

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2891 SCOMM 125: HOUSE SPECIAL COMMITTEE ON EDUCATION 2001-02

Edward McLain

From: Linda Lundstrom [linda@ideafamilies.org]
Sent: Sunday, March 24, 2002 3:14 PM
To: 'Ed McLain'
Subject: Support for regulations

March 24, 2002

Deputy Commissioner Ed McLain, Ph.D.
Alaska Department of Education & Early Development
801 W. 10th St., Suite 200
Juneau AK 99801

Dear Dr. Holloway,

My name is Linda Lundstrom and I am a special education teacher with the Galena City School District IDEA Homeschool/Correspondence Program.

I would like to thank you for all your hard work and efforts to create meaningful changes to the proposed regulations for correspondence schools that reflect the actual reality of the IDEA Homeschool program and others like it. By far the majority of the homeschool parents do an outstanding job with the education of their children and appreciate the opportunity to do so.

I am pleased to be working in a state in which school districts not only support the creative educational efforts of certified and homeschool teachers, but also has the vision and courage at the state education department and legislative levels to encompass the incredible possibilities of education beyond the traditional. We are grateful for the opportunities provided in Alaska.

Again, thank you for all the time and energy you have given to support the changes in the regulations.

Sincerely,

Linda Lundstrom
Special Education K-12
Galena IDEA
Anchorage Field Office
(907) 562-4332

4/11/2002

Edward McLain

From: DAVE MAXWELL [dmaxwell@ideafamilies.org]

Sent: Sunday, March 24, 2002 4:52 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: Thank you!

Dear Deputy Commissioner McLain,

Thank you for all your work in revising the DEED regulations for statewide correspondence schools. We appreciate your willingness to listen to our concerns and revise the regulations. We look forward to reading the new proposed regulations. Thank you for your cooperation.

Sincerely,
Dave and Noel Maxwell, Homer

4/11/2002

Edward McLain

From: Wendy Jennings (Elizabeth) [cottonsch@wildak.net]

Sent: Monday, March 25, 2002 11:45 AM

To: 'Ed_McLain@eed.state.ak.us'

Subject: Thanks

Thank you for being a representative in the fullest definition of the word. The freedom to home school my children has always been my desire. Joining IDEA was done so I could see just how well we were doing. The accountability issue was my reason. I want them to learn truth and the facts about History, Creation Science Verses Evolution both being theories, and Language Arts all points of view.

Thank you again
Wendy Jennings
Delta Junction AK

Edward McLain

From: Marcella Ewing [dewing@ideafamilies.org]

Sent: Monday, March 25, 2002 2:30 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: Thank you!

Dear Ed McLain:

This is to thank you for taking the time and effort to work on the regulations regarding homeschooling programs. Schooling my children is one of the most important choices I have made and having the freedom to school them the way they need is just as important. I greatly appreciate the help and support that I receive from the IDEA program and I thank you for helping to keep this program usable and flexible.

With gratitude,

Marcella Ewing
P.O. Box 1396
Dillingham, AK 99576
dewing@ideafamilies.org

4/11/2002

Edward McLain

From: Tom & Denise Meehan [tmeehan@ideafamilies.org]

Sent: Monday, March 25, 2002 7:09 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: thank you

Thank you for being responsive to public concerns, understanding our position, and adjusting the language on the homeschool proposed regs. Your work is greatly appreciated.

Sincerely,

Denise Meehan

Edward McLain

From: dcryer [dcryer@gci.net]
Sent: Monday, March 25, 2002 8:00 PM
To: 'Ed_McLain@eed.state.ak.us'
Subject: thank you

Dear Commissioner Ed McLain,

Thank you very much for being so responsive to our public concerns regarding the proposed regulations of distance education programs. Thank you for understanding our position and for adjusting the language of the regulations.

Sincerely,

Diane Cryer, homeschool teacher

Edward McLain

From: Stephanie Beyer [thebeyergang@alaska.com]

Sent: Tuesday, March 26, 2002 1:29 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: Homeschooling

I just wanted to write and thank you for being so understanding of the concerns of homeschoolers. I am a homeschooling mom in Kodiak and have been in the IDEA program just one year. I have homeschooled for 8 years though and can say that IDEA has been a great asset to our kids education. Thanks for your support.

Stephanie Beyer

Edward McLain

From: Len and Debbie Grothe [lgrothe@ideafamilies.org]

Sent: Wednesday, March 27, 2002 7:56 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: Thank you!

Dear Mr. Ed McLain;

Thank you so much for being responsive to our public concerns, understanding our position, and understanding the language of homeschooling parents and their children. You will be pleasantly surprised when you see my sons fulfill their dreams and exceed the test scores for the state of Alaska and prove homeschooling does work when the parents are actively involved in their education.

Thanks again,
Grateful and Sincerely,
The Grothe Family from Soldotna
Lenny, Debbie, Garrett & Cameron

4/11/2002

Edward McLain

From: K A T [bigbow98@mosquiconet.com]
Sent: Thursday, March 28, 2002 11:52 AM
To: 'Ed_McLain@eed.state.ak.us'
Subject: regulations

Dear Mr. McLain,

I just wanted to thank you for being understanding of our position as homeschooling parents. Thank you for responding to public concerns and adjusting the wording of the regulations regarding these type programs.

Judy Thomas
1910 Jupiter Dr
North Pole AK 99705

4/11/2002

Edward McLain

From: shirleyj [shirleyj@ideafamilies.org]

Sent: Friday, April 05, 2002 6:01 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: Thank You

Dear Deputy Commissioner McLain:

After 30 years as a public school teacher and school counselor, my experience as a homeschool contact teacher in Kenai is indeed exciting. To see young children taking foreign languages, tour historical sites, do advanced level math, ice skate and be an active child as well, is rewarding. I consider it a privilege to be a part of this alternative form of public education. Therefore, I want to personally thank you for your efforts on behalf of the homeschooling families and IDEA.

Gratefully,

Shirley Johnsrud
Contact Teacher
IDEA

4/11/2002

Edward McLain

From: Steven D. Musser [stevedm@ideafamilies.org]
Sent: Wednesday, March 27, 2002 11:53 AM
To: 'ed_mclain@eed.state.ak.us'
Subject: Re: Request for Correspondence Regs Rewrite

Good Morning Ed,

I want to thank you for your efforts in achieving a resolution concerning the regulations. Carol and I are planning to go around and visit with the families as soon as they are made public. I believe this will go a long way to smoothing peoples fears.

Steve

Carl Knudsen Simpson carlk@galenanet.com	Jim Foster JimFO@galenanet.com	Carol carols@ideafamilies.org
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Edward McLain wrote:

> Good morning Steve,
>
> Please convey my appreciation to Carl, Jim and Carol for their
> communications and suggestions, comments related to the proposed and amended
> regulations.
>
> Could your staff send me the email addresses for Carl, Jim and Carol?
>
> Let me know if you have any questions or comments.
>
> Thank you,
>
> -----Original Message-----
> From: Sheila Box [mailto:sheila_box@eed.state.ak.us]
> Sent: Wednesday, March 27, 2002 10:26 AM
> To: Crystal_Fields@eed.state.ak.us; ed_mclain@eed.state.ak.us
> Cc: stevedm@ideafamilies.org
> Subject: Re: Request for Correspondence Regs Rewrite
>
> Steve,
>
> Here are the three files that constitute the packet for statewide
> correspondence. There is a cover sheet, the proposed regulation language,
> and the department side by side, which shows the changes. As these
> documents have been mailed to the board, they are public documents. Please
> keep in mind that the board still has the right to amend these, I want the
> public to realize these are still a draft, and until the meeting the board

> has not taken action to accept them. The LIO's have copies, and I will
> have copies available at the meeting in Juneau. These amended regulations
> will not go onto the website until the board has taken action on them.
> Thanks - Sheila
>
> , Crystal Fields wrote:
> >stevedm@ideafamilies.org

Edward McLain

From: The Eberhardts [impactak@alaska.net]
Sent: Monday, March 25, 2002 6:45 PM
To: 'Ed_McLain@eed.state.ak.us'
Subject: Thank you!

As dedicated homeschool parents for the past 13 years, we thank you for hearing our concerns and adjusting the proposed DEED regulations accordingly.

Sincerely,
Christie Eberhardt

Edward McLain

From: Patrick and Tabitha Hooker [dhooker@ideafamilies.org]
Sent: Sunday, March 24, 2002 6:07 PM
To: 'Ed_McLain@eed.state.ak.us'
Subject: Oops--Thank-you note

Ed McLain,

I'm writing a quick note to you to thank you for responding positively to our concerns about the proposed regulations covering correspondence programs. We belong to IDEA and are long-term homeschoolers. The IDEA program has made it possible for us to provide our children with an enriched curriculum and teacher guidance. I really wondered when I wrote to all the different people involved whether I would be heard, but I am encouraged. Thank-you for understanding our concerns and responding so well.

Tabitha Hooker

PS, Sorry the last note had your name wrong. I hit the wrong button on the spell checker!

Edward McLain

From: Tabitha Hooker [Tabitha@MatSuShopper.com]
Sent: Sunday, March 24, 2002 6:05 PM
To: 'Ed_McLain@eed.state.ak.us'
Subject: Thank-you

Ed McAllen,

I'm writing a quick note to you to thank you for responding positively to our concerns about the proposed regulations covering correspondence programs. We belong to IDEA and are long-term homeschoolers. The IDEA program has made it possible for us to provide our children with an enriched curriculum and teacher guidance. I really wondered when I wrote to all the different people involved whether I would be heard, but I am encouraged. Thank-you for understanding our concerns and responding so well.

Tabitha Hooker

Edward McLain

From: Tyler and Cindy Schlung [schlung@nook.net]
Sent: Saturday, March 23, 2002 5:25 PM
To: 'Ed_McLain@eed.state.ak.us'
Subject: Homeschooling

Hello,

I am writing to tell you thanks for listening to our concerns and adjusting the new regulations as they would effect us as a home schooling family. It is wonderful to live in a country where we do in fact have some say in how we are governed.

Keep up the good work,
Cindy Schlung

Shirley Holloway

From: Jwmelliott@aol.com
Sent: Saturday, March 23, 2002 12:32 PM
To: Shirley_Holloway@eed.state.ak.us
Subject: Regulations

Commissioner, you, Ed, and PJ are to be congratulated for what you have achieved, despite the latest compromise, re the proposed statewide correspondence regulations. The main goal was to stop IDEA and Cyberlynx from allowing parents to purchase religious materials with state money. You've done that and, therefore, deserve appreciation from districts, like AGSD, that run their own in-district correspondence programs. You've leveled the playing field!

Are you going to be in your Anchorage office next week? If so, is there a time that would be convenient for me to stop by?



Alaska State Legislature

Representative Con Bunde
District 18

Chair: House Special Committee on Education
Vice Chair: House Finance Committee

During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-4843
E-mail: representative_con_bunde@legis.state.ak.us

During Interim:
716 W. Fourth Avenue
Anchorage, AK 99501-2133
(907) 269-0181
website: www.akrepublicans.org/Bunde.htm

FAX COVER SHEET

DATE: April 24, 2002
TO: Mike Ford
FAX #: 2029
FROM: Karen McCarthy
RE: Final for HB 464
PAGES: 4 (including cover)

Mike --

The House Special Committee on Education moved the Work Draft CS Version "R" this morning. They made one change that is reflected in the following pages. So we are requesting a final. By the way, the House HESS CS was version "S" so why was this Work Draft CS version "R"?

The change is: "Nothing in this section precludes a correspondence study student, or the parent or guardian of a correspondence study student, from privately ~~purchasing and obtaining~~ or using textbooks or curriculum material: not provided by the school district."

This language should be incorporated at Page 1, lines 9-10, Page 2, lines 25-26 and on page 3, lines 2 and 3 with the correct punctuation as required.

So this sentence should, at all three spots, read, "Nothing in this section precludes a correspondence study student, or the parent or guardian of a correspondence study student, from privately obtaining or using textbooks or curriculum material not provided by the school district."

If you have any questions, please give me a call at 3881. Thanks!

The information in and following this fax cover sheet is confidential and is intended for the addressee listed above.
If you have received this fax in error, please contact Representative Bunde at 1-800-892-4843.
Thank you!

Department of Education & Early Development
 Quality Schools Component
 Statewide Correspondence Study Program Review Increment

Personal Services	72.3	Total	Education Specialist II 21A/B (New PFT) Education Program Assistant 12A/B (New PFT)
	43.2		
		115.5	
Travel	8.0		Monitoring - agency staff to accompany contract on-site visits; 3 days each - 4 per year @ \$1,000 each x 2 staff Training; working with statewide correspondence programs
	7.0		
		15.0	
Contractual	12.0		Monitoring Visits - 2 contractors at \$500 per day - 3 days each - 4 districts per year Contractor travel for Monitoring Team - \$1,000 each trip - 4 trips x2 contractors postage, phone, copier, printing
	8.0		
	14.5		
		34.5	
Supplies	5.0		paper, materials, folders, training materials
		5.0	
Equipment	5.0		computer equipment
		5.0	
Total		175.0	

The number of students enrolling in statewide correspondence programs has increased dramatically over the past several years. The department does not have the resources to adequately review the applications from school districts to operate these programs or follow up on monitoring and evaluating these programs. Additional oversight is necessary to ensure instructional and fiscal accountability. The department is requesting 2 PFTs: 05#026 Education Specialist II range 21, Juneau and 05#027 Education Program Assistant range 12, Juneau.

Post-It Fax Note	7871	Date	4/3/02
To	Karen McCarthy	From	T. Campbell
Co./Dept.		Co.	
Phone #		Ext.	
Fax #	4843	Subject	I give you this before?

ALASKA STATE COMMITTEE
Norwest Association of School and of Colleges and Universities

April 16, 2002

Dr. McLain:

Please share this quick note with the legislators that are reviewing the issue of how to determine and maintain quality educational programming among the State's correspondence schools.

The number of correspondence schools has been increasing in Alaska these past years due to the ease and availability of the internet. However, it is clear that it is not limited to those families not having access to a 'hardcover' school building. It is these families that a 'cyberschool' was targeting in the past. The Northwest Association of Schools and of Colleges and Universities (NASCU), a regional accreditation association serving seven northwest states including Alaska, is very concerned that each state provide and maintain a system of quality control of these cyberschools. Often times the students enrolled in these programs not only flow back and forth with the 'hardcover' school freely from year to year but may, and often do, have dual enrollment.

The Alaska Committee of the NASCU takes the position that each and every correspondence program maintain at least two general procedures in order to assure the integrity of the educational delivery process.

1. That any and all curriculum be subjected to a review process with the final approval given by the district or entity responsible for that program. This review process should assure that the curriculum meets or exceeds state performance standards. Often times a student will transfer back to the traditional school and will be held accountable for what the student has missed. It is vital that all students be taught by a well-rounded and appropriate curriculum. While some parents are fully capable of determining what curriculum may be appropriate for their child(ren) the State should not assume that all parents will be capable. The traditional school system may well ultimately be responsible for assuring cyber students successfully pass Legislative mandated exams. Once the child is back in the traditional system, he/she is compared to and eligible for any benefits accorded other students. Therefore, the playing field should be the same and quality should be assured.
2. That certified teachers determine all substantive grading/evaluating of student performance for the purpose of entering such grades on a permanent and official record. At no time should a parent be allowed to indicate a grade and allow that grade to be placed on a transcript without a certified teacher endorsing the level of student performance. The rationale is similar to what I stated above under #1.
Example: it is unfair for a correspondence student to come into the traditional school

as a senior in order to receive a diploma from that school and use his 'parent-given-GPA' in order to obtain scholarships over other students that never left the system.

It is ironic that the State of Alaska through the impetus of the Quality Schools Initiative, which the State Legislature supported, has increased teacher certification requirements. Additionally the Bush administration under the No Child Left Behind Act is requiring schools to hire highly qualified teachers that meet or exceed current State of Alaska requirements. Why now would the State Legislature consider allowing a child to be educated under an unregulated system which holds no one accountable except a traditional school that may or may not have an opportunity to educate the child?

Finally, the concern for quality control in education is not isolated to State or local correspondence programs. An accredited high school may not accept high school credits from a school if that school does not hold accreditation status. The rationale is that while one has had an 'outside' group of evaluators look at the program and compare it to some quality standard and has determined that various standards have been met. A non-accredited school, cyber or otherwise, not having gone through the process of self and outside evaluations is not able to assure anyone that they are meeting agreed upon standards of quality instruction.

It is for that reason that the State Committee of the NASCU encourages the legislature to seriously consider the establishment of a system of State evaluation/accreditation to assure an across-the-board adherence to quality – a system where all children will benefit from accountability.

Sincerely,

Les Daenzer, Alaska State Committee Chair, Northwest Association of Schools and of
Colleges and Universities
(signed)

Con - There are changes in the language re: monitoring between last week's & this new draft CS. Ed McLain will let me know if there's a problem.

**Differences Between Last Week's Bill Language and Work Draft CS
Regarding Monitoring of Student Work**

Original Language of HB 464(HES) Version S with Amendment:

The board may adopt regulations regarding statewide correspondence study programs. A regulation applicable to a statewide correspondence study program conducted by Alyeska Central School, a charter school, or a school district

(1)

(2) must provide that an enrolled student shall be monitored by a certified teacher; the monitoring must include quarterly review of the student's work or progress in the Individual Learning Plan;

Language of Work Draft CS Version B:

The board may adopt regulations regarding statewide correspondence study programs. A regulation applicable to a statewide correspondence study program conducted by Alyeska Central School, a charter school, or a school district must

(1)

(2) provide that an enrolled student shall be monitored by a certificated teacher or appropriately trained personnel; and

(3) provide that the governing body conducting the correspondence program has the duty and authority to establish procedures for

(a)

(b)

(c) the evaluation of student work by certificated teachers; evaluation may not be required more frequently than quarterly.

22-LS1494\B

Ford

4/22/02

CS FOR HOUSE BILL NO. 464()**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION****BY****Offered:****Referred:****Sponsor(s): REPRESENTATIVES JAMES, Dyson, Coghill, Kohring, Green, Foster, Fate****A BILL****FOR AN ACT ENTITLED**

1 **"An Act relating to statewide school district correspondence study and to centralized**
2 **correspondence study."**

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

4 *** Section 1.** AS 14.07.050 is amended to read:

5 **Sec. 14.07.050. Selection of textbooks.** Textbooks for use in the public
6 schools of the state, including a district offered statewide correspondence study
7 program, shall be selected by district boards for district schools. Nothing in this
8 section precludes a correspondence study student, or the parent or guardian of a
9 correspondence study student, from privately purchasing textbooks or
10 curriculum material.

11 *** Sec. 2.** AS 14.07 is amended by adding a new section to read:

12 **Sec. 14.07.175. Powers relating to statewide correspondence study.** (a)
13 The board may adopt regulations regarding statewide correspondence study programs.
14 A regulation applicable to a statewide correspondence study program conducted by

1 Alyeska Central School, a charter school, or a school district must

2 (1) specify that, once the department has approved an initial statewide
3 correspondence program application, the district is not required to submit a new
4 application more frequently than every five years if the program is designated as
5 distinguished or successful under AS 14.03.123(a);

6 (2) provide that an enrolled student shall be monitored by a certificated
7 teacher or appropriately trained personnel; and

8 (3) provide that the governing body conducting the correspondence
9 program has the duty and authority to establish procedures for

10 (A) the review, selection, and use of correspondence
11 curriculum materials before they are introduced into the correspondence
12 curriculum;

13 (B) approving or disapproving home-designed courses; and

14 (C) the evaluation of student work by certificated teachers;
15 evaluation may not be required more frequently than quarterly.

16 (b) In this section, "district" has the meaning given in AS 14.17.990.

17 * Sec. 3. AS 14.08.111(9) is amended to read:

18 (9) establish procedures for the review and selection of all textbooks
19 and instructional materials, including textbooks and curriculum materials for
20 statewide correspondence programs, before they are introduced into the school
21 curriculum; the review includes a review for violations of AS 14.18.060; nothing in
22 this paragraph precludes a correspondence study student, or the parent or
23 guardian of a correspondence study student, from privately purchasing textbooks
24 or curriculum material;

25 * Sec. 4. AS 14.14.090(7) is amended to read:

26 (7) establish procedures for the review and selection of all textbooks
27 and instructional materials, including textbooks and curriculum materials for
28 statewide correspondence programs, before they are introduced into the school
29 curriculum; the review includes a review for violations of AS 14.18.060; nothing in
30 this paragraph precludes a correspondence study student, or the parent or
31 guardian of a correspondence study student, from privately purchasing textbooks

WORK DRAFT

WORK DRAFT

22-LS1494\B

1

or curriculum material;

Subject: Wait to come for amendments

Date: Mon, 22 Apr 2002 08:24:14 -0800

From: Representative Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

Organization: Alaska State Legislature

To: Committee Contacts Mailing List <lhscbun+committeecontacts@legis.state.ak.us>

Good morning,

Rep. James' office is thinking of preparing one big amendment to the Amendment to HB 464 to incorporate changes re: monitoring, accreditation, and now religious materials. So please wait to pick up the two amendments I wrote to you about on Friday evening until I know whether we're going with one amendment or if we're going to do each issue separately.

Please chat with your bosses and let me know how they feel about each separate issue. If you need more background to do so, just let me know. I'd like to hear back from you this morning.

Thanks!

Karen

AMENDMENT # 1

OFFERED IN THE HOUSE BY REPRESENTATIVE
TO CSHB 464(EDU) (22-LS1494P)

Page 1, lines 9-12

Delete all material and insert:

"(1) shall specify that once the department has approved an initial statewide correspondence program application, the district will not be required to submit a new application

(A) more frequently than every five years if the program is designated as distinguished or successful under AS 14.03.123(a); or

(B) more frequently than every ten years if the program is designated as distinguished or successful under AS 14.03.123(a), and the program is accredited by the Northwest Association of Schools and Colleges."

Page 1, lines 13, following "monitored":

Delete "at periodic intervals as established by the school district"

Insert "by a certified teacher; the monitoring must include [at least monthly student-teacher or teacher-parent contact, and] quarterly review of the student's work or progress in the Individual Learning Plan;"

Page 2, line 4, following "the"

Delete "purchase"

Insert "review, selection,"

Page 2, line 5, following "materials"

Delete "purchased by the school district or Alyeska Central School"

Insert "before they are introduced into the correspondence curriculum"

Page 2, line 8 following "work"

Insert "by certified teachers"

Page 2, line 9

Delete all material.

Page 1, line 5, following "study"

Delete "(a)"

Page 2, line 9:

Insert a new bill section to read:

****Sec. 2.** AS 14.07.050 is amended to read:

Sec. 14.07.050. Selection of textbooks. Textbooks for use in the public schools of the state, including a district offered statewide correspondence study program, shall be selected by district boards for district schools.

Page 2, line 7:

Insert a new bill section to read:

****Sec. 3.** AS 14.08.111(9) is amended to read:

(9) establish procedures for the review and selection of all textbooks and instructional materials including textbooks and curriculum materials for statewide correspondence programs before they are introduced into the school curriculum; the review

includes a review for violations of AS 14.18.060;

Page 2, line 7:

Insert a new bill section to read:

“*Sec. 4. AS 14.14.090(7) is amended to read:

(9) establish procedures for the review and selection of all textbooks and instructional materials including textbooks and curriculum materials for statewide correspondence programs before they are introduced into the school curriculum; the review includes a review for violations of AS 14.18.060;

Subject: FW: Correspondence timeline for Nenana and Galena

Date: Wed, 17 Apr 2002 21:35:00 GMT

From: Ed McLain <Ed_McLain@eed.state.ak.us>

To: Representative Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

CC: "Terri Campbell (E-mail)" <Terri_Campbell@eed.state.ak.us>

Good afternoon Karen,

Per our conversation this morning, attached is a timeline of letters, actions and approval for the Nenana and Galena correspondence programs.

If possible let me know if this addresses the concern or question raised on timing of the application and approval and the voiced concern about a delay in processing.

Thank you for the work and information on this matter and on the correspondence regulation / legislation issue.

Ed

 Nenana, Galena Timeline Justification.doc

Name: Nenana, Galena Timeline Justification.doc

Type: WINWORD File (application/msword)

Encoding: base64

Con - Re. the accusation that DEED was holding applications hostage to agreement w/ the proposed reg —

The dept. can't approve an application when a request for info hasn't been answered. After the districts sent the info, the applications were approved promptly.

***Timeline Related to Issuance, Review, and Approval of
Statewide Correspondence Programs for FY2003***

12/4/01 - Issued Application for Statewide Correspondence Program with due date of 1/31/02

1/2/02 - Issued revised Application for Statewide Correspondence Programs with due date of 1/31/02

2/1/02-4/1/02 - Reviewed applications and drafted letters to applicants asking for further clarification or more information for items that required attention.

Nenana

- March 4, 2002 - sent and faxed letter to Nenana, Dr. Eggleston asking for more information on several items.
- March 29, 2002 - Dr. Eggleston sent his response to the department. Response letter was faxed to department on this same dated.
- April 10, 2002 - Letter from Dr. McLain to Dr. Eggleston approving the program to operate in FY2003 was faxed and mailed.

12 days <

Galena

- February 25, 2002 - Sent letter to Galena, Mr. Musser, asking for more information on several items. Letter was then faxed on March 6, 2002 to Mr. Musser.
- April 2, 2002 - Mr. Musser sent his response to the department.
- April 10, 2002 - Letter from Dr. McLain to Carl Knudsen, approving the program to operate in FY2003 was faxed and mailed.

8 days <

Amendment #1 to Amendment #1 to CSHB 464 (HES):
By Representative Bunde

Page 1, following "monitored":

Delete, "at least monthly student-teacher or teacher-parent contact, and"

So that it will read, "by a certified teacher; the monitoring must include quarterly review of the student's work or progress in the Individual Learning Plan;"

Explanation:

This amendment would change the language of the primary amendment. The rationale is that public school teachers are mandated to contact parents each quarter with report cards and/or parent-teacher conferences. Correspondence school programs should be held to the same standard.

Amendment #2 to Amendment #1 to CSHB 464 (HES)

Page 1

Delete "(B) more frequently than every ten years if the program is designated as distinguished or successful under AS 14.03.123(a), and the program is accredited by the Northwest Association of Schools and Colleges."

Explanation:

This change would require that correspondence study programs be approved by the department:

Once a year if they are not designated as distinguished or successful

Once every five years if they are distinguished or successful

And removes the option that the programs could be approved once every ten years if they are:

Designated as distinguished or successful, and the program is accredited by the Northwest Association of Schools and Colleges.

Date: April 16, 2002

HB 464 / SB 346 Proposed Amendments

To: Senator Jerry Ward
 Senator Loren Leman
 Senator Lyda Green
 Representative Jeannette James
 Representative Fred Dyson
 Whitney Highland
 Richard Schmitz
 Tom Klever, CyberLynx
 Kathy Vander Zwaag, CyberLynx
 Art Griswald, Parent
 Tammy Ilguth, Parent Advisory Council

v. Letitia Brown, Asst.

House Edu Comm.

Rep. Gretchen Jeuss.

Subject: Senator Wilken/Representative Bunde Draft Amendments

From: *Joan Dangel* (The lady who encouraged people to bombard us.)

I feel the amendments should not be put into SB 346 or HB 464 - they complicate things, repeat things already law, basically attempts to place the proposed DEED regs within the contents of the bills, and singles out many district powers to be taken away they should have.

Comments follow each part of the amendment behind this page.

Thank you for all your help.

AMENDMENT - unofficial yet, from Wilken/Bunde's meeting 4-15-02

Basically, this long amendment guts HB464/SB346 totally, complicating and rewriting them
Comments by Joan Dangel to Rep. James, Sen.'s Ward, Green, Leman

OFFERED IN THE HOUSE
TO CSHB 464(EDU) (22-Is1494/P)

BY REPRESENTATIVE

Page 1, lines 942

Delete all material and insert:

"(1) shall specify that once the department has approved an initial statewide correspondence program application, the district will not be required to submit a new application

(A) more frequently than every five years if the program is designated as distinguished or successful under AS 14.03.123(a); or

(B) more frequently than every ten years if the program is designated as distinguished or successful under AS 14.03.123(a), and the program is accredited by the Northwest Association of Schools and Colleges."

Comment: With the exception of (1) above, A and B are okay and actually help the school, but lower the time the bill gives for schools from 10 years to 5. It is unnecessary to single the correspondence schools out, giving charter schools a 10 year option, everyone a different option - that doesn't seem appropriate. As for (1) above, the current process for applications needs to be understood, to be sure this is not making something more difficult.

Charter schools had until now a 10 year option. This correspondence school is a different option. The current process for applications needs to be understood.

Page 1, lines 13, following "monitored":

Delete "at periodic intervals as established by the school district"

Insert "by a certified teacher; the monitoring must include at least monthly student-teacher or teacher-parent contact, and quarterly review of the student's work or progress in the Individual Learning Plan;"

Comment: This is getting into changing district jurisdiction to govern their programs and seems unnecessary when certain changes can be brought about within the program by the program. It doesn't call for a major regulation or legislation. This is in effect moving the DEED proposed regulations into the bills. And, why are they aiming so high, to duplicate Alyeska, 'quarterly' contacts and reviews are sufficient but once again, this is changing the rules for some districts as to their powers and is unnecessary.

Page 2, line 4, following "the"

Delete "purchase"

Insert "review, selection,"

Comment: Is this intended to take away the ability of districts to use their powers of purchase or to disallow the purchase of Calvert? Calvert has stated they are a non-religious curriculum, McLain stated, once again, April 6th, that it was definitely religious - is this an effort to defeat the schools? I believe it is providing that something be so vague, that DEED be allowed to make a decision to rule out the district direction at a later date. They could say, purchase, review, and selection instead of taking away the word purchase. If you're taking away Calvert, which is a really balanced program, you're unnecessarily forcing families into more radical curriculum programs.

Page 2, line 5, following "materials"

Delete "purchased by the school district or Alyeska Central School"

Insert "before they are introduced into the correspondence curriculum"

Comment: This seems to be an extension of the above concern - to remove some district powers of purchase. This section isn't allowing a place for provision of 'purchase' and needs to. Seems to be trying to dictate Alyeska's program model taking great freedom away.

Page 2, line 8 following "work"

Insert "by certified teachers"

Comment: Heavily being debated, it causes more complication then anything, and, once again, removes powers from districts. This should be set by districts because there is a constant push to hold the correspondence programs to accreditation standards, which are not law in Alaska, no other schools are held to them in this state. CyberLynx staff said they could not handle grading all the children - they have a small program. Parent-guided education, the parent is the teacher. The parent is the one working with the child in reaching the Benchmark scores - it is a different program, there can be a co-authority of parent evaluation and grading. DEED is being stubborn and wants to write regs to defeat children and families and cast into stone the programs are something they're really not - they do not want to admit in regs it is parent-guided education and want it Alyeska styled - taking away the beauty of the program: Choice in balanced education and styles that fit the needs of the child. This doesn't belong here and is part of why the big push in countries and the United States is to break from DEED's autocratic, monopolizing style.

Page 2, line 9

Delete all material.

Comment: Why? This was put in there because Mr. McLain went round and round with the Senate HESS committee on their use of the word 'district.' An entire HESS meeting was taken up on this one word due to Mr. McLain's going in circles with it. So, it was clarified. Leave it there.

Page 1, line 5, following "study"

Delete "(a)"

Comment: No. Absolutely not. Do they mean the (a), or the contents? So you're not tricked, leave it there. Take the contents of (a), you've taken nearly everything that gives power to the other sections of the bill.

Page 2, line 9:

Insert a new bill section to read:

**Sec. 2. AS 14.07.050 is amended to read:

Sec. 14.07.050. Selection of textbooks. Textbooks for use in the public schools of the state, including a district offered statewide correspondence study program, shall be selected by district boards for district schools.

Comment: This is covered on p. 2, line 7 already "(B) approving or disapproving home-designed courses..." giving the powers to districts. These amendments keep trying to take away powers of districts.

Page 2, line 7:

Insert a new bill section to read:

**Sec. 3. AS 14.08.111(9) is amended to read:

(9) establish procedures for the review and selection of all textbooks and instructional materials including textbooks and curriculum materials for statewide correspondence programs before they are introduced into the school curriculum; the review includes a review for violations of AS 14.18.060.

Comment: This seems to be covered in the bill already and state law already states violations of AS 14.18.060 are prohibited. Seems like overkill, McLain keeps going back to this and going back to this like it is a paranoia.

Page 2, line 7:

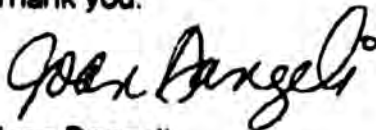
Insert a new bill section to read:

"*Sec. 4. AAS 14.14.090(7) is amended to read:

(9) establish procedures for the review and selection of all textbooks and instructional materials including textbooks and curriculum materials for statewide correspondence programs before they are introduced into the school curriculum; the review includes a review for violations of AS 14.18.060;

Comment: Ditto above, repeats all the time what does not need to be. This three page amendment un-necessarily complicates everything over and over again.

Thank you.



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How The Alaskan Correspondence Programs Are Working

CyberLynx who was audited 2001, outdid the state averages for Benchmark tests in 6 of the 9 tests given in reading, writing, and math for grades 3, 6, and 8. Delta/Greely, also audited, also outdid the state averages in 6 of the nine tests. I.D.E.A. has not been audited, they also outdid the state averages for Benchmarks in 6 of the 9 tests given in reading, writing, and math for grades 3, 6, and 8 (underlined, bolded, italicized numbers = an above the state average score):

Grade 3 - 2001

State Benchmark Averages			CyberLynx's*(1) - Audited		
	Advanced/Proficient	Below/Not Proficient		Advanced/Proficient	Below/Not Proficient
Reading	71.2%	28.8%	Reading	<u>75.6%*</u>	24.4%
Writing	53.5%	46.5%	Writing	<u>39.3%*</u>	<u>60.6%</u>
Math	66.3%	33.7%	Math	55.0%	45.1%
Delta/Greely*** (1) - Audited			Interior Distance Education of Alaska** (2)		
Reading	68.9%	31.1%	Reading	<u>79.3%</u>	20.7%
Writing	<u>64.4%</u>	35.6%	Writing	41.1%	58.9%
Math	64.4%	35.6%	Math	<u>66.6%</u>	33.4%

Grade 6 - 2001

State Benchmark Averages			CyberLynx's*(3) - Audited		
	Advanced/Proficient	Below/Not Proficient		Advanced/Proficient	Below/Not Proficient
Reading	89.4%	30.6%	Reading	<u>77.0%*</u>	23.1%
Writing	73.0%	27.0%	Writing	<u>75.4%*</u>	24.6%
Math	62.9%	37.1%	Math	<u>67.5%*</u>	32.5%
Delta Greely*** (2) - Audited			Interior Distance Education of Alaska** (2)		
Reading	<u>75.0%</u>	25.0%	Reading	<u>82.0%**</u>	18.1%
Writing	78.7%	21.3%	Writing	<u>75.8%**</u>	24.5%
Math	<u>69.3%</u>	31.7%	Math	61.8%	38.2%

Grade 8 - 2001

State Benchmark Averages			CyberLynx's*(2) - Audited		
	Advanced/Proficient	Below/Not Proficient		Advanced/Proficient	Below/Not Proficient
Reading	82.5%	17.5%	Reading	<u>91.6%*</u>	8.4%
Writing	67.9%	32.1%	Writing	<u>74.8%*</u>	25.2%
Math	39.5%	60.5%	Math	32.5%	67.5%
Delta/Greely*** (3) - Audited			Interior Distance Education of Alaska** (2)		
Reading	<u>88.7%</u>	14.3%	Reading	<u>91.3%**</u>	8.4%
Writing	<u>79.2%</u>	20.8%	Writing	<u>72.8%**</u>	27.1%
Math	<u>49.4%</u>	50.6%	Math	34.8%	65.2%

Regarding the HSGQE, the entire state of Alaska failed the entire test so badly, that the test is being revised. Here is a sample of how our state did and participation rates in the HSGQE for 10th grade, to show an example of our HSGQE state failure outcomes. The HSGQE for Grade 10 math, over half of our state did 37.5% to less than 10% proficient. Only about 1/4 of our state was 50% or more proficient in the testing for math. In math, about 1/4 of the districts in Alaska had a participation rate of 70% and below. For Grade 10 reading, our state had less problems with that part of the test and nearly 1/4 of our state did 50% or more proficient at the reading test. About 1/4 did 37.5% to below 10% proficient on the reading. In reading, about 1/4 of the districts had a participation rate of 70% and below. In the HSGQE for 10th Grade writing, nearly 1/2 the state did 50% - 70% proficient, while nearly 1/2 the state did proficiency percentages from 38.5% to less than 10% proficient (so half was failing badly, the other half barely making it). In writing, once again, about 1/4 of the districts had a participation rate of 70% and below. Alyeska is having difficulty - I feel DEED needs to deal with them individually. If DEED is going to be addressing Alaskan participation rates, address all schools w/low participation, not just correspondence programs. Many have low participation rates.

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All Data Taken From DEED Website
Report Cards to the Public

Analysis of CS for HB 464 (HES)

Section 1 – Adds new section under State Board of Education

Allows board to adopt regulations regarding statewide correspondence study programs.

- (1) Aligns approval of statewide correspondence study programs to that of charter schools, once every 10 years, unless the program is designated as deficient or in crisis.

The intent of this section is for a "hands-off" approach by the department, but the language makes it clear that a review of student performance must take place on an annual basis for the department to accurately make an appropriate designation. Since statewide correspondence study programs are relatively new and continue to evolve each year, the department would like to see the time period for program approval set to five years rather than 10 for programs rated "successful or distinguished." Also, the department would allow 10 years if program is accredited and rated "successful" or "distinguished." This would allow the programs to incorporate and better reflect proven or promising practices in their program planning, designs and applications.

- (2) Allows the district to establish the timetable for periodically monitoring students.

The intent of this section is to allow district programs to determine how often correspondence students would be monitored without minimum requirements being set. The department has several concerns regarding this section. The department is concerned that this provision may allow pressure to lower program costs to move some districts or programs to elect to reduce the frequency of their monitoring of students below prudent levels, perhaps even once or twice per year – i.e., at the end of a course or grade level. This is not sound educational practice. If students are not monitored on a regular basis they may fall behind and have difficulty making up needed course work. Also, this may affect acceptance of grades and transcripts of student, especially at the high school level. This will affect schools accreditation status if they cannot meet the requirements for the necessary student oversight component.

- (3) Allows the school board to establish procedures for the purchase and use of materials; approving home-designed courses and evaluating student work.

The intent of this section is to let the school board of the district "establish the procedures" for all these duties – which may for some be assigning the responsibility directly to parents or other non-certified school staff. We believe this may be inconsistent with existing state statutes relating to selection of textbooks – AS 14.07.050, and the duties of a school board – AS 14.08.111 and AS 14.14.090. (See March 19, 2002 memo from G. Ken Truitt, Assistant Attorney General.) We do not believe that public school programs should allow parents and other non-certified staff alone to evaluate appropriate materials, design courses and evaluate student work for a final grade. For those parents who desire full freedom to design courses and grade work without oversight of districts or district certified teachers, those options fully exist in other alternate educational options, such as traditional home schooling. Acceptance of course grades and transcripts, and accreditation will be a problem for those programs that do not have board approved curriculum, and have certified teachers making the final decisions on the evaluation and grading of student work.

MEMORANDUM

Huddost 4/4/02

State of Alaska
Department of Education
& Early Development

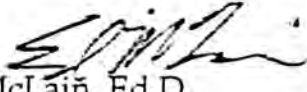
To: Senator Gary Wilken

Date: March 21, 2002

Phone: 465-8678

FAX:

File:


From: Ed McLain, Ed.D.
Deputy Commissioner

Subject: Responses to questions
related to statewide
correspondence programs

Thank you for the opportunity to provide further information on the department's role in regulating statewide correspondence programs. We hope that this brief history will assist your constituents in better understanding the process to date.

People have asked, "Why did the Alaska Department of Education & Early Development (EED) open up the regulations for changes? What was the department trying to fix?"

District-operated Statewide Correspondence Programs are a relatively new phenomenon with a dramatic increase in enrollment over the past several years. The department considers these programs public schools and therefore finds that they are subject to guidelines or regulations to maintain accountability and credibility in similar fashion to other public schools in the state. After discussions with various parties, reviewing applications from several districts in the state, and auditing two of the programs operating in the state, the following issues arose:

- Not all of the correspondence programs were operating like "traditional" correspondence programs, where districts developed curriculum and approved curriculum materials. Some programs apparently allowed parents to prepare curriculum and select materials without district involvement. This presented challenges and conflicts with existing statutes related to duties of local school boards in the review and selection of materials for use in public schools. (AS 14.07.050).

- Not all of the programs provided the normally expected oversight of a certified teacher who was responsible for the assessment of student work and assignment of grades. Lack of a teacher role in the oversight of instruction and approval of grades brings into question the integrity and quality of the program and objectivity and reliability of the grades assigned to the student. This was problematic for those schools seeking accreditation from the Northwest Association of Schools and Colleges. This accrediting agency requires a certified teacher to issue grades. Accreditation is especially valuable for non-traditional programs where students will be seeking acceptance of their transcripts by other schools or institutions. Accreditation assures acceptance of the transcripts, credits and grades by other accredited schools and institutions.
- There were varying understandings and degrees and means of complying with state laws that prohibit advocating partisan, sectarian or denominational doctrines in public schools. This has the potential of violating state law and at times causing districts to be overly restrictive in the selection of materials.
- Statewide correspondence programs had some of the lowest participation rates in the state mandated assessments. This makes it difficult to provide an adequate accounting or to fairly assess the success of the programs to assure that "no child is left behind."
- While there was a high degree of satisfaction voiced by parents and participants in the program, there were some lower than expected achievement scores in the mandated statewide tests results (i.e., 10th grade math) reported by some of the statewide correspondence programs.
- Not all of the programs were providing the appropriate services and referrals for students with disabilities. This violates federal IDEA laws.
- While these programs serve students from around the state, state statutes direct that districts are required to provide an educational program for school aged children who are residents of a district [14.14.090(2)].

EED met with the districts operating statewide correspondence programs to discuss these concerns and to open a conversation on appropriate amendments to the current regulations in order to provide adequate safeguards, and better ensure strong educational programs for all students served by these programs and to provide better accountability for public funds.

The department developed the first set of proposed regulations in the fall of 2001. In November 2001 the State Board of Education & Early Development opened a long public comment period in order to involve the families utilizing these programs across the state. These comments helped the department better clarify the regulations and many of these comments will be incorporated in the second set of proposed regulations. The second set will be put before the board at a meeting April 4-6. The department will ask the board to extend the public comment period until June to allow the public time to comment on the second set of proposed regulations. The second set will be available on the EED web site (www.eed.state.ak.us) on April 8 following board action.

We are confident that the new proposed regulations will better describe the expectations and requirements for these programs and better meet the needs of the districts offering these programs, and the students and the parents who participate in those programs.

Another benefit of the public process in the review of these regulations has been bringing to light some of the differences between "home school support" programs and traditional correspondence programs for the policymakers of our state. Some testimony was from families who simply do not wish to have the state or district authorities involved in, or dictate, how and what they should teach their children, assess their progress, or report their grades. Some of these home school families want the state's support and want freedom from the accountability of regular public schools.

Please feel free to contact me if I can provide further clarification.

STATE OF ALASKA

Department of Education & Early Development

Office of the Commissioner

TONY KNOWLES, GOVERNOR

Goldbelt Place
801 West Tenth Street, Suite 200
Juneau, Alaska 99801-1894
(907) 465-2800
(907) 465-4156 Fax

To: House Health, Education & Social Services Committee

From: Ed McLain, Ed.D.
Deputy Commissioner

Date: March 22, 2002

Subject: Responses to Questions Related to HB 464

During the March 14, 2002 House HES meeting, the department was asked to provide additional information on its legal opinion and concerns regarding the proposed amendments to HB 464. The attached memo is provided for your reference on this matter. The memo focuses on the proposed amendment (3) of the bill, and addresses several aspects of the bill and amendment.

Please feel free to contact me if I can provide further clarification.

cc: Senate HES
Representative James

Attachment

MEMORANDUM

State of Alaska
Department of Law

To: Ed McLain, D.Ed., Deputy Commissioner,
Dept. of Education & Early Development

DATE: March 19, 2002

FILE NO.: 663-01-0113

TELEPHONE NO.: (907) 465-3600


FROM: G. Ken Truitt
Assistant Attorneys General
Human Services Section-Juneau
Department of Law

SUBJECT: Proposed amendments to H.B. 464

You have asked me to review proposed amendments to H.B. 464. The proposed amendment would substitute existing paragraph (a)(3) with the following:

“(3) must provide that the school district conducting the correspondence program has the duty and authority to establish procedures for the purchase of correspondence curriculum materials, and to establish procedures for approving or disapproving individual education plans and home designed courses.”

Existing statutes require school boards to select textbooks and other instructional materials: The statutes:

Sec. 14.07.050. Selection of textbooks. Textbooks for use in the public schools of the state shall be selected by district boards for district schools.

Sec. 14.08.111. Duties. A regional school board shall

....
(9) establish procedures for the review and selection of all textbooks and instructional materials before they are introduced into the school curriculum; the review includes a review for violations of AS 14.18.060.

Sec. 14.14.090. Duties of school boards. In addition to other duties, a school board shall

....
(7) establish procedures for the review and selection of all textbooks and instructional materials before they are introduced into the school curriculum; the review includes a review for violations of AS 14.18.060.

Sec. 14.03.255. Organization and operation of a charter school. (a) A charter school operates as a school in the local school district except that the charter school (1) is exempt from the local school district's textbook, program, curriculum, and scheduling requirements

The proposed amendment conflicts with the existing statutes AS 14.07.050, AS 14.08.111(9), and AS 14.14.090(7). These statutes impose on local school boards the duty to review textbooks and instructional materials before the district uses them for instruction. None of these statutes provide school boards with the authority to review "home designed courses." The proposed amendment, by referencing "home designed courses" seems to indicate that a school board may delegate to parents some of the board's textbook and material review function. Because this power is not reflected in the statutes that address local school board powers and duties, the proposed amendment is inconsistent with those statutes. Further, this apparent delegation to parents is also ambiguous.

The ambiguity arises in several ways. The bill proposes to add a section to the article of AS 14 that addresses the state board of education's powers. If enacted, H.B. 464 would require the state board to acknowledge certain local school board duties and powers should the state board enact regulations relating to correspondence programs. But, some of the powers and duties H.B. 464 would require the state board to acknowledge do not currently exist in the statutes that establish local school boards and define their powers.¹ The proper place to expand local school board powers and duties is in these statutes. Because H.B. 464 fails to address these statutes it creates an ambiguity in AS 14. If it is the drafter's intent to allow school boards to delegate their duty to review textbooks and instructional materials, then AS 14.07.050, AS 14.08.111(9), and AS 14.14.090(7) should also be amended to make that intent clear.

The ambiguity is furthered because the overall content of H.B. 464 is unnecessary. The Administrative Procedure Act (APA)² provides that regulations must be consistent with existing statute. An agency's proposed regulations that contradict existing statutes fail under the Regulations Attorney's legal review and are not approved for filing.³ Yet, H.B. 464 directs the state board to acknowledge certain local board powers and duties: a directive the state board is already under via the APA. Thus, because the Department of Law may not approve regulations that are inconsistent with existing statute, H.B. 464's directive to the state board is superfluous. This raises the question of whether the real purpose of the bill is to expand the powers of local school boards. If so, the appropriate place to make that change is in the statutes that address local school board powers and duties.

If it is the intent to delegate the textbook and instructional material review function to parents, then more troubling constitutional issues present themselves. The bill may be subject to challenges under federal and state equal protection grounds. These constitutional issues will take further analysis.

Finally, for the same reasons discussed above, the proposed amendment's reference to "procedures for approving or disapproving individual education plans" could be construed to be

¹ AS 14.07.050, AS 14.08.111(9) and AS 14.14.090(7).

² AS 44.62.010--300

³ AS 44.62.030; 44.62.125.

Ed McLain, Deputy Commissioner, Dept. of Ed. & Early Devel.
663-01-0113

March 19, 2002
Page 3

inconsistent with federal IDEA requirements. A school district's responsibility for individual education plans is spelled out very clearly in AS 14.30.180--350 and corresponding regulations in 4 AAC 52.

Let me know if you need further analysis on these issues.

Handlost 4/1

MEMORANDUM

State of Alaska
Department of Education
& Early Development

To: Administrative Regulations
Review Committee

Date: March 20, 2002

Phone: 465-8678

FAX:

File:


From: Ed McLain, Ed.D.
Deputy Commissioner

Subject: Statewide Correspondence
Program Regulations

The attached memo is provided for your reference regarding issues related to the regulations review of statewide correspondence programs. This clarification is in response to Mr. Pound's February 8, 2002 memo to the committee providing analysis of the regulations.

We appreciate the involvement of the legislature and the public as the department continues the refinement of these regulations.

Please feel free to contact our office if we can provide any further information.

MEMORANDUM

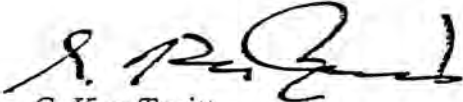
State of Alaska
Department of Law

TO: Ed McLain, Deputy Commissioner,
Department of Education and Early
Development

DATE: March 19, 2002

FILE NO.: 663-01-0113

TELEPHONE NO.: (907) 465-3600


FROM: G. Ken Truitt
Assistant Attorneys General
Human Services Section-Juneau
Department of Law

SUBJECT: Response to 2/8/02 Legislative
memo

This memorandum is in response Jim Pound's memo of February 8, 2002. Mr. Pound's memorandum discussed and analyzed regulations currently under advisement by the State Board of Education regarding district offered statewide correspondence programs. Mr. Pound's analysis concludes that the regulations violate a 1968 decision of the United States Supreme Court.¹ and that the regulations overstep the state board's statutory authority.

Mr. Pound's memo oversimplifies a complex area of law, ignores state constitutional restrictions regarding education, and ignores the statutory role the Department of Law exercises in the administrative regulation adoption process. These oversights result in an analysis that is incomplete and inaccurate.

Under the Administrative Procedure Act (APA)² the Department of Law reviews every adopted regulation to ensure that it is consistent with existing statutes and regulations and that it is consistent with the federal and state constitutions.³ The Department of Law review occurs after an agency has formally adopted a proposed regulation. Formal adoption occurs after the proposed regulations have been through a period of public comment.⁴ Proposed regulations that fail this review are rejected by the Department of Law and do not become effective.

The state board has not formally adopted the proposed regulations on statewide correspondence programs. Thus, the Department of Law has not had the opportunity to fully review the state board's proposed regulations.

The Department of Law's review, however, will be comprehensive as the board's proposed regulations touch on one of the most fluid areas of constitutional law: first amendment establishment of religion. Additionally, our review will consider Alaska's more restrictive

¹ *Board of Education v. Allen*, 392 U.S. 236 (1968)

² AS 44.62.010--300.

³ AS 44.62.060.

⁴ AS 44.62.190.

constitutional and statutory provisions relating to education,⁵ as well as the board's statutory authority.⁶ Also figuring into our review will be the new comprehensive federal legislation on education reform. Through this office's legal review, the APA process provides a mechanism to prevent unconstitutional or unlawful regulations from becoming law. If the board's proposed regulations overstep their statutory authority, our review will find that and prevent the regulations from taking effect.

Finally, while the case Mr. Pound cites will certainly be considered in our review, it is not the most recent, or most directly relevant case. Since decided in 1968, the *Allen* case has been eclipsed by almost a dozen newer cases from the Supreme Court dealing with the first amendment. The Court heard oral argument in February in its most recent first amendment case and is expected to issue its decision before its summer recess.

A final conclusion regarding the proposed regulation's legal validity is premature. Thus far, however, we have discovered no case law or statutory provisions that conflict with the board's proposed regulations.

⁵ Alaska Const. Art. VII, sec. 1; AS 14.03.090. Mr. Pound concludes that "This statute is more than likely not a [sic] legal" However, statutes are presumed valid until ruled otherwise by the courts and the board does not have the discretion to ignore a statute validly enacted by the legislature.

⁶Mr. Pound seems to think that 4 AAC 33.430(h) might be inconsistent with AS 14.17.430. This regulation is in existing regulation the board is not proposing to change it in any way. The regulation clarifies that each student will be counted only once for funding purposes. It prevents a student from being counted in one program, then enrolling and being counted again by a different program. The statute establishes the formula for determining how much funding a district receives for each correspondence student. The regulation was approved by this office when it was originally adopted and we have no reason to think that it would fail our review once the board adopts it.

District Name	✓ Participation Rate	Proficient
Pribilof Schools	133.3%	less than 10%
Mt. Edgecumbe High School	132.6%	42.4%
Unalaska City Schools	112.0%	57.1%
Yakutat City Schools	107.7%	28.6%
Kuspuk School District	105.9%	22.2%
Cordova City Schools	100.0%	62.2%
Skagway City Schools	100.0%	50.0%
Klawock City Schools	100.0%	42.9%
Kake City Schools	100.0%	15.0%
Yukon/Koyukuk Schools	100.0%	less than 10%
Annette Island Schools	100.0%	less than 10%
Valdez City Schools	96.9%	67.7%
Petersburg City Schools	96.0%	50.0%
Wrangell City Schools	92.1%	37.1%
Craig City Schools	92.1%	31.4%
Southwest Region Schools	90.3%	25.0%
Anchorage Schools	90.3%	46.5%
Chatham Schools	88.9%	31.3%
Kenai Peninsula Borough Schools	88.3%	53.4%
Bristol Bay Borough Schools	86.7%	76.9%
Fairbanks North Star Borough Schools	86.6%	43.1%
Sitka Borough Schools	86.4%	55.1%
Kodiak Island Borough Schools	86.0%	35.0%
Kashunamiut Schools	85.7%	less than 10%
STATEWIDE	85.5%	44.0%
Mat-Su Borough Schools	84.5%	49.3%
Hoonah City Schools	84.2%	37.5%
Iditarod Area Schools	82.1%	30.4%
Haines Borough Schools	82.1%	65.6%
Alaska Gateway Schools	81.3%	50.0%
Juneau Borough Schools	81.2%	56.8%
Ketchikan Gateway Borough Schools	80.4%	47.4%
Lower Kuskokwim Schools	79.8%	12.0%
Denali Borough Schools	78.9%	53.3%
North Slope Borough Schools	78.3%	19.3%
Copper River Schools	78.0%	59.0%
Dillingham City Schools	78.0%	30.8%
Nome City Schools	77.8%	32.1%
Delta/Greely Schools	76.9%	48.8%
Lake & Peninsula Borough Schools	75.7%	10.7%
Aleutian Region Schools	75.0%	16.7%
Tanana Schools	75.0%	16.7%
Northwest Arctic Borough Schools	72.0%	10.6%
Hydaburg City Schools	71.4%	less than 10%
Galena City Schools	71.4%	30.3%
Yukon Flats Schools	68.8%	less than 10%
Bering Strait Schools	67.6%	20.3%
Southeast Island Schools	61.5%	37.5%
Lower Yukon Schools	59.6%	less than 10%
Nenana City Schools	59.5%	31.8%
Chugach Schools	53.8%	71.4%
Yupik Schools	51.4%	less than 10%
Aleutians East Borough Schools	47.6%	10.0%
Saint Mary's Schools	45.5%	less than 10%
Alyeska Central School	35.5%	35.9%

Please note: Participation rate may exceed 100% if a district has experienced increased enrollment between the October count and the spring testing date.

District Name	Participation Rate	✓ Proficient
Bristol Bay Borough Schools	86.7%	76.9%
Chugach Schools	53.8%	71.4%
Valdez City Schools	96.9%	67.7%
Haines Borough Schools	82.1%	65.6%
Cordova City Schools	100.0%	62.2%
Copper River Schools	78.0%	59.0%
Unalaska City Schools	112.0%	57.1%
Juneau Borough Schools	81.2%	56.8%
Sitka Borough Schools	86.4%	55.1%
Kenai Peninsula Borough Schools	88.3%	53.4%
Denali Borough Schools	78.9%	53.3%
Skagway City Schools	100.0%	50.0%
Petersburg City Schools	96.0%	50.0%
Alaska Gateway Schools	81.3%	50.0%
Mat-Su Borough Schools	84.5%	49.3%
Delta/Greely Schools	76.9%	48.8%
Ketchikan Gateway Borough Schools	80.4%	47.4%
Anchorage Schools	90.3%	46.5%
STATEWIDE	85.5%	44.0%
Fairbanks North Star Borough Schools	86.6%	43.1%
Klawock City Schools	100.0%	42.9%
Mt. Edgecumbe High School	132.6%	42.4%
Hoonah City Schools	84.2%	37.5%
Southeast Island Schools	61.5%	37.5%
Wrangell City Schools	92.1%	37.1%
Alyeska Central School	35.5%	35.9%
Kodiak Island Borough Schools	86.0%	35.0%
Nome City Schools	77.8%	32.1%
→ Nenana City Schools	59.5%	31.8%
Craig City Schools	92.1%	31.4%
Chatham Schools	88.9%	31.3%
Dillingham City Schools	78.0%	30.8%
Iditarod Area Schools	82.1%	30.4%
→ Galena City Schools	71.4%	30.3%
Yakutat City Schools	107.7%	28.6%
Southwest Region Schools	90.3%	25.0%
Kuspuk School District	105.9%	22.2%
Bering Strait Schools	67.6%	20.3%
North Slope Borough Schools	78.3%	19.3%
Aleutian Region Schools	75.0%	16.7%
Tanana Schools	75.0%	16.7%
Kake City Schools	100.0%	15.0%
Lower Kuskokwim Schools	79.8%	12.0%
Lake & Peninsula Borough Schools	75.7%	10.7%
Northwest Arctic Borough Schools	72.0%	10.6%
Aleutians East Borough Schools	47.6%	10.0%
Lower Yukon Schools	59.6%	less than 10%
Pribilof Schools	133.3%	less than 10%
Yukon/Koyukuk Schools	100.0%	less than 10%
Annette Island Schools	100.0%	less than 10%
Kashunamiut Schools	85.7%	less than 10%
Hydaburg City Schools	71.4%	less than 10%
Yukon Flats Schools	68.8%	less than 10%
Yupit Schools	51.4%	less than 10%
Saint Mary's Schools	45.5%	less than 10%

Please note: Participation rate may exceed 100% due to increased enrollment between the October count and the spring testing date.

District Name	✓ Participation Rate	Proficient
Pribilof Schools	133.3%	25.0%
Unalaska City Schools	112.0%	82.1%
Skagway City Schools	108.3%	69.2%
Yakutat City Schools	107.7%	78.6%
Wrangell City Schools	105.3%	60.0%
Mt. Edgecumbe High School	104.5%	41.9%
Klawock City Schools	100.0%	50.0%
Yukon/Koyukuk Schools	100.0%	37.5%
Cordova City Schools	97.3%	86.1%
Valdez City Schools	96.9%	88.7%
Petersburg City Schools	96.0%	70.8%
Annette Island Schools	96.0%	29.2%
Kashunamiut Schools	95.2%	less than 10%
Kake City Schools	95.0%	52.6%
Craig City Schools	94.7%	52.8%
Southwest Region Schools	93.5%	27.6%
Bristol Bay Borough Schools	86.7%	92.3%
Kenai Peninsula Borough Schools	86.5%	78.6%
Sitka Borough Schools	86.4%	78.7%
Kodiak Island Borough Schools	85.6%	68.4%
Kuspuk School District	85.3%	27.6%
Fairbanks North Star Borough Schools	84.8%	70.4%
Haines Borough Schools	84.6%	84.8%
Anchorage Schools	84.5%	66.4%
Alaska Gateway Schools	84.4%	44.4%
Hoonah City Schools	84.2%	68.8%
Chatham Schools	83.3%	40.0%
STATEWIDE	82.1%	65.9%
Nome City Schools	81.9%	52.5%
Lake & Peninsula Borough Schools	81.1%	30.0%
Mat-Su Borough Schools	81.0%	74.1%
Ketchikan Gateway Borough Schools	80.4%	63.2%
Juneau Borough Schools	80.3%	74.1%
Denali Borough Schools	78.9%	86.7%
Copper River Schools	76.0%	68.4%
Delta/Greely Schools	75.0%	75.6%
Tanana Schools	75.0%	66.7%
Aleutian Region Schools	75.0%	33.3%
Lower Kuskokwim Schools	74.5%	23.9%
North Slope Borough Schools	73.7%	31.3%
Northwest Arctic Borough Schools	72.0%	25.9%
→ Galena City Schools	71.9%	70.7%
Iditarod Area Schools	71.4%	55.0%
Hydaburg City Schools	71.4%	40.0%
Dillingham City Schools	70.0%	71.4%
Yukon Flats Schools	68.8%	less than 10%
Bering Strait Schools	63.7%	32.3%
Lower Yukon Schools	63.6%	19.0%
→ Nenana City Schools	60.4%	70.1%
Southeast Island Schools	53.8%	64.3%
Yupik Schools	48.6%	11.8%
Aleutians East Borough Schools	47.6%	30.0%
Chugach Schools	46.2%	83.3%
Saint Mary's Schools	45.5%	40.0%
Alyeska Central School	27.3%	63.3%

Please note: Participation rate may exceed 100% due to increased enrollment between the October count and the spring testing date.

District Name	Participation Rate	✓ Proficient
Bristol Bay Borough Schools	86.7%	92.3%
Valdez City Schools	96.9%	88.7%
Denali Borough Schools	78.9%	86.7%
Cordova City Schools	97.3%	86.1%
Haines Borough Schools	84.6%	84.8%
Chugach Schools	46.2%	83.3%
Unalaska City Schools	112.0%	82.1%
Sitka Borough Schools	86.4%	78.7%
Yakutat City Schools	107.7%	78.6%
Kenai Peninsula Borough Schools	86.5%	78.6%
Delta/Greely Schools	75.0%	75.6%
Mat-Su Borough Schools	81.0%	74.1%
Juneau Borough Schools	80.3%	74.1%
Dillingham City Schools	70.0%	71.4%
Petersburg City Schools	96.0%	70.8%
→ Galena City Schools	71.9%	70.7%
Fairbanks North Star Borough Schools	84.8%	70.4%
→ Nenana City Schools	60.4%	70.1%
Skagway City Schools	108.3%	69.2%
Hoonah City Schools	84.2%	68.8%
Kodiak Island Borough Schools	85.6%	68.4%
Copper River Schools	76.0%	68.4%
Tanana Schools	75.0%	66.7%
Anchorage Schools	84.5%	66.4%
STATEWIDE	82.1%	65.9%
Southeast Island Schools	53.8%	64.3%
Alyeska Central School	27.3%	63.3%
Ketchikan Gateway Borough Schools	80.4%	63.2%
Wrangell City Schools	105.3%	60.0%
Iditarod Area Schools	71.4%	55.0%
Craig City Schools	94.7%	52.8%
Kake City Schools	95.0%	52.6%
Nome City Schools	81.9%	52.5%
Klawock City Schools	100.0%	50.0%
Alaska Gateway Schools	84.4%	44.4%
Mt. Edgecumbe High School	104.5%	41.9%
Chatham Schools	83.3%	40.0%
Hydaburg City Schools	71.4%	40.0%
Saint Mary's Schools	45.5%	40.0%
Yukon/Koyukuk Schools	100.0%	37.5%
Aleutian Region Schools	75.0%	33.3%
Bering Strait Schools	63.7%	32.3%
North Slope Borough Schools	73.7%	31.3%
Lake & Peninsula Borough Schools	81.1%	30.0%
Aleutians East Borough Schools	47.6%	30.0%
Annette Island Schools	96.0%	29.2%
Southwest Region Schools	93.5%	27.6%
Kuspuk School District	85.3%	27.6%
Northwest Arctic Borough Schools	72.0%	25.9%
Pribilof Schools	133.3%	25.0%
Lower Kuskokwim Schools	74.5%	23.9%
Lower Yukon Schools	63.6%	19.0%
Yupik Schools	48.6%	11.8%
Kashunamiut Schools	95.2%	less than 10%
Yukon Flats Schools	68.8%	less than 10%

Please note: Participation rate may exceed 100% due to increased enrollment between the October count and the spring testing date.

District Name	✓ Participation Rate	Proficient
Pribilof Schools	144.4%	30.8%
Mt. Edgecumbe High School	115.7%	33.0%
Kuspuk School District	108.8%	less than 10%
Skagway City Schools	108.3%	61.5%
Unalaska City Schools	108.0%	51.9%
Yakutat City Schools	107.7%	28.6%
Cordova City Schools	100.0%	64.9%
Kake City Schools	100.0%	25.0%
Yukon/Koyukuk Schools	100.0%	25.0%
Kashunamiut Schools	100.0%	less than 10%
Valdez City Schools	96.9%	69.4%
Petersburg City Schools	96.0%	54.2%
Annette Island Schools	96.0%	20.8%
Klawock City Schools	92.9%	38.5%
Craig City Schools	92.1%	42.9%
Wrangell City Schools	92.1%	42.9%
Alaska Gateway Schools	90.6%	48.3%
Southwest Region Schools	90.3%	21.4%
Kenai Peninsula Borough Schools	89.7%	52.8%
Anchorage Schools	89.1%	46.5%
Kodiak Island Borough Schools	87.8%	45.8%
Bristol Bay Borough Schools	86.7%	61.5%
Sitka Borough Schools	86.4%	58.3%
Fairbanks North Star Borough Schools	86.3%	50.0%
Mat-Su Borough Schools	85.9%	57.0%
STATEWIDE	85.4%	46.7%
Nome City Schools	84.7%	32.8%
Haines Borough Schools	84.6%	69.7%
Hoonah City Schools	84.2%	43.8%
Ketchikan Gateway Borough Schools	84.1%	50.9%
Chatham Schools	83.3%	26.7%
Juneau Borough Schools	82.5%	53.0%
Lower Kuskokwim Schools	81.3%	16.6%
Lake & Peninsula Borough Schools	81.1%	13.3%
North Slope Borough Schools	78.3%	18.5%
Delta/Greely Schools	76.9%	56.3%
Northwest Arctic Borough Schools	76.3%	16.7%
Copper River Schools	76.0%	55.3%
Dillingham City Schools	76.0%	47.4%
Tanana Schools	75.0%	50.0%
Aleutian Region Schools	75.0%	33.3%
➔ Galena City Schools	72.4%	44.0%
Yukon Flats Schools	71.9%	less than 10%
Hydaburg City Schools	71.4%	less than 10%
Denali Borough Schools	68.4%	69.2%
Bering Strait Schools	67.6%	23.2%
Iditarod Area Schools	64.3%	33.3%
Lower Yukon Schools	63.6%	14.3%
Southeast Island Schools	61.5%	62.5%
➔ Nenana City Schools	61.3%	47.1%
Saint Mary's Schools	54.5%	16.7%
Yupik Schools	51.4%	less than 10%
Aleutians East Borough Schools	47.6%	20.0%
Chugach Schools	46.2%	50.0%
Alyeska Central School	17.3%	68.4%

Please note: Participation rate may exceed 100% due to increased enrollment between the October count and the spring testing date.

District Name	Writing	✓ Proficient
Haines Borough Schools	34.5%	69.7%
Valdez City Schools	96.9%	69.4%
Denali Borough Schools	68.4%	69.2%
Alyeska Central School	17.3%	68.4%
Cordova City Schools	100.0%	64.9%
Southeast Island Schools	61.5%	62.5%
Skagway City Schools	108.3%	61.5%
Bristol Bay Borough Schools	86.7%	61.5%
Sitka Borough Schools	86.4%	58.3%
Mat-Su Borough Schools	85.9%	57.0%
Delta/Greely Schools	76.9%	56.3%
Copper River Schools	76.0%	55.3%
Petersburg City Schools	96.0%	54.2%
Juneau Borough Schools	82.5%	53.0%
Kenai Peninsula Borough Schools	89.7%	52.8%
Unalaska City Schools	108.0%	51.9%
Ketchikan Gateway Borough Schools	84.1%	50.9%
Fairbanks North Star Borough Schools	86.3%	50.0%
Tanana Schools	75.0%	50.0%
Chugach Schools	46.2%	50.0%
Alaska Gateway Schools	90.6%	48.3%
Dillingham City Schools	76.0%	47.4%
→ Nenana City Schools	61.3%	47.1%
STATEWIDE	85.4%	46.7%
Anchorage Schools	89.1%	46.5%
Kodiak Island Borough Schools	87.8%	45.8%
→ Galena City Schools	72.4%	44.0%
Hoonah City Schools	84.2%	43.8%
Craig City Schools	92.1%	42.9%
Wrangell City Schools	92.1%	42.9%
Klawock City Schools	92.9%	38.5%
Aleutian Region Schools	75.0%	33.3%
Iditarod Area Schools	64.3%	33.3%
Mt. Edgecumbe High School	115.7%	33.0%
Nome City Schools	84.7%	32.8%
Pribilof Schools	144.4%	30.8%
Yakutat City Schools	107.7%	28.6%
Chatham Schools	83.3%	26.7%
Kake City Schools	100.0%	25.0%
Yukon/Koyukuk Schools	100.0%	25.0%
Bering Strait Schools	67.6%	23.2%
Southwest Region Schools	90.3%	21.4%
Annette Island Schools	96.0%	20.8%
Aleutians East Borough Schools	47.6%	20.0%
North Slope Borough Schools	78.3%	18.5%
Northwest Arctic Borough Schools	78.3%	16.7%
Saint Mary's Schools	54.5%	16.7%
Lower Kuskokwim Schools	81.3%	16.6%
Lower Yukon Schools	63.6%	14.3%
Lake & Peninsula Borough Schools	81.1%	13.3%
Kuspuk School District	108.8%	less than 10%
Yupik Schools	51.4%	less than 10%
Yukon Flats Schools	71.9%	less than 10%
Kashunamiut Schools	100.0%	less than 10%
Hydaburg City Schools	71.4%	less than 10%

Please note: Participation rate may exceed 100% due to increased enrollment between the October count and the spring testing date.

Spring 2000 & 2001 10th Grade Correspondence HSGQE test results

	Spring 2000		Spring 2001	
READING	Proficient %	Participation Rate	Proficient %	Participation Rate
Statewide	74.6%	81.0%	65.9%	82.1%
ACS	*	9.6%	63.3%	27.3%
Galena IDEA	87.6%	55.8%	74.1%	68.4%
Nenana CyberLynx	87.0%	41.1%	71.4%	55.4%
Anchorage Dist.	78.4%	87.4%	66.4%	84.5%
Fairbanks Dist.	80.2%	80.2%	70.4%	84.9%
MatSu Dist.	85.1%	78.8%	74.1%	81.0%
Kenai Dist.	79.1%	89.4%	78.6%	86.5%
Juneau Dist.	81.4%	88.7%	74.1%	80.3%
	79.9% weighted ave.		70.2% weighted ave.	
WRITING	Proficient %	Participation Rate	Proficient %	Participation Rate
Statewide	47.6%	80.7%	46.7%	85.4%
ACS	48.3%	9.9%	68.4%	17.3%
Galena IDEA	51.6%	56.2%	46.3%	68.4%
Nenana CyberLynx	59.1%	39.3%	47.4%	56.4%
Anchorage Dist.	50.5%	86.9%	46.5%	89.1%
Fairbanks Dist.	50.0%	79.3%	50.0%	86.3%
MatSu Dist.	55.4%	77.3%	57.0%	85.9%
Kenai Dist.	49.2%	89.8%	52.8%	89.7%
Juneau Dist.	54.3%	88.1%	53.0%	82.5%
	51.2% weighted ave.		49.8% weighted ave.	
MATHEMATICS	Proficient %	Participation Rate	Proficient %	Participation Rate
Statewide	33.3%	80.0%	44.0%	85.5%
ACS	27.6%	9.9%	35.9%	35.5%
Galena IDEA	28.3%	55.3%	32.1%	67.1%
Nenana CyberLynx	38.1%	37.5%	29.1%	54.5%
Anchorage Dist.	35.9%	86.2%	46.5%	90.3%
Fairbanks Dist.	33.3%	77.4%	43.1%	86.6%
MatSu Dist.	41.2%	77.2%	49.3%	84.5%
Kenai Dist.	37.6%	89.3%	53.4%	88.3%
Juneau Dist.	48.0%	88.3%	56.8%	81.2%
	37.3% weighted ave.		47.8% weighted ave.	

Achievement of ACS students is lower than state average in 1 of 3 tests in 2000, 2 out of 3 tests in 2001.

Achievement of Galena IDEA students is lower than state average in 1 of 3 tests in 2000, 2 out of 3 tests in 2001.

Achievement of Nenana CyberLynx students is lower than state average in 0 of 3 tests in 2000, 1 out of 3 tests in 2001.

Achievement of ACS students is lower than large district averages in 2 of 3 tests in 2000, 2 out of 3 in 2001.

82.74% from 5 districts

Achievement of Galena IDEA students is lower than large district averages in 1 of 3 tests in 2000, 2 out of 3 in 2001.

82.05% from 5 districts

Achievement of Nenana CyberLynx students is lower than large district averages in 0 of 3 tests in 2000, 2 out of 3 in 2001.

89.85% from 5 districts

* - less than 10 students tested or less than 3 students in a cell.

Spring 2000 and Spring 2001 10th Grade HSGQE test results

	Spring 2000		Spring 2001	
READING	Proficient %	Participation Rate	Proficient %	Participation Rate
Statewide	74.6%	81.0%	65.9%	82.1%
ACS	*	9.6%	63.3%	27.3%
Galena Dist.	84.4%	59.3%	70.7%	71.9%
Nenana Dist.	79.4%	49.3%	70.1%	60.4%
Anchorage	78.4%	87.4%	66.4%	84.5%
Fairbanks	80.2%	80.2%	70.4%	84.9%
MatSu	85.1%	78.8%	74.1%	81.0%
Kenai	79.1%	89.4%	78.6%	86.5%
Juneau	81.4%	88.7%	74.1%	80.3%
	79.9% weighted ave.		70.2% weighted ave.	

	Spring 2000		Spring 2001	
WRITING	Proficient %	Participation Rate	Proficient %	Participation Rate
Statewide	47.6%	80.7%	46.7%	85.4%
ACS	48.3%	9.9%	68.4%	17.3%
Galena Dist.	48.3%	60.1%	44.0%	72.4%
Nenana Dist.	52.9%	49.3%	47.1%	61.3%
Anchorage	50.5%	86.9%	46.5%	89.1%
Fairbanks	50.0%	79.3%	50.0%	86.3%
MatSu	55.4%	77.3%	57.0%	85.9%
Kenai	49.2%	89.8%	52.8%	89.7%
Juneau	54.3%	88.1%	53.0%	82.5%
	51.2% weighted ave.		49.8% weighted ave.	

	Spring 2000		Spring 2001	
MATHEMATICS	Proficient %	Participation Rate	Proficient %	Participation Rate
Statewide	33.3%	80.0%	44.0%	85.5%
ACS	27.6%	9.9%	35.9%	35.5%
Galena Dist.	30.8%	58.9%	30.3%	71.4%
Nenana Dist.	30.3%	47.8%	31.8%	59.5%
Anchorage	35.9%	86.2%	46.5%	90.3%
Fairbanks	33.3%	77.4%	43.1%	86.6%
MatSu	41.2%	77.2%	49.3%	84.5%
Kenai	37.6%	89.3%	53.4%	88.3%
Juneau	48.0%	88.3%	56.8%	81.2%
	37.3% weighted ave.		47.8% weighted ave.	

Achievement of ACS students is lower than state average in 1 of 3 tests in 2000, 2 out of 3 tests in 2001.

Achievement of Galena students is lower than state average in 1 of 3 tests in 2000, 2 out of 3 tests in 2001.

Achievement of Nenana students is lower than state average in 1 of 3 tests in 2000, 1 out of 3 tests in 2001.

Achievement of ACS students is lower than large district averages in 2 of 3 tests in 2000, 2 of 3 in 2001.

82.74% from 5 districts

Achievement of Galena students is lower than large district averages in 2 of 3 tests in 2000, 2 of 3 in 2001.

82.05% from 5 districts

Achievement of Nenana students is lower than large district averages in 2 of 3 tests in 2000, 3 of 3 in 2001.

89.85% from 5 districts

* - less than 10 students tested or less than 3 students in a cell.

Subj:	Letter from Jim Foster, Assistant Supt. Galena
Date:	4/15/2002 11:35:36 AM Mountain Daylight Time
From:	Peaklearn
To:	representative_con_bundy@legis.state.ak.us

Dear Representative Bundy:

In conjunction with the Department of Education, we have developed proposed regulation for correspondence schools. Dr. Ed McClain and Dr. Shirley Holloway have been very responsive to our needs, and we are very pleased with the current proposed regulations. We see no need to pursue legislation dealing with these issues at this time. Should you require further information, please contact me at (907) 240-7772. Thank you for your continued support for quality education.

Jim Foster
Assistant Superintendent
Galena City School District.

Monday, April 15, 2002 America Online: Peaklearn

PUBLIC COMMENT

Date	14	Page	2
From	Yen Campbell		
To	Keren		
Co/Dept			
Phone #			
Fax #	3871		

Post-It Fax Note 7671

NENANA CITY PUBLIC SCHOOLS

P.O. BOX 00010
 NENANA, ALASKA 99760
 907-838-5464
 FAX 907-832-5625

RECEIVED
Nenana

FAXED
 APR 15 2002
 BY:

APR 15 2002

April 12, 2002

TO: Parents, Students, Legislators, and DEED
 FROM: Dr. Ken Eggleston, Superintendent
 RE: SB 346 and HB 464

CyberLynx Office

The following is a clarification of the "Legislative Process vs. Regulatory Process"

Nenana City Public School's position on the new proposed regulation changes to Statewide Correspondence Schools in 4 AAC 33, is as follows:

Nenana City Public School and its CyberLynx Statewide Correspondence Program believe the State of Alaska currently has sufficient laws that address Statewide Correspondence Programs. These laws and the legislators who drafted and passed these laws should be recognized for their innovative thinking and caring for the rights of parent to decide what they believe is the best educational delivery system to serve their children.

Alaska and its Legislators have truly been on the cutting edge of educational delivery systems in the United States; we should revel in our uniqueness. We should study why over 9,000 students are being served by alternative educational delivery systems. Our State of Alaska has always been a special place to live and learn and we need to keep that uniqueness alive and well. Our parents have spoken loudly with a united voice demonstrating their belief in this method of educating their children.

We at CyberLynx are very proud of our parents who have chosen this way of education. These parents assume a tremendous responsibility when they choose to Home School through a Statewide Correspondence School Program. We should honor those parents and students and not try to regulate them out of a way of life, an educational process, which is currently under Alaska State Law, Chapter 33 Special Programs.

We have an opportunity to further improve the Statewide Correspondence programs in our state. The State School Board has extended the period for public comment on the Proposed Amended Regulations 4 AA 33 Statewide Correspondence Programs. It is an opportunity for all interested persons to make their concerns known to the State Board of Education.

What does this extension of the hearing period mean? We at CyberLynx believe we should work through the regulatory process. We understand that the extended time period is a double-edged sword. It places the decision on the proposed amended regulations by the State Board of Education beyond the 2002 Legislative Session, but it also gives more

opportunity for all concerned to make their voices heard. There are many legislators who truly believe in the right of parental choice, and that choice by thousands of parents from every corner of this state is to enroll their children in a Statewide Correspondence program.

If the State Board of Education takes a path through the regulatory process, which makes the use of Statewide Correspondence programs impossible for parents to use, our Legislators would have no other choice in the 2003 Legislature than to consider corrections through the legislative process. We believe as one legislator said in the hearings "the proof will be in the pudding". It is now up to the State Board of Education.

Sincerely,



Dr. Kenneth Eggleston, Superintendent
Nenana City Public School

GALENA CITY SCHOOL DISTRICT

Office of the Assistant Superintendent - 5600 B Street - Anchorage, AK 99518
Phone 907-562-4332 - Fax 907-562-4662

March 21, 2002

Deputy Commissioner Ed McLain
Department of Education & Early Development
801 West 10th Street
Juneau, AK 99801

RECEIVED

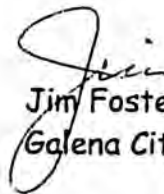
MAR 28 2002

Alaska Department of Education
& Early Development

Dear Deputy Commissioner McLain,

Thank you for responding to the concerns that were expressed to you by the parents in statewide correspondence programs. It was a big task, I know, to sift through all of the input to determine common threads and then to balance the expressed concerns against the requirements of statute and the responsibility of the Department. I appreciate the ability to have input into the process and expect that our parents will be happy with the responsiveness of the Department, as we explain the new wording to them. I anticipate that the State Board will move to approve the posting of the rewritten regulations for statewide correspondence programs, and look forward to the continuation of our cordial and professional working relationship.

Sincerely,



Jim Foster, Assistant Superintendent
Galena City School District

CC: State Board of Education and Early Development

Edward McLain

From: Mail - Cheryl @ ACS [cheryl.watkins@acsalaska.net]

Sent: Saturday, March 23, 2002 10:17 AM

To: 'Ed_McLain@eed.state.ak.us'

Subject: re: Thank you

Thank you so much for hearing our pleas. We love homeschooling our kids and appreciate the time that you took to listen to us and help make a difference. Thank you again. Cheryl Watkins

4/11/2002

Edward McLain

From: Scott Marble [frozenchosen9@characterlink.net]

Sent: Saturday, March 23, 2002 2:11 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: IDEA

Dear Mr. McLain,

Thank you for your sympathetic response to our concerns effecting homeschool regulations. We appreciated your actions.

Sincerely,
Mr. and Mrs. Scott K. Marble

4/11/2002

Edward McLain

From: wagar family [kwagar@ideafamilies.org]

Sent: Saturday, March 23, 2002 2:42 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: Regs

Dear Deputy Commissioner McLain

We are very pleased that we will be able to continue with IDEA and purchase the curriculum that works well for our daughter. Thank you for all your efforts on our behalf and the behalf of homeschooling parents.

Kristin M. Wagar
1897 Badger Rd.
North Pole, AK 99705

4/11/2002

Edward McLain

From: Richard N. & Lori J. Gorsline [rlr@gci.net]

Sent: Saturday, March 23, 2002 4:13 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: new regulations

Dear Deputy McLain, Thank you for being supportive of our concerns pertaining to our homeschool program. We appreciate your understanding of our positions and adjusting the language.

4/11/2002

Edward McLain

From: Stacie Werner [swerner@gci.net]
Sent: Saturday, March 23, 2002 9:04 PM
To: 'Ed_McLain@eed.state.ak.us'
Subject: Thank you!

Dear Deputy Commissioner McLain,

I want to take the time to express our family's gratitude for the diligent, respectful and balanced effort and input that you gave *to the cause* regarding the current statewide-correspondence programs issues. Thank you, in particular, for being responsive to public concerns, understanding our position, and adjusting the language.

The kind of support and public service and commitment you have exhibited reminds me that our American system still works and is alive and *WELL* here in Alaska. I have not been involved in many issues in the past and was very nervous about how my "opinion/position" would be received. I found our state system and representatives, at all levels that we dealt with, to be welcoming, responsive and fair. For that, we are thankful and personally wanted to let you know.

Sincerely,

Ken Werner
Stacie Werner
PO Box 3495
Seward, AK 99664
(907) 224 - 5608

(Currently enrolled in IDEA)

Edward McLain

From: Dennis Ellithorpe [paddlealaska@ak.net]

Sent: Sunday, March 24, 2002 10:35 AM

To: 'Ed_McLain@eed.state.ak.us'

Subject: homeschool regs

This is just a note of thanks for your time, effort and for listening to people like myself who support having a program like IDEA. It has been a good alternative for many families and has only aided educational efforts in this state. Thanks so much! Sue J. Hansen

Edward McLain

From: Linda Lundstrom [linda@ideafamilies.org]
Sent: Sunday, March 24, 2002 3:14 PM
To: 'Ed McLain'
Subject: Support for regulations

March 24, 2002

Deputy Commissioner Ed McLain, Ph.D.
Alaska Department of Education & Early Development
801 W. 10th St., Suite 200
Juneau AK 99801

Dear Dr. Holloway,

My name is Linda Lundstrom and I am a special education teacher with the Galena City School District IDEA Homeschool/Correspondence Program.

I would like to thank you for all your hard work and efforts to create meaningful changes to the proposed regulations for correspondence schools that reflect the actual reality of the IDEA Homeschool program and others like it. By far the majority of the homeschool parents do an outstanding job with the education of their children and appreciate the opportunity to do so.

I am pleased to be working in a state in which school districts not only support the creative educational efforts of certified and homeschool teachers, but also has the vision and courage at the state education department and legislative levels to encompass the incredible possibilities of education beyond the traditional. We are grateful for the opportunities provided in Alaska.

Again, thank you for all the time and energy you have given to support the changes in the regulations.

Sincerely,

Linda Lundstrom
Special Education K-12
Galena IDEA
Anchorage Field Office
(907) 562-4332

Edward McLain

From: DAVE MAXWELL [dmaxwell@ideafamilies.org]

Sent: Sunday, March 24, 2002 4:52 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: Thank you!

Dear Deputy Commissioner McLain,

Thank you for all your work in revising the DEED regulations for statewide correspondence schools. We appreciate your willingness to listen to our concerns and revise the regulations. We look forward to reading the new proposed regulations. Thank you for your cooperation.

Sincerely,

Dave and Noel Maxwell, Homer

4/11/2002

Edward McLain

From: Wendy Jennings (Elizabeth) [cottonsch@wildak.net]

Sent: Monday, March 25, 2002 11:45 AM

To: 'Ed_McLain@eed.state.ak.us'

Subject: Thanks

Thank you for being a representative in the fullest definition of the word. The freedom to home school my children has always been my desire. Joining IDEA was done so I could see just how well we were doing. The accountability issue was my reason. I want them to learn truth and the facts about History, Creation Science Verses Evolution both being theories, and Language Arts all points of view.

Thank you again
Wendy Jennings
Delta Junction AK

Edward McLain

From: Marcella Ewing [dewing@ideafamilies.org]

Sent: Monday, March 25, 2002 2:30 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: Thank you!

Dear Ed McLain:

This is to thank you for taking the time and effort to work on the regulations regarding homeschooling programs. Schooling my children is one of the most important choices I have made and having the freedom to school them the way they need is just as important. I greatly appreciate the help and support that I receive from the IDEA program and I thank you for helping to keep this program usable and flexible.

With gratitude,

Marcella Ewing
P.O. Box 1396
Dillingham, AK 99576
dewing@ideafamilies.org

4/11/2002

Edward McLain

From: Tom & Denise Meehan [tmeehan@ideafamilies.org]

Sent: Monday, March 25, 2002 7:09 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: thank you

Thank you for being responsive to public concerns, understanding our position, and adjusting the language on the homeschool proposed regs. Your work is greatly appreciated.

Sincerely,
Denise Meehan

Edward McLain

From: dcryer [dcryer@gci.net]
Sent: Monday, March 25, 2002 8:00 PM
To: 'Ed_McLain@eed.state.ak.us'
Subject: thank you

Dear Commissioner Ed McLain,

Thank you very much for being so responsive to our public concerns regarding the proposed regulations of distance education programs. Thank you for understanding our position and for adjusting the language of the regulations.

Sincerely,

Diane Cryer, homeschool teacher

Edward McLain

From: Stephanie Beyer [thebeyergang@alaska.com]

Sent: Tuesday, March 26, 2002 1:29 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: Homeschooling

I just wanted to write and thank you for being so understanding of the concerns of homeschoolers. I am a homeschooling mom in Kodiak and have been in the IDEA program just one year. I have homeschooled for 3 years though and can say that IDEA has been a great asset to our kids education. Thanks for your support.

Stephanie Beyer

Edward McLain

From: Len and Debbie Grothe [lgrothe@ideafamilies.org]

Sent: Wednesday, March 27, 2002 7:56 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: Thank you!

Dear Mr. Ed McLain;

Thank you so much for being responsive to our public concerns, understanding our position, and understanding the language of homeschooling parents and their children. You will be pleasantly surprised when you see my sons fulfill their dreams and exceed the test scores for the state of Alaska and prove homeschooling does work when the parents are actively involved in their education.

Thanks again,
Grateful and Sincerely,
The Grothe Family from Soldotna
Lenny, Debbie, Garrett & Cameron

4/11/2002

Edward McLain

From: K A T [bigbow98@mosquitonet.com]

Sent: Thursday, March 28, 2002 11:52 AM

To: 'Ed_McLain@eed.state.ak.us'

Subject: regulations

Dear Mr. McLain,

I just wanted to thank you for being understanding of our position as homeschooling parents. Thank you for responding to public concerns and adjusting the wording of the regulations regarding these type programs.

Judy Thomas
1910 Jupiter Dr
North Pole AK 99705

4/11/2002

Edward McLain

From: shirleyj [shirleyj@ideafamilies.org]

Sent: Friday, April 05, 2002 6:01 PM

To: 'Ed_McLain@eed.state.ak.us'

Subject: Thank You

Dear Deputy Commissioner McLain:

After 30 years as a public school teacher and school counselor, my experience as a homeschool contact teacher in Kenai is indeed exciting. To see young children taking foreign languages, tour historical sites, do advanced level math, ice skate and be an active child as well, is rewarding. I consider it a privilege to be a part of this alternative form of public education. Therefore, I want to personally thank you for your efforts on behalf of the homeschooling families and IDEA.

Gratefully,

Shirley Johnsrud
Contact Teacher
IDEA

4/11/2002

Edward McLain

From: Steven D. Musser [stevedm@ideafamilies.org]
Sent: Wednesday, March 27, 2002 11:53 AM
To: 'ed_mclain@eed.state.ak.us'
Subject: Re: Request for Correspondence Regs Rewrite

Good Morning Ed,

I want to thank you for your efforts in achieving a resolution concerning the regulations. Carol and I are planning to go around and visit with the families as soon as they are made public. I believe this will go a long way to smoothing peoples fears.

Steve

Carl Knudsen	Jim Foster	Carol
Simpson		
carlk@galenanet.com	JimFO@galenanet.com	carols@ideafamilies.org

Edward McLain wrote:

- > Good morning Steve,
- >
- > Please convey my appreciation to Carl, Jim and Carol for their
- > communications and suggestions, comments related to the proposed and amended
- > regulations.
- >
- > Could your staff send me the email addresses for Carl, Jim and Carol?
- >
- > Let me know if you have any questions or comments.
- >
- > Thank you,
- >
- > -----Original Message-----
- > From: Sheila Box [mailto:sheila_box@eed.state.ak.us]
- > Sent: Wednesday, March 27, 2002 10:26 AM
- > To: Crystal_Fields@eed.state.ak.us; ed_mclain@eed.state.ak.us
- > Cc: stevedm@ideafamilies.org
- > Subject: Re: Request for Correspondence Regs Rewrite
- >
- > Steve,
- >
- > Here are the three files that constitute the packet for statewide
- > correspondence. There is a cover sheet, the proposed regulation language,
- > and the department side by side, which shows the changes. As thes
- > documents have been mailed to the board, they are public documents. Please
- > keep in mind that the board still has the right to amend these, I want the
- > public to realize these are still a draft, and until the meeting the board

> has not taken action to accept them. The LIO's have copies, and I will
> have copies available at the meeting in Juneau. These amended regulations
> will not go onto the website until the board has taken action on them.
> Thanks - Sheila
>
> , Crystal Fields wrote:
> >stevedm@ideafamilies.org

Edward McLain

From: The Eberhardts [impactak@alaska.net]
Sent: Monday, March 25, 2002 6:45 PM
To: 'Ed_McLain@eed.state.ak.us'
Subject: Thank you!

As dedicated homeschool parents for the past 13 years, we thank you for hearing our concerns and adjusting the proposed DEED regulations accordingly.

Sincerely,
Christie Eberhardt

Edward McLain

From: Patrick and Tabitha Hooker [dhooker@ideafamilies.org]
Sent: Sunday, March 24, 2002 6:07 PM
To: 'Ed_McLain@eed.state.ak.us'
Subject: Oops--Thank-you note

Ed McLain,

I'm writing a quick note to you to thank you for responding positively to our concerns about the proposed regulations covering correspondence programs. We belong to IDEA and are long-term homeschoolers. The IDEA program has made it possible for us to provide our children with an enriched curriculum and teacher guidance. I really wondered when I wrote to all the different people involved whether I would be heard, but I am encouraged. Thank-you for understanding our concerns and responding so well.

Tabitha Hooker

PS, Sorry the last note had your name wrong. I hit the wrong button on the spell checker!

Edward McLain

From: Tabitha Hooker [Tabitha@MatSuShopper.com]
Sent: Sunday, March 24, 2002 6:05 PM
To: 'Ed_McLain@eed.state.ak.us'
Subject: Thank-you

Ed McAllen,

I'm writing a quick note to you to thank you for responding positively to our concerns about the proposed regulations covering correspondence programs. We belong to IDEA and are long-term homeschoolers. The IDEA program has made it possible for us to provide our children with an enriched curriculum and teacher guidance. I really wondered when I wrote to all the different people involved whether I would be heard, but I am encouraged. Thank-you for understanding our concerns and responding so well.

Tabitha Hooker

CORRECTION

**THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION**



Central Microfilm Services
Department of Education & Early Development
State of Alaska

Edward McLain

From: Steven D. Musser [stevedm@ideafamilies.org]
Sent: Wednesday, March 27, 2002 11:53 AM
To: 'ed_mclain@eed.state.ak.us'
Subject: Re: Request for Correspondence Regs Rewrite

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Steve

Carl Knudsen Simpson carlk@galenanet.com	Jim Foster JimFO@galenanet.com	Carol carols@ideafamilies.org
--	-----------------------------------	----------------------------------

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> Let me know if you have any questions or comments.
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> Sent: Wednesday, March 27, 2002 10:26 AM
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> Cc: stevedm@ideafamilies.org
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