

SCOMM

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BACKGROUND INFORMATION

CHRONOLOGY OF EVENTS RELATING TO THE CURRENT NEGOTIATIONS BETWEEN THE ALASKAN SCHOOL DISTRICTS AND ALASKA DEPARTMENT OF EDUCATION, AND THE FEDERAL OFFICE FOR CIVIL RIGHTS

1964: Title VI, Civil Rights Act enacted on federal level

1965: Bilingual Education Act, enacted on federal level

1972: Alaska state legislature passed law calling for the establishment of bilingual education programs in those schools of the State-Operated-Schools-System with 15 or more students of limited English-speaking ability.

1974: The U.S. Supreme Court ruled in *Lau v. Nichols* that schools must provide equal educational opportunity for those students whose primary language is other than English.

January, 1975: The U.S. Department of Health, Education and Welfare Office for Civil Rights (OCR) sent forms to three school systems in Alaska: Alaska State-Operated-Schools System, Anchorage School District and North Star Borough School district (Fairbanks). The three districts were selected at random by OCR.

The forms were to determine whether there were any compliance problems with the Civil Rights Act of 1964 in any of the districts; more specifically, the forms required the districts to show how many students covered by the *Lau* decision were being served in each district and how those students were being served.

Spring, 1975: Alaska State-Operated-Schools submitted data to (OCR).

June, 1975: Alaska Senate Bill 35, decentralizing the Alaska-State-Operated-School System, was signed into law. The ASOSS was abolished and in its place was created a one-year interim school district known as the Alaska Unorganized Borough School District (AUBSD). The district was to function only until July 1, 1976, when the new districts were to take over.

The legislation also changed the state's bilingual education law, calling for bilingual-bicultural education programs in those schools with eight or more students of limited English-speaking ability.

August, 1975: OCR-Region X, in Seattle, requested additional information regarding data submitted

by ASOSS on the form. At this point, however, ASOSS was no longer existing and had been replaced by a new governing body, a new administration and the new organization known as AUBSD. That administration submitted information about the transition being caused by Alaska Senate Bill 35 and, in particular, about the interim function of AUBSD.

Summer, 1975: The OCR convened a national task force to specify remedies to eliminate educational practices ruled unlawful under the Lau decision. The result was a set of minimum guidelines labeled the "Lau remedies."

January, 1976: AUBSD was notified by OCR-Region X that it had been found in "presumptive noncompliance" with Title VI of the Civil Rights Act of 1964. More specifically, according to OCR, ASOSS/AUBSD had failed to serve its students who had language problems. The finding by OCR was based on an analysis of the data submitted by the now defunct organization ASOSS.

February, 1976: AUBSD submitted arguments to OCR-Region X that it did not have the authority, resources, personnel, funding or time left, given its six remaining months of existence, to answer the changes as outlined in the finding of presumptive noncompliance.

March, 1976: AUBSD was notified that it had been found in noncompliance with Title VI of the Civil Rights Act of 1964; that it must take action to remedy the earlier-stated problems -- more specifically, it must assess students, develop educational plans, obtain approval from OCR of plans and impose plans upon the new districts taking over on July 1. OCR stated that failure to comply would result in a withdrawal of federal funds from AUBSD and the new districts.

April, 1976: At the request of AUBSD, representatives from AUBSD, the Alaska Department of Education (DOE), University of Alaska and OCR met in Juneau. DOE agreed to assume a leadership role in resolving the issue, if that action met with the approval of the State Board of Education.

May, 1976: The State Board of Education approved a resolution stating that DOE would enter into negotiations with OCR in behalf of all school districts in the state, in the matters pertaining to compliance with Title VI of the Civil Rights Act of 1964. In particular, the board directed the department to:

- (1) identify and assess the primary or home language of the state's students;
- (2) develop minimal guidelines for use by all school districts;
- (3) prepare a time schedule of events for the assessment, development and implementation of a plan

July, 1976: AUBSD was ended and 21 new school districts formed in its place, each guided by a locally elected district school board.

September, 1976: OCR notified DOE that it would have to submit a comprehensive educational plan detailing (1) assessment of students; (2) programs to remedy needs of children with linguistic problems; (3) staffing; (4) funding resources. In effect, the plan on which DOE was working shifted from being a set of guidelines for bilingual education programs to being a compliance document.

November, 1976: DOE submitted its first plan to OCR. It was rejected by OCR. With its rejection of the first plan, OCR also put into action the mechanism for deferring federal funds and notified the 21 districts of that action.

December, 1976: DOE's second plan was submitted to OCR.

January, 1977: OCR found the second plan unacceptable.

February, 1977: OCR notified the districts that a deferral on application for federal funds was being placed on them.

March, 1977: DOE submitted another plan to OCR.

The General Counsel of the U.S. Department of Health, Education and Welfare notified the districts of the official deferral of federal funds, under Title VI of the Civil Rights Act.

The deferral of federal funds led to the initiation of a federal administrative hearing process. The process began with a prehearing conference on March 22. It was attended by attorneys for the districts still involved in litigation, the DOE attorney and legal representatives for OCR.

April, 1977: DOE was notified that its third plan was unacceptable.

DOE requested the assistance of the Center for Equal Opportunity in Education to develop the next version of the plan. Negotiations between DOE, the Center and OCR resulted in the

development of the handbook entitled "A Handbook for Bilingual-Bicultural Education Programs in Alaska."

The administrative hearing was rescheduled for July 20, 1977.

June, 1977: OCR and DOE reached agreement on a plan for compliance. The plan contains three parts: 1) the handbook, to be adopted by the State Board of Education as regulation and used by the state's 51 school districts in resolving noncompliance issues; 2) the DOE management plan spelling out how the handbook will be implemented; 3) a memorandum of agreement between DOE and OCR on the handbook and the management portion of the process. All three parts of the plan have to be ratified by the State Board of Education.

June 27, 1977: The State Board of Education directed the Department to ask for public input on the plan by promulgating a regulation calling for the adoption of the handbook as state regulation. The Board also directed the Department to go ahead with language assessment activities and a cost analysis of full implementation of the plan.

The Board also requested from OCR a postponement of the administrative hearing then scheduled for July 20, asking that the hearing be postponed until no earlier than October 31.

OCR also made public that the Anchorage school district has been found in noncompliance with the Lau remedies. At stake are approximately \$3.5 million in federal funds.

Also, in June, 1977, the OCR found the North Star Borough School District (Fairbanks) in noncompliance with the Lau remedies. At stake are some \$400,000 in federal funds.

The administrative hearing is now set for October 31, 1977. Public hearings on the handbook began August 24 and continue through October 5. Content of the memorandum of agreement and the management plan is being negotiated, with presentation of both documents scheduled for an October meeting of the state board of education. At the same meeting the results of the public testimony on the compliance handbook will also be presented.