

SCOMM

151:4



Northwest Arctic Borough School District

"Educating Our Children to Lead Successful Lives"

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

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

March 7, 2008

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

Dear Senator Stevens:

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

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

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

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

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

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

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

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

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

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

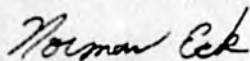
6. DEED should be working with local districts to bring about change rather than imposing sanctions. To my knowledge, no state department of education has shown evidence that forced intervention in a school district has resulted in sustained educational improvements.

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

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

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

Sincerely yours,



Norman Eck, Ph.D.
Superintendent

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Senator Gary Stevens
Alaska State Legislature

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LETTER OF INTENT

March 10, 2008

Senator Bert Stedman, Co-Chair
Senate Finance Committee

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

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

I would offer the following:

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

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

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

Sincerely,

A handwritten signature of Senator Gary Stevens, consisting of a stylized 'G' and 'S' followed by a horizontal line.
Senator Gary Stevens

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



THE LAKE AND PENINSULA SCHOOL DISTRICT

101 Jensen Drive
P.O. Box 498
King Salmon, Alaska 99613
Phone (907) 246-4280 / Fax (907) 246-4473



March 8, 2008

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

Dear Senator Stevens,

I am writing to comment on your sponsored legislation, Senate Bill 285. As you may know, the bill has caused a fair amount of discussion concerning the role and action of DEED when working with school districts that have low academic performance. What follows are my thoughts concerning the issue of school improvement and how the state can best offer assistance to struggling schools.

First of all, I am supportive of your bill. I feel that in light of the Moore Case and the federal requirements of No Child Left Behind, it is appropriate for the legislature to require DEED to offer assistance to low performing schools. Please note that I use the term assistance instead of intervene. I do so because intervene suggests that low performance is solely due to misguided instructional practices. I don't feel however, that this is necessarily the case for most of our low performing schools. Nevertheless, I do feel that it is appropriate for DEED to draft regulations that will be used to meet the intent of this legislation. It is my hope that such regulations will be written in a collaborative forum with school superintendents.

In SB 285's Sponsor Statement, it states that DEED should intervene when "it is determined that a local school district continually fails to provide a child a meaningful opportunity to learn". I believe that this statement misses the mark. What really is in question here is student performance, which may or may not be in response to this opportunity to learn. That is, if a student is not prepared to learn, then the opportunity to do so is not embraced. As such, I feel that school performance must be considered from the vantage of co-production.

While the idea of co-producing education for our children is not a new concept, it is one that is not given sufficient attention when considering accountability sanctions on schools. All educators know that a child with supportive parents or guardians and a community that embraces the schooling process is likely to have a higher level of academic success than a student who struggles to get enough sleep and has little or no external support for learning. This is exemplified by what occurred in my district last year. At LPSD our curriculum and much of our instruction is standardized. Yet, we had schools with the highest growth index in the state but we also had one with one of the

lower indexes. In sum, I feel that DEED should work to support low performing school districts. But, it also makes sense to include other non-educational entities in the improvement efforts.

I believe that it is fair to state that most in education welcome the accountability movement; we are all trying to improve. Such improvement however, needs to be a comprehensive effort and not one that is solely dependent on DEED.

I look forward to discussing this issue with you when I am in Juneau next week.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Steve Atwater', written over a horizontal line.

Steve Atwater
Superintendent

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

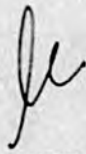
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 31, 2008

SUBJECT: Questions (CSSB 285(FIN) (Work Order No. 25-LS1522\L))

TO: Representative Peggy Wilson
Chair of House Health, Education and Social Service Committee
Attn: Becky Rooney

FROM: Jean M. Mischel
Legislative Counsel 

You have asked a series of questions about CSSB 285(FIN). As a preliminary matter, the Department of Law, as an advocate for the defendant State of Alaska, is the best judge of the effect of the above legislation and legislative hearings on the pending lawsuit, *Moore v. State of Alaska*, Case No. 3AN-04-9756.

As you know, the legislature has delegated the responsibility of providing a system of public education required under art. VII, sec. 1 of the Alaska Constitution to the Department of Education and Early Development (DEED) and local school districts through statutory mandates and authorizations. The plaintiffs acknowledged in *Moore* that the state has already set detailed educational standards that, if followed, would provide each child with a constitutionally adequate education. The court in *Moore* is reviewing the department's compliance with those mandates and authorities. SB 285 provides clarification that the Department of Education and Early Development is specifically authorized to intervene in school districts and schools to bring them into compliance with existing standards.

Without an exhaustive review, impossible at this point in the legislative session, it is my opinion that the department has previously been generally authorized by the legislature to audit school districts and to withhold state funds for noncompliance with state law. AS 14.07.060 expressly provides that the state Board of Education and Early Development "shall adopt regulations that are necessary to carry out the provisions of this title." In addition, AS 14.07.070 states: "State funds may not be paid to a school district or teacher that fails to comply with the school laws of the state or with the regulations adopted by the department."

It is my understanding that some school districts have questioned the authority of DEED and the board to intervene in personnel decisions or to withhold or redirect state funds for failure to comply with curriculum, teaching, or accountability standards established by statute and regulation. That is the apparent reason for the proffered legislation. The

department has previously adopted regulations to allow "corrective actions," to close schools, and to establish testing and accountability standards based upon its existing statutory authority. The department has also recently published additional proposed regulations to further define its audit and compliance functions.

The questions presented by the committee are as follows:

1. What are the potential ramifications of legislative committee discussion and testimony in the context of future Supreme Court action pending on *Moore v. State of Alaska*?

The case is currently still pending at the Superior Court level. Since the Superior Court is a trial court and the court has called for at least one additional hearing, either party may introduce committee discussion and testimony at the hearing, subject to court approval for relevancy and other evidentiary grounds. The court may or may not defer to the facts and opinions expressed in committee but would likely take them into consideration in making its decision. That evidence will be available to the Alaska Supreme Court on review of the Superior Court decision, if an appeal is filed and the record is not otherwise limited.

2. The presentation [by DEED] included information about a pending June 2008 deadline for Legislative action. Just what is the expectation? What happens if the Court decides we did not meet the deadline? What are the specific ramifications of action (or inaction) of the legislature in the next 30 days of session? Does the Department of Law suggest timely legislative action?

The Superior Court asked the state to bring back additional information one year following its initial determination in June 2007 that the public education system was constitutionally inadequate if the state's oversight of local control did not result in affording all students the opportunity to meet statewide competency standards required to pass the high school qualifying examination.¹ The court postponed the effect of its decision declaring the system inadequate and set a June 8, 2008 hearing to consider further evidence of adequacy of the educational system in the context of state oversight. If the legislature does not pass legislation this session, the state would be expected to assert that the legislation was not necessary but that it was desirable to overcome local objections to its oversight and intervention. It is apparent, based on the statements made by the Department of Law and the Department of Education and Early Development, that they would prefer that the legislature clarify DEED's oversight authority before the

¹ The *Moore* decision provided that:

At this juncture, this Court recognizes that the legislative and executive branches of government, and not the Court, are in a considerably better position to address these issues. So as to accord the State an opportunity to do so, this decision is being stayed for a period of one year.

hearing. There is some risk that the court, in a separate action, would invalidate pending regulations without clarification of DEED's authority.

3. Is the DEED evaluation that the *Moore* decision somehow negates the delegation of authority to local school districts accurate? If it is accurate, what is the scope of possible legislative responses that might increase Legislative oversight of school districts and satisfy the court?

The *Moore* decision addressed local control this way:

... there is a benefit in experimentation and in according to local school districts the opportunity to direct their funds in the manner that they believe will best meet the needs of students within their district, particularly given the great diversity within this state. But the Alaska Constitution sets some limits. If generations of children within a school district are failing to achieve proficiency, if a school or a district has not adopted an appropriate curriculum to teach language arts and math that is aligned with the State's performance standards, if basic learning is not taking place for a substantial majority of a school's children, then the Constitution places the obligation upon the Legislature to insure that the State is directing its best efforts to remedy the situation. Here, the evidence has persuasively demonstrated that more funding is not the answer. For the State to fail to take a considerably more directive role in the face of chronically poor performance, at least for the children in Yupiit, amounts to an impermissible "legislative abdication" of the State's constitutional responsibility to maintain public schools in this state.

Moore, at p.188 (citations omitted)

DEED is looking for clarification and support of its authority to intervene in schools and districts from the legislature, which is the ultimate authority over public education. Since the legislature set up a system that was based in part on local control, clarification may be warranted. SB 285 provides a fairly broad authorization for intervention in failing districts and schools. The legislature could, instead, amend existing authorizations in statute one-by-one to clarify those but the process would be more complex.

4. While it was not explicitly said that SB 285 and proposed regulations, 4 AAC 06.872 are [D]EED recommendations for legislative responses to the judge, it was implied by association. Should not [D]EED include a disclaimer or limited endorsement that acknowledges that there may be other ideas?

The regulations and proposed legislation are DEED's expert interpretation and implementation of existing statutory authority. Obviously, the legislature may restrict the department, adopt the regulations in statute, or provide a broader authorization (as in SB 285) that clarifies that the regulations are fine with the legislature. The court appeared to agree that additional legislative direction may be warranted.

5. Could the legislature also respond to the Court's direction by virtually any education policy reform legislation aimed at incentivizing better local involvement/oversight and better education results? NCLB requirements for failing schools include increased choice options and provision of appropriate supplemental and tutorial programs.

The legislature could do that but the incentives must include state oversight and intervention under the *Moore* decision. The local control and school improvement provisions currently in statute are apparently insufficient incentives in some areas of the state despite broad local authority and DEED technical assistance. Even with additional guidance and incentives for local oversight and improved results, the state is ultimately responsible under the constitution.

The *Moore* decision expressly called for more state involvement. The court stated:

The Education Clause does not require the State to "take over" these troubled school districts or fire key personnel. Indeed, evidence introduced at trial indicated that such approaches may well be counterproductive. Commissioner Sampson's suggestion -- that the Legislature look to according [D]EED more authority to direct a school district's resource allocation into the classroom -- may result in considerably greater success. The exact nature of those additional efforts should be for the State, in the first instance, to determine. But this Court finds that the efforts taken as of trial, particularly with respect to the Yupit School District, are constitutionally inadequate.

... the State must insure that each school district has a demonstrated plan to provide children a meaningful opportunity to achieve proficiency in the State's performance standards, and meaningful exposure on the remaining content standards -- and insure that the district's plan is fully implemented and actually in use in the district's classrooms. [] the State must exercise considerably more oversight and provide considerably more assistance and direction to those schools that are identified as failing to meet the State's constitutional obligation, in a concerted effort to remedy the situation.

Moore at pp. 189 - 190

6. Did [D]EED not have statutory authority to enact existing 4 AAC 06.840 and 845? It would seem that authority these regs give to be involved in personnel decisions, curriculum selection, and administrative restructure (sic) are fairly dramatic powers similar to what is being established in SB 285. Are law suits pending or threatened on these existing regulations?

See general discussion, above. When the regulations were adopted and proposed, the department's more general authority was relied upon as well as the accountability standards set out in previous legislation. I am not aware of pending or threatened litigation on the regulations but the department has stated that the districts have been

Representative Peggy Wilson
March 31, 2008
Page 5

"pushing back" and the department would like some clarification from the legislature to support its position in the event that a lawsuit challenging its authority is filed.

If I may be of further assistance, please advise.

JMM:med
08-237.med

MATH TESTS SCORES AFTER STATE INTERVENTION

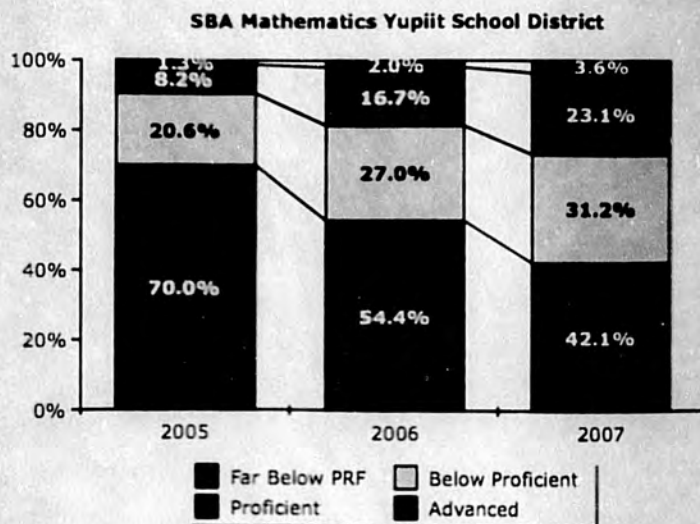
Yupit School District

State Intervention

2005

2006

2007

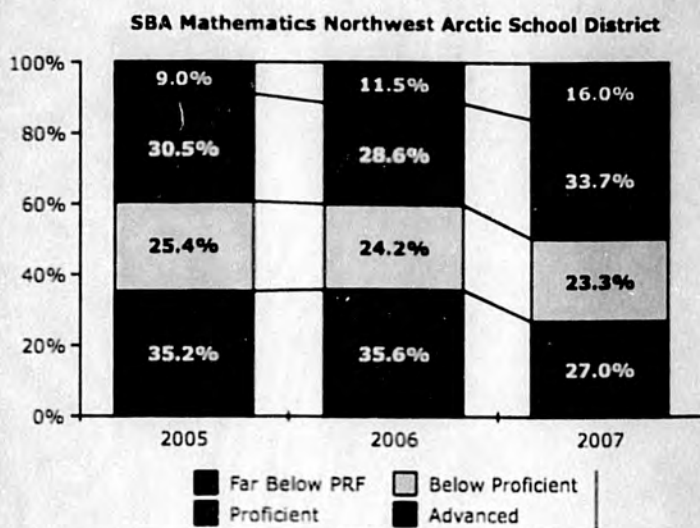


Northwest Arctic School District

State Intervention

2006

2007

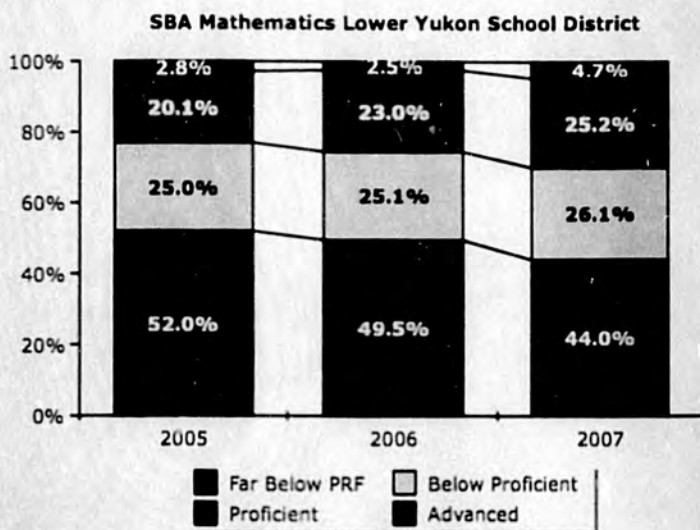


Lower Yukon School District

State Intervention

2006

2007



READING TESTS SCORES AFTER STATE INTERVENTION

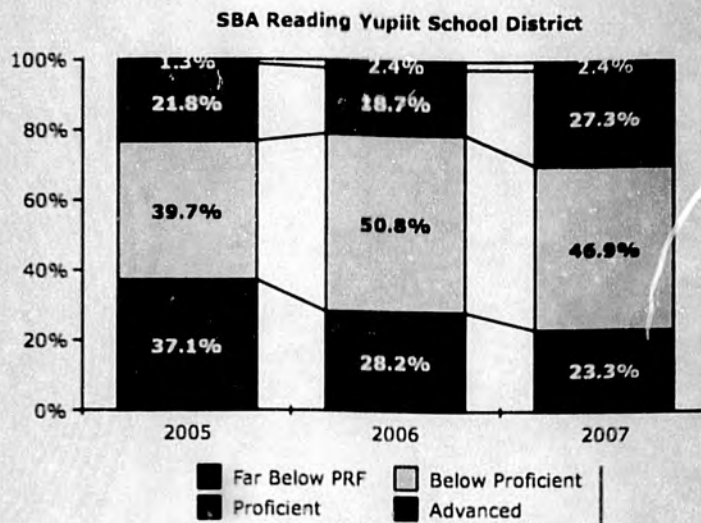
Yupik School District

State Intervention

2005

2006

2007

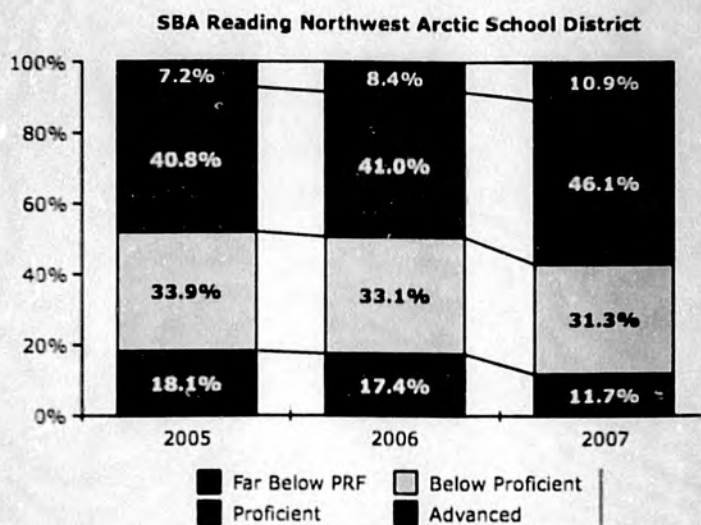


Northwest Arctic School District

State Intervention

2006

2007

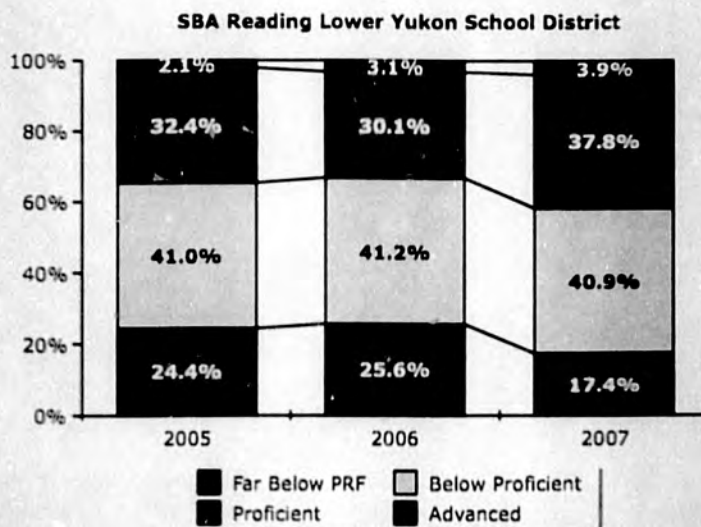


Lower Yukon School District

State Intervention

2006

2007



AMENDMENT

OFFERED IN THE SENATE

BY SENATOR STEVENS

TO: CSSB 285(), Draft Version "C"

1 Page 3, line 26, following "(15)":

2 Insert ";

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

A M E N D M E N T

Page 3, line 14, following "or (15),":

Insert

" , including a provision for

(A) notice to the district of the deficiencies in instructional practice that the department intends to address;

(B) the department to end its directing of personnel decisions or the spending of state funds when the district, or school if the intervention is in a single school, demonstrates three consecutive years of improvement of at least ^{two} ~~three~~ percent per year in the percent of children proficient on the standards-based assessments in mathematics, reading, and writing described in AS 14.03.123(f)(2)(A);
and

(C) a process under which the district can petition the department to end or continue the intervention"

AMENDMENT

OFFERED IN THE SENATE FINANCE
COMMITTEE

BY _____

TO: CSSB 285(25-LS1522M)

1 Page 3, line 14, following "or (15)":

2 Insert

3 ", including a provision for

4 (A) notice to the district of the deficiencies in instructional
5 practice that the department intends to address;

6 (B) the criteria that the department will use to determine that
7 the deficiencies have been addressed and that intervention is no longer
8 required; and

9 (C) a process under which the district can petition the
10 department to end or continue the intervention"

11
12 Page 4, line 25:

13 Delete "withhold"

14 Insert "redirect"

15
16 Page 5, line 2:

17 Delete "withheld"

18 Insert "redirected"

19
20 Page 5, line 2, following "provide the"

21 Insert "redirected"

1

2 Page 5, line 3:

3 Delete "withheld"

ATTN: J. MICHEL
SB 285
VERSION M

AMENDMENT 1

Tim
@ SEN. STEVENS
x4925

Page 3, line 14, following "or (15),":

Insert

"including a provision for

(A) notice to the district of the deficiencies in
instructional practice that the department intends to address;
(B) the department to end its directing of personnel
decisions or the spending of state funds when the district, or school if
the intervention is in a single school, demonstrates three consecutive
years of improvement of at least ^{Two} ~~three~~ percent per year in the percent
of children proficient on the standards-based assessments in
mathematics, reading, and writing described in AS 14.03.123(f)(2)(A);
and
(C) a process under which the district can petition the
department to end or continue the intervention"

BLANK CS
FOR S.FIN TODAY

CHANGE "WITHHOLD"
TO "REDIRECT"

OR:

PG. 4 LN. 25

PG. 5 LN 2 (ed)

PG. 5 LN 2

in
"provide the redirected"

PG. 5 LN 3
delete "withheld"

ATTN: J. MICHEL
SB 285
VERSION M

AMEND 2

TIM
SEN.
@STEVENS
x4925

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

(A) which employees have supervisory responsibility for instructional practices in a school or the district;
and

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

PG. 4, LINE ~~21~~ 21-

STRIKE "THE

LINE
22: (A) PERSONNEL DECISIONS OF A DISTRICT "

INSERT

BLANK CS

FOR S. FIN TODAY

CEAAC

CITIZENS FOR
THE EDUCATIONAL ADVANCEMENT OF ALASKA'S
CHILDREN

CEAAC

MOORE SUMMARY

THE STATES ROLE IN BUILDING DISTRICT CAPACITY TO TEACH STUDENTS

This summary is an outline of the events that have taken place and it describes how and *why we have the best chance to help education in our school districts than we have ever had:*

- CEAAC and our members gathered data and used experts and local witnesses to present a classic school finance case to the court.
- The Gleason Court discounted finance as the main issue and said we did not convince her that money was the problem. (*Although she said additional funding may be required in specific instances and applications.*)
- Judge Gleason also examined test scores and learning results and found that the education children were receiving in many districts and schools was unconstitutional as the children were failing. (Using Yupiit only as an example.)
- She then stayed the case for one year so the state would have a chance to correct what ever is wrong. (Expecting that the state knows what to do.)

That year will be over *in June*. The state has worked with three districts through plans and assistance that can not deliver a better education – in fact it will probably distract from good education; we can show this and the superintendents who are working with the state can so testify.

You have probably heard *that a consequence of this litigation has resulted in* a plan for the state to take over and local control would be gone. If you read the case you will find this is not factual. The commissioner did not recommend it and the court found it undesirable.

What has happened in other states during that kind of take over is that it becomes the responsibility of the state to build the districts capacity to provide an adequate education at the classroom level. So, states are better off developing districts capacity while leaving the local controls in place to help.

The real issue then is --- how can states help districts build their capacity to teach every child adequately. This is what has to be described to the court and apparently the state as well. It includes these major components:

- *Availability and employment of* High quality teachers who know their subject matter and how to teach it are the greatest factor in student achievement. These teachers have to be available for districts to employ and it is a state responsibility to provide a supply of teachers who are trained and capable of teaching our specific students.
- The curriculum, assessments and teaching strategies or methodologies must be aligned and available for appropriate use by teachers and districts according to the needs of the students and communities. This effort is also too large for districts to do on their own and must be a state directed responsibility shared by DEED, Universities and Districts in collegial efforts managed by the state.
- Instructional supplies and materials specific to the learners needs have to be available to the teachers and thus the students on the day they are needed. These highly specific, learner centered instructional treatments, delivery systems and materials are also so huge in number and expense that they can not be developed and accumulated by districts individually. Collectively the state can work with districts and universities to establish the content and delivery systems needed both at the state level and through regional resource centers.
- Schools and School Districts, School Facilities, and Specialist Support for Students and Staff must also be available. Based on local wealth and size of the district, facilities and support needed it may be affordable to the district based on local revenues. In many cases the state must provide some form of equalization.

Unfortunately this last component is the one that finance litigation has focused on for the last 30 plus years. It is the first three that now have the great need and the shift in the courts from equity to adequacy and then studying what states have tried to do to build school district capacity when they did take over have been critical shifts in thinking.

It is our job now --- to describe how a state system works that provides that support and builds capacity within every district and classroom so every student receives the appropriate instruction when it is needed in a clean, safe, healthy, supportive and humane environment. If our court in Alaska can conceive this --- even as Horace Mann described it 150 years ago, the decisions will change. It is our job as educators to teach our legal team, the judge and all about our great capacity and knowledge to serve all students when the correct system is in place.

Will it eventually come down to some costs? Yes it will, but it is an investment that any true democratic republic has to make or current capitalist trends will continue to make a few corporate kings and hordes of poor corporate slaves. A democratic republic must have an educated citizenry for it to function on behalf of the citizen first and then the state.

Your legal team and the study group is putting this together for you so your district can hire qualified teachers, has access to aligned curriculum, assessments and instructional

strategies and techniques for your students and teachers and you would have special support and decent facilities to work in.

The Judge might be correct --- more money applied in the same old way will not make a difference. But if it is applied to the needs outlined above in teachers, instructional expertise, curriculum alignment and availability at the local level --- along with commensurate remuneration for a professional staff it will work.

ECK
AMENDMENT

SUMMARY

COUNTERPOINT

#1	Petition Initiation of Intervention	Means of slowing down the process.
		Judge called for prompt action by Legislature/DEED
#2	School Improvement Grants for Intervention	Judge indicated that Legislature is meeting the constitutional test of adequately funding schools.
		Buying new curriculum, hiring counselors, community liasons, speech pathologists, etc. was specifically NOT what the judge called for.
		These are instances of a failure in accountability. The judge has made it clear that the Legislature, via DEED, must step-in to guide Districts to spend their money in ways pursuant to meeting the state's assessment standards and student annual progress.
		This amendment would result in another \$6 million in state spending on education.
		It could create an incentive for Districts to fail, by rewarding them with additional funds and staffing for failure to meet assessment standards and progress.
#3	Target Schools, not Entire District	It is not the intent of the DEED to disrupt individual schools within a district demonstrating student progress. The intervention starts at a District level and will proceed to the school level.
		Drawing a line of "less than half" is arbitrary. What if exactly 1/2 of schools are failing in the District? The DEED will focus it's efforts on the schools and whatever components of the district that need guidance; and will not reach beyond what is needed to improve those schools' assessments and student progress.

AMENDMENT # _____

OFFERED IN: The Senate Finance Committee

TO: CSHB 285(FIN)

25-LS1522\M

OFFERED BY: Senator Fred Dyson

1 Page 4, after line 18 add new subparagraphs:

2 **(14) assure that all school board members**

3 **(A) have adequate training defining the boards'**
4 **responsibilities, authority, and assistance resources; and**

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

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

9 **(A) cyber schools;**

10 **(B) home schools;**

11 **(C) boarding schools;**

12 **(D) charter schools; and**

13 **(E) tutoring.**

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

16

17 Renumber following subparagraphs as appropriate.

AMENDMENT # _____

OFFERED IN: The Senate Finance Committee

TO: CSHB 285(FIN)

25-LS1522\M

OFFERED BY: Senator Fred Dyson

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

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Senator Gary Stevens

Alaska State Legislature



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Senate Bill 285

SPONSOR STATEMENT

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

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

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

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

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

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

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number:

Bill Version:

SB285

() Publish Date:

Identifier :SB 285: SB285-DEED-SF-02-22-08

Title An Act relating to the power and duties of the Department
of Education and Early Development for improving...

Dept. Affected: Education & Early Development

RDU Education Support Services

Component Executive Administration

Sponsor Senator Stevens

Requester Senate Special Committee on Education

Component Number 2736

Expenditures/Revenues (Thousands of

Note: Amounts do not include inflation unless otherwise noted below.

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

CAPITAL EXPENDITURES							
-----------------------------	--	--	--	--	--	--	--

CHANGE IN REVENUES ()							
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FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY2008) cost:

POSITIONS

Full-time	3.0						
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

SB295 requires that regulations be drafted that establish criteria under which the Department of Education & Early Development may intervene and provide direction to a district to develop school and district-level improvement plans targeted to increase student achievement. The commissioner will use multiple measures and data in making such a determination. This law will make it clear to Alaska school district that they must cooperate with the Department of Education & Early Development or risk specific directives, delineated in regulation, regarding district personnel decisions and expenditures of district funds necessary to improve instructional practices in the district schools.

Prepared by: Eddy Jeans, Director

Division School Finance

Approved by: Barbara Thompson, Interim Commissioner

Phone 465-2803

Date/Time 2/22/2008

Date 2/22/2008

SB285

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

THE EDUCATION CLAUSE

Alaska Constitution

Article VII

Health, Education and Welfare

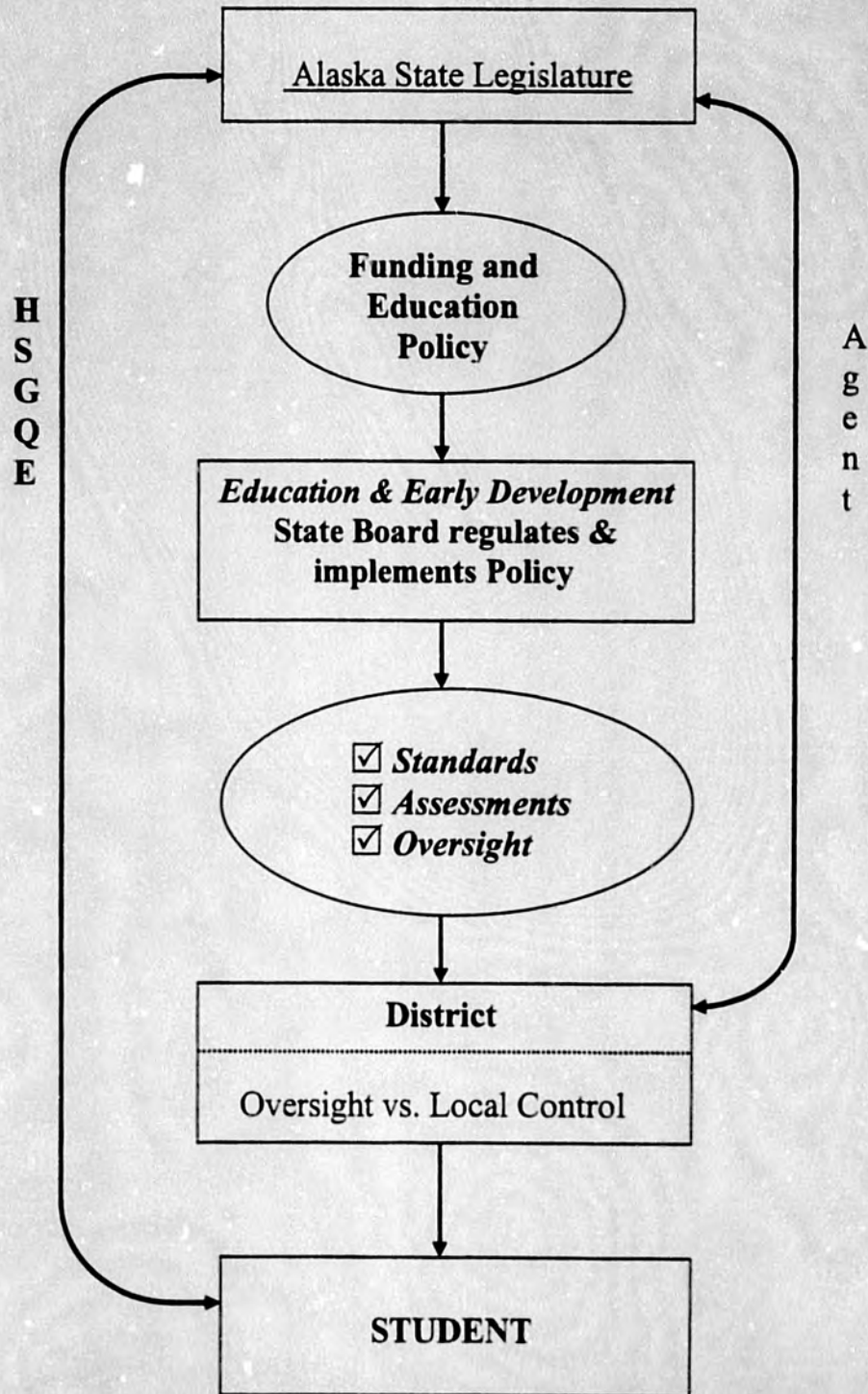
§ 1. Public Education

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

Court's Decision in *Moore v. State*

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

Alaska Public School System



State's Oversight/ Accountability System:

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

Note 1: All decisions are data-driven.

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

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

students at constitutionally inadequate schools can be addressed as needed at further proceedings. Of relevance could be the extent of any remedial services offered to students in the interim who have not yet passed the exam.

CONCLUSION

The Education Clause of Alaska's Constitution provides that "The legislature shall by general law establish and maintain a system of public schools open to all children of the State."

For the reasons set forth in this decision, this Court finds that the State of Alaska's funding of public education fully comports with the Education Clause. The Plaintiffs' claims with respect to inadequate funding are, accordingly, dismissed.

However, this Court has found that the State has violated the Education Clause in one significant respect. Although the State may delegate its responsibility to maintain public schools to local school districts, as it has done, it has failed to exercise adequate supervision and oversight. Specifically, it has failed to identify those schools within the state that are not according to children a meaningful opportunity to acquire proficiency in the subject areas tested by the State and meaningful exposure to the other content areas in the State's educational standards. And as to those schools that are deficient in that regard, the State has failed to provide adequate supervision and oversight in a concerted effort to remedy that situation.

This Court has also found that because the State has failed to meet this component of its constitutional responsibility to maintain a public school system, the due process rights of children in those underperforming schools are violated when the State conditions the receipt of a high school diploma on successful passage of the High School Graduation Qualifying Exam. It is fundamentally unfair for the State to hold students accountable for failing this exam when some students in this state have not been accorded a meaningful opportunity to learn the material on the exam -- an opportunity that the State is constitutionally obligated to provide to them.

ORDER

IT IS ORDERED that the effective date of this decision shall be stayed for a period of one year until June 21, 2008 so as to accord to the State the opportunity to address the issues presented herein prior to any further court proceedings.

DATED this 21st day of June, 2007.

Sharon Gleason
Sharon Gleason
Judge of the Superior Court

I certify that on 6-21-07 a copy
of the above was mailed/faxed to each of the
following at their addresses of record
[Signature]
Judicial Assistant

handed to: Ak
Sato/Cain
Huddleston
Trickey