

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

April 14, 2021

9:03 a.m.

**MEMBERS PRESENT**

Senator Roger Holland, Chair  
Senator Gary Stevens, Vice Chair  
Senator Shelley Hughes  
Senator Tom Begich

**MEMBERS ABSENT**

Senator Peter Micciche

**COMMITTEE CALENDAR**

SENATE BILL NO. 111

"An Act relating to the duties of the Department of Education and Early Development; relating to public schools; relating to early education programs; relating to funding for early education programs; relating to school age eligibility; relating to reports by the Department of Education and Early Development; relating to reports by school districts; relating to certification and competency of teachers; relating to assessing reading deficiencies and providing reading intervention services to public school students enrolled in grades kindergarten through three; relating to textbooks and materials for reading intervention services; establishing a reading program in the Department of Education and Early Development; relating to school operating funds; relating to a virtual education consortium; and providing for an effective date."

- HEARD & HELD

SENATE JOINT RESOLUTION NO. 10

Proposing an amendment to the Constitution of the State of Alaska relating to in-person public education.

- BILL HEARING CANCELED

**PREVIOUS COMMITTEE ACTION**

BILL: SB 111

SHORT TITLE: EARLY EDUCATION; READING INTERVENTION  
SPONSOR(s): EDUCATION

03/24/21	(S)	READ THE FIRST TIME - REFERRALS
03/24/21	(S)	EDC, FIN
03/26/21	(S)	EDC AT 9:00 AM BUTROVICH 205
03/26/21	(S)	Heard & Held
03/26/21	(S)	MINUTE(EDC)
03/29/21	(S)	EDC AT 9:00 AM BUTROVICH 205
03/29/21	(S)	Heard & Held
03/29/21	(S)	MINUTE(EDC)
03/31/21	(S)	EDC AT 9:00 AM BUTROVICH 205
03/31/21	(S)	Heard & Held
03/31/21	(S)	MINUTE(EDC)
04/07/21	(S)	EDC AT 9:00 AM BUTROVICH 205
04/07/21	(S)	-- MEETING CANCELED --
04/09/21	(S)	EDC AT 9:00 AM BUTROVICH 205
04/09/21	(S)	Heard & Held
04/09/21	(S)	MINUTE(EDC)
04/10/21	(S)	EDC AT 10:00 AM BUTROVICH 205
04/10/21	(S)	Heard & Held
04/10/21	(S)	MINUTE(EDC)
04/12/21	(S)	EDC AT 9:00 AM BUTROVICH 205
04/12/21	(S)	-- MEETING CANCELED --
04/14/21	(S)	EDC AT 9:00 AM BUTROVICH 205

**WITNESS REGISTER**

ED KING, Staff  
Senator Roger Holland  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Explained the changes in the committee substitute for SB 111.

NOAH KLEIN, Counsel  
Legal Services  
Legislative Affairs Agency  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions about the committee substitute for SB 111.

TOM KLAAMEYER, President  
NEA-Alaska  
Anchorage, Alaska

**POSITION STATEMENT:** Spoke about the importance of early childhood education and concerns about sunset provisions in SB 111.

NORM WOOTEN, Director of Advocacy  
Association of Alaska School Boards  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of SB 111.

#### **ACTION NARRATIVE**

[9:03:03 AM](#)

**CHAIR ROGER HOLLAND** called the Senate Education Standing Committee meeting to order at 9:03 a.m. Present at the call to order were Senators Begich, Hughes, Stevens, and Chair Holland.

#### **SB 111-EARLY EDUCATION; READING INTERVENTION**

[9:03:30 AM](#)

**CHAIR HOLLAND** announced the consideration of SENATE BILL NO. 111 "An Act relating to the duties of the Department of Education and Early Development; relating to public schools; relating to early education programs; relating to funding for early education programs; relating to school age eligibility; relating to reports by the Department of Education and Early Development; relating to reports by school districts; relating to certification and competency of teachers; relating to assessing reading deficiencies and providing reading intervention services to public school students enrolled in grades kindergarten through three; relating to textbooks and materials for reading intervention services; establishing a reading program in the Department of Education and Early Development; relating to school operating funds; relating to a virtual education consortium; and providing for an effective date."

**CHAIR HOLLAND** noted the committee substitute and solicited a motion.

[9:03:40 AM](#)

**SENATOR STEVENS** moved to adopt the work draft committee substitute (CS) for SB 111, work order 32-LS0485\0, as the working document.

[9:03:54 AM](#)

**CHAIR HOLLAND** objected for purposes of discussion and asked Mr. King to explain the changes in the committee substitute.

[9:04:07 AM](#)

ED KING, Staff, Senator Roger Holland, Alaska State Legislature, Juneau, Alaska, advised that there were substantial changes in the draft before the committee.

Section 1: No changes.

Section 2: A new section to clarify ambiguity around day-in-session requirements for under school age students, which replaces "all other grades" with "grades four through 12" (page 2, line 10). Note: day-in-session requirements for early education and kindergarten appear in section 20.

MR. KING said the phrase "all other grades" could have been interpreted to include kindergarten and early elementary considered grades and therefore subject to the five-hour requirement. This addresses that ambiguity.

Section 3: No changes from previous section 2.

Section 4: No changes from previous section 3.

Section 5: On page 3, related to early reading information for parents, version 0 inserts "culturally responsive" (line 2) and changed the word "retention" to "progression" (line 5).

SENATOR BEGICH noted that only two sections of the bill have the plural "parents and guardians." Everywhere else it is singular. He said he is waiting for a response from Legislative Legal and acknowledges it may be a typo.

MR. KING replied that did come up in a conversation with the drafter and he was available to respond to the question.

SENATOR BEGICH asked about the variation between singular and plural references.

[9:07:16 AM](#)

NOAH KLEIN, Counsel, Legal Services, Legislative Affairs Agency, Juneau, Alaska, said he did not change it because it is existing law and he thought the chance of any ambiguity was slim. However, the reference could be changed to the singular.

SENATOR BEGICH said he just wondered why it was not consistent.

MR. KING added that if the plural "students" was used, then the plural was used for "parents" and "guardians."

SENATOR BEGICH said that makes sense.

MR. KING explained that because the repeals were expanded, some new sections were needed for conforming purposes.

Section 6: A new reverting section to conform to the 2032 repeal of AS 14.30.765.

Section 7: Added an annual report for the parents-as-teachers program (located on page 4, lines 25-28).

Section 8: A new reverting section to conform to the 2032 repeal of AS 14.30.760 - 14.30.775, which deletes the reporting requirements for reading intervention and parents as teachers.

Section 9: No changes from previous section 6.

Section 10: Amends AS 14.03.080(c), related to access for under school age children, whereas section 7 of version O amended AS 14.03.080(d) and added a new subsection (g). This change allows school districts to determine if a four- or five-year-old student should be placed in an early education or kindergarten program.

MR. KING said Section 10 is more substantial. In existing law, subsection (c) exists as a way for the school districts to approve under school-age children for kindergarten programs. The school age is defined in statute as ages 6-18, so under school age is four and five in this context. Adding early education programs includes four-year-olds in the conversation about under-school age children. Existing law, section (d), says five-year-olds can go to kindergarten. Version W of SB 111 added another subsection which said four- and five-year-olds could go to early education. There was still ambiguity about when a child would go to early education and when to kindergarten. The committee substitute amends subsection (c) so that it is clear that four- and five-year-old children can participate in either early education programs or kindergarten at the discretion of the district on which is more appropriate. Subsection (d) was removed from law and subsection (g) was not added in version W of SB 111. The two changes to subsection (c) make it clear that the bill is talking about four- and five-year-olds and not

three-year-olds and younger. It also makes it clear that four-year-olds in an early childhood program can continue when five if they are not prepared to go to kindergarten.

MR. KING continued explaining the changes.

Section 11: New reverting section of the changes in section 10 to align the sunset of all programs.

Section 12: This section has a 2032 effective date, to bring back the language from the current AS 14.03.080(d) if the provisions revert to current language. (d) is no longer necessary due to the changes in subsection (c).

[9:12:29 AM](#)

SENATOR BEGICH said Sections 11 and 12 are connected because they revert Section 10. Section 12 is "a child who is five years of age on or before September 1 following the beginning of the school year, and who is under school age, may enter a public school kindergarten." He asked if after the sunset, this precludes a four-year-old from attending kindergarten.

MR. KING suggested looking at these three sections together. Section 12 reinserts current law, subsection (d), which is the law today about five-year-olds entering kindergarten. If the sunset provisions take effect, subsection (g) would now become what is subsection (d). If all these sections in the bill were to take effect, everything would return to the way it is today. In so far as a four-year-old is currently not able to go to kindergarten, that will be the law if the sunsets take effect. It reverts to the law today.

SENATOR BEGICH said that under current law a four-year-old could go to kindergarten. That is not the admission age, but they could go to kindergarten. He asked if this would completely remove that option.

MR. KING answered that if all sections were to take effect in 2032 with all the repeals, the law in 2032 will be identical to law as it exists today. To the extent that a four-year-old can go to school today, it will be the same.

SENATOR BEGICH said he was having trouble seeing that.

[9:14:56 AM](#)

SENATOR HUGHES said she was unsure at times if Mr. King was saying "enable" or "unable." She thought there was a provision where children who are four could be assessed to see if they are ready for school, both now and in 2032, if this goes into effect.

MR. KING replied that under current law, subsection (d), a child of five can enter public school kindergarten. There is nothing in existing law about a four-year-old. Subsection (c), as it exists today under current law, says a district can allow any under age child to enter whatever program the district approves. If there is an interpretation that that includes four-year-olds today, that same interpretation should apply in the future.

SENATOR HUGHES asked if SB 111 has a provision about an assessment for a child.

MR. KING said that yes, AS 14.03.080(c) exists in current law. The governing body of the school district can decide if a child meets the minimum standard set by the board evidencing that the child has the mental, physical, and emotional capacity to perform satisfactorily for the educational program being offered. That is existing law and that same law will exist in the future. The fact that subsection (d) currently calls out a five-year-old specifically may create ambiguity about whether a four-year-old is able to attend a kindergarten program. Perhaps Mr. Klein can answer that question. The point is that when all of these subsections take effect, things go back to where they are today. To the extent that a four-year-old can enter kindergarten today, that should return. If the bill were to pass with the language that is being changed, it specifically does say that four- and five-year-olds are able to kindergarten if that is the program the parents are applying for.

CHAIR HOLLAND said that should the repeals take effect, the law returns to Section 10 without the parts in bold. That will allow a child under school age to continue to be admitted as they have in the past.

SENATOR BEGICH said that under current law, there is section (d). This bill creates a Section 12, which recreates (d) and (g), but it never deleted section (d) and that is where it got confusing. AS 14.03.080(d) is the same language as in Section 12, but it is not being repealed.

MR. KING said the repeal of that law is in the back of the bill.

CHAIR HOLLAND asked Mr. Klein to weigh in.

SENATOR BEGICH advised that it is page 38, line 12, Section 40.

9:19:21 AM

MR. KLEIN said Section 40 repeals AS 14.03.080(d) and it comes back as (g), only because that conforms to the drafting process. When enacting a new subsection, even though it was the exact same language, it is just reenacted as (g) and the revisor of statute will reorder subsections if necessary. Section 12 of the bill is identical to what is being repealed in Section 40 of the bill.

SENATOR BEGICH said he understood.

SENATOR HUGHES said that last year her version of the bill had a piece where DEED would have an assessment that a younger child would have to pass in order to get in. Now a superintendent can set the criteria and decide if child can get in. She asked if there is a reason not to have an assessment to make sure a child is ready.

MR. KING said that during the discussion of the drafting of subsection (d) in the previous version of the bill, it seemed to be recreating law that was already present in subsection (c) and rather than have two statutes with similar but not identical language, he felt that subsection (c) has that language about an assessment of a child. Page 6, beginning on line 21, talks about minimum standards.

CHAIR HOLLAND asked Senator Hughes if that was resolved.

SENATOR HUGHES replied that she sees minimum standards prescribed by the board on page 6. She asked if that was a local board or the State Board of Education.

MR. KING deferred to Mr. Klein.

MR. KLEIN answered that he will get back with the answer.

SENATOR BEGICH pointed out that both SB 8 and SB 42 had the phrase that a school district may waive the requirement to the subsection for a child who achieves a passing grade or score on an assessment approved by the department. He said Mr. King is suggesting that this section takes care of that, but he agrees with Senator Hughes. He assumes that the board is the local

school district board, not the State Board of Education. It is a relatively minor point that could be discussed offline.

SENATOR HUGHES said that could be a minor or a major policy call because there might be a lack of consistency across school boards about readiness. If legislators want children to be successful in early literacy K-3, children coming from the same starting point would be helpful. This allows too much subjectivity. She would rather see it be the state board.

CHAIR HOLLAND said he made a note of that for possible amendment for clarification.

[9:24:55 AM](#)

MR. KING continued with Section 13.

Section 13: Subparagraphs (E), (F) and (G) from version W (page 5, lines 11-17) were deleted to conform to the broader local control provided in section 14 of version O. References to "retention" were also replaced with "progression" (version O page 8, lines 3-6).

SENATOR BEGICH asked why the reading portfolio and the other alternative screening options identified in SB 8 and SB 42 were eliminated. They were alternative ways of meeting the criteria.

[9:26:06 AM](#)

MR. KING referred to page 28, lines 26-27 of version O, subsection (e). Version W of SB 111 specifically said that the standard for whether a child was ready for promotion was the assessment or an alternative assessment, including a portfolio. Some districts said that a hard line, high-stakes test, even with the alternatives, may not meet the district needs or standards for promotion. Subsection (e) allows districts to develop a policy, which include a test and alternatives to the test. The prescriptive language was removed and it is left to districts to develop their policies. Therefore, there is no reference to those alternative standards, which is why subparagraphs in Section 13 have been removed.

[9:27:09 AM](#)

SENATOR HUGHES asked if that was a request from an education group.

MR. KING replied the chair's office got feedback from Dr. Lisa Parady [[Executive Director of the Alaska Council of School

Administrators] that other states with retention policies usually have policies that are more expansive to measure whether a child is ready to be promoted. The chair's office decided districts could develop policy that could measure whether a child does have the skills required to progress to the next grade. He said he would expect that it relies heavily on the assessment, but this allows more latitude to districts to incorporate other measures besides just an assessment, so the assessment is not quite as high stakes.

9:28:04 AM

CHAIR HOLLAND added that the concern that a single test for advancement was high stakes, high pressure.

SENATOR HUGHES said that she doesn't see that because it allowed a portfolio. That could be multiple things, including a child in a reading group reading aloud and answering questions. It was not that one pressure point. Like with [kindergarten] entrance, this is leaving it wide open. One district may be equipping students to move on to the next grade and another district may not. Considering the school funding and accountability to legislators, she would rather have a standard and go back to the portfolio, which provides plenty of leeway and is not high stakes and not high pressure. Now the policy could include measures that are not related to learning objectives. She is concerned that this has been left wide open when the committee is trying to help students across the entire state. It is a policy call for the committee and an important discussion to have.

SENATOR BEGICH said he could go either way if the committee were chose to go back to the old language in version W, page 5, lines 11-15. He said he was moved by the idea of having a consistent standard across the state. That has a lot to do with conversations he had with the commissioner and governor. He also understands the school districts' desire for flexibility. He would like to hear from Dr. Parady about why the changes are needed, but he is leaning more toward Senator Hughes' position and the language that was in version W regarding the portfolio and alternative screenings.

CHAIR HOLLAND said he made a note on that.

MR. KING pointed out that there is existing law, AS 14.03.016, which is not in the bill. That law effectively says that a parent who doesn't want a child to take an assessment has the

right to opt out of the assessment. Even if an assessment is the standard, there is no requirement that a test be taken.

CHAIR HOLLAND clarified that is because of existing law.

SENATOR HUGHES suggested the existing law may need to be adjusted and perhaps refer to a portfolio instead of an assessment. In that regard it is a particular, one-time test.

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[9:34:14 AM](#)

CHAIR HOLLAND reconvened the meeting said the committee will probably revisit Section 13 to look at inserting portfolio.

SENATOR HUGHES said that her suggestion would be to consider focusing on portfolio proficiency language rather than assessment language.

MR. KING said there were changes throughout Section 14.

Section 14: This section correlates to section 10 of version W, which establishes the early education programs. A few changes were made to AS 14.03.410 as follows:

- was collapsed into a single subsection.
- A \$3M annual limit to grant funding was added to (b).
- (c) was changed from specific years of eligibility to a broader grant programs subject to the funding limit added under (b). There is also added language requiring coordination with other early education programs to be eligible.
- (d) was streamlined by moving the transition language on page 6, lines 19-24 of version W to page 39, lines 22-25 of version O.
- (e) and (f) have conforming reference changes (page 9, lines 7, 8, and 19).
- In (h), the definition of "early education program" has a format change without changing the meaning (page 9, lines 17-19).
- No changes were made to AS 14.03.420 (parents-as-teachers).

SENATOR BEGICH said the Finance Committees are looking at what amount of pre-K grants will be available for this year. The

number out of the other body is the current \$3.2 million for the ongoing grants the state has been doing and an additional \$5 million. The [Senate] Finance Education Subcommittee has been somewhere within that range. The number could exceed \$3 million and will be based on what is appropriated.

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CHAIR HOLLAND shared that his office received a request to consider pushing the start date for the bill back one year and so everything would cascade back, so he is not sure how that would affect the funding levels available this year.

SENATOR BEGICH said it probably would not.

MR. KING said that if it is the committee's intent that these grants replace the existing grants, then it would be advisable for the Finance Committee to advise how to transition from one program to the other.

MR. KING said another change in subsection (c) is about trying to create efficiencies with existing Head Starts to address the testimony about when a district already has a Head Start or another program that meets the local need. If it is the committee's intent, the language says that the department should not issue a grant to a district where there isn't need for an additional pre-K program. The intent is to create efficiencies and not to compete with federal programs, so that the state does not lose federal dollars or any other program.

9:38:10 AM

SENATOR BEGICH said it creates the mistaken impression of equating universal, quality pre-K with either childcare or Head Start programs. The bill notes that the program must exceed the standards adopted by the board. He has asked Legislative Legal to make sure it is not in any way weakening the intent of the bill. He will have that legal opinion to share. He asked if Mr. King, with the discussion of (b), was implying that it would reduce the number of pre-K grants available from the current \$3.2 million to \$3 million under this bill if it is done a year later.

MR. KING said he intended to say that if it is the intent of the legislature, this pre-K program would replace the other one. He acknowledged there might be a need for language that indicates that, along with how to transition from one program to the other. The bill does not currently address that issue. If that

is the intent of the legislature, it is currently lacking, he said.

[9:39:29 AM](#)

SENATOR BEGICH pointed out that if the committee kept the language at \$3 million and the intent was to replace the existing pre-K grants, it would be a reduction in pre-K and not any kind of increase, which he would not support.

CHAIR HOLLAND said that he believed that Senator Begich had suggested that the transition would be something the Finance Committee would cover and that committee would probably expand it to \$3.2 million to cover it with no gap.

SENATOR HUGHES said she understands that the committee does not want to bump out any federal funds for Head Start, but as a mom, she would want pre-K to meet these high standards. She asked if a community does not have enough need to start a pre-K program in addition to a Head Start, could the Head Start be given the first option to serve the community if it meets the standards. If the Head Start opted not to, the districts could have a pre-K that meets the standards, which could threaten Head Start. But the point is to have programs that meet these standards. The committee heard that the local boards of Head Start have the freedom and ability to set their own requirements. Those boards could step up and have programs that meet the standards in SB 111. If they didn't, then they could be in a tough spot, but that would be their choice. She asked if there is any way to give Head Start first dibs.

[9:41:47 AM](#)

CHAIR HOLLAND reminded the committee that Head Start works beyond the age group the committee is talking about for pre-K. The evaluation would be if four- and five-year-olds are removed from Head Start, would the remaining population be sufficient to sustain a Head Start.

SENATOR HUGHES said she is only talking about the four- and five-year olds in Head Start, not any three-year-olds.

CHAIR HOLLAND said that Head Start does start at six weeks, so serves a much broader population than the pre-K program.

SENATOR BEGICH said he agrees with Senator Hughes. He is interested in high-quality educational experiences for kids who are then going into the K-12 system and so is Senator Hughes. He is not inclined to accommodate entities that are not providing

that experience, but he recognizes the difference in the age groups. Head Start could meet the standards for four- and five-year-olds, not the prior ages. This language was intended to do that by saying it won't be considered unless they meet this standard. He thinks it did accommodate the question that Senator Hughes asked of the Head Start director, which was whether Head Start would be willing to apply a higher standard and then it would become the pre-K program. The committee is not trying to support a program, but the standards of quality pre-K.

[9:44:14 AM](#)

SENATOR HUGHES said her concern is that if a district wants a pre-K program to meet the standard and if there is a Head Start program in the community and the Head Start chooses to meet the standard, and that is great. If they chose not to, she asked if that would prevent the district from starting a high-standard, pre-K program. She asked if the bill allows a district to do that.

MR. KING replied that was the intent of the language. If the standard is being met, then there is not sufficient need and the grant should not be approved. However, if whatever program being offered does not meet the standard, then there is indication of need, and the district should be allowed to get a grant to develop a high-quality program. That is his understanding of the language that is written and that was the intent of the language as the chair's office requested it.

[9:45:20 AM](#)

SENATOR BEGICH said he asked Legislative Legal that question.

MR. KING continued describing the changes.

Section 15: No changes to previous section 11.

Section 16: Has conforming changes to account for the new 2032 repeal of AS 14.30.765. This section is the combination of the previous sections 12 and 13 - now that the repeal dates are aligned.

Section 17: No changes to the previous section 14.

Section 18: No changes to the previous section 15.

Section 19: Expands the reverting language on page 16, lines 17-20 to account for the new repeal of AS 14.30.765 (reading intervention services).

Section 20: Changes were made to the board regulation requirements for quality early education programs under AS 14.07.165(a), including:

- (5)(A) was amended to better describe "federal standards" and delete the reference to AS 14.03.040 (day-in-session requirements) [Page 17, lines 2-5 of version O, page 17, lines 6-9 in version W].
- (5)(E) was added, which requires the board to develop day-in-session requirements for early education (page 17, lines 24-25).
- (6) is a new paragraph to clarify day-in-session requirements for kindergarten students (page 17, lines 26-27).

[9:47:17 AM](#)

MR. KING said Section 20 has two meaningful changes. Subparagraph (A) in version W required the standards to meet federal standards and the day-in-session requirements. To make it clear that early education programs are not a grade and that the board has discretion over creating regulations for those day-in-session requirements, that requirement is created in subparagraph (E) and is removed from subparagraph (A). The federal standards that were not defined in version W are now better defined in version O to indicate that the intent is that the board look to the federal Head Start performance standards and should the federal standards change with funding attached to that, the board should also look to those federal standards.

CHAIR HOLLAND clarified, and Mr. King affirmed, that the board here is the State Board of Education.

SENATOR BEGICH said he was still unsatisfied as to the quality of the federal Head Start program guidelines. He does not think they reach the standard, which is why he is so pleased to see (b) and (c) in here. He recognizes why the bill had section (a) in the first place, which was to protect Head Start, to make sure that at the very basic levels it met federal requirements. This clarifies that and makes it clearer that is the case. This does not diminish the high-quality level. It is actually a challenge to Head Start to meet that level of quality.

MR. KING said the new paragraph (6) in Section 20 requires the board to develop standards for day-in-session for kindergarten, which is lacking in current law.

MR. KING continued with Section 21.

Section 21: No changes to previous section 18.

Section 22: A new reverting section to account for the 2032 repeal of AS 14.30.800 (virtual education consortium).

Section 23: Version O replaced the reference to "the five components of evidenced-based reading instruction identified by the National Reading Panel" with "phonemic awareness, phonics, vocabulary development, reading fluency, oral language skills, and reading comprehension" (page 19, lines 7-8).

Section 24: No changes to previous section 20.

Section 25: No changes to previous section 21.

Section 26: No changes to previous section 22.

Section 27: The carryforward sections 24 and 25 from version W were collapsed and adjusted so that the allowable balance immediately increases to 25% and allows additional carryforward with approval (page 19, line 30 through page 20, line 2).

Section 28: Replaces the previous section 26 with a cleaner policy for approving carryforward balances greater than 25% (page 20, lines 9-17).

MR. KING said there was considerable confusion about Section 27 in version W. Version O tries to clarify the process for carryforward. Section 27 allows for an immediate effective date so that school districts are able to carry up to 25 percent of their operating funds into the next fiscal year, up from 10 percent now. It also provides a provision for situations when districts have additional carryover funds, be it federal funds or savings from operational efficiencies; there is a process for the district to offer a plan to use those funds in a way that DEED finds proper. Under current law, if those carryforward funds exist, the state aid to that district would be diminished by a like amount. Allowing a district to carryover additional funds does come at an expense to the state, so DEED is responsible for ensuring that the public funds are well used. Section 28 is the explicit process for the department to approve a plan brought to them.

MR. KING continued with Section 29.

Section 29: No changes to previous section 27.

Section 30: No changes to previous section 28.

Section 31: Added the \$3M funding increase limit from section 14 (page 21, lines 27-29).

MR. KING said the idea behind the change in Section 31 was to address the situation of too many programs approved with not enough funding available. This language was intended to give more latitude, but the chair's office is in discussion with Legislative Legal about an amendment to make the process clearer.

SENATOR BEGICH said he will wait to see that.

Section 32: Changes the evidence-based reading instruction requirements for preliminary teaching certificates to match the requirements for regular teaching certificates (page 22, lines 2-7 in version O vs. page 21, lines 22-28 in version W).

MR. KING said the change for Section 32 brings consistency to the language between regular and preliminary certificates, so the language for regular certificates was inserted into the reference to preliminary certificates. That way the language is the same.

[9:53:57 AM](#)

SENATOR HUGHES said the committee had heard from Mississippi that it requires testing [for initial certificates]. Legislators would get pushback on this because it is major policy, but she asked if changing "or" to "and" on page 22, line 4, would be similar to what Mississippi is doing.

MR. KING answered that change indicates someone needs to conduct the three components of coursework, training, and testing. He said it is a policy call.

CHAIR HOLLAND said that does not necessarily match what Mississippi is doing.

SENATOR HUGHES said that was her question, whether Mississippi has training and testing requirements or just a testing requirement.

MR. KING answered that he does not know.

[9:54:46 AM](#)

SENATOR HUGHES said she has mentioned that someone can take however many credits without necessarily mastering a topic with a C- or a D. Whether the state has a testing or GPA requirement for that course, she is concerned about having a range of how well prepared teachers are. She asked if the state will wait and let the first group of students suffer or will the state say right out of the gate teachers must receive a certain score in the training. Her preference is to hold teachers to a high standard. The students will be held to a high standard. The teachers should be held to a high standard, and the university programs for teachers, public, private, or from out of state should also. Once Mississippi had a testing requirement [for initial licensure], all of a sudden, the private and public schools rose to the occasion. She would like the committee to consider that. If the state has to do that in a few years, then it is not doing the best for students in the beginning of the program.

[9:56:35 AM](#)

CHAIR HOLLAND opined that the committee is doing better.

SENATOR HUGHES replied absolutely.

MR. KING continued describing the changes.

Section 33: New reverting section to ensure consistency in repealing provisions.

Section 34: No changes to previous section 31.

Section 35: The reference to evidence-based reading instruction in section 32 of version W was replaced with the words "phonemic awareness, phonics, vocabulary development, reading fluency, oral language skills, and reading comprehension."

Section 36: This section correlates to section 33 of version W, related to reading intervention. There are several changes in version O, including:

- AS 14.30.760(a)(4) of version O is new language, which requires data collection based on the source of early education participation (page 24, line 26 through page 25, line 1).

- AS 14.30.760(b)(5) is added in version O to assure the screenings are culturally responsive (page 25, line 5).
- AS 14.30.765(a)(10) was added to encourage more parental engagement (page 26, lines 22- 24).
- AS 14.30.765(b)(7) was added to ensure the individual reading plans are culturally responsive (page 27, line 12).
- AS 14.30.765(b)(8) was added to encourage more parental engagement (page 27, lines 13- 15).
- AS 14.30.765(c)(7) was adjusted for K-2 students to align with the changes in (d) (page 28, lines 3-5).
- AS 14.30.765(c)(10) was added to make mid-year promotion a clear option if a student does not progress (page 28, lines 12-13).
- AS 14.30.765(d) was adjusted to make the process discussing delayed progression for K-2 students clearer (page 28, lines 14-25).
- AS 14.30.765(e) was adjusted to give more local control to fourth grade promotion policies (page 28, lines 26-27 in version O vs. page 27, lines 14-22 in version W).
- AS 14.30.765(f) was adjusted to focus on fourth grade promotion (page 28, line 28 through page 29, line 12).
- AS 14.30.765(h) and (i) shifted responsibilities from the school board to the superintendent (page 29, line 16 and page 30, lines 4-6).
- AS 14.30.765(j) was changed to provide a remedy opportunity if a child is retained without the parent's involvement (page 30, lines 9-20 in version O vs. page 28, line 28 through page 29 line 10 in version W).
- AS 14.30.765(l) in version O is new language to account for the different promotion policies for K-2 students versus third grade and encourages mid-year promotion as a plan (page 31, lines 10-13).
- AS 14.30.765(o) limits district initiated delayed progression to one year (page 31, lines 23- 26).
- AS 14.30.770(a)(10) was expanded to require better data tracking over time so that a well-informed decision regarding continuing programs after 2032 can be made (page 33, lines 23- 29).
- Throughout AS 14.30.765 and 14.30.770, references to written communication were expanded to include oral notification and references to the components of

evidence-based reading instruction were aligned with the definition in AS 14.30.775(2).

- Sections 34 and 35 from version W were deleted.

[9:57:30 AM](#)

MR. KING explained that AS 14.30.760(a)(4) is an attempt to be consistent with that robust reporting requirement that the committee had discussed previously. This enters a data collection point to have the information necessary to make a good data analysis of the effectiveness of the program.

SENATOR BEGICH said he was the one who kept bringing up robust reporting as opposed to sunseting the bill. He was suggesting the department develop the robust language. He still thinks that is a good idea. He asked where the language came from.

MR. KING said this language came from Legislative Legal at his request on behalf of the chair to ensure that there is enough data to make a solid analysis for the final report that evaluates the program.

[9:58:43 AM](#)

SENATOR BEGICH said he wants to know the department capacity for reporting, which is why he suggested that the department provide an idea of what the robust reporting could look like. He requests that the department look at this language. He is curious to get the department interpretation of robust and what can be accommodated. The committee should figure out if they can do the thing that the committee is asking them to do.

SENATOR HUGHES said that looking at the bottom of page 24, legislators would want to know if the Head Start program a child attended is opting to follow the standards. She heard from a private preschool that is teaching phonemics. It would be important to know whether a non-district pre-K program is meeting the standards. Otherwise, it will not be meaningful data.

CHAIR HOLLAND replied that gets to the point of what the department thinks it can actually effectively collect because it can be intrusive to cross examine parents when their children enter kindergarten or first grade and then will that data be carried forward. Senator Begich has a valid point about what can be collected and documented.

SENATOR HUGHES said parents cannot be forced and they would just mark something off. That parent probably will not know if Head

Start programs are following the high requirements. That would have to be another step that would have to be researched as part of the data, but it would be valuable to know and to make the case for the standards being helpful.

[10:02:09 AM](#)

SENATOR BEGICH said the committee is asking the question of whether these things are working. Everyone at this table has said over and over that they want to be sure what they are doing works. He asked how the department can measure what they have done with the bill and whether it is effective. That will lead to a robust accounting. The department has to answer that question to the legislators' satisfaction and to parents' and school districts' also. He welcomes what the department would say. That is the tool the legislature needs. It needs to know the impact of a reform.

SENATOR HUGHES said her concern is that the language address whether the programs meet the state standards for early literacy, so that is in the data.

[10:03:35 AM](#)

MR. KING suggested that the committee may want to consider language that directs the department to work with the university to adopt some standards about effective experimental design and collect such information over time, so when the report is due, the department has the data to do the analysis. The language about reporting could be very prescriptive and get exactly the wrong information. It could be good for whoever is going to do the report to be involved from the beginning.

MR. KING said AS 14.30.765(d) is an adjustment to clarify the difference in progression standards for K-2 vs. a third grader progressing to fourth grade. If child is identified as having a reading deficiency in the spring, parents must be involved in a process to discuss whether the child should be promoted to the next grade. Ultimately the parent is the one who decides whether the child progresses or not.

SENATOR BEGICH observed that the language "or whether the student has previously not progressed to the next grade" on [page 28,] line 24 was one of the exceptions that is no longer there. That was in SB 8 and SB 42. He knows it is mentioned later on, but he asked why it is not here. All of the experts agreed that that was a consideration, even in Mississippi it is a provision.

MR. KING replied that it is created in a new subsection, which was intended to address the specific circumstances when a nonparent is making the decisions about progression. To be consistent, it seemed it should be parental choice on whether a child is retained a second time. The new language says if it is the superintendent making the decision, a child cannot be retained for a second time, but the parent can make that choice.

SENATOR BEGICH asked if Mr. King if he would be opposed to having that language here, just to make it clear to a parent that this provision is available. These bills are difficult for the average person to read. That exception is not in (h). That consistent standard around in country is not in subsection (h). He wants to make sure parents know that is still an exception.

MR. KING said the language appears in subsection (o), but it could be in subsection (h) to make it clearer.

SENATOR BEGICH said another option could be to say "exceptions under (h) or (o) of this section." That is an easy solution to the problem. To him it is just about clarity for the parent.

MR. KING said that subsection (f) is specific to promotion to third grade and is a slightly higher bar.

[10:11:27 AM](#)

SENATOR HUGHES said the committee received some feedback last year from the Anchorage School District that mentioned that if a child is struggling, it is better for the child not to progress from kindergarten to first grade rather than waiting until third grade. The committee may want to consider that. It is easier for the child if it is done earlier.

SENATOR BEGICH suggested that the testifier was Mark Johnson.

MR.KING said that subsections (h )and (i), in response to recommendation from a testifier, shift the responsibility for a progression decision to the superintendent rather than a school board in the case of a good cause waiver request. Subsection (j) is the remedy for when a parent does not attend a meeting about delayed progression.

SENATOR BEGICH asked why the decisions moved from the school boards to the superintendents.

MR. KING said testimony suggested that the school board was not the best entity to make a decision. It would be better to

designate someone who knows the child and will make the decision based on the specific circumstances of the child rather than the board.

SENATOR HUGHES concurred. She said local boards in small community have said it is tough when they all know each other. On page 30, line 9, no guardian attends a meeting, she asked if anything requires the district to make more than one attempt to have a meeting.

MR. KING answered that is the intent of subsection (j).

SENATOR BEGICH described the phrase "for and intervention in intensive reading intervention services" on lines 4 and 5 of page 32 as awkward. He questioned what "and intervention in" meant.

MR. KING deferred to Mr. Klein.

[10:16:58 AM](#)

MR. KLEIN said that the language can be removed if someone submits an amendment request. In reference to an earlier question from Senator Hughes about 14.03.080(c), it does refer to the State Board.

SENATOR BEGICH said that he will approach the chair's office about some language around the five participating schools. He is not sure about how to construct that and may need to hear from the commissioner on that.

MR. KING continued describing the changes.

Section 37: No changes from the previous section 36.

Section 38: Adds a definition of "culturally responsive" (page 38, lines 2-5).

Section 39: No changes from the previous section 38.

[10:18:47 AM](#)

SENATOR BEGICH said he had a question about why lines 26-29 on page 33 were added.

MR. KING replied that is related to the robustness of the reporting requirement, to make sure the department had sufficient data and that it was using that data to inform the legislature on the progress of the programs.

10:19:10 AM

SENATOR BEGICH said he would like the department to consider that in determining its report.

MR. KING continued describing the changes with Section 40.

Section 40: New repeal of AS 14.03.080(d), related to under school age students, to conform to changes in AS 14.03.080(c) made in section 11 (page 38, line 12).

Section 41: The following were added to the 2032 sunset provision (page 38, lines 13-14):

- AS 14.03.120(h) (K-3 reading report)
- AS 14.20.020(l) (evidence-based reading instruction training for regular teacher certificates)
- AS 14.30.760 (reading assessments)
- AS 14.30.765 (reading intervention services)
- AS 14.30.775 (reading intervention definitions)
- AS 14.30.800 (virtual education consortium)

The sunset on AS 14.30.770 (reading specialists) was moved to 2032.

The sunset on AS 14.07.165(a) (5) was removed.

Section 42: No changes to the previous section 40.

Section 43: No changes to the previous section 41.

Section 44: No changes to the previous section 42.

Section 45: A new reporting requirement due the year before the programs sunset so that a future legislature can determine if the sunset provisions should be allowed to take effect (page 39, lines 3-19).

Section 46: A new subsection (b) was added to the transition section, which moves the language from the previous section 10 (page 6, lines 19-24 of version W).

Section 47: Aligns the sunset provisions to all occur on June 30, 2032 (page 39, lines 26-31).

Section 48: Conforming changes from the previous section 47.

SENATOR BEGICH said that if the start date of bill is moved by a year, he would suggest that the sunset dates be moved a year.

CHAIR HOLLAND responded that everything cascades forward one year. That is the plan. He removed his objection. There being no further objection, version O was before the committee.

CHAIR HOLLAND called on invited testimony

[10:21:33 AM](#)

TOM KLAAMEYER, President, NEA-Alaska, Anchorage, Alaska, said he was testifying on behalf of NEA-Alaska's almost 12,000 educators across the state. All in the state want children to be successful in school and in life. Alaska's students are a one-of-a-kind tapestry of indigenous cultures, norms, and traditions. In Anchorage, where he teaches, students come from homes that speak over 100 languages. An All Alaska Pediatric Partnership 2020 report states that 36 percent of young people ages zero through eight live in poverty. Alaska has the highest rates of child maltreatment in the nation. The state's ALCANLink project shows that one-third of Alaskan children have a report of maltreatment with the Office of Children's Services before the age of eight. Only one-third of Alaskan children start kindergarten ready. Low-income children are even less likely to be well equipped to start their education. The state currently invests only 1 percent of general funds in early childhood education. Many Alaskan children arrive at school unprepared.

MR. KLAAMEYER said that legislators as policy makers have a great challenge and he appreciates the urgency with which this legislation is being brought forward in order to help Alaskan children. His biggest concern with the legislation is about the sunset provisions for early education funding and programs. There have been massive responses to proposed cuts to education. It is easy to say Alaska spends more per capita per student, but the state does not compare to any other when talking about making sure kids all over the state have what they need to succeed. The distances, the climate, the high cost of energy, transportation, and even food in many communities makes Alaska truly unique. There are 1,000 fewer certificated teachers working in Alaska than a decade ago. Years of flat funding, further eroded by inflation have strained the system. There have been multiple years of layoffs at the end of the year and then districts had to scramble to rehire in fall. He has heard from young teachers who are dismayed that their chosen career has such volatility. This is important ultimately because increased

educator turnover have a deleterious effect on student learning. This connects to the sunsets in the legislation.

[10:27:44 AM](#)

MR. KLAAMEYER said the committee has been responsive to educator concerns and have worked to deal with the pink slip challenge, but uncertainty remains. SB 111 as currently drafted sets up another cyclical complication for educators and students, exaggerating the uncertainty and instability that already exists. Instead of long-term investments in proven early childhood education, SB 111 ensures that education advocates will have to be back in Juneau fighting the fight once again to prove the programs' worth. The chair wants sideboards and accountability. Educators appreciate that. Educators would be a great source of feedback. Educators are grateful and want to acknowledge subsection 10 of AS 14.30.77(o), which would provide for an annual convening of educators, parents, and students to review and provide commentary about the effectiveness of the reading intervention. That would be more successful than sunset clauses.

MR. KLAAMEYER said educators have a good sense of what students need to succeed. What is true for Alaskan students today will be true when the provisions are set to expire. Educators respect the desire for accountability and feedback about how the investments are performing, but children are not as easy as to analyze. The ability to measure success is complex and varied. Students are more than a test score. Standardized tests alone cannot accurately capture the comprehension of students who are learning English and preserving an indigenous language. Tests cannot tell about the spark when students learn to love to read. Tests are important, but Alaska kids should not lose the opportunity for early childhood learning based on that performance.

[10:31:27 AM](#)

MR. KLAAMEYER said that educators believe that rigorous review, reporting and engagement with educators, school boards, and local communities is the key to improving outcomes. This legislation will make a difference. Students deserve a full commitment from the adults in the room. Allowing this commitment to expire save for the hope of intervention from a future legislature does not reflect the seriousness of this issue and seems like a hedge against its success. Instead, leave a legacy in believing in young people by investing in their futures, making sure that high-quality, prekindergarten education is a permanent part of the school system. He thanked the committee

for their work on this legislation and their commitment to students and engaging stakeholders in the process.

CHAIR HOLLAND said that he would prefer to look at the 10 years of proposed increases in spending as opposed to the suggested cut that sunset will create 10 years from now. He anticipates that if he is fortunate enough to be in the legislature 10 years from now, he will be pursuing the repeal of the sunset dates to continue a successful program. Mr. Klaameyer spoke of flat funding yet also noted that the state is among the highest in spending per capita. It is hard to look at increasing funding with the current budgetary restraints, but he appreciates Mr. Klaameyer's words.

10:33:43 AM

NORM WOOTEN, Director of Advocacy, Association of Alaska School Boards, Juneau, Alaska, said that he had been asked to also speak on behalf Lisa Parady. He thanked the committee for its willingness to listen to their concerns and to include so many of them in the committee substitute. They have had a shared goal, to create a bill that will benefit students and increase student achievement. Many components in the committee substitute are especially appreciated. They are not afraid of accountability and the accountability provisions in SB 111 are reasonable. The strong elements for professional development will assist educators in meeting the needs of their students across this great state. High, rigorous professional standards that will prepare teachers for reading instruction and early education will serve students well. The assurance that early education programs are appropriate and utilize research-based strategies will prepare those students well for successful educational experience.

MR. WOOTEN said that they especially appreciate defining the elements of evidence-based reading. The ability to read well is the fundamental basis for a good education and SB 111 emphasizes this. Provisions for timely, rapid interventions for students in need of additional help are critical and addressed in the bill. The emphasis on increasing parental engagement in the education of their children, particularly in reading, is welcome. The assistance of the department in those interventions will be particularly helpful in smaller school districts.

MR. WOOTEN said teachers made a herculean effort during the pandemic to deliver virtual instruction. Some form of hybrid instruction, which includes virtual delivery, will likely outlive the pandemic. Professional development for those who

deliver virtual instruction will only improve that instructional model going forward. The influx of pandemic aid flowing into school districts makes the increase in undesignated fund balance carryover a necessary and welcome change. This will avoid the use-it-or-lose-it mentality and allow districts to best use those funds to serve the students. The addition of the culturally responsive phrase in multiple locations retains local control and ensures districts can serve their students in ways acceptable to the communities in which they reside.

[10:37:27 AM](#)

MR. WOOTEN said that some things are concerning. They are disappointed that funding for universal pre-K is not possible at this time due to the fiscal cliff facing the state. Their hope is that when the time for repeal arrives, the state will be in a better fiscal situation and the results will show the success of early education as has already been proven in several Alaskan school districts. They would have liked to have seen pre-K counts in the ADM not capped by an appropriation, but they are grateful for what is in the bill. Section 7 of the reporting requirement has a requirement to report the number of administrators compared to the total number of students. They are not opposed to this, but it is sometimes too easy to find educational funding by reducing the number of administrators. They provide the leadership necessary for student achievement. His only request is not to think of them as expendable but as part of a team working in concert with classroom teachers to increase student achievement. While he is still concerned about the repeals for so many of the programs in SB 111, making the repeals consistent with one date has removed much of the confusion from the original version. The committee substitute has made SB 111 a much better bill. He appreciates the efforts of all the committee members and Mr. King has been very responsive.

SENATOR BEGICH thanked both testifiers and the chair and Mr. King for working so diligently on the suggested changes. It is much appreciated. It has made a much better bill.

[10:40:03 AM](#)

CHAIR HOLLAND held SB 111 in committee.

[10:40:19 AM](#)

CHAIR HOLLAND There being no further business to come before the committee, Chair Holland adjourned the Senate Education Standing Committee at 10:40 a.m.