMOND shared that what makes this confusing is that the federal money for Head Start, which she said she thinks is about \$48 million to Alaska, must be triggered by about \$6

million seed money from the state. She said the language should read "state and federal funding".

[8:47:38 AM](#)

CO-CHAIR STORY said she can see it could be valuable for a child to attend Head Start in the morning and another program in the afternoon, and she would not want funding compromised in this scenario.

MS. TOBIN said as the regulations are not yet written, she would defer to Commissioner Johnson.

[8:48:44 AM](#)

COMMISSIONER JOHNSON said he thinks that would need to be worked out in regulation. Head Start, being a federal program, has its own rules and regulations, so DEED would want "to be careful that we don't inadvertently bump into those in a way that is not helpful." He said it would be necessary to consider all the programs out there to ensure whatever regulations are worked out do not interfere with the federal rules surrounding Head Start.

[8:49:55 AM](#)

KAREN MELIN, Deputy Commissioner, Department of Education and Early Development, stated that because Head Start is both federally and state-funded, DEED would work to write regulations in a way that maximizes opportunity for students first and then ensures that partnerships between districts and Head Start programs work to the best advantage of students.

[8:53:04 AM](#)

MS. MELIN, in response to a request for information from Representative Prax, explained that Head Start is national program, which has ways to support children in poverty. It has half-day and full-day programs; it has center-based and home-based programs. Further, there is early Head Start, which tends to the needs of those from birth to age three. She said across Alaska, there are programs in each of those categories: home-based, part-time, and full-time. She said there is partnership with school districts where the district sends instruction and support for students. She said, "All of them have an agreement, or [memorandum of agreement] (MOA) with Child Find, which helps them locate those students that are in the greatest need of this kind of support." She described Head Start as an "all-

encompassing ... opportunity for the children in poverty." She said she could provide more information to Representative Prax.

REPRESENTATIVE PRAX mentioned competition in the realm of business but proffered that the state does not want to be competing with Head Start; therefore, "we'd need to know what they do so we're doing something different."

MS. MELIN confirmed that DEED wants to make sure Alaska is complementing Head Start programs with its district programs, to "work in concert instead of in conflict."

[8:56:46 AM](#)

MS. TOBIN moved on to Section 17 in the sectional analysis, which read as follows [original punctuation provided]:

Section 17.

Amends AS 14.20.020 by adding new subsection (1) that requires all teachers to complete at least three credits or equivalency in evidence-based reading instruction in order to be eligible for an endorsement in elementary education.

[8:57:25 AM](#)

MS. TOBIN, in response to a question from Co-Chair Story about the requirement to complete instruction, pointed out the language about equivalency on page 13, line 8.

[8:58:06 AM](#)

MS. TOBIN returned attention to the sectional analysis. She began reading Section 18, which starts out as follows [original punctuation provided]:

Section 18.

Establishes Article 15, Reading Intervention Programs.

Establishes AS 14.30.760, a comprehensive reading intervention program, designed to increase literacy for children in kindergarten through grade three. The department will be required to establish a system of support for teachers of kindergarten through grade three students, adopt a statewide screening or assessment tool to identify students with reading deficiencies, and provide support to teachers of

kindergarten through grade three students through training on the use of the statewide screening or assessment tool and on the science of reading.

[8:59:13 AM](#)

REPRESENTATIVE HOPKINS noted that at a previous meeting, the commissioner had said students would be assessed on the effectiveness of their reading through the development of a number of different assessments and opportunities to determine the proficiency of each reader. Representative Hopkins observed that what Ms. Tobin had just read seems to indicate that it would be one type of assessment given several times a year. He said he assumes that assessment has not yet been developed. He asked Commissioner Johnson to discuss who he sees being involved in the development and whether "active educators" would "be at that table."

[9:00:09 AM](#)

COMMISSIONER JOHNSON responded that what is being discussed is a screener, which he compared to triage. The purpose of the screener is to identify when a student may be struggling on the pathway to reading proficiency. The screeners are based on five components of reading; they are also used to identify when dyslexia may be an issue. He said most districts are already providing these screening tools. He said there certainly would be public input in the selection process and board process of choosing a statewide screener. He said DEED would allow those districts that already have an evidence-based screener to continue using it, as long as it meets "those requirements" so that no previous progress is lost.

[9:01:25 AM](#)

REPRESENTATIVE HOPKINS remarked that he would work with the bill sponsor and the committee to ensure an active educator voice is involved in the project. Regarding the mention of dyslexia in the bill language, he said there are many types of reading deficiencies, and he recommended the language indicate a broader picture for the sake of inclusivity.

[9:02:41 AM](#)

CO-CHAIR DRUMMOND suggested the language, instead of just "including students with characteristics of dyslexia", could say "including but not limited to". She offered her understanding

that this is the first time "dyslexia" would appear in statute, which she opined would be "a huge step forward for ... education."

REPRESENTATIVE HOPKINS emphasized his goal of not limiting the scope of "what those deficiencies look like."

CO-CHAIR DRUMMOND reminded Representative Hopkins that the entire Alaska Reads Program is based on reading proficiency and the dyslexic task force she chaired a couple years ago that drew attention to the issue of dyslexia, and she said she would like committee members to receive the reported results of that task force. In response to Representative Hopkins, she said she thinks more than just dyslexia was the focus of the taskforce, but dyslexia is the most common form of reading deficiency.

REPRESENTATIVE HOPKINS opined that while it is good to get scientific words in statute, he does not think "that's the right limiting factor we should look at."

[9:05:12 AM](#)

REPRESENTATIVE PRAX recommended omitting "dyslexia", because "reading deficiencies" is a broad term.

CO-CHAIR DRUMMOND explained that would not happen because it is critical to include "dyslexia" as the principle reading deficiency of students, and it has taken years for it to be recognized; teachers have been told not to talk about it in the past. She said dyslexia needs to be addressed early on, so that students with it can be given an opportunity to read proficiently.

REPRESENTATIVE PRAX explained that he was focusing on the writing style, and he suggested that instead of "including", the committee could choose "especially" or "such as". He opined that when a broad term is used, followed by an example, "it tends to exclude everything else."

[9:06:56 AM](#)

REPRESENTATIVE HOPKINS indicated he saw both Representative Prax' and Co-Chair Drummond's points. He said, "If we included the words 'reading disabilities such as dyslexia', that might allow us to also start including other physical disabilities"

CO-CHAIR DRUMMOND said she thinks "such as" is a good idea. She offered her belief that one of the principal recommendations of the task force was to make sure dyslexia was named and defined in statute. She said she would not be surprised to find a definition of dyslexia "further back in this bill."

REPRESENTATIVE HOPKINS said he hoped dyslexia "has a common definition, as well."

[9:08:20 AM](#)

CO-CHAIR STORY directed attention to page 13, line 14, which introduces reading intervention programs. She said she thinks this is part of a core reading program and what many schools are incorporating in a basic Tier I reading program. She said she would like to know where, in standards, is written what the state's core reading program should comprise. She noted line 29 [on page 14] shows "district reading intervention services", but she opined that Article 15 should say "evidence-based reading programs", because intervention should be part of the core program.

[9:09:52 AM](#)

COMMISSIONER JOHNSON responded, "Those would be in our Alaska state standards for English language arts, and they would be embedded there in our standards." He said Co-Chair Story is correct that intervention should not be outside of the core program. He said any amendment that emphasizes that every classroom should be using evidence-based reading strategies is good, because teaching reading based on the five components of reading has been scientifically proven to work.

[9:12:05 AM](#)

CO-CHAIR STORY opined that it would strengthen the Alaska Reads Act to change "Reading Intervention Programs" to "Evidence-based Reading Programs". She indicated that [on page 13, at line 27,] a [subparagraph] (D) would need to be added to state, "reading for comprehension".

[9:12:32 AM](#)

CO-CHAIR DRUMMOND said she thinks the committee should also look at existing statute AS 14.3 to ensure it does not already include a section on reading programs.

[9:13:01 AM](#)

MS. TOBIN shared that the statute to look at would be AS 14.07.180. She offered her understanding that Commissioner Johnson may have some recommended language.

[9:13:31 AM](#)

COMMISSIONER JOHNSON recalled that a few years ago, then Senator McKinnon had proposed language to review curriculum around the state to report what each school was using as curriculum. He said DEED has that language and could share it with the committee for consideration.

CO-CHAIR STORY reiterated her view that starting with the evidence-based reading program and following that with a description of what the interventions are will strengthen the Alaska Reads Act.

[9:14:43 AM](#)

REPRESENTATIVE TUCK referred to page 13, lines 17-20, regarding the mention of dyslexia, and he asked if the concern was that "we're not going far enough with dyslexia" or that "dyslexia isn't the only thing." He said he reads the current language as identifying students with reading deficiencies, with an emphasis on dyslexia.

CO-CHAIR DRUMMOND said the sense she got from the committee is that they do not want to limit reading deficiencies to just dyslexia.

REPRESENTATIVE TUCK said he does not see where the limitation is.

CO-CHAIR DRUMMOND said she does not either. She asked how it could read "including but not limited to" dyslexia.

REPRESENTATIVE TUCK suggested: "identify students with any reading deficiencies, including dyslexia".

CO-CHAIR DRUMMOND concurred.

[9:16:10 AM](#)

REPRESENTATIVE HOPKINS suggested that since dyslexia is "a physical issue in the brain wiring," the committee may want to consider utilizing the word "disability".

CO-CHAIR DRUMMOND responded, "You begin to get into the special education area; that's what we're trying to avoid." She offered her understanding that a lot of teachers have identified students for special education, when what the students really needed was early intensive reading interventions. She said she does not believe dyslexia is considered a disability. She said she thinks Representative Tuck had it right and that it is "our obligation to identify students with any reading deficiency." In response to Representative Hopkins, she clarified Representative Tuck's recommendation was to add "any".

REPRESENTATIVE HOPKINS opined that "included but not limited to" would be critical but allowed that "any" does help.

[9:18:54 AM](#)

CO-CHAIR STORY said she thought it would help if the commissioner were to explain how many children in Alaska do not have sufficient reading standards.

[9:19:35 AM](#)

COMMISSIONER JOHNSON replied that he did not have the exact number from the National Assessment of Educational Progress (NAEP). He said there is no statewide data on kindergarten through third grade, and he indicated that the Performance Evaluation for Alaska's Schools (PEAKS) assessment shows that approximately 60 percent of students in the third- and fourth-grade range were not proficient in reading - far too many - and HB 153 seeks to provide the support and focus to ensure more students are reading. He said one of the more prominent issues in reading difficulties is dyslexia. He said the word "including" is not limiting but is an inclusive word. He said if the screener flags a student as having difficulty in one of the five components of reading, then there may be further diagnostic testing to determine whether that student qualifies for special education or just needs "extra support in the regular classroom to overcome that challenge, which is the case many, many times."

[9:21:41 AM](#)

CO-CHAIR DRUMMOND emphasized that the goal is not to refer students to special education unless necessary, "and keeping them with their peers in the regular reading program, with appropriate intervention and support, is the way to do it."

[9:22:05 AM](#)

REPRESENTATIVE ZULKOSKY said she has been talking with Alaska Native educators across the state, and she spoke of the acknowledgment of "the significant and deep and painful, historic and generational trauma that exists in Alaska." She said there is a bias, as well as cultural irrelevance, in many assessment and learning tools used or available for purchase in Alaska. She asked Commissioner Johnson whether DEED has the resources for developing culturally relevant tools. She said she heard appointees to the state board charged with developing regulations for the department, and many of them do not have experience related to indigenous English language learners. She said she would like to hear how the department plans to ensure rural Alaska Native students "are protected and not ... disproportionately impacted by the tools that are being put in place"

[9:24:15 AM](#)

COMMISSIONER JOHNSON replied that DEED has a tribal liaison, Joel Isaak, who has done a lot of work on language revitalization and culturally relevant, sensitive instruction, and Mr. Isaak would be part of the review process. He added, "But we wouldn't be dependent just on resources within the department. Joel has a network of Native educators and others throughout the state that we do and will draw upon for those kinds of reviews and analyses." He related that the nature of the screeners in the early grades are different from some of the other assessments where students are presented with "passages." He said there are passages associated with these types of screeners, but they can be culturally relevant and sensitive. He indicated these screeners measure things like rate of reading and whether the student recognizes the alphabet. He stated that with guidance from Native educators, those screeners are adapted and made relevant and "in keeping with traditional ways of knowing in rural Alaska."

REPRESENTATIVE ZULKOSKY expressed her desire for an amendment in the proposed legislation that would ensure culturally relevant assessment tools, including screeners and reading curriculum, can be regionally and culturally relevant, and explicitly that

schools would be allowed to select their own tools "without bearing the expense of creating those locally developed tools." She said she has great respect for Mr. Isaak, a large part of the decision-making body would be comprised of individuals who do not have "a solid background" in rural and Alaska Native conditions.

COMMISSIONER JOHNSON thanked Representative Zulkosky for that suggestion. He said DEED wants to do everything it can to work with people all over Alaska to ensure they have "confidence and the tools and resources that this bill calls for."

[9:27:45 AM](#)

REPRESENTATIVE HOPKINS pointed to language on page 13, line 17, which would require adoption of "a statewide screening or assessment tool to administer to students in grades kindergarten through three". He said that indicates that "we are doing a one-size-fits-all assessment." He asked Ms. Tobin for comment.

[9:28:24 AM](#)

MS. TOBIN responded that all instances of "the statewide screener and assessment tool" were replaced with "a statewide screener and assessment tool" to allow for more flexibility and multiple screeners to be adopted. As an example of added flexibility, she directed attention to language on page 14, beginning on line 11, which read as follows:

(4) establish a process that allows the commissioner to waive, upon request, use of the statewide screening or assessment tool required under this subsection by a school district if the school district has adopted an evidence-based reading screening or assessment tool and the screening or assessment tool is approved by the department;

REPRESENTATIVE ZULKOSKY acknowledged that was a worthy inclusion but said she would like additional language regarding the state's financial and resource partnership with school districts such that a locally and culturally based tool "not be borne at the expense of those small districts and that it be in partnership with the state's resources."

[9:29:33 AM](#)

CO-CHAIR DRUMMOND concurred. She said she believes the intent of the bill was that DEED would be hiring and providing the teachers, support, and resources to districts and not placing the burden on districts to pay out of their own budgets.

[9:30:03 AM](#)

REPRESENTATIVE ZULKOSKY said she would like those protections explicitly stated rather than assumed.

[9:30:34 AM](#)

CO-CHAIR STORY returned attention to language on page 13, line 14, regarding the removal of "intervention", and she suggested "local" or "cultural" could precede "evidence-based" to honor "the cultural, local ... work that we're striving to provide to all of our districts."

[9:31:24 AM](#)

MS. TOBIN suggested page 14, line 18, may be a good place to insert an amendment regarding culturally and locally based screening and assessment tools. In response to Representative Prax, she read the language, which read as follows:

(b) In adopting a statewide screening or assessment tool under (a)(1) of this section, the department shall consider the following factors:

CO-CHAIR DRUMMOND clarified that "locally" and "culturally relevant" should be one of the factors.

CO-CHAIR STORY said the hope is that that is what all districts are doing.

[9:33:22 AM](#)

MS. TOBIN returned to where she had left off in Section 18 of the sectional analysis, which continued as follows [original punctuation provided]:

The department will be required to administer the statewide screening or assessment tool three times each school year, once in the fall, once in the winter, and once in the spring, beginning in 2020. The statewide screening or assessment tool must determine

specified skills at each grade level: kindergarten, first grade, and second/third grades.

School districts will be required to offer reading intervention services in addition to core reading instruction to all students in kindergarten through grade three who exhibit a reading deficiency as CS HB 153 v. U | 3.4.2020 | 4 determined by the statewide screening or assessment. The reading intervention services must be provided by a district reading teacher, include explicit and systematic instruction with proven results based on scientific research, incorporate daily targeted small group reading instruction, and be based on students' needs as determined by regular monitoring of student progress. The reading intervention services must be reviewed based on department-approved response to intervention or multi-tiered system support models.

For each student participating in the reading intervention services, the district must establish an individual reading plan. For all students with an individual reading plan and who also score in the lowest achievement level on the district screening or statewide reading assessment, the district must provide the reading intervention services both during and outside the school term. Outside the school term, the reading intervention services must be staffed with reading teachers and be directed by the students individual reading plan.

[9:35:07 AM](#)

CO-CHAIR DRUMMOND remarked that currently an individual reading plan is not required. She noted that in the area of special education, it is called an individual education plan (IEP) and is mandated by federal Individuals with Disabilities Education Act (IDEA) requirements. She indicated that intervention services are for those students not making adequate progress, as determined by screenings.

MS. TOBIN suggested Commissioner Johnson speak about the reading intervention plan.

[9:36:00 AM](#)

COMMISSIONER JOHNSON clarified that these individualized reading plans would not be like an Individualized Education Program (IEP), which he distinguished as a multi-page document addressing different areas required by federal law and regarding IDEA. In comparison, the individual reading plans, as mentioned in the proposed legislation, would be based on the five components of reading, and he expressed his hope to limit them to one page in order to keep the focus on the components and the needs of students. He said the plan for a student should address that student's reading deficiency. He said this is another place to address the concerns Representative Zulkosky had discussed regarding culturally based plans.

[9:38:00 AM](#)

CO-CHAIR STORY directed attention to language on page 15, line 21, which states that ["intensive reading intervention services must"] "be implemented outside of the regular school hours". She said teachers do not work outside regular school hours unless they have a contract to do so, which costs money, and she indicated that otherwise this is an unfunded mandate. She noted that similarly, the language [of paragraph (4)], on page 16, line [8] states that ["an individual reading improvement plan developed under this section must"]:

(4) provide reading intervention services outside of regular school hours for a student who scores at the lowest achievement level on the statewide screening or assessment tool consistent with (a)(8) of this section; and

CO-CHAIR STORY questioned why "evidence-based" is repeated in [paragraph] (3), on page 15, lines 10-11, because "that's just a given to me." She pointed out the requirement for "daily targeted small group reading instruction" in [paragraph] (5), on page 15, lines 14-15, and she said it may not be possible to make that happen every day. She then directed attention to [lines 4-7], which would require "intensive reading intervention services" be provided by "a district reading teacher to all students in grades kindergarten through three", and she suggested that "or a paraprofessional" be added.

[9:42:11 AM](#)

COMMISSIONER JOHNSON stated that based on some of what Co-Chair Story said, language could be tweaked. He said perhaps instead of "services must" the language could read "must include some of

the following". In terms of after school hours, he remarked that many schools have after school reading support programs, such as reading camps, and "those would qualify as places where they could address some of these." He reiterated the idea to state "must include some of the following".

CO-CHAIR STORY responded that amendments of that nature would be realistic. She asked Commissioner Johnson for feedback about her idea to add "or a paraprofessional".

COMMISSIONER JOHNSON said he would be fine with that. He said especially in smaller districts where there is high turnover, some of the most trained and qualified interventionists are instructional aides in whom districts have invested a lot of money. He said educational support professionals could certainly be part of the solution when working under the supervision of a certified teacher.

[9:44:23 AM](#)

REPRESENTATIVE TUCK requested that the committee hear the rest of the sectional analysis in the time remaining and hold off discussion of amendments. He indicated he would not have any ideas for amending the bill language without having heard the entire analysis.

[9:44:48 AM](#)

MS. TOBIN recapped the paragraph of the sectional analysis she had read before, pausing for questions. In response to Co-Chair Drummond, she confirmed that "term" meant the school year. She continued with the sectional analysis, within Section 18, which read as follows [original punctuation provided]:

Districts or schools must notify parents if a student exhibits a reading deficiency at any time during the school year. Notification must occur within 15 days of the deficiency being identified. The initial notification must state the district or school identified the student as having a reading deficiency and that an improvement plan will be developed, describe the current services the student receives and the proposed additional services the student will need to remedy the deficiency, and identify strategies the parent or guardian could use at home to help the student succeed in reading. If the student is in grade three, the notification must include a request for a

meeting with the parent, the student's teacher, and other district staff to discuss appropriate grade level progression. The meeting must take place at least 45 days prior to the end of the school year.

Establishes that a student in grade three should demonstrate proficient reading skills to progress to grade four. Multiple pathways are provided for students to demonstrate sufficient reading skills for progression to grade four, including performance on the statewide reading screening or assessment or an alternative reading assessment as determined by the State Board of Education, or as evidenced through a student reading portfolio. Good cause exemptions are included, such as having a disability, or the student is learning English as a second language. Provides a process for parents or guardians to request an exemption for their student.

Districts must provide intensive reading intervention services to all students who do not progress or receive a good cause exemption. For students who do not progress to grade four who previously experienced delayed grade level progression, an intensive acceleration class must also be provided by the district.

[9:48:07 AM](#)

Establishes a literacy program to provide direct support and intervention services to up to ten low-performing Alaska schools each year that apply for the services. The department will be responsible for providing each selected school up to two reading specialists. A reading specialist is a person who is employed and funded by the department and who meets requirements established by the board. One specialist would be focused on the implementation of reading intervention services consistently across classrooms, modeling effective instructional strategies, coaching and mentoring teachers and paraprofessionals, training teachers in data literacy, leading and supporting reading leadership teams, and reporting on school and student performance to the department. The supporting reading specialist would assist with all the activities described above CS HB 153 v. U | 3.4.2020 | 5 or serve as the reading specialist for the school's

early education program, depending on the makeup of the specific school.

The department will be required to establish a process for the reading specialists to report on program implementation, work with the reading specialists to establish improvement goals, including measures of interim progress, to select and purchase additional reading materials to supplement the reading intervention services, and pay travel costs for a reading specialist to attend relevant trainings identified or hosted by the department. The department will also be responsible for periodically reviewing staff development programs and recommending to the board programs that meet high quality standards as defined under AS 14.07.065.

Establishes AS 14.30.770, schools selected to participate in an intensive school reading program will be required to ensure that the reading specialist(s) were not required to perform functions that divert from the duties assigned by the department, coordinate with the reading specialists to redesign the school's daily schedule to provide time dedicated to literacy program activities, hold public meetings to present information on the literacy and reading intervention program services to parents and guardians, present an annual update to the public on these program services at a noticed public meeting, and create partnerships between the school, families, and community that focus on promoting literacy and increasing time spent reading.

Under this new section, the department will be required to publish on its website and make available to the public a completed application from each school selected to participate in the literacy program, the literacy plan implemented at each selected school, and a data analysis of the success of the literacy program and intervention services conducted by an independent contractor.

AS 14.30.775 aligns use of the word "district" in this Act with the definitions given elsewhere in statute when referring to a school district.

[9:51:06 AM](#)

CO-CHAIR DRUMMOND asked about the language pertaining to the school holding public meetings.

MS. TOBIN said that language is on page 22 of Version U, beginning on line 24. She said it falls under AS 14.30.770, Department Reading Program.

CO-CHAIR DRUMMOND remarked that that is "a pretty substantial requirement placed on the schools." She questioned whether the public meeting would address all students in the reading program or just individual students.

MS. TOBIN deferred to Commissioner Johnson.

[9:52:27 AM](#)

COMMISSIONER JOHNSON said DEED knows that increasing the reading proficiency levels of students in Alaska "must include parents [and] communities and be informed by those communities." Parents and communities need strategies for supporting their students to become readers. He said districts are already required through federal programs to hold public meetings about the varied aspects of their programs, so this is not a new idea. He said this is in the section of school improvement; the employee DEED hires to go out to the communities would be responsible for "organizing, collaborating, and holding these meetings to provide that information."

[9:53:26 AM](#)

CO-CHAIR DRUMMOND recapped that Commissioner Johnson had stated that the public meetings are not a new requirement.

[9:53:38 AM](#)

MS. TOBIN covered the remaining Sections 19-24 of the sectional analysis, which read as follows [original punctuation provided]:

Section 19.

Directs early education program staff to be included in those organizations required to report evidence of child abuse.

Section 20.

Repeals AS 14.03.410, the early education grant program, in 11 years once all school districts have had the opportunity to participate.

Section 21.

Establishes a Teacher Retention Working Group as a new uncodified law of the State of Alaska.

Section 22.

Is applicability language, relating to endorsements in elementary education issued on or after the effective date of this act.

Section 23.

Is transition language, directing the department to use 2018-19 school accountability rankings for CS HB 153 v. U | 3.4.2020 | 6 purposes of determining the first cohort of lowest performing schools, to identify their pre-K grant eligibility for FY 21.

Section 24.

Establishes an effective date of July 1, 2020.

CO-CHAIR DRUMMOND expressed doubt that that target date would be reached. She offered her understanding that there were "some proposed changes ... depending on when the legislation actually passes."

[9:55:01 AM](#)

CO-CHAIR STORY directed attention to [paragraph (2)], on page 22, [beginning on] line 9, of Version U, which states that a "school selected to participate in the reading program" shall:

(2) coordinate with the reading specialist or specialists to redesign the school's daily schedule to dedicate time to reading program activities, including intensive reading intervention services identified in a written agreement between the school and the department;

CO-CHAIR STORY recommended "principal" be inserted with "specialist" because she knows that the most critical thing a principal does is set the schedule.

[9:56:58 AM](#)

COMMISSIONER JOHNSON responded that this section is completely voluntary; this is a collaborative relationship between the district and the department.

CO-CHAIR STORY, to another issue, said she knows the goal is to ensure all students are reading by the third grade. She expressed concern with the "good cause exemption language." She observed that the language does not seem to say that the parent or guardian has the last decision in the matter.

MS. TOBIN proffered that Co-Chair Story was referring to language on page 17, line 10.

[9:58:29 AM](#)

CO-CHAIR STORY directed attention to a sentence on page 17, [beginning on line 15 through line 18], which read as follows:

School staff shall work with the parents or guardians to schedule a date, time, and place for the meeting and, if no parent or guardian attends the meeting, the teacher and school staff shall determine grade level progression.

CO-CHAIR STORY indicated she was uncomfortable requiring those involved to pinpoint a certain date and time and encouraged, instead, simply to state that the parents will work with the school to make the determination. In response to Co-Chair Drummond, she clarified that she would like to amend the sentence so that it would read as follows:

School staff shall work with the parents or guardians to determine whether retention or progression is in a student's best interest.

[10:00:11 AM](#)

MS. TOBIN said she thinks the proposed change would be in line with the bill sponsor's intent.

CO-CHAIR DRUMMOND asked Commissioner Johnson to clarify for the committee "who is or is not requiring retention to happen."

[10:00:44 AM](#)

COMMISSIONER JOHNSON responded that the proposed legislation is not a retention bill; it does not include "a hard retention

clause." He said he thinks the bill is inclusive. He said the language referenced by Co-Chair Story references a meeting but would not be limited to one meeting. He pointed out that if a student has a reading plan, then there has been communication going on for some time. Even if the language were changed, the determination must be made at a meeting on some date, at some time. Regarding retention and progression, he stated, "What the bill acknowledges is that when you get to the end of third grade, whether you've progressed without the skills necessary to read well or you're retained, that is a consequential decision either way; one doesn't diminish the impact of the other." He said retention is just one of many interventions from which a classroom teacher and family can choose in order to support a student. It is rarely used but can be beneficial for a student depending on his/her start date and age. He said the exemptions are in place to ensure that [retention] is not applied inappropriately, and safeguards are in place to give every chance for success to the student. He said how a student does in reading by the end of the third grade will predict how that student does in his/her assessments in tenth grade. For students who exit third grade with lower reading proficiency, the gap grows bigger as they progress to the upper grades. He said he thinks the bill gives the opportunity for parents, teachers, and principals to be at the table, and for the legislature to know how policy is being made and applied through reporting, and that decisions that affect students are not made based on one test score but via "multiple ways to show evidence that they are proficient as they move on."

[10:03:59 AM](#)

COMMISSIONER JOHNSON, in response to questions from Co-Chair Drummond, said almost every district has a promotion/retention policy in its board policy handbook. He said he is not aware of data collected by the department reflecting how many students are retained statewide. He suggested that information may be available in "the Oasis Report."

[10:04:53 AM](#)

CO-CHAIR STORY directed attention to language on page 19, lines 1-5, which read as follows:

(4) if the student's parents or guardians requested a good cause exemption under (g) of this section and the school board rejected the request, include a statement that the request for a good use

exemption was rejected and a copy of the written notification the school board provided the parents or guardians under (h) of this section.

CO-CHAIR STORY noted that the language that lists the limitations of a good cause exemption is found on [page 17, line 31, through page 18, line 13, under subsection (g), paragraphs (1)-(4)]. She concluded that the school board can reject the parents' request. She said she does not feel that under law the school district can tell the parent their child has to be retained, and she asked Commissioner Johnson whether the parents could prevail if they took the matter to court.

[10:06:32 AM](#)

COMMISSIONER JOHNSON answered that since he is not an attorney, he would have to confer with one who could pull up particular cases. He said he thinks everyone involved with this legislation would advocate for parents having the authority to make those final decisions. He said attendance rates are an issue in some districts, and this affects performance. If a student, who misses 80 days of school can move to the next grade level, that is "consequential for everyone involved." He said it is a monumental decision for all involved.

[10:07:59 AM](#)

CO-CHAIR STORY encouraged the committee find out the answer to the question. Regarding lost days, she noted that the Juneau School District (JSD) had truancy officers and at one time established fines for truancy, but for many children the reason they were not coming to school was economic, so the parents could not pay the fines. She said she brought that up to illustrate that it would be unwise to say that the district's word overrides that of the parents.

[10:09:01 AM](#)

CO-CHAIR DRUMMOND said she was having difficulty understanding how, if a child who misses 80 days of third grade can move on to fourth grade because of his/her parents' insistence, the school could possibly provide the support that child would need in fourth grade.

[10:09:29 AM](#)

REPRESENTATIVE TUCK offered his understanding that that does happen; in Fort Yukon "kids are missing over 50 days of school." The question is whether to allow the child to advance when professionals are saying it is not a good idea. He said some of that needs to be left to local control, and he does not have the answer but appreciates the conversation.

CO-CHAIR DRUMMOND said hopefully children will receive the help they need in Kindergarten so that the situation never gets to that point.

CO-CHAIR STORY reiterated her stance on finding out about the legal aspect.

[10:1:43 AM](#)

REPRESENTATIVE PRAX said he thinks it is essential "to figure that question out." He asked, "If they're not participating, do you have to continue to provide the service that ultimately is going to fail?" He said it is an absurd situation that must be addressed.

[10:11:16 AM](#)

REPRESENTATIVE HOPKINS said this is a reading bill. He offered his understanding that "the discussion that Representative Story brought up" revolves around reading ability and literacy proficiency - not truancy, which he said would be "an entirely different discussion." He said allowing the school board to override the parents' decision is concerning. He mentioned the National Association for Primary Education (NAPE) score and noted that the big five school districts in Alaska "are within decimals of national averages on our reading scores," and thus the issue of retention and the school board policies overruling the decision of parents will disproportionately impact rural Alaska. He said parents will have to argue for exemptions. He continued:

We have the expectation that parents and guardians are going to understand the discussions that are happening throughout this process with the teachers and with the principals, and we're assuming that those parents are going to have the literacy levels themselves to be able to understand what the full concept is behind this bill."

[10:14:33 AM](#)

MS. TOBIN brought attention to language on page 16, beginning on line 18, which gives the parameters of the conversation that would be held with parents if their third-grade child were being considered for retention. She informed committee members that legislation was introduced during the Twenty-Eighth Alaska State Legislature by then Senator Berta Gardner and Senator Gary Stevens, which spoke to the issue of parental choice and retention. She offered to introduce that language for their consideration as a possible amendment.

[10:15:28 AM](#)

CO-CHAIR DRUMMOND turned attention to Section 6, on page 3, which she said would change the starting age of a child [entering kindergarten] to age five on or before June 1 preceding the beginning of the school year. She indicated the current cutoff is September 1. She said that change would significantly change the population entering kindergarten. She said she had discussed with Senator Shelly Hughes, who serves on the Senate Education Standing Committee, about the importance of Section 6, and Senator Hughes said that change needs to be postponed to allow parents time to plan, because this change could result in economic impact for those parents with children who would have to wait a year to start kindergarten because of the change in the cutoff date.

[10:16:43 AM](#)

CO-CHAIR STORY encouraged more discussion on the date, based on the testimony of Abbe Hensley, [Executive Director, Best Beginnings], who discussed why she thought it was important to keep the September date. She requested that the language in the bill by Senators Gardner and Stevens be read to the committee. She said she thinks there were many parents, with children not at reading proficiency by the end of the third grade, who did not want their children retained. In response to Representative Tuck, she clarified her concern as follows:

My concern is just that the parent does not have the last word, should have the last word, and that would not be upheld in the court of law because parental authority seems to be sacred.

[10:18:28 AM](#)

REPRESENTATIVE TUCK asked who has the last word in this bill.

CO-CHAIR STORY answered that it seems like the local school board does.

REPRESENTATIVE TUCK said, "Not the Department of Education but the local school board."

[AN UNIDENTIFIED SPEAKER] said, "Um-hmm."

[10:18:45 AM](#)

MS. TOBIN proffered that an amendment was available pertaining to the conversation that takes place between the parents and teacher regarding retention in third grade, but she said it is "very ambiguous." She said through good cause exemption, the last word is through the school board. She indicated that "in that previous section," when the parent is not applying for a good cause exemption "but would like to have the conversation, there is no final decision-making power outlined in this bill.

[10:19:15 AM](#)

REPRESENTATIVE TUCK concluded that if there were a lawsuit, it would be against the school district. He added, "Right now, this still doesn't address it; it just gives it to local control."

[10:19:28 AM](#)

MS. TOBIN, at the invitation of Co-Chair Drummond, read the language from Senators Gardner and Stevens, as follows:

At the meeting described in this section, ... the parent or guardians, the teacher, and the participating staff members shall decide whether the student will ... advance the next grade level in the next school year. If the parent or guardian, the teacher, and the participating staff members are not in agreement, the parent or guardian shall decide whether the student will advance to the next grade level, unless circumstances exist as specified in the policy adopted by the district that would prevent advancement.

[10:20:06 AM](#)

CO-CHAIR DRUMMOND ascertained from Ms. Tobin that the proposed legislation had not passed.

[HB 153 was held over.]

[10:20:55 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 10:21 a.m.