

SB

285

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/29/08

FURTHER:

DATE TURNED
IN TO OFFICE: 3/19/08

Finance Committee considered SENATE BILL NO. 285

SB 285 STATE INTERVENTION IN SCHOOL DISTRICT

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

and recommends:

- be replaced with SCS or CS 285 (FIN)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt FIN Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

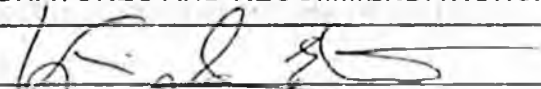
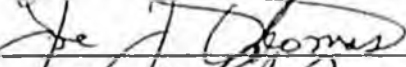
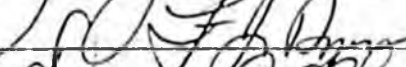
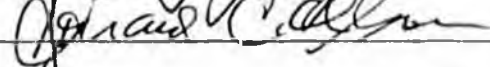


NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
EED	2/22/08	✓			1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	E Thomas	✓			
	Thomas	✓			
	Dyson				✓
	DYSON			✓	
CO-CHAIR: 	S. Hoffman			✓	
CO-CHAIR: 	HOFFMAN			✓	

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 285(SED)
(S) Publish Date: 2/29/08

Identifier :SB 285: SB285-DEED-SF-02-22-08
Title An Act relating to the power and duties of the Department of Education and Early Development for improving...
Sponsor Senator Stevens
Requester Senate Special Committee on Education
Dept. Affected: Education & Early Development
RDU Education Support Services
Component Executive Administration
Component Number 2736

Expenditures/Revenues (Thousands of
Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	268.4		268.4	268.4	268.4	268.4	268.4	268.4
Travel	25.0		25.0	25.0	25.0	25.0	25.0	25.0
Contractual	215.0		215.0	215.0	215.0	215.0	215.0	215.0
Supplies	30.0							
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	538.4	0.0	508.4	508.4	508.4	508.4	508.4	508.4

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	538.4		508.4	508.4	508.4	508.4	508.4	508.4
1005 GF/Program Receipts								
TOTAL								
Other Interagency Receipts								
TOTAL	538.4	0.0	508.4	508.4	508.4	508.4	508.4	508.4

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time	3.0							
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

SB295 requires that regulations be drafted that establish criteria under which the Department of Education & Early Development 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. This law will make it clear to Alaska school district that they must cooperate with the Department of Education & Early Development 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.

Prepared by: Eddy Jeans, Director Phone 465-2803
Division: School Finance Date/Time 2/22/2008
Approved by: Barbara Thompson, Interim Commissioner Date 2/22/2008

71000 Personal Services	\$268.4
Education Administrator II, Range 22	\$100.3
Education Specialist II, Range 21	\$92.0
Education Associate III, Range 17	\$76.1
72000 Travel	\$25.0
73000 Contractual	\$215.0
District Coaches, instructional materials, training Professional development	
74000 Commodities	\$30.0
Desktop PCs/Laptops/Printer/Supplies	
Total	\$538.4

*Amended
3/17/08*

25-LS1522K
Mischel
3/17/08

CS FOR SENATE BILL NO. 285()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): SENATOR STEVENS

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the power and duties of the Department of Education and Early**
2 **Development for improving instructional practices in school districts; and providing for**
3 **an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1. AS 14.07.020(a) is amended to read:**

6 (a) The department shall

7 (1) exercise general supervision over the public schools of the state
8 except the University of Alaska;

9 (2) study the conditions and needs of the public schools of the state,
10 adopt or recommend plans, administer and evaluate grants to improve school
11 performance awarded under AS 14.03.125, and adopt regulations for the improvement
12 of the public schools;

13 (3) provide advisory and consultative services to all public school
14 governing bodies and personnel;

1 (4) prescribe by regulation a minimum course of study for the public
2 schools; the regulations must provide that, if a course in American Sign Language is
3 given, the course shall be given credit as a course in a foreign language;

4 (5) establish, in coordination with the Department of Health and Social
5 Services, a program for the continuing education of children who are held in detention
6 facilities in the state during the period of detention;

7 (6) accredit those public schools that meet accreditation standards
8 prescribed by regulation by the department; these regulations shall be adopted by the
9 department and presented to the legislature during the first 10 days of any regular
10 session, and become effective 45 days after presentation or at the end of the session,
11 whichever is earlier, unless disapproved by a resolution concurred in by a majority of
12 the members of each house;

13 (7) prescribe by regulation, after consultation with the state fire
14 marshal and the state sanitarian, standards that will assure healthful and safe
15 conditions in the public and private schools of the state, including a requirement of
16 physical examinations and immunizations in pre-elementary schools; the standards for
17 private schools may not be more stringent than those for public schools;

18 (8) exercise general supervision over pre-elementary schools that
19 receive direct state or federal funding;

20 (9) exercise general supervision over elementary and secondary
21 correspondence study programs offered by municipal school districts or regional
22 educational attendance areas; the department may also offer and make available to any
23 Alaskan through a centralized office a correspondence study program;

24 (10) accredit private schools that request accreditation and that meet
25 accreditation standards prescribed by regulation by the department; nothing in this
26 paragraph authorizes the department to require religious or other private schools to be
27 licensed;

28 (11) review plans for construction of new public elementary and
29 secondary schools and for additions to and major rehabilitation of existing public
30 elementary and secondary schools and, in accordance with regulations adopted by the
31 department, determine and approve the extent of eligibility for state aid of a school

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construction or major maintenance project; for the purposes of this paragraph, "plans" include educational specifications, schematic designs, and final contract documents;

(12) provide educational opportunities in the areas of vocational education and training, and basic education to individuals over 16 years of age who are no longer attending school;

(13) administer the grants awarded under AS 14.11;

(14) establish, in coordination with the Department of Public Safety, a school bus driver training course;

(15) require the reporting of information relating to school disciplinary and safety programs under AS 14.33.120 and of incidents of disruptive or violent behavior;

(16) establish by regulation criteria under which the department may intervene as necessary in a school district to improve instructional practices, as described in AS 14.07.030(14) or (15); the regulations must include

(A) a notice provision that alerts the district of the deficiencies and the instructional practice changes proposed by the department;

(B) an end date for departmental intervention after the district demonstrates three consecutive years of improvement consisting of not less than two percent increases in student proficiency on standards-based assessments in math, reading, and writing as provided in AS 14.03.123(f)(2)(A); and

(C) a process for districts to petition the department for continuing or discontinuing the department's intervention;

(17) notify the legislative committees having jurisdiction over education before intervening in a school district under AS 14.07.030(14) or withholding public school funding under AS 14.07.030(15).

* Sec. 2. AS 14.07.030 is amended to read:

Sec. 14.07.030. Powers of the department. The department may

(1) establish, maintain, govern, operate, discontinue, and combine area, regional, and special schools;

- 1 (2) enter into contractual agreements with the Bureau of Indian Affairs
2 or with a school district to share boarding costs of secondary school students;
- 3 (3) provide for citizenship night schools when and where expedient;
- 4 (4) provide for the sale or other disposition of abandoned or obsolete
5 buildings and other state-owned school property;
- 6 (5) prescribe a classification for items of expense of school districts;
- 7 (6) acquire and transfer personal property, acquire real property, and
8 transfer real property to federal agencies, state agencies, or to political subdivisions;
- 9 (7) enter into contractual agreements with school districts to provide
10 more efficient or economical education services; reasonable fees may be charged by
11 the department to cover the costs of providing services under an agreement, including
12 costs for professional services, reproduction or printing, and mailing and distribution
13 of educational materials;
- 14 (8) provide for the issuance of elementary and secondary diplomas to
15 persons not in school who have completed the equivalent of an 8th or 12th grade
16 education, respectively, in accordance with standards established by the department;
- 17 (9) apply for, accept, and spend endowments, grants, and other private
18 money available to the state for educational purposes in accordance with AS 37.07
19 (Executive Budget Act);
- 20 (10) set student tuition and fees for educational and extracurricular
21 programs and services provided and schools operated by the department under the
22 provisions of (1) of this section and AS 14.07.020(a)(9), (11), and (12);
- 23 (11) charge fees to cover the costs of care and handling with respect to
24 the acquisition, warehousing, distribution, or transfer of donated foods;
- 25 (12) establish and collect fees for the rental of school facilities and for
26 other programs and services provided by the schools;
- 27 (13) develop a model curriculum and provide technical assistance for
28 early childhood education programs;
- 29 (14) notwithstanding any other provision of this title, intervene as
30 necessary in a school district to improve instructional practices under standard
31 established by the department in regulation, including directing the

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(A) employees identified by the department to exercise supervisory authority for instructional practices in the district or in a specified school;

(B) use of appropriations under this title for distribution to a district;

(15) notwithstanding any other provision of this title, redirect public school funding under AS 14.17 appropriated for distribution to a school district, after providing notice to the district and an opportunity for the district to respond, when

(A) necessary to contract for services to improve instructional practices in the district; or

(B) the district has failed to take an action required by the department to improve instructional practices in the district; if funding is redirected under this subparagraph, the department shall provide the redirected funding to the district when the department has determined that the required action is satisfactorily completed.

* Sec. 3. AS 14.07 is amended by adding a new section to read:

Sec. 14.07.032. Definition for AS 14.07.020 - 14.07.032. In AS 14.07.020 - 14.07.032, "instructional practices" means the strategies and methods used in teaching or delivering information, skills, and material to a student to help the student achieve intended educational outcomes.

* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

ALASKA STATE LEGISLATURE

SENATE FINANCE COMMITTEE

Senator Bert Stedman, Co-Chair
State Capitol, Room 516
Juneau, AK 99801-1182
(907) 465-3873 - Phone
(907) 465-3922 - Fax
Senator_Bert_Stedman@legis.state.ak.us



Official Business

Senator Lyman Hoffman, Co-Chair
State Capitol, Room 518
Juneau, AK 99801-1182
Phone - (907) 465-4453
Fax - (907) 465-4523
Senator_Lyman_Hoffman@legis.state.ak.us

Letter of Intent

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 or school coaches, to the extent practicable, only Alaskan professionals with significant experience working in Alaska's educational system and instructional practices be utilized.

AMENDMENT # 2

OFFERED IN: The Senate Finance Committee

TO: CSIB 285(FIN)

25-LS1522M

OFFERED BY: Senator Fred Dyson

- 1 Page 3, after line 11 add new subparagraph:
- 2 (16) audit schools for compliance with AS 14.33.120, and provide a
- 3 report on the results to all parents of students in the respective schools.
- 4
- 5 Renumber following subparagraphs as appropriate.

**SENATE FINANCE
COMMITTEE
ROLL CALL**

DATE: 3/19/08

Amendment: # 1

MEMBER

Favor

Oppose

MEMBER	Favor	Oppose
SEN. THOMAS		✓
SEN. DYSON	✓	
SEN. ELTON		✓
SEN. HUGGINS		✓
SEN. OLSON		✓
SEN. HOFFMAN		✓
SEN. STEDMAN		✓

YEA 1

NAY 6

**SENATE FINANCE
COMMITTEE
ROLL CALL**

DATE: 3/19/08

Amendment: #2

MEMBER

Favor

Oppose

MEMBER	Favor	Oppose
SEN. OLSON		✓
SEN. THOMAS		✓
SEN. DYSON	✓	
SEN. ELTON		✓
SEN. HUGGINS		✓
SEN. STEDMAN		✓
SEN. HOFFMAN		✓

YEA 1

NAY 6

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, if a large district such as Anchorage has several schools under intervention, the intervention activities should not disrupt the entire district or the other well-performing schools in Anchorage.

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

Final

AMENDMENT # 1

OFFERED IN: The Senate Finance Committee

TO: CSHB 285(FIN)

25-LS1522M

OFFERED BY: Senator Fred Dyson

1 Page 4, after line 18 add new subparagraphs:

2 (14) assure that all school board members

3 (A) have adequate training defining the boards'

4 responsibilities, authority, and assistance resources; and

5 (B) have ready access to legal, business, and accounting
6 consulting and guidance assistance.

7 (15) assure that all school personnel and parents have access to
8 information about available education choices including, but not limited to

9 (A) cyber schools;

10 (B) home schools;

11 (C) boarding schools;

12 (D) charter schools; and

13 (E) tutoring.

14 (16) assure school personnel and parents know how to access the
15 choices set forth in (15) above.

16

17 Rerumber following subparagraphs as appropriate.

40. Based on the evidence presented at trial, it would appear likely that the majority – perhaps the substantial majority -- of school districts within this state are meeting the State's constitutional obligation to provide an adequate education to Alaska's children. The State's accountability standards, in which each school's and district's testing results are widely disseminated, together with EED's support services and assistance, appear to provide sufficient standards and oversight for the majority of districts, at least from a constitutional perspective.

41. In order to achieve compliance with the Education Clause's requirement to maintain a system of public schools, the State must do, at a minimum, two things. First, it must establish clear standards for school districts that are necessary for the district to retain full local control. These standards must focus on whether the school district is fulfilling the State's constitutional obligation to provide an education to the children within the district. In short – the State must insure that each school district has a demonstrated plan to provide children a meaningful opportunity to achieve proficiency in the State's performance standards, and meaningful exposure on the remaining content standards – and insure that the district's plan is fully implemented and actually in use in the district's classrooms. Second, the State must exercise considerably more oversight and provide considerably more assistance and direction to those schools that are identified as failing to meet the State's constitutional obligation, in a concerted effort to remedy the situation.

Quotes

476. The evidence at trial clearly established that considerably greater oversight by the State over the education of Alaska's children, at least at the state's most seriously underperforming schools, is critically needed. Whether such oversight is constitutionally mandated by the Education Clause of Alaska's Constitution is a determination to be made only after careful consideration of the relevant legal rulings on this issue.

LEGAL ANALYSIS

1. The Education Clause in Alaska

The Education Clause of the Alaska Constitution provides: "The legislature shall by general law establish and maintain a system of public schools open to all children of the State." Art. VII, § 1. The Alaska Supreme Court has addressed this constitutional provision in several opinions.

The primary Alaska Supreme Court decision regarding the Education Clause is Hootch v. Alaska State-Operated School System, 536 P.2d 793 (Alaska 1975). In Molly Hootch, a number of students who resided in small rural communities filed suit seeking to compel the State to provide secondary schools in their communities of residence. Students seeking a secondary school education in rural Alaska at that time were required to attend state-operated boarding schools. The students asserted that the phrase "open to all children" in the Education Clause created a right to be educated in one's own community. Id. at 799. In addressing this constitutional issue, the Supreme Court indicated it would "look to the intent of the framers of the constitution concerning the nature of the right

*Adopted
3/14/08*

CS FOR SENATE BILL NO. 285()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR STEVENS

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the power and duties of the Department of Education and Early
2 Development for improving instructional practices in school districts; and providing for
3 an effective date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 14.07.020(a) is amended to read:

6 (a) The department shall

7 (1) exercise general supervision over the public schools of the state
8 except the University of Alaska;

9 (2) study the conditions and needs of the public schools of the state,
10 adopt or recommend plans, administer and evaluate grants to improve school
11 performance awarded under AS 14.03.125, and adopt regulations for the improvement
12 of the public schools;

13 (3) provide advisory and consultative services to all public school
14 governing bodies and personnel;

1 (4) prescribe by regulation a minimum course of study for the public
2 schools; the regulations must provide that, if a course in American Sign Language is
3 given, the course shall be given credit as a course in a foreign language;

4 (5) establish, in coordination with the Department of Health and Social
5 Services, a program for the continuing education of children who are held in detention
6 facilities in the state during the period of detention;

7 (6) accredit those public schools that meet accreditation standards
8 prescribed by regulation by the department; these regulations shall be adopted by the
9 department and presented to the legislature during the first 10 days of any regular
10 session, and become effective 45 days after presentation or at the end of the session,
11 whichever is earlier, unless disapproved by a resolution concurred in by a majority of
12 the members of each house;

13 (7) prescribe by regulation, after consultation with the state fire
14 marshal and the state sanitarian, standards that will assure healthful and safe
15 conditions in the public and private schools of the state, including a requirement of
16 physical examinations and immunizations in pre-elementary schools; the standards for
17 private schools may not be more stringent than those for public schools;

18 (8) exercise general supervision over pre-elementary schools that
19 receive direct state or federal funding;

20 (9) exercise general supervision over elementary and secondary
21 correspondence study programs offered by municipal school districts or regional
22 educational attendance areas; the department may also offer and make available to any
23 Alaskan through a centralized office a correspondence study program;

24 (10) accredit private schools that request accreditation and that meet
25 accreditation standards prescribed by regulation by the department; nothing in this
26 paragraph authorizes the department to require religious or other private schools to be
27 licensed;

28 (11) review plans for construction of new public elementary and
29 secondary schools and for additions to and major rehabilitation of existing public
30 elementary and secondary schools and, in accordance with regulations adopted by the
31 department, determine and approve the extent of eligibility for state aid of a school

1 construction or major maintenance project; for the purposes of this paragraph, "plans"
2 include educational specifications, schematic designs, and final contract documents;

3 (12) provide educational opportunities in the areas of vocational
4 education and training, and basic education to individuals over 16 years of age who
5 are no longer attending school;

6 (13) administer the grants awarded under AS 14.11;

7 (14) establish, in coordination with the Department of Public Safety, a
8 school bus driver training course;

9 (15) require the reporting of information relating to school disciplinary
10 and safety programs under AS 14.33.120 and of incidents of disruptive or violent
11 behavior;

12 (16) establish by regulation criteria under which the department
13 may intervene as necessary in a school district to improve instructional practices,
14 as described in AS 14.07.030(14) or (15);

15 (17) notify the legislative committees having jurisdiction over
16 education before intervening in a school district under AS 14.07.030(14) or
17 withholding public school funding under AS 14.07.030(15).

18 * Sec. 2. AS 14.07.030 is amended to read:

19 Sec. 14.07.030. Powers of the department. The department may

20 (1) establish, maintain, govern, operate, discontinue, and combine area,
21 regional, and special schools;

22 (2) enter into contractual agreements with the Bureau of Indian Affairs
23 or with a school district to share boarding costs of secondary school students;

24 (3) provide for citizenship night schools when and where expedient;

25 (4) provide for the sale or other disposition of abandoned or obsolete
26 buildings and other state-owned school property;

27 (5) prescribe a classification for items of expense of school districts;

28 (6) acquire and transfer personal property, acquire real property, and
29 transfer real property to federal agencies, state agencies, or to political subdivisions;

30 (7) enter into contractual agreements with school districts to provide
31 more efficient or economical education services; reasonable fees may be charged by

1 the department to cover the costs of providing services under an agreement, including
2 costs for professional services, reproduction or printing, and mailing and distribution
3 of educational materials;

4 (8) provide for the issuance of elementary and secondary diplomas to
5 persons not in school who have completed the equivalent of an 8th or 12th grade
6 education, respectively, in accordance with standards established by the department;

7 (9) apply for, accept, and spend endowments, grants, and other private
8 money available to the state for educational purposes in accordance with AS 37.07
9 (Executive Budget Act);

10 (10) set student tuition and fees for educational and extracurricular
11 programs and services provided and schools operated by the department under the
12 provisions of (1) of this section and AS 14.07.020(a)(9), (11), and (12);

13 (11) charge fees to cover the costs of care and handling with respect to
14 the acquisition, warehousing, distribution, or transfer of donated foods;

15 (12) establish and collect fees for the rental of school facilities and for
16 other programs and services provided by the schools;

17 (13) develop a model curriculum and provide technical assistance for
18 early childhood education programs;

19 (14) notwithstanding any other provision of this title, intervene as
20 necessary in a school district to improve instructional practices under standards
21 established by the department in regulation, including directing the

22 (A) personnel decisions of a district; and

23 (B) use of appropriations under this title for distribution to
24 a district;

25 (15) notwithstanding any other provision of this title, withhold
26 public school funding under AS 14.17 appropriated for distribution to a school
27 district, after providing notice to the district and an opportunity for the district
28 to respond, when

29 (A) necessary to contract for services to improve
30 instructional practices in the district; or

31 (B) the district has failed to take an action required by the

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department to improve instructional practices in the district; if funding is withheld under this subparagraph, the department shall provide the funding withheld to the district when the department has determined that the required action is satisfactorily completed.

* Sec. 3. AS 14.07 is amended by adding a new section to read:

Sec. 14.07.032. Definition for AS 14.07.020 - 14.07.032. In AS 14.07.020 - 14.07.032, "instructional practices" means the strategies and methods used in teaching or delivering information, skills, and material to a student to help the student achieve intended educational outcomes.

* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

Learning District Association

Reading District Data

The Desk & Instructional Audit Revealed

NCLB Winter Conference
January 17, 2008



Presentation can be found on the web at:

http://www.eed.state.ak.us/nclb/2008wc/Reading_District_Data.pdf

Desk Audit

- 4 AAC 06.840 (j)
 - May be conducted when district is at level 2 or higher
 - 4 AAC 06.8040 (j) (1) “desk audit” means a review of data to determine the reasons a district has not demonstrated adequate yearly progress

Instructional Audit

- 4 AAC 06.840 (j) (2)
 - “instructional audit” means an on-site review of the instructional policies, practices, and methodologies of the district or one or more schools within the district; ...

Instructional Audit

- An instructional audit may include a review of the district's or school's
 - Curriculum, including whether it is aligned with the state's standards & GLEs
 - Assessment policy and practice
 - Instruction
 - School learning environment
 - Professional development policy and practices
 - Leadership

District Corrective Action Plan

- Does the plan address areas that have caused district to not meet AYP?
- Does the plan have a method of determining student progress throughout the year?
- EED requires plans to include:
 - interim or formative assessments to regularly monitor ALL student achievement
 - staff collaboration for regular discussions related to ALL student achievement
 - Leadership at site level to lead collaboration meetings and ensure GLEs are incorporated into daily instruction

SESSION ADDRESS:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4925
Fax: (907) 465-3517
Toll Free: 1-800-821-4925

Senator Gary Stevens
Alaska State Legislature

INTERIM ADDRESS:
112 Mill Bay Road
Kodiak, Alaska 99615
(907) 486-4925
Fax: (907) 486-5264



LETTER OF INTENT

March 10, 2008

**Senator Bert Stedman, Co-Chair
Senate Finance Committee**

Ref: SENATE BILL 285: "An Act relating to the power and duties of the Department of Education and Early Development for improving instructional practices in school districts; and providing for an effective date."

I'm happy to provide the Senate Finance Committee the following intent statement to be included with Senate Bill 285 as it continues through the Legislative process.

I would offer the following:

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 or school coaches, to the extent practicable, only Alaskan professionals with significant experience working in Alaska's educational system and instructional practices be utilized.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Stevens", written over a horizontal line.

Senator Gary Stevens

Senate District R
Senator_Gary_Stevens@legis.state.ak.us



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

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

Leading the Way

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.

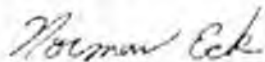
6. DEED should be working with local districts to bring about change rather than imposing sanctions. To my knowledge, no state department of education has shown evidence that forced intervention in a school district has resulted in sustained educational improvements.

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

SESSION ADDRESS:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4925
Fax: (907) 465-3517
Toll Free: 1-800-821-4925

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Alaska State Legislature

INTERIM ADDRESS:
112 Mill Bay Road
Kodiak, Alaska 99615
(907) 486-4925
Fax: (907) 486-5264



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.

ALASKA STATE LEGISLATURE

SENATE FINANCE COMMITTEE

Senator Bert Stedman, Co-Chair
State Capitol, Room 516
Juneau, AK 99801-1182
(907) 465- 3873 - Phone
(907) 465-3922 - Fax
Senator_Bert_Stedman@legis.state.ak.us



Official Business

Senator Lyman Hoffman, Co-Chair
State Capitol, Room 518
Juneau, AK 99801-1182
Phone - (907) 465- 4453
Fax - (907) 465- 4523
Senator_Lyman_Hoffman@legis.state.ak.us

Schedule week of March 10 – March 15, 2008

All Senate Finance Committee hearings will be teleconferenced

Monday, March 10, 2008

Senate Finance Room 532

9:00 AM

HB 310-APPROP: OPERATING BUDGET/LOANS/FUNDS

HB 312-APPROP: MENTAL HEALTH BUDGET

SB 221-BUDGET: CAPITAL, SUPP. & OTHER APPROPS

Department Presentations:

Department of Transportation and Public Facilities

Department of Environmental Conservation

Department of Natural Resources

Bills Previously Heard/Scheduled

1:30 PM

SB 289-HOME ENERGY CONSERVATION

Senator Lyman Hoffman,

John Weise, Staff

Still in L&C

SB 285-STATE INTERVENTION IN SCHOOL DISTRICT

Senator Gary Stevens

Tim Lamkin, Staff

HB 260-STATE OFFICERS COMPENSATION COMMISSION

Representative Mike Dougan

Ryan Jager, Staff

Backup done

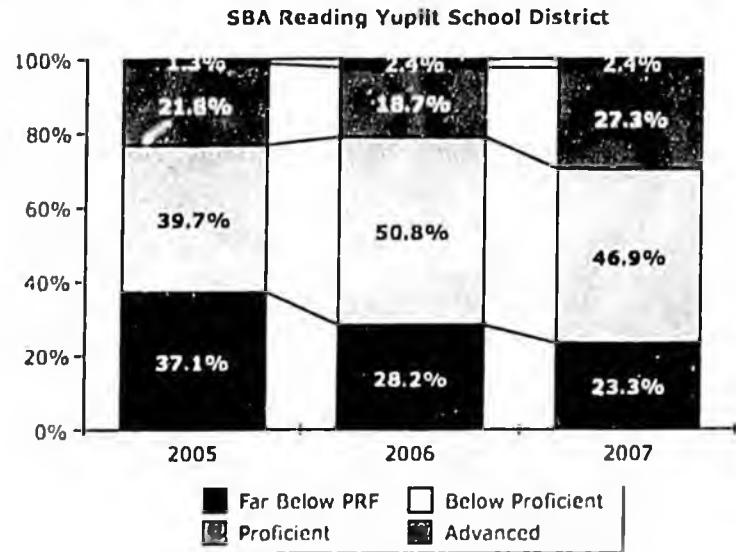
Bills Previously Heard/Scheduled

READING TESTS SCORES AFTER STATE INTERVENTION

Yupit School District

State Intervention

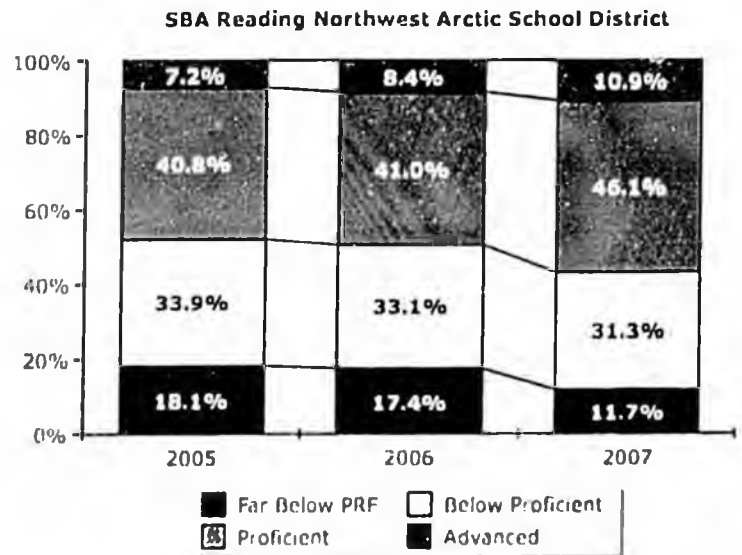
2005
2006
2007



Northwest Arctic School District

State Intervention

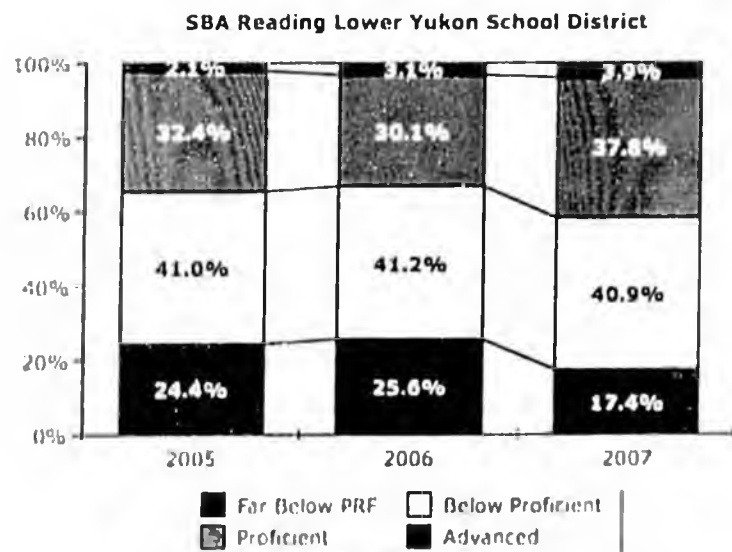
2006
2007



Lower Yukon School District

State Intervention

2006
2007

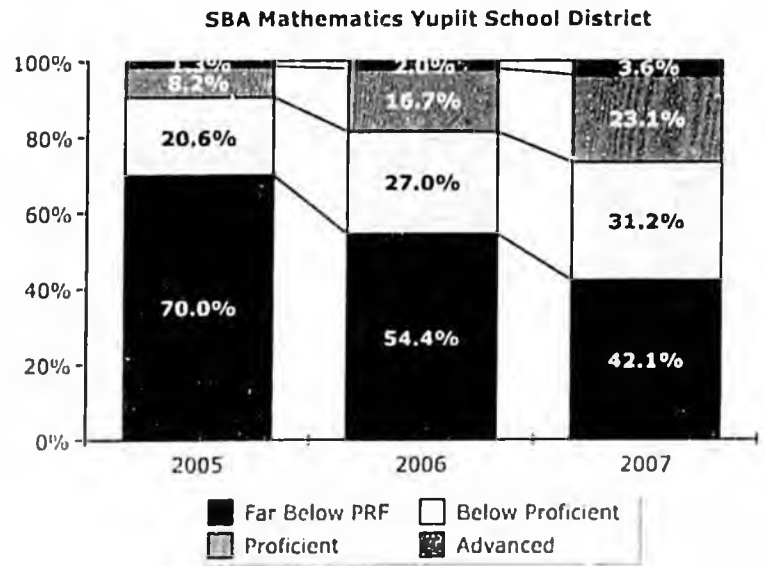


MATH TESTS SCORES AFTER STATE INTERVENTION

Yupit School District

State Intervention

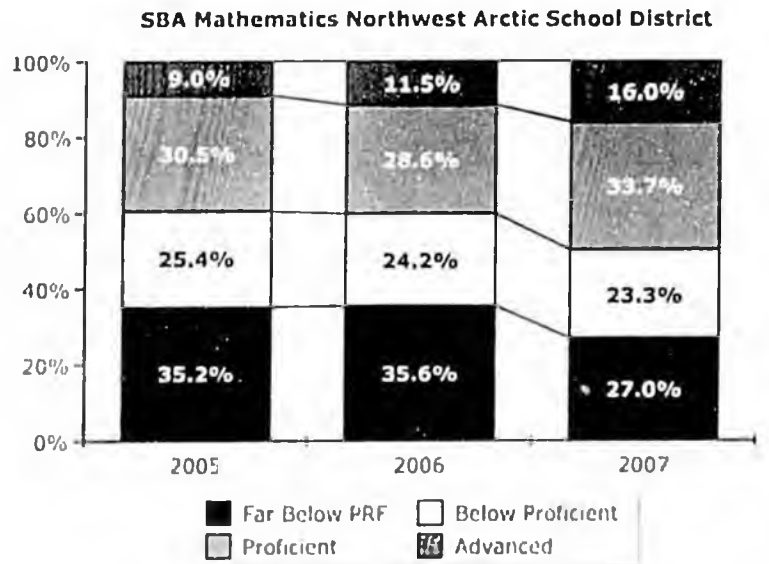
2005
2006
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Northwest Arctic School District

State Intervention

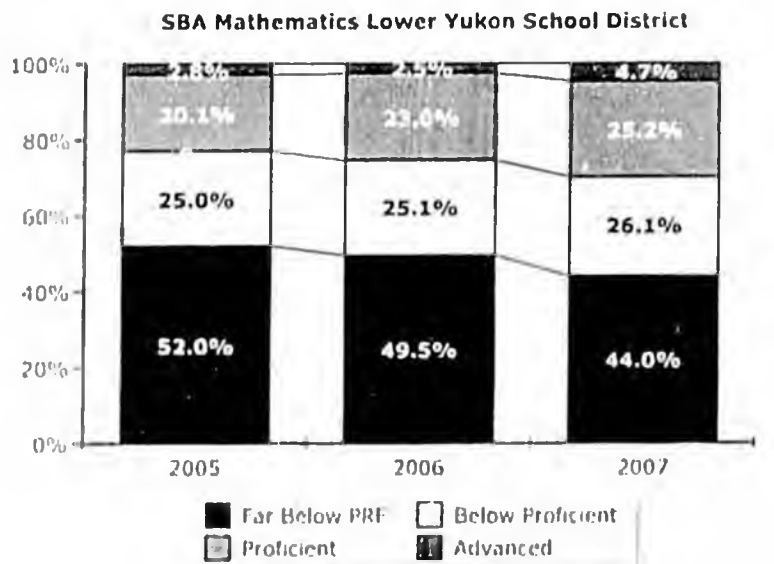
2006
2007



Lower Yukon School District

State Intervention

2006
2007



THE EDUCATION CLAUSE

Alaska Constitution

Article VII

Health, Education and Welfare

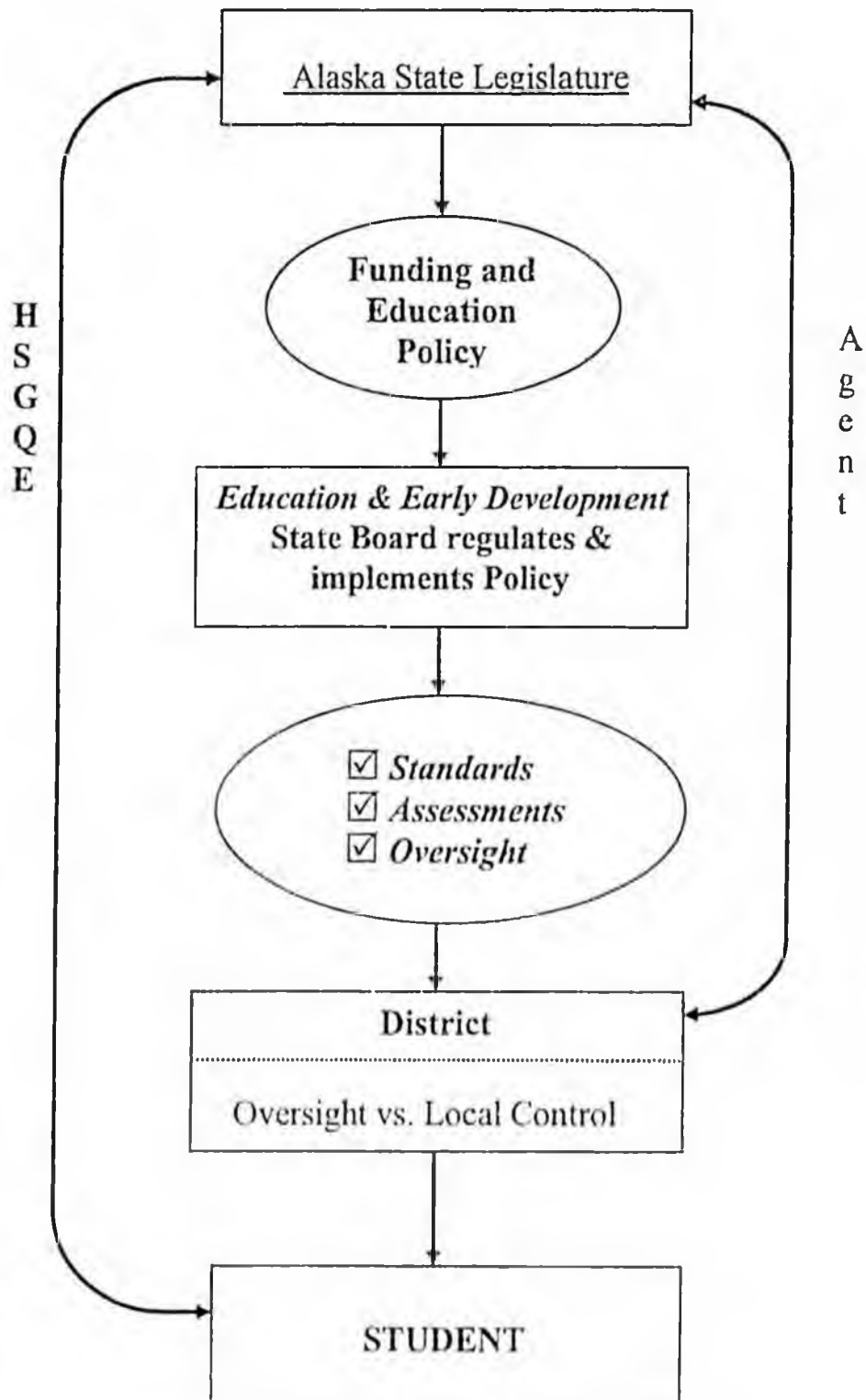
§ 1. Public Education

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



p. 12

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.

4 AAC 06 is amended by adding new sections to read:

4 AAC 06.872. School-level desk audits. (a) Each year, at the same time the department is conducting district desk audits under 4 AAC 06.840(j), the department shall conduct a school-level desk audit of all schools in the state. The department shall identify a school as needing additional analysis if the school

(1) did not make adequate yearly progress under 4 AAC 06.805;

(2) has fewer than 50 percent of its full-academic-year students score as proficient or higher on the mathematics, reading, or writing standards-based assessments; and

(3) has a school growth index score under 4 AAC 33.540 of 85 or lower.

(b) The department shall determine whether the schools identified in (a) of this section would benefit from being placed on a program for improvement of school performance as described in (c) of this section. In making this determination, the department may consult with the superintendent of the district in which the school is located and shall consider:

(1) the reasons the school has been identified, including whether the school serves a special population;

(2) whether the district is under state-mandated corrective action as a result of an instructional audit under 4 AAC 06.840(j);

(3) whether the district has implemented a comparable program in the school;

(4) whether the school has shown substantial growth; and

(5) for a school with fewer than 20 tested students, multiple years of data.

(c) After the department has determined under (b) of this section that a school would benefit from a program for improvement of school performance, the department shall send notice of this determination to the district in which the school is located. Within 30 days of receiving the notice, the district shall take action to ensure that it is effectively implementing a program for improvement of student performance in the school, and shall verify in writing to the department that it has taken this action. A program for improvement of student performance shall include

(1) weekly collaborative meetings of teaching staff to discuss individual student progress; logs of the meeting shall be recorded and sent to the superintendent;

(2) regular use of assessments that provide feedback for adjustment of ongoing teaching and learning to improve achievement of intended instructional outcomes; and

(3) school-level instructional management that provides professional development and technical assistance to staff and addresses grade level expectations in the instruction.

(d) The department shall provide technical assistance to the district regarding the implementation of the program in (b) of this section, unless the commissioner determines that technical assistance is not required. Technical assistance may be provided by department personnel or by a contractor, and may include a site visit. The department shall withhold from the district's foundation funding the money to pay for services by a contractor that the commissioner determines are necessary under this section.

(e) The commissioner may require the district to implement at the school any of the corrective actions described in 4 AAC 06.840 or 4 AAC 06.865, or to submit or

amend a remediation plan under 4 AAC 06.759 for students at the school who have not passed the HSGQE. If a district fails to take the action required under this section, the commissioner may, after notice to the district and an opportunity for the district to respond, withhold foundation funding from the district until the action is completed.

Before requiring action under this subsection, the commissioner will consider the

- (1) comments from the superintendent of the district;
- (2) action taken by the district to improve the school;
- (3) number of years the school has been identified under this section; and
- (4) factors listed in (c) of this section.

(f) Notwithstanding any other provision of this section, the department shall not take action under this section unless it has reached a conclusion, after consideration of the evidence, that its action will likely improve student achievement.