

SB

285

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Senator Gary Stevens

Alaska State Legislature

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Senate Bill 285

SPONSOR STATEMENT

"An Act relating to the power and duties of the Department of Education and Early Development for improving instructional practices in school districts."

SB 285 has been introduced in response to the court case decision of Moore et. al. vs. State of Alaska (3AN-04-9756 Civil), which pertains to the Legislature fulfilling its constitutional mandate of overseeing school districts and schools in Alaska. The case concludes in part that the Legislature is failing this duty as regards schools with long-standing poor performance.

The education clause of Alaska's Constitution states that the Legislature has the obligation to establish and maintain public schools in Alaska. The Legislature has delegated this responsibility to the Department of Education and Early Development (DEED). As is common among states, there has been a long-standing policy of maximizing local control of Alaska's schools and education. However, when it is determined that a local school district continually fails to provide a child a meaningful opportunity to learn, local control must give way to Legislative intervention, via DEED. Alaska must make its best effort to remedy the situation by implementing specific, focused strategies and professional development designed to increase student learning and proficiency.

SB 285 requires that regulations be drafted establishing criteria under which DEED may intervene and provide direction to a district to develop school and district-level improvement plans targeted to increase student achievement. The commissioner will use multiple measures and data in making such a determination. Passage of SB 285 will make it clear to Alaska's school districts that they must cooperate with DEED or risk specific directives, delineated in regulation, regarding district personnel decisions and expenditures of district funds necessary to improve instructional practices in the district schools. Passage of SB 285 will also demonstrate to the Judicial branch that the Legislature is acting to better ensure total fulfillment of the mandates established in the education clause of Alaska's constitution.

I encourage your support of this important leadership role we must assume in Alaska's education policy.

THE EDUCATION CLAUSE

Alaska Constitution

Article VII

Health, Education and Welfare

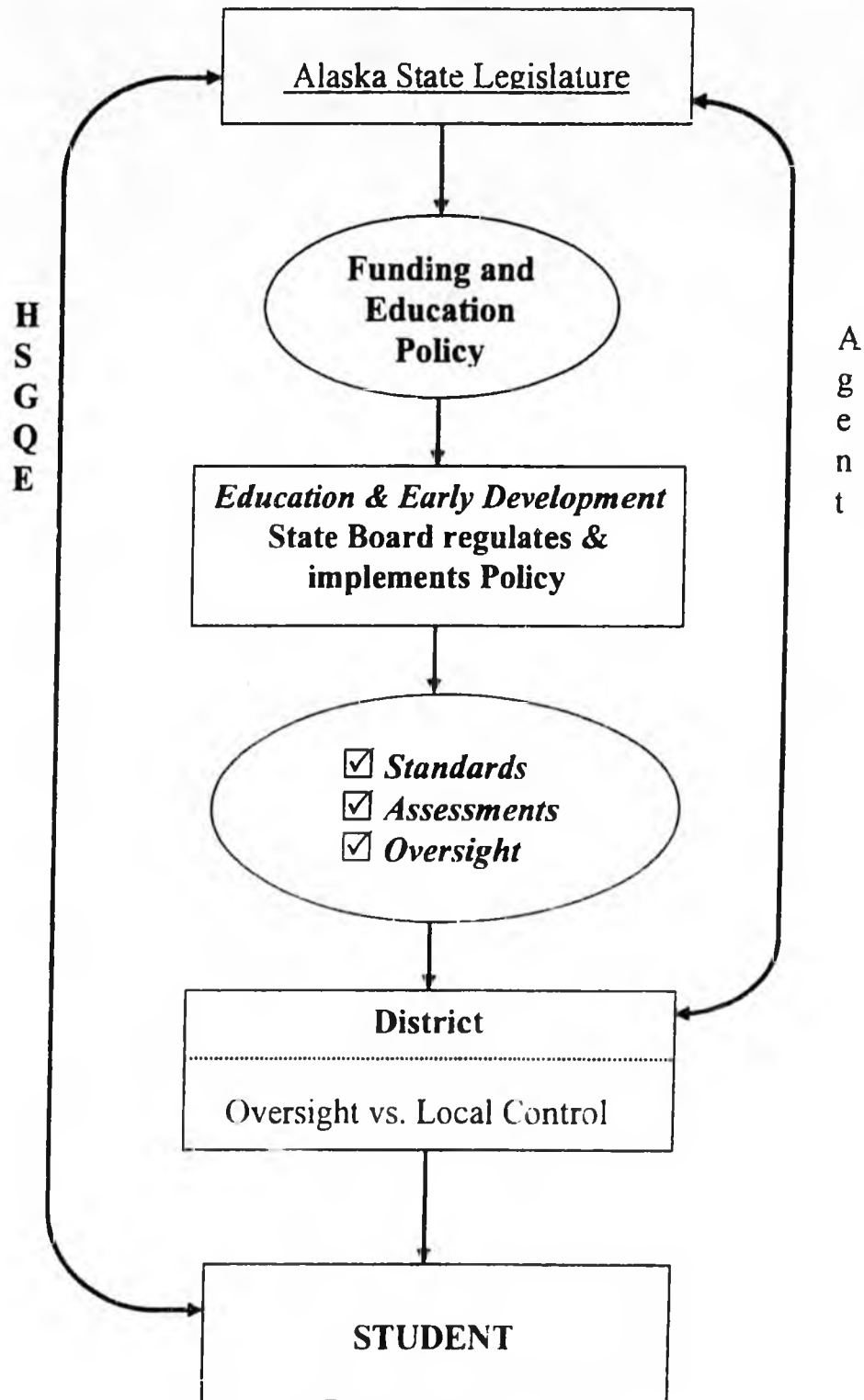
§ 1. Public Education

The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

Court's Decision in *Moore v. State*

<u>Requirement of Education Clause</u>	<u>Is Legislature in Compliance?</u>
1. Funding	Yes
2. Standards	Yes
3. Assessment System	Yes
4. State Oversight of School Districts and Schools.	(a) Yes as to districts where local control has worked. (b) No as to Yupiit School District, and maybe other districts or schools with long-standing poor performance.
<u>Requirement of Due Process Clause</u>	
1. Must be meaningful opportunity to learn in order to require High School Exit Exam for diploma	(a) Yes as to districts where local control has worked. (b) No as to Yupiit School Districts and maybe other districts or schools with long-standing poor performance.

Alaska Public School System



State's Oversight/ Accountability System:

A. Districts we looked closely at:	B. Districts in which we intervened:
1. Alaska Gateway	1. Lower Yukon (2006)
2. Anchorage	2. Northwest Arctic (2006)
3. Bering Strait	3. Southwest Region (2008)
4. Fairbanks	4. Yukon Flats (2007)
5. Juneau	5. Yukon Koyukuk (2007)
6. Kuspuk	6. Yupiit (2005)
7. Lake & Peninsula	
8. Lower Kuskokwim	
9. Lower Yukon	
10. Mat-Su	
11. North Slope	
12. Northwest Arctic	
13. Southwest Region	
14. Yukon Flats	
15. Yukon/Koyukuk	
16. Yupiit	

Note 1: All decisions are data-driven.

Note 2: Results of the intervention in three districts are attached, and show growth.

Note 3: Interventions have including drafting of improvement plans that mandate a three-step foundation program for improvement.

Reading District Data

The Desk & Instructional Audit Revealed

NCLB Winter Conference
January 17, 2008

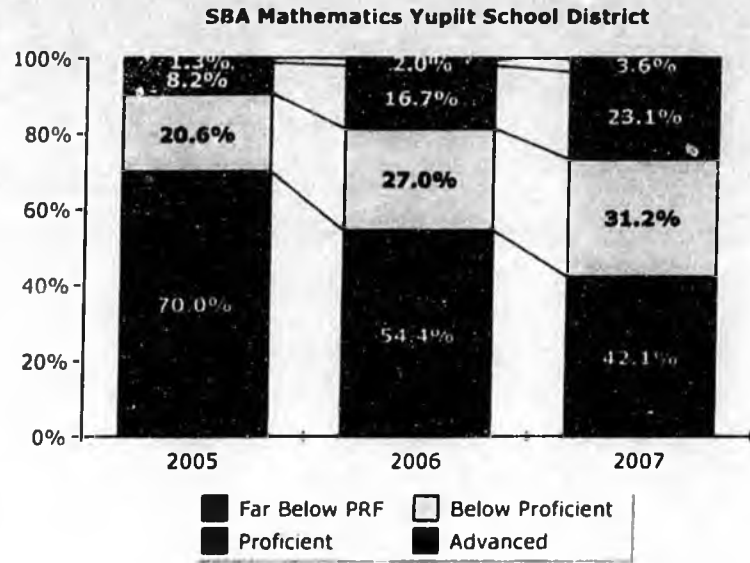


MATH TESTS SCORES AFTER STATE INTERVENTION

Yupit School District

State Intervention

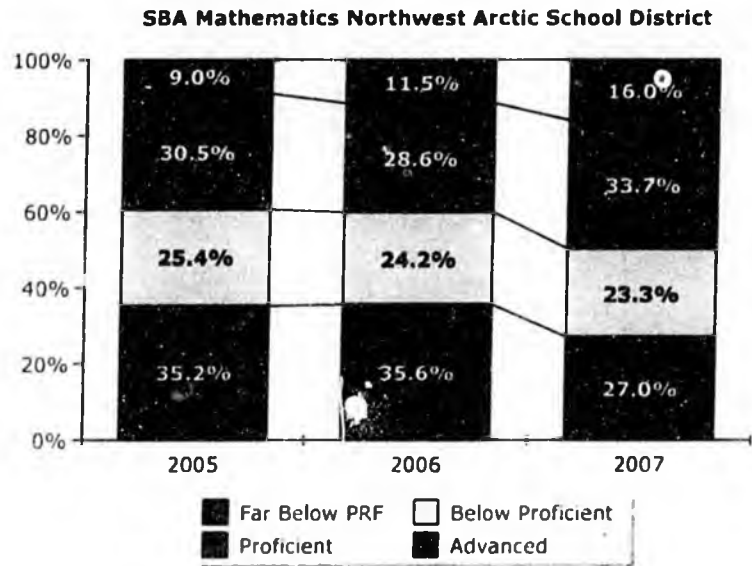
2005
2006
2007



Northwest Arctic School District

State Intervention

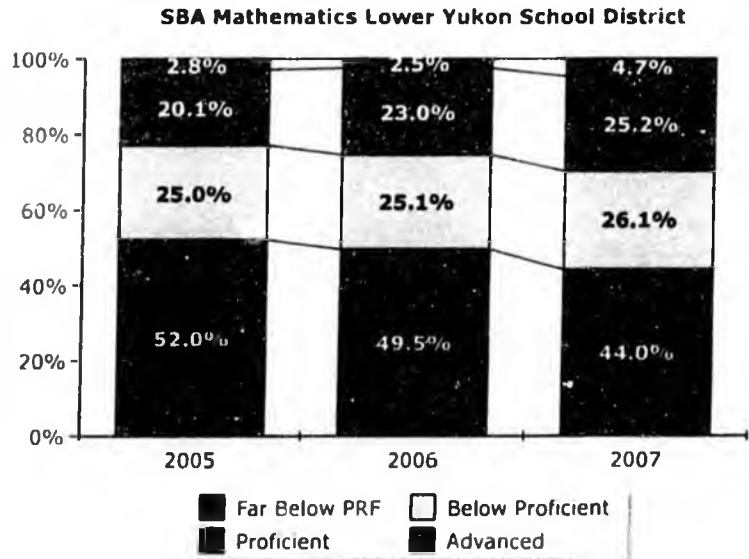
2006
2007



Lower Yukon School District

State Intervention

2006
2007

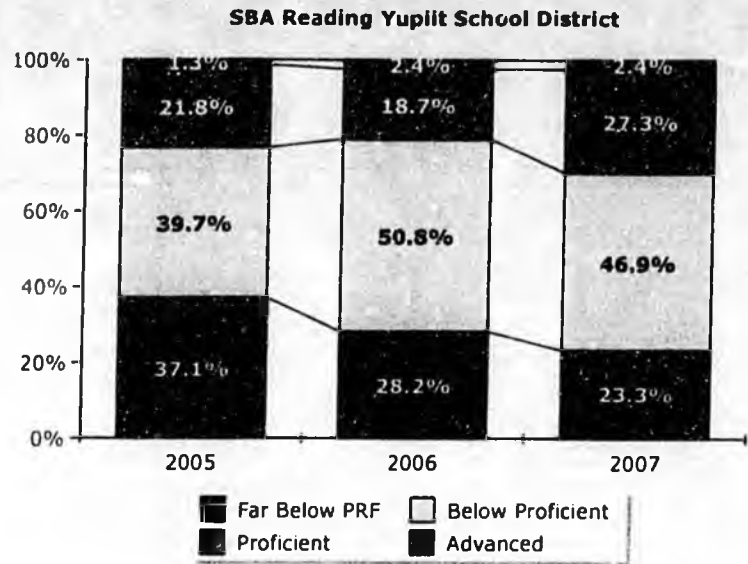


READING TESTS SCORES AFTER STATE INTERVENTION

Yupit School District

State Intervention

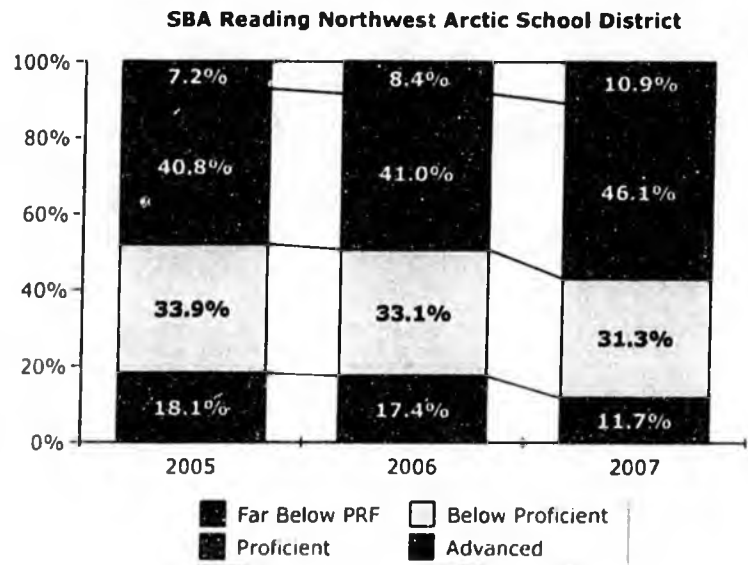
- 2005
- 2006
- 2007



Northwest Arctic School District

State Intervention

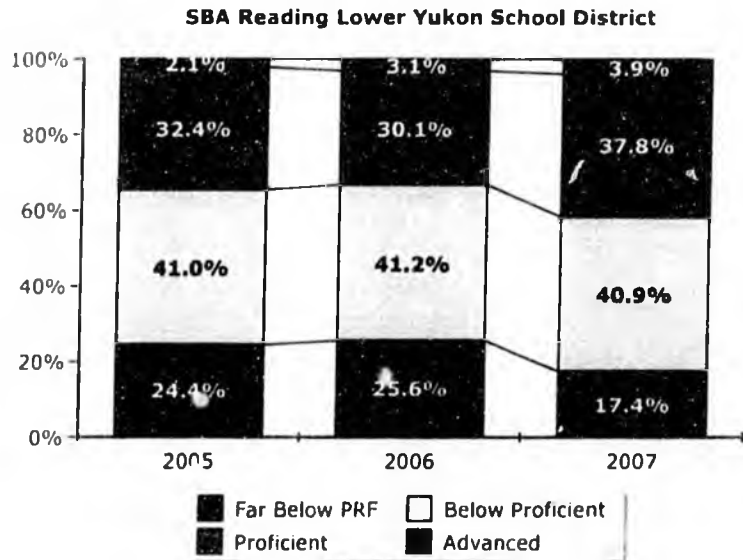
- 2006
- 2007



Lower Yukon School District

State Intervention

- 2006
- 2007



ALASKA STATE LEGISLATURE

SB 285

SENATE FINANCE COMMITTEE

Senator Bert Stedman, Co-Chair
State Capitol, Room 516
Juneau, AK 99801-1182
(907) 465-3873 - Phone
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Senator_Bert_Stedman@legis.state.ak.us



Official Business

Senator Lyman Hoffman, Co-Chair
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Senator_Lyman_Hoffman@legis.state.ak.us

Letter of Intent

Amended

It is the intent of the Legislature that the Department of Education and Early Development (DEED) provide state oversight of public education, and that state oversight promote local control of public education where local control has resulted in effective instructional practices.

It is the intent of the Legislature that the DEED intervene in a school district when the department has evidence that intervention by the department can result in improvement in instructional practices in the school district, consistent with the accountability system established in AS 14.03.123, the secondary student competency examination in AS 14.03.075, and the decision of the Alaska Superior Court in Moore v. State, No. 3AN-04-9756 CI (Alaska Super. 2007).

It is the intent of the Legislature that if intervention actions being taken by DEED involve the hiring of district ^{academic} ~~or school~~ coaches, to the extent practicable, only Alaskan professionals with significant experience working in Alaska's educational system and instructional practices be utilized.

*Amended &
Adopted by the Senate*

Date: 3/24/08

SENATE BILL NO. 285

formance of public schools in this state. The report must be entitled "Alaska's Public Schools: A Report Card to the Public." The report must include

(1) comprehensive information on each public school compiled, collected, and reported under (d) and (e) of this section for the prior school year;

(2) a summary of the information described in (1) of this subsection; the summary must be prepared in a manner that allows school performance to be measured against established state education standards; and

(3) for a report due by or after January 15, 2005, the most recent performance designation under AS 14.03.123 received by each public school.

(g) In this section, "district" has the meaning given in AS 14.17.990. (§ 2 ch 173 SLA 1990; am § 1 ch 63 SLA 1992; am §§ 7, 8 ch 21 SLA 1995; am §§ 3, 4, 5, 6 ch 83 SLA 1998; am § 3 ch 29 SLA 2000; am § 5 ch 94 SLA 2001; am § 1 ch 99 SLA 2002; am §§ 1 — 3 ch 173 SLA 2004)

Cross references. — For transitional provisions relating to regulations implementing ch. 83, see § 40, ch. 83, SLA 1998 in the 1998 Temporary and Special Acts.

Effect of amendments. — The 1995 amendment, effective August 8, 1995, in subsection (b), substituted "governor, and notify the legislature that the report is available" for "governor and to each member of the legislature" and made a minor stylistic change, and, in subsection (f), deleted "legislature and the" following "provide to the" and inserted "and the legislature" in the first sentence and added the last sentence.

The 1998 amendment, effective July 1, 1998, re-wrote subsections (d) — (f) and in subsection (g) made a section reference substitution.

The 2000 amendment, effective July 1, 2000, added paragraph (d)(7) and made related stylistic changes.

The 2001 amendment, effective July 7, 2001, in subsection (d), added the language beginning "including the number" to the end of paragraph (5), added paragraph (8), and made stylistic changes.

The 2002 amendment, effective June 29, 2002, in paragraph (1)(3), substituted "2005" for "2003," inserted "most recent," updated a section reference, and deleted "during the prior school year" from the end.

The 2004 amendment, effective July 27, 2004, re-wrote subsection (b); in subsection (d), inserted "deliver to the department for posting on the department's Internet website and" in the introductory language, and added paragraphs (9) and (10); in subsection (e), deleted "beginning in 2000" following "July 1 of each year" in the introductory language, added paragraphs (2)(C) and (D), and made related changes.

Sec. 14.03.123. School and district accountability. (a) By September 1 of each year, the department shall assign a performance designation to each public school and school district and to the state public school system in accordance with (f) of this section.

(b) The department shall inform the governing body of each district of the performance designation assigned under (a) of this section.

(c) The state board shall adopt regulations implementing this section, providing for a statewide student assessment system, and providing for the process of assigning a designation under (a) of this section, including

(1) the methodology used to assign the performance designation, including the measures used and their relative weights;

(2) high performance and low performance designations that are based on the accountability system under this section;

(3) a procedure for appealing a designation that may be used by the principal of a public school or by the superintendent of a public school district;

(4) additional measures that may be progressively implemented by the commissioner to assist schools or districts to improve performance in accordance with this section and with federal law; to the extent necessary to conform to federal law, the additional measures may be unique to a certain school or district if that school or district receives federal funding that is not available to all schools or districts in the state.

(d) A public school or district that receives a low performance designation under this section shall prepare and submit to the department a school or district improvement plan, as applicable, in accordance with regulations adopted by the board. The improvement plan must be prepared with the maximum feasible public participation of the community including, as appropriate, interested individuals, teachers, parents, parent organizations, students, tribal organizations, local government representatives, and other community groups.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLER

TO: CSSB 285(FIN)

1 Page 3, line 12, following "criteria":

2 Insert "based on a low performance designation for student performance

3 determined under AS 14.03.123(a), *Student accountability*

4

5 Page 5, lines 19 - 21:

6 Delete "the strategies and methods used in teaching or delivering information, skills,

7 and material to a student to help the student achieve intended educational outcomes"

8 Insert "the teaching methods and student learning management tools that are

9 confirmed by research to improve student achievement"

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Sarah Palin, Governor

P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
PHONE: (907) 463-2133
FAX: (907) 463-2075

March 27, 2008

The Honorable Wes Keller
Alaska State Legislature
Alaska State Capitol, Room 24A
Juneau, Alaska 99801

Dear Representative Keller:

You have asked several questions about the presentation by the Departments of Law and Education and Early Development in the House HESS committee on Saturday, March 15. I will address your questions in turn.

Your first question was whether the presentation was "the product of a comprehensive review of the case by the Department of Law?" My answer is that, although the Department of Law has done a comprehensive review of the *Moore* case (a complex case that is still being litigated), this presentation was intended only to provide background on *Moore* to help the committee understand the purpose of SB 285, as asked by EED and Chair Wilson.

Second, you ask, "What are the potential ramifications of a legislative committee discussion and testimony in the context of future Supreme Court action pending on *Moore v. State of Alaska*?" The superior court in *Moore* made clear that she wanted to hear the legislature's reaction to her initial decision in the case. SB 285 can provide a vehicle for this reaction and an opportunity for discussion of the educational policy issues that remain before the court. We support this debate because, in our view, the courts should defer to the legislature on setting educational policy.

Your third question is, "What can we expect to happen related to the June, 2008 deadline date mentioned in the decision whether or not legislative action is taken?" This is the legislature's opportunity to have an effect on the court. Legislative action, or a clear decision not to take action to change the current course, would send a strong message. Conversely, if the legislature is unclear, it will have lost an opportunity to influence the court. You will understand, of course, that we cannot speculate on what the court will do.

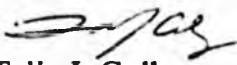
Representative Wes Keller
Re: *Moore v. State*

March 27, 2008
Page 2

Fourth, "If the Department of Law is advising legislative action related to the Moore decision: Why is the advice coming in the last 30 days of legislative session and within two months of the June date set by the Supreme Court?" EED might be in a better position to answer the questions you ask about timing.

Finally, if you are interested in this office's legal strategy, because the case is pending, I would prefer not to respond in writing but, instead, to arrange for Assistant Attorney General Neil Slotnick to discuss it with you personally. Please let me know whether this is something you would like to schedule.

Sincerely,


Talis J. Colberg
Attorney General

cc: AAG Neil Slotnick

Northwest Arctic Borough School District

"Educating Our Children to Lead Successful Lives"

P.O. Box 264 • Kotzebue, Alaska, 99752 • Phone (907) 442-3472 • Fax (907) 442-2392



Leading the Way

Vision: "By 2012, NWABSD will be in the top 10% of district in Alaska based on graduation rates and student achievement."

March 7, 2008

The Honorable Gary Stevens
State Capitol Room 103
Juneau, Alaska 99801-1182

Dear Senator Stevens:

I am writing in response to SB 285: "State Intervention in School District," which you have sponsored. As superintendent of a school district that is operating under a state imposed District Improvement Plan (DIP), I have some insight into the interventions imposed by DEED to improve the delivery of local education.

Let me begin by saying that I appreciate the intent of Senate Bill 285 and welcome the legislatures continued interest in improving school district performance.

Presently, our school district is in the second semester of its second year of intervention under a DIP imposed by DEED. Although I believe the intent of the department is sincere, I am disappointed in their development and deployment of the DIP they imposed on us. Quite simply, it was not well thought through. I have communicated my concerns to the department and worked closely and cooperatively with Interim Commissioner Thompson and members of her staff to address shortcomings in their plan.

As you and others deliberate on SB 285, I would like to offer some suggestions:

1. DEED should be required to obtain legislative or other neutral third party approval before intervening in a school district and imposing a DIP.

A neutral third party needs to be involved in this determination to ensure the department does not act arbitrarily. Presently, it is unclear why some districts are chosen for intervention while others who have as many or more schools deemed in crisis are not. Oversight would ensure accountability on the part of DEED and an appropriate response by the district(s) involved.

2. Require DEED and districts selected for intervention to develop a joint DIP during the budget cycle prior to the intervention. In our case, the budget, plan of service, school calendar, etc., had been developed, approved, and implemented according to state requirements. All of these were arbitrarily disrupted by DEED's imposed DIP, resulting in unbudgeted expenditures in excess of \$100,000, weeks of lost instructional time for key staff, and unnecessary confusion for our district.

3. Require DEED to develop specific entry and criteria exit criteria for district improvement plans. I find it ironic that DEED spent almost a decade building a standards-based education system for the state, yet operates in the absence of standards when it comes to determining how a district gets into and out of a DIP. Teachers, parents, and board members ask me what we must do to be exited from the DIP, I tell them I do not know and DEED does not know either.

4. DEED should refine the approach to working with targeted districts. When it intervened in our district, three (3) of our 12 schools were identified as needing improvement under NCLB criteria. Other schools in our district were performing at satisfactory and in some cases exemplary levels, yet DEED targeted our entire school district. I am still at a loss to understand why the entire district had to be disrupted when we could have focused on the schools that needed help. Certainly, DEED is capable of a more refined approach to working with districts to improve student achievement.

5. Authority and responsibility go hand-in-hand. If DEED takes control of the resources and activities of a school district, they should also assume responsibility for outcomes. School board members, like legislators, are elected and granted authority to act in the best interest of their constituents. Taking that authority away from an elected governing board and granting it to an appointed DEED designee who is not accountable to anyone locally is a VERY serious action for the state to take. DEED should be held accountable by the legislature for the results it produces when it intervenes.

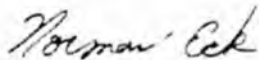
6. DEED should be working with local districts to bring about change rather than imposing sanctions. To my knowledge, no state department of education has shown evidence that forced intervention in a school district has resulted in sustained educational improvements.

7. Arbitrarily assigning coaches to school districts who are under a DIP has the potential to create acrimony between DEED and local school districts. I strongly believe that districts under a DIP should have equal say in who their coach will be.

Please use this opportunity to fashion something that brings people together, promotes collaboration, engages the public, protects local control of schools, and improves student achievement.

Thank you, Senator Stevens, for the opportunity to respond.

Sincerely yours,



Norman Eck, Ph.D.
Superintendent

Rebecca Rooney

From: Norman Eck, Ph.D. [norman_eck@nwarctic.org]
Sent: Thursday, March 27, 2008 2:13 PM
To: Rep. Peggy Wilson; Rep. Bob Roses
Cc: Rebecca Rooney
Subject: SB285

Attachments: 03.18.08 CS 285 #2.doc



03.18.08 CS 285
#2.doc (222 KB..)

Dear Honorable Representatives Wilson and Roses,

I am in the middle of our School Board meeting today, so I may not be able to testify on SB285 at 3 this afternoon. The Senate Finance Committee made some good changes to the bill. I have 3 additional concerns and have attached them to this email. I respectfully request that you incorporate these changes into the bill.

I spoke with each of you about this bill in your offices on the 17th of March. This is a very important issue and one that has the potential to be very much out of hand for the districts involved in the intervention, if not for your help.

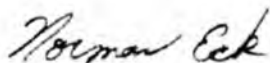
With respect,
Norman Eck

Norman Eck, Ph.D.
Superintendent
Northwest Arctic Borough School District
907.442.3472 x. 233

Suggested changes to CS for Senate Bill No. 285

Location	Language	Rationale
Page 3, Section 1. 16 (C)	"a process for districts to petition the department prior to the initiation, continuation, or discontinuation of a department intervention."	This will allow a district to appeal to the state board on the front end of intervention.
Page 5, Section 2. 15 (C)	"School improvement grants shall be made available to the district or school under intervention when the district or school improvement plan requires additional service to support student achievement. Additional funds may be used for curricular materials and/or educational specialists (such as school psychologists, speech pathologist, community school liaisons, etc. as written in the district or school improvement plan)."	Depending upon the size of district and/or schools in intervention, and number of students affected, this could be a grant ranging from \$250,000 to \$1,500,000 per district. For example, with 5 districts in intervention, these supplemental grants would total \$5 to \$6 million dollars, statewide total.
Page 5, Section 2. 15 (D)	"In districts where less than half the schools are the target of the intervention, the intervention should be focused on those schools, not the entire district."	For example in Northwest Arctic, we were put into the intervention as per the instructional audit of 3 of our 12 schools. The intervention activities should not disrupt the entire district or the other well-performing schools in Northwest Arctic.

Respectfully submitted:



Norman Eck, Ph.D.
 Superintendent, Northwest Arctic Borough School District
 March 18, 2008

SB 285

25-LS1522L-01

CONCEPTUAL AMENDMENT # _____

OFFERED IN THE HOUSE

BY: REPRESENTATIVE KELLER

TO CSSB285(FIN)

- 1 Page 3, line 12, following "criteria"
- 2 Insert ", based on a low performance designation for student performance
- 3 determined under AS 14.03.127(a),

SB 285

25-LS1522\L-02

CONCEPTUAL AMENDMENT #

OFFERED IN THE HOUSE

BY: REPRESENTATIVE KELLER

TO CSSB285(FIN)

- 1 Page 5, lines 19-21:
- 2 "instructional practices" means the strategies and methods used in teaching
- 3 or delivering information, skills, [*and*] material, **and student learning management**
- 4 **tools** to a student to help the student achieve intended educational outcomes.