

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11360 SENATE STATE AFFAIRS

SENATE COMMITTEE REPORT

DATE: 2/27/04

FURTHER:

DATE TURNED IN TO OFFICE: 3/31/04

State Affairs Committee considered SENATE JOINT RESOLUTION NO. 25

SJR 25 FLOODING AND EROSION CONTROL ASSISTANCE

Recommending that certain federal funding restrictions be eased so that more villages in Alaska would qualify for assistance relating to flooding and erosion.

and recommends:

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

Senate Bill:

- Same Title
- New Title

House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	Indet.	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	Indet.	FN#
DCED	7/25/04		✓		1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>Adrian Cavender</i>	✓			
<i>Robert K. Thompson</i>	✓			
<i>Robert K. Thompson</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SJR 25
 (S) Publish Date: 2/27/04

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
 Title Flooding & Erosion Control Assistance RDU Comm Assist & Ec Dev (405)
 Component Community Advocacy
 Sponsor Senator Olson
 Requester Senate Community & Regional Affairs Component No. 2703

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution urges the federal government to ease the cost and benefit analysis rules associated with federal assistance for flood and erosion damage, and moves to help communities in the state that are threatened by erosion and flooding.

This resolution has no fiscal impact upon the operations of the division.

Prepared by: Gene Kane, Director Phone (907) 269-4578
 Division: Community Advocacy Date/Time 2/25/04 11:54 AM
 Approved by: Edgar Blatchford, Commissioner Date 2/25/2004
 Agency: Department of Community & Economic Development

Alaska State Legislature

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Juneau, Alaska 99801-1182
(800) 597-3707
(907) 465-3707
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SENATOR DONALD C. OLSON

DISTRICT T

Sponsor Statement

SJR 25, FLOODING AND EROSION CONTROL ASSISTANCE

Alakanuk
Ambler
Anaktuvuk Pass
Atkasuk
Barrow
Brevig Mission
Browerville
Buckland
Chevak
Deering
Diomedea
Elim
Emmonak
Gambell
Golovin
Hooper Bay
Kaktovik
Kiana
Kivalina
Kobuk
Kotlik
Kotzebue
Koyuk
Mountain Village
Noatak
Nome
Noorvik
Nuiqsut
Nunam Iqua
Pilot Station
Pitka's Point
Point Hope
Point Lay
Savoonga
Scammon Bay
Selawik
Shaktolik
Shishmaref
Shungnak
St. Mary's
St. Michael
Stobbins
Teller
Unalakleet
Wainwright
Wales
White Mountain

SJR 25 is a resolution requesting the Army Corp of Engineers ease their cost and benefit analysis for projects in rural Alaska.

I have proposed this resolution in response to many concerns voiced by my constituents with regards to the erosion and flooding problems that plague western Alaska. Currently many of the villages in western Alaska are not receiving the assistance needed for the protection of life and property.

On November 8, 2003 a winter storm hit western Alaska. This storm caused considerable damage to Unalakleet, Shishmaref, and some of Nome's surrounding areas. While the Governor has declared a state of disaster because of this storm, the continued effects of erosion on the villages of Alaska are not going to be solved by emergency disaster

declarations. A more comprehensive, coordinated effort is required by the Army Corps of Engineers and other federal and state agencies.

I respectfully urge your support for this resolution to focus attention on this serious problem.

December 2003

ALASKA NATIVE VILLAGES

Most Are Affected by
Flooding and Erosion,
but Few Qualify for
Federal Assistance



G A O

Accountability * Integrity * Reliability

Several bills have been introduced to authorize tribal governments also to bundle federal funding for economic development programs and for alcohol and substance abuse programs. For example, in the 106th, 107th, and 108th sessions of Congress, bills were introduced to authorize the integration and coordination of federal funding for community, business, and economic development of Native American communities.²⁴ Under these bills, tribal governments or their agencies may identify federal assistance programs to be integrated for the purpose of supporting economic development projects. Similarly, in the 107th and 108th Congresses, S. 210 and S. 285 were introduced to authorize, respectively, the integration and consolidation of alcohol and substance abuse programs and services provided by tribal governments.

Conclusion

Alaska Native villages that are not making plans to relocate, but are severely affected by flooding and erosion, must find ways to respond to these problems. However, many of these villages have difficulty finding assistance under several federal programs, largely because the economic costs of the proposed project to control flooding and erosion exceed the expected economic benefits. As a result, many private homes and other infrastructure continue to be threatened and are in danger from flooding and erosion. In addition, many Alaska Native villages that are small, remote, and have a subsistence lifestyle, lack the resources to help them respond to flooding and erosion. Given the unique circumstances of Alaska Native villages, special measures may be required to ensure that these communities receive assistance in responding to flooding and erosion.

Alaska Native villages that cannot be protected from flooding and erosion through engineering structures and must relocate face a particularly daunting challenge. These villages are working with federal and state agencies to find ways to address this challenge. Any potential solution, however, whether a single erosion protection project or full relocation, goes through stages of planning and execution that can take years to complete. In the interim, investment decisions must be made regarding delivery of services such as building new structures or renovating and upgrading existing structures. Such decisions for villages should be made in light of the status of their efforts to address flooding and erosion. We identified a number of instances where projects were approved and

²⁴The bills introduced in the 106th, 107th, and 108th Congresses were S. 2052, S. 343, and S. 1528, respectively.

designed without considering a village's relocation plans. Investing in infrastructure that cannot be easily moved or may be costly to move may not be the best use of limited federal funds. It is encouraging that the Denali Commission is working on a policy to ensure that investments are made in a conscientious and sustainable manner for villages threatened by flooding and erosion. Successful implementation of such a policy will depend in part on its adoption by individual federal agencies that also fund infrastructure development in Alaska Native villages.

Recommendations for Executive Action

In order to ensure that federal funds are expended in the most effective and efficient manner possible, we recommend that the federal cochairperson of the Denali Commission, in conjunction with the state of Alaska cochairperson, adopt a policy to guide future investment decisions and project designs in Alaska Native villages affected by flooding and erosion. The policy should ensure that (1) the Commission is aware of villages' efforts to address flooding and erosion and (2) projects are designed appropriately in light of a village's plans to address its flooding and erosion problems.

Matter for Congressional Consideration

Determining the appropriate level of service for Alaska Native villages is a policy decision that rests with Congress. We present four alternatives that Congress may wish to consider as it deliberates over how, and to what extent, federal programs could better respond to flooding and erosion in Alaska Native villages. In any such decision, two factors that would be important to consider are the cost and the national policy implications of implementing any alternative or combination of alternatives. If Congress would like to provide additional federal assistance to Alaska Native villages, it may wish to consider directing relevant executive agencies and the Denali Commission to assess the cost and policy implications of implementing the alternatives that we have identified or others that may be appropriate.

Agency Comments and Our Evaluation

We provided copies of our draft report to the Departments of Agriculture, Defense, Health and Human Services, Housing and Urban Development, the Interior, and Transportation; the Denali Commission; and the state of Alaska. The Departments of Defense, Housing and Urban Development, and the Interior, as well as the Denali Commission and the state of Alaska provided official written comments. (See appendixes IV through VIII,

respectively, for the full text of the comments received from these agencies and our responses.) The comments were generally technical in nature with few comments on the report's overall findings, recommendation, and alternatives. The Departments of Health and Human Services and Transportation provided informal technical comments, and the Department of Agriculture had no comments on the report. We made changes to the draft report, where appropriate, based on the technical comments provided by the seven entities that commented on the draft report.

The Denali Commission was the only entity to comment on our recommendation that the commission adopt an investment policy. The commission agreed with the recommendation and noted that such a policy should help avoid flawed decision making in the future. Furthermore, the commission commented that it was not sufficient for it alone to have an investment policy, but believed that all funding agencies should use a similar policy to guide investments. We acknowledge the commission's concerns that other funding agencies should also make sound investment decisions. As noted in our report, the Denali Commission has signed a memorandum of understanding with 31 federal and state agencies with the goal of systematic planning and coordination for investments in infrastructure, economic development, and training, and we believe that this memorandum could serve as a vehicle by which other federal agencies would follow the lead of the commission regarding decisions to invest in communities.

Of the four alternatives presented in the report, the alternative to funnel funding for flooding and erosion projects through the Denali Commission received the most comments. The Denali Commission, the U.S. Army (commenting on behalf of the Department of Defense), and the Department of Housing and Urban Development all raised some concerns about this alternative. The Denali Commission commented that it is not convinced that expanding its role to include responsibilities for managing a flooding and erosion program is the appropriate response. The Army commented that the alternative to expand the role of the Denali Commission to manage a flooding and erosion program might exceed the capabilities of the organization. Lastly, the Department of Housing and Urban Development commented that the Denali Commission, as an independent agency, does not have the capacity to be fully integrated with the efforts of federal agencies to address this issue. Moreover, while each of these entities recognized the need for improved coordination of federal efforts to address flooding and erosion in Alaska Native villages, none of them provided any specific suggestions on how or by whom this should be accomplished. As

discussed in our report, the Denali Commission currently does not have the authority to manage a flooding and erosion program, and should Congress choose this alternative, the commission would need to develop such a program. Consequently, we still believe that expanding the role of the commission continues to be a possible option for helping to mitigate the barriers that villages face in obtaining federal services.

We are sending copies of this report to the Secretaries of Agriculture, the Army, Health and Human Services, Housing and Urban Development, the Interior, and Transportation, as well as to the federal and state cochairs of the Denali Commission, the Governor of the state of Alaska, appropriate congressional committees, and other interested Members of Congress. We will also make copies available to others upon request. In addition, the report will be available at no charge on the GAO Web site at <http://www.gao.gov>.

If you or your staff have questions about this report, please contact me at (202) 512-3841. Key contributors to this report are listed in appendix IX.



Anu Mittal
Director, Natural Resources
and Environment

SJR

30

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/16/04

FURTHER: Health, Education and Social Services

Date of 5-Day Notice: 4/1/04
 (in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4/7/04

State Affairs Committee considered SENATE JOINT RESOLUTION NO. 30

SJR 30 AMEND & FUND NO CHILD LEFT BEHIND ACT

Urging the United States Congress to amend the No Child Left Behind Act of 2001.

and recommends:

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

Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
<i>SSTA</i>	<i>3/31/04</i>			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>John J. Cooney</i>			✓	
<i>Ben A. ...</i>			✓	
CHAIR: <i>[Signature]</i>	A			

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SJR 30
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: None
 Title Amend & Fund No Child Left Behind A BRU _____
 Component _____
 Sponsor Senator Ellis
 Requester Senate State Affairs Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Senate State Affairs Committee
 Division _____
 Approved by: Senator Gary Stevens, Chair
 Agency _____

Phone 465-4522
 Date/Time 3/31/04 10:49 AM
 Date 3/31/2004

ALASKA STATE LEGISLATURE

Senate Rules Committee

Senate Judiciary Committee

Department of Military and Veterans
Affairs Budget Subcommittee



SENATOR JOHNNY ELLIS
MINORITY LEADER

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SJR 30, Amending the No Child Left Behind Act

Sponsor Statement

School districts across Alaska and the nation are increasingly discovering that the federal No Child Left Behind Act of 2001, the most far reaching intrusion of federal control into education in the nation's history, imposes mandates that are awkward at best and counterproductive at worst. Moreover, these federal mandates are under funded, further burdening already strained budgets.

Much of the problem lies in the act's one-size-fits-all approach. Policies that may appear workable from the vantage of Washington, D.C., turn out to be obstacles to success in practice. For example, under the act many excellent teachers would be prevented from teaching subjects they fully understand. An advanced degree in economics or physics would not qualify a teacher to teach basic mathematics, presenting a serious problem in small Alaska schools where a single person typically teaches all sciences and math.

Schools are also required to demonstrate adequate yearly progress as defined by the act, not just for the majority of students, but for each subgroup defined in the act. Under this provision, many very successful schools can find themselves labeled as failing. Each year of failure brings increasingly harsh sanctions that would significantly drive up costs for school districts.

Passage of SJR 30 would add Alaska's voice to those nationwide that are speaking out about problems with the No Child Left Behind Act. States as diverse as Arizona, Vermont, Hawaii, Virginia and Utah have seen legislative efforts protesting the burdens placed on them by the act. Some states and school districts are even considering opting out of federal oversight altogether. While such a drastic step would mean losing federal education grants and perhaps other monies, these states and school districts believe that the cost of complying with the act would be greater than the federal dollars they receive.

SJR 30 recognizes that Alaska had taken strong steps to improve school performance even before passage of the federal law and asks that Congress give states more flexibility and greater financial support in meeting the act's mandates.

**Funds for State Formula-Allocated and Selected Student Aid Programs
Alaska**

Pre-NCLB	NCLB	Pre-NCLB		NCLB		00-'03 % Chg
		2000 Actual	2001 Actual	2002 Actual	2003 Estimate	
Technology Literacy Challenge Fund		2,125,000	2,250,000			
Goals 2000-State and Local Education Systemic Improvement		1,869,918	0			
ESEA Title I - Grants to Local Educational Agencies (LEA)	ESEA Title I Grants to Local Educational Agencies	19,420,558	23,678,445	29,751,500	30,431,327	
ESEA Title I - Capital Expenses for Private School Children	Reading First State Grants	62	91	2,158,750	2,384,319	
ESEA Title I - Even Start	Even Start	697,500	1,122,500	1,127,500	1,120,106	
ESEA Title I - Migrant	State Agency Program--Migrant	6,627,741	7,124,121	6,855,461	6,855,461	
ESEA Title I - Neglected and Delinquent	State Agency Program--Neglected and Delinquent	170,407	216,154	235,905	270,078	
ESEA Title I - Demonstrations of Comprehensive School Reform	Comprehensive School Reform (Title I)	406,507	502,990	622,029	623,040	
	Subtotal, Education for the Disadvantaged	27,322,775	32,644,301	40,751,145	41,684,331	52.56%
Impact Aid Basic Support Payments	Impact Aid Basic Support Payments	83,529,496	86,765,202	91,893,941	97,067,457	
Impact Aid Payments for Children with Disabilities	Impact Aid Payments for Children with Disabilities	2,579,551	2,829,590	2,378,602	2,666,991	
Impact Aid Construction	Impact Aid Construction	887,554	3,349,680	1,792,757	2,299,106	
Impact Aid Payments for Federal Property	Impact Aid Payments for Federal Property	0	0	0	0	
	Subtotal, Impact Aid	86,996,601	92,944,472	96,065,300	102,063,554	17.32%
Eisenhower Professional Development State Grants		1,656,518	2,173,869			
School Renovation Grants		0	5,483,750			
Innovative Education Program Strategies State Grants		1,815,949	1,911,525			
Class Size Reduction		6,094,043	7,615,206			
Education for Homeless Children and Youth		100,000	100,000			
Immigrant Education		0	0			
	Improving Teacher Quality State Grants			13,567,163	13,965,246	
	Mathematics and Science Partnerships			0	499,218	
	21st Century Community Learning Centers			1,522,706	2,755,958	
	Educational Technology State Grants			3,075,155	3,214,970	
	State Grants for Innovative Programs			1,911,525	1,899,100	
	State Assessments			3,558,278	3,584,559	
	Rural and Low-Income Schools Program			0	0	
	Small, Rural School Achievement Program			230,315	237,052	
	Indian Education--Grants to Local Educational Agencies	6,772,363	9,669,977	9,936,395	9,871,845	
	Fund for the Improvement of Education--Comprehensive School Reform			195,119	193,850	
	Safe and Drug-Free Schools and Communities State Grants	2,142,933	2,142,933	2,307,805	2,292,555	
	State Grants for Community Service for Expelled or Suspended Students			250,000	248,375	
	Language Acquisition State Grants			659,441	756,660	
	Subtotal	18,561,888	29,097,254	37,213,962	39,519,388	112.68%
Subtotal, All of the Above Pre-NCLB Programs		138,896,100	156,938,027			
	Subtotal of all Programs of NCLB Act of 2001			174,030,407	183,267,273	33.87%
	Education for Homeless Children and Youth			150,000	150,000	
	Special Education--Grants to States	14,360,167	18,460,830	22,199,605	26,501,189	
	Special Education--Preschool Grants	1,294,380	1,294,380	1,294,380	1,286,031	
	Grants for Infants and Families	1,838,562	1,878,520	2,043,288	2,127,667	
	Subtotal, Special Education	17,493,109	21,633,730	25,537,273	29,914,887	71.03%
	Vocational Rehabilitation State Grants	7,692,381	7,941,315	8,227,957	8,356,493	
	Client Assistance State Grants	111,025	118,241	120,724	122,459	
	Protection and Advocacy of Individual Rights	17,186	138,633	147,782	164,200	
	Supported Employment State Grants	0	300,000	300,000	300,000	
	Independent Living State Grants	297,581	297,581	297,581	295,647	
	Services for Older Blind Individuals	225,000	225,000	225,000	225,000	
	Protection and Advocacy for Assistive Technology	50,000	50,000	50,000	50,000	
	Subtotal, Rehabilitative Services and Disability Research	8,803,173	9,070,770	9,369,044	9,513,799	8.07%
	Vocational Education State Grants	4,214,921	4,214,921	4,214,921	4,214,921	
	Tech-Prep Education State Grants	373,408	336,753	343,107	340,877	
	Secondary and Technical Education State Grants			0	0	
	Adult Basic and Literacy Education State Grants			0	0	
	Adult Education State Grants	704,065	753,679	792,567	967,444	
	English Literacy and Civics Education State Grants	0	91,448	99,757	101,362	
	State Grants for Incarcerated Youth Offenders	0	47,865	58,292	60,861	
	Subtotal, Vocational and Adult Education	5,292,394	5,444,666	5,508,644	5,685,465	7.43%
	Federal Pell Grants	7,500,000	9,400,000	11,000,000	11,000,000	
	Federal Supplemental Educational Opportunity Grants	737,372	820,490	860,861	902,452	
	Federal Work-Study	847,661	917,543	917,543	911,579	
	Federal Perkins Loans--Capital Contributions	67,424	67,424	67,424	66,986	
	Leveraging Educational Assistance Partnership	0	87,316	106,483	105,791	
	David Honors Scholarships	108,000	114,000	108,000	108,000	
Fund for Improvement of Education--Demonstrations of Comprehensive School Reform		138,347	138,347			
	Total - All Federal Education Spending	177,881,580	204,630,313	227,653,679	241,626,232	35.84%
	New Student Loans					
	Federal Direct Student Loan Program			4,188,669	4,573,529	
	Federal Family Education Loan Program			27,027,475	29,795,793	
	Total, New Student Loans			31,216,144	34,369,322	
	Grand Total			258,869,823	275,995,554	

QuickFacts: (2002)

Districts: 53
 Schools: 506
 Students: 134,358
 Per Pupil Exp: \$9,447
 Avg Teacher Sal: \$49,418
 Rank: 7th
 Rank: 10th

NOTE: For fiscal year 2004, the President is proposing to replace the current vocational and adult education State grant programs with two new formula programs: Secondary and Technical Education State Grants, which is requested at \$1 billion; and Adult Basic and Literacy Education State Grants, which is requested at \$584.3 million. The amount showing for each proposed program is a preliminary estimate which may change after authorizing legislation is enacted.

Source: Budget History Tables - <http://www.ed.gov/offices/OUS/BudgetHistory/index.html>

Prepared on:
10/20/2003

Appropriations Earmarks in the Federal Budget for FFY04

Project Name	Federal Agency	Report / Page Number	Funding Amount	Comments
Alaska Native Educational Equity Program	Department of Education / School Improvement Programs	Omnibus / Page 611	\$33,500,000.00	
Rural Alaska Native Adult Program	Department of Education / Fund for the Improvement of Postsecondary Education	Omnibus / Page 591	\$300,000.00	To support training of Alaska Natives as teachers.
Big Brothers & Big Sisters of Anchorage, Fairbanks, and Southeast Alaska	Department of Education / FIE	Omnibus / Page 593	\$300,000.00	For a comprehensive mentoring program for at risk children
Alaska Humanities Forum, Anchorage AK	Department of Education / FIE	Omnibus / Page 593	\$50,000.00	To bring authors to rural and remote school districts to promote literacy, reading, and writing skills through the Authors in Schools Program
Anchorage Museum of History and Art and Alaska Humanities Forum, Anchorage	Department of Education / FIE	Omnibus / Page 593	\$200,000.00	To develop curriculum on Alaska culture and art for Alaskan schools.
Anchorage School District, Anchorage AK	Department of Education / FIE	Omnibus / Page 593	\$500,000.00	For an English Language Instruction Program
Anchorage School District / Fairbanks North Star School District	Department of Education / FIE	Omnibus / Page 593	\$500,000.00	For a technology based system for standards based instruction
Alaska Department of Education Juneau / Remedial Education Programs	Department of Education / FIE	Omnibus / Page 598	\$2,000,000.00	To help low performing students meet testing requirements
Alaska Education Services, Anchorage AK	Department of Education / FIE	Omnibus / Page 600	\$475,000.00	For the East Anchorage Youth in Peril Program
Alaska Hospitality Alliance, Anchorage AK	Department of Education / FIE	Omnibus / Page 600	\$100,000.00	For a vocational training program
Alaska and Native Hawaiian Institutions	Department of Education / Aid for Institutional Development	Omnibus / Page 591	\$11,000,000.00	
Imaginarium Science Center	Department of Education	Omnibus / Page 590	\$50,000.00	To develop science exhibits and distance delivery modules
University of Alaska Anchorage	Department of Education	Omnibus / Page 590	\$100,000.00	To develop the leadership Institute and associated programs
Sheldon- Jackson College	Department of Education	Omnibus / Page 591	\$500,000.00	For teacher training and training of human services professionals
Perseverance Theatre	Department of Education	Omnibus / Page 591	\$50,000.00	To provide an educational program for Juneau School District students and the University of AK - Southeast in the theater arts
Yukon Flats School District	Department of Education	Omnibus / Page 591	\$250,000.00	For development and application of a vocational education program

Appropriations Earmarks in the Federal Budget for FFY04

North Slope Borough School District	Department of Education	Omnibus / Page 591	\$50,000.00	For an early childhood education program.
Parents, Inc Anchorage, AK	Department of Education	Omnibus / Page 591	\$500,000.00	For expansion of Parents Inc. programs and activities in Alaska
Alaska Humanities Forum Authors in Schools Program	Department of Education	Omnibus / Page 597	\$50,000.00	To bring authors to rural and remote school districts to promote literacy, reading, and writing skills through the Authors in Schools Program
Alaska Education Services	Department of Education	Omnibus / Page 608	\$475,000.00	To provide after school and summer programs
Alutiiq Museum	Department of Education	Omnibus / Page 590	\$100,000.00	To support programs to teach students and adults how to develop traditional Native arts
Alaska Digital Archives and Digital Library	Department of Education	Omnibus / Page 590	\$250,000.00	To digitize their information resources
University of Alaska, Fairbanks	Department of Education	Omnibus / Page 590	\$250,000.00	To develop and deliver distance learning courses in areas of high demand health care careers
Southeast Alaska Independent Living (SAIL)	Department of Education	Omnibus / Page 591	\$200,000.00	For a joint recreation and employment project with the Tlingit and Haida Tribe of Alaska
YMCA of Anchorage	Department of Education	Omnibus / Page 591	\$250,000.00	For after school activities for at-risk teens
University of Alaska Museum / Summer Arts Festival	Department of Education	Omnibus / Page 591	\$150,000.00	For educational programs
Alaska Center for Excellence in Schools	Department of Education	Omnibus / Page 591	\$1,000,000.00	To assist Alaska's low performing students
Alaska System for Early Education Development Program (SEED)	Department of Education	Omnibus / Page 591	\$1,500,000.00	
Galena School District	Department of Education	Omnibus / Page 591	\$500,000.00	For a distance learning program
Galena School District Distance Education Program	Department of Education	Omnibus / Page 591	\$500,000.00	
Delta Greely School District, Delta Junction, AK	Department of Education	Omnibus / Page 593	\$750,000.00	To develop interactive online courses and provide distance education services
4 R's Children's Program	Department of Education	Omnibus / Page 593	\$300,000.00	Fairbanks North Star Borough School District
After the Bell Program	Department of Education	Omnibus / Page 608	\$2,000,000.00	For remedial education programs to help low-performing students meet testing requirements
Fairbanks North Star Borough	Department of Education	Omnibus / Page 611	\$500,000.00	For relocation of the district's kitchens facilities
Metropolitan Museum of Art in NYC in conjunction with the Fairbanks Museum of Art and the Anchorage Museum of History and art	Department of Education	Omnibus / Page 953	\$250,000.00	For cost of mounting the exhibit and for cost associated with bringing the exhibit to Alaska

Appropriations Earmarks in the Federal Budget for FFY04

Imaginarium Science Center , Anchorage	Department of Education	Omnibus / Page 954	\$50,000.00	To develop science exhibits and distance delivery modules
Alutiiq Museum, Kodiak, Alaska	Department of Education	Omnibus / Page 954	\$100,000.00	To support programs to teach students and adults how to develop traditional Native arts
Alaska Moving Image Preservation Association, Anchorage	Department of Education	Omnibus / Page 954	\$50,000.00	To digitize files/ photos/ videos of Alaskan History
Delta Greely School	Department of Education	Omnibus / Page 611	\$1,000,000.00	School Renovation
Bishop Museum in Hawaii	Department of Education	Omnibus / Page 954	\$400,000.00	In collaboration with the Peabody Museum of Massachusetts and an Alaskan museum.
Galena School District	Department of Education	Omnibus / Page 591	\$600,000.00	To develop an assets-building program for transitioning of Rural Alaska Students in boarding school environments
TOTAL EDUCATION EARMARKS			\$61,650,000.00	

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FROM THE MAGAZINE

Monday, Feb. 23, 2004

No Child Left Behind: Leaving States Cold

By PERRY BACON

James Dillard isn't negotiating anymore. The former teacher and current member of the Virginia house of delegates met repeatedly with Department of Education officials and even visited the White House to complain about No Child Left Behind, the law President Bush signed two years ago that requires states to test students in reading and math every year and penalizes schools that don't meet standards. Dillard wanted more flexibility in administering the policy; he got none. So last month he led the house of delegates in passing a symbolic resolution calling for Congress to exempt Virginia from the law, which it refers to as "the most sweeping intrusion into state and local control of education in the history of the United States."

At least 20 states have joined the revolt. Utah's house of representatives last week passed a bill that forbids the state to spend any of its money to meet the law's requirements. No Child Left Behind has declared more than 6,000 schools failing and, the states say, imposed on them millions in costs to create new tests and accountability systems. Critics are upset about those costs and the difficulty of getting exemptions to the policy, even though many schools argue that they are failing only because a few students with special needs aren't making the bar.

The issue is upending the usual party divide. Republicans have led the fight against Bush's policy in states like Virginia and Utah. Senator Ted Kennedy was a key Democratic supporter of the law — but is now contemplating changes. And Bush's likely opponent in the presidential race has criticized him sharply for the funding shortfalls but has so far indicated no desire to fight him on a central tenet of the law. Says an adviser to John Kerry: "He wouldn't in any way back away from the commitment to accountability."

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WEDNESDAY, JANUARY 28, 2004

State Republicans assail Bush education law

By Eric Kelderman, Staff Writer, Stateline.org

January 29 – President Bush’s No Child Left Behind Act will cost Ohio \$1.4 billion more annually than it gets from the federal government for public education, a new study concludes, giving powerful ammunition to critics who say the law is too burdensome.

The report, commissioned by the Republican-controlled Ohio General Assembly, is the first to put a price tag on the broad education measure and feeds a growing backlash that remarkably is putting state Republicans at odds with their party’s leaders in the White House and Congress.

“Like every other state, we’re financially strapped,” said state Sen. Robert Gardner (R), chairman of the Ohio Senate’s Education Committee. If the law is going to work, Gardner said, “the dollars have got to flow.”

The Ohio report coincides with a blast at No Child Left Behind by the Virginia House of Delegates, also controlled by Republicans. By a vote of 98 to one, the Virginia legislators adopted a resolution last week calling Bush’s signature domestic program “the most sweeping federal intrusion into state and local control of education in the history of the United States.”

The Virginia resolution criticized the “very expensive mandates” of the law, which requires statewide testing and extra services for students at low-scoring schools. The sole dissenter was a Democrat. The Virginia Senate is considering a similar resolution.

Several other states also are studying whether costs of the law outweigh the benefits: Indiana, Minnesota, Maine and Vermont, plus the Republican strongholds of Utah and North Dakota. Washington’s legislature is considering a resolution similar to Virginia’s.

State officials elsewhere also have challenged the law, sometimes for being too rigid or in conflict with existing testing practices. Late last year, Utah House Speaker Martin Stephens (R) led a group of state legislators to the White House to suggest changes.

In a 2003 letter to Education Secretary Rod Paige, Gov. Judy Martz (R) of Montana and Gov. Bill Richardson (D) of New Mexico complained that rural states will have an especially hard time attracting teachers who can meet the law’s new requirement for a “highly qualified” teacher in each classroom.

Bush is giving no quarter on No Child Left Behind, which he regards as one of his most significant legislative achievements. In his Jan. 20 State of the Union Address, he said he has provided a 36 percent increase in education spending and that he will not back down on higher standards for all children in public education.

"Testing is the only way to identify and help students who are falling behind," Bush said. "This nation will not go back to the days of simply shuffling children along from grade to grade without them learning the basics."

Federal funding for K-12 education has jumped from \$28 billion two years ago to nearly \$36 billion for the latest fiscal year, according to the National Conference of State Legislatures. But that amount totals just 8 percent of the nation's overall public school spending.

According to the Ohio study, the state netted an additional \$44 million in federal education money this year — a 7 percent increase from last year. But that is nowhere near the projected costs of the new federal requirements.

The study projects Ohio will have to spend \$105 million to hire and train teachers, put in place testing and compile test scores. The law's biggest costs, more than \$1.3 billion, will be needed for remedial programs such as after-school tutoring and summer school to raise student performance on tests, the study said.

"I'd be real happy right now if we just went with Ohio's plan," said state Sen. Gardner. The Ohio Department of Education already has in place statewide testing and high standards that should suffice, he said.

Ohio legislators are waiting for other states to conclude similar studies, Gardner said. "Then we'll go arm-in-arm to the federal government," he said.

Under No Child Left Behind, states must annually test all public school students from third through eighth grade and must report separate scores for five different ethnic groups, special-education students and those with limited English fluency. States also must set benchmarks for passing tests. Schools that do not meet annual testing targets must pay for students to transfer to higher performing schools or provide extra services such as tutoring.

Concerns about the cost of No Child Left Behind are not new. Several prominent Republican state legislators signed a letter to Congress in 2001 that said federal funding was insufficient.

"We fear that compliance with the federal mandates may be undercut unless states severely reduce other vital areas of their budgets," the letter said.

Defenders of the law contend it is still unclear whether states will run short of money to meet the law's requirements.

"What No Child Left Behind is about, ultimately, is ending an era where the federal government sent billions of dollars without requiring accountability," said Dave Schnittger, a spokesman for the U.S. House of Representatives Committee on Education and the Workforce.

In a press release, U.S. Rep. John Boehner (R-Ohio) called his state's study "flawed" because it did not count federal grants to assist disabled students and said it is a "wild guess" about how much it will cost to improve student test scores. In addition, the study is not actually evaluating No Child Left Behind, but Ohio's "complicated set of annual benchmarks," he charged.

A recent survey by the Center on Education Policy found that, for the most part, state and local officials are supportive of the goals of No Child Left Behind. But requiring special education students and those

who speak little English to pass the same tests as all other students remains the biggest concern for many, according to the Center's study. A total of 21 percent of the nation's districts have schools that did not meet state benchmarks in 2003, the Center reported.

Lori Drummer, director of the education task force for the American Legislative Exchange Council, said No Child Left Behind is not perfect, but defended the standards for disadvantaged students. "These students have for so long been pushed into a corner," she said.

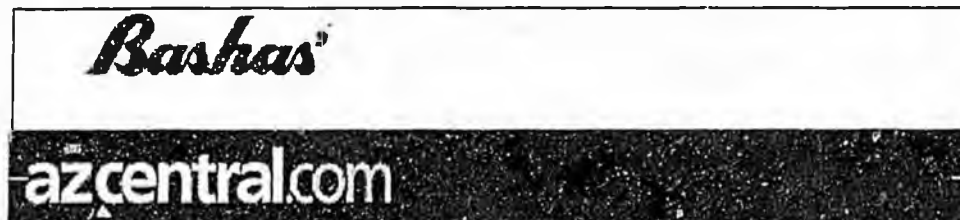
Gardner, the Ohio state senator, said the goal of having every special education student pass the state tests is an admirable one. "But we have to be realistic," he said.

Despite the studies and strong words, states are unlikely to take any legislative action that would make them ineligible for federal funds, predicted John F. Jennings, founder and director of the Center on Education Policy. "This is table-thumping, trying to get the president's attention."

Contact Eric Kelderman at ekelderman@stateline.org

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Arizona lawmakers want to opt out of Bush's 'No Child Left Behind' plan

Associated Press
Feb. 11, 2004 07:10 PM

A bipartisan group of Arizona lawmakers wants the state to back out of President Bush's school accountability requirements because they say they are too expensive.

If the Legislature approves a proposal to opt out of the No Child Left Behind Act, state officials say Arizona risks losing \$327 million each year - a tenth of its public education budget - from the federal government. Federal officials say the loss could climb even higher.

Even so, supporters say the costs of carrying out the requirements far exceed the amount of education money that Arizona gets from the federal government.

"The money that has to be expended is so horrendous that there's no way the state can afford it," said Republican Rep. Karen Johnson of Mesa, the proposal's chief sponsor.

Lawmakers in a dozen states have introduced legislation or nonbinding resolutions challenging the 2002 law.

An education analyst doubts the measures will succeed but believes the proposed challenges are mostly aimed at sending a message to the federal government.

No Child Left Behind requires all students, regardless of background, to perform well on state reading and math tests. Schools that fail to improve face a series of increasingly stiffer consequences.

Ron Tomalis, counselor to federal Education Secretary Rod Paige, said the goal is to combine state school accountability efforts with the federal law to improve student achievement.

"Our role is to augment what's happening at the state level," Tomalis said.

It's unlikely that lawmakers in states with proposed challenges will get

enough support for their measures, said Scott Young, an education policy adviser for the National Conference of State Legislatures.

"It'd be surprised if they did but I think half the point is being made by introducing them," Young said.

House Minority Leader John Lored, a Phoenix Democrat who supports the bill, said it would be a bad political move for the Bush administration to cut funding from states that have challenged the law, the centerpiece of the president's education program.

House Majority Leader Eddie Farnsworth, a Gilbert Republican, said the Arizona bill isn't meant to merely make a point. "I want the bill to pass," Farnsworth said. "I want to tell the feds they shouldn't be involved in local education."

Farnsworth said he doesn't believe the federal government will cut Arizona's funding. But if it did, the state would have to examine its budget priorities to make up for the loss, Farnsworth said.

"You would have to raise taxes, and I don't think the Republican sponsors would want to raise taxes," said state Superintendent of Public Instruction Tom Horne.

While he wishes the federal law wouldn't try to micromanage state school accountability efforts, Horne said he opposes the proposal to back out of No Child Left Behind because the financial loss would hurt students.

"If we had more (money), that would be better," Horne said. "But if you take out a third of billion dollars a year, you are going to hamper us in bring these students to academic proficiency."

Even though they believe the price tag would be staggering, state officials said they are still trying to determine how much it would cost.

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Teachers say no thanks to No Child Left Behind

■ **ALASKA:** Union urges state to look at dumping law, funds.

By **KATIE PESZNECKER**
Anchorage Daily News

Alaska teachers at their annual union gathering on Saturday voted to encourage the state to ignore the demands of the federal No Child Left Behind law and consequently give up millions of dollars in funding.

The meeting of the National Education Association's Alaska chapter at The Hilton Anchorage was closed to the public. But educators who were there say the vote, for some, was a philosophi-

cal opposition to the law. For others, it sprang from frustrations with the demanding law and what some teachers consider to be inadequate funding.

"Basically it broadened the question, the whole notion, of whether going through the No Child Left Behind hoops was worth it for the state," said Rich Kronberg, union president. "The organization's opinion is they would rather not have the funding and not have to deal with the mandates."

The education reform law requires additional standardized tests and demands annual student improvement on

See Back Page, NO CHILD

2/2/04

Anchorage
Daily News

NO CHILD: Dumping law is unlikely

Continued from A-1

those exams, as well as tougher teacher qualifications. Public school districts have found meeting the requirements is expensive and time-consuming. It often means hiring more staff members or starting new programs to help students make progress.

Failing to show improvement packs consequences in schools classified as Title 1, where 50 percent or more of students qualify for the federal free and reduced-price meals program. Those schools also receive federal Title 1 funding to hire people like teacher aides, counselors and tutors.

A handful of districts in other states, including Vermont and Connecticut, have decided the federal money isn't worth the hassle of meeting the No Child Left Behind standards. Some districts there have chosen to ignore the law. Vermont, Utah and Hawaii are contemplating giving up their state allotments.

"It's very tempting," said Carol Comeau, superintendent of the Anchorage School District.

But it's hard to turn away any money, she said. The Anchorage School Board just last week approved cutting \$26.2 million from its 2004-05 school year budget. The district expects at least a \$20 million deficit next year.

"As much as I am frustrated with No Child Left Behind and the lack of appropriate adequate funding, I could not recommend eliminating all federal funding from the state of Alaska and certainly (not) from the Anchorage School District," Comeau said. "Those funds are critical."

But how much would be lost? No one knows for sure. The U.S. Department of Education hasn't detailed which funds would be in jeopardy if a district or state declined to comply with the law.

Alaska public schools last year got about \$180 million in federal funds, and Anchorage schools got about \$38 million of that.

Rhonda Gardner, the district's coordinator for No Child Left Behind, said about \$10 million of Anchorage's federal money falls in the Title 1A category, which is designed to improve basic education programs in schools with a large number

"What most districts are assuming is they are only losing their Title 1A dollars" if they choose to not comply, Gardner said. "That might be true. In some of the presentations I've heard from lawyers across the nation is there's some concern you might be putting other funds in jeopardy."

Also, states would still have to follow some parts of the law, Gardner said. Teachers would still need to be deemed "highly qualified," and students would still have to take standardized tests every year.

The difference, Gardner said, is Title 1 schools that fail to meet improvement benchmarks on exams would be spared federal sanctions, like a requirement that districts offer students in schools that don't show improvement free transportation to schools that do.

Bob Roses, president of the Anchorage Education Association, the local branch of the state union, attended Saturday's meeting. He said most of the more than 500 teachers voted in favor of asking the staff and management of the union "to approach the (Alaska) department of education and encourage them to consider possibility of rejecting (federal) funds."

Roses voted against the notion.

"It isn't cost effective to do it," he said. "In my opinion, I don't think (the state is) ever going to take that position."

To date, state education officials haven't discussed ignoring No Child Left Behind, said Harry Gamble, spokesman with the Department of Education and Early Development.

Jake Metcalfe, president of the Anchorage School Board, said the federal law is poorly written and states should be allowed more flexibility in meeting its guidelines.

But abandoning it altogether? Metcalfe said it's best to try to change it.

"At some point, when people continue to be inflexible, it may be best to just throw it out. But I don't think we're there yet."

■ Daily News reporter Katie Pesznecker can be reached at kpesznecker@adn.com.

TENNESSEAN

Everyday matters. .com

Tuesday, 02/17/04

School boards seek federal help to deal with Left Behind law

By CLAUDETTE RILEY
Staff Writer

They want more flexibility, more money and more time.

About 40 Tennessee school board members and two school directors recently traveled to the nation's capital to lobby for changes to the federal No Child Left Behind law.

Under the law, schools must test every child in reading and math each year and dissect the scores to show how different subgroups — including low-income, new immigrants, special education and five ethnic groups — performed. If a school fails to test enough students, make enough progress or have enough students testing on par with their peers in any subject, it's singled out publicly and required to make improvements or face state takeover.

Members of the delegation said they didn't go to Washington to complain about the new rules or ask that the law go away.

"We're asking for increased flexibility and reasonable changes that will help public schools and students," said Stephen Smith, director of governmental relations for the Tennessee School Boards Association, which organized the trip as part of a national conference. "Without revisions, successful schools throughout the country will be identified as low-performing. We're already seeing it here in Tennessee."

Several board members said lawmakers appeared interested but that any changes would be slow in coming.

"The message was heard, but we really don't expect any changes during the election year," said Alfred Boyter, co-chairman of the Robertson County school board, noting that the law was passed under President Bush's leadership.

In meetings during the trip with seven lawmakers from the Tennessee delegation, the group proposed changes, including these:

- More flexibility to develop exams tailored to the needs of special education students. Currently, alternative assessments are allowed but can be given to only 1% of students.
- Make sure schools have enough money to implement all the required changes.
- More time to teach English to new immigrants before their test scores have to be reported. Currently, all scores count after the first full year even if the students still can't read or write English.
- Don't publicly identify schools or systems — or impose other sanctions such as allowing students to transfer to a better school — until a school has stumbled in the same area for two years in a row.

Sanctions start if a school merely fails to test enough students or make enough progress in a single subgroup.

- Allow states to waive sanctions if a school fails to test enough students but has a good reason, such as a natural disaster or a flu outbreak.

Other proposals would give classroom teachers more time to show their expertise — through college transcripts or test scores — in any subject they teach. The law currently requires all teachers to submit the information by the end of the 2005-06 school year.

Boyter said the law was affecting systems differently. He is most interested in getting more federal funding and more time to teach students who are new to this country and to the English language. "You don't have an adequate time frame to help a child catch up before they are tested," he said.

Chris Norris, a Metro school board member, said funding was important but not as important as flexibility. "The immediate thing is these goals — they aren't achievable," she said. "We absolutely support the goals of leaving no child behind, but the way this law is set up, it sets schools up for failure. It's an exercise in futility."

To learn more

School board members from across the state will meet in Nashville today to discuss legislation and public schools. The Tennessee School Boards Association will meet at 7 a.m. at Sheraton Nashville Downtown and then discuss their ideas and concerns with lawmakers.

For more information about the group's proposed changes to the federal No Child Left Behind law, visit www.tsba.net/capitolwatch/nclb.html.

Related story: Big school districts say 'No Child' law is their main priority

Claudette Riley covers education for The Tennessean. Contact her at 726-5964 or criley@tennessean.com.

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No Child Left Behind



Position Paper & Recommendations

February 2004



No Child Left Behind Position Paper

Introduction

On January 8, 2002, President Bush signed into law the No Child Left Behind Act, significantly increasing the federal government's role in elementary and secondary education and representing the most sweeping changes in federal education policy in the last 30 years.

No Child Left Behind (NCLB) establishes a rigorous standard for the nation's public schools and a well-intended model to assess student, school and district achievement. However, in reality, local schools are struggling to comply with the spirit and intent of the law at a time when the unintended consequences are far more complex than had been anticipated by members of Congress.

Evaluating Tennessee schools under the guidelines of NCLB for the first time in September of 2003, the Tennessee State Board of Education identified 47 percent of the state's schools as falling short of NCLB performance mandates. To many in the general public and media not familiar with the complicated and confusing methodology of NCLB, this identification represents a broken system of public education in our state. However, a true examination of the requirements of NCLB and its flaws make apparent that falling short of NCLB mandates does not equal failure.

During the past two years, through communication with school board members, educators, parents and community leaders, the Tennessee School Boards Association has identified several defects in NCLB that need immediate attention. This position paper outlines these areas and recommends specific and reasonable ways that the federal government can revise NCLB to support public education while maintaining accountability, student achievement and the basic principles of the act.

1. ASSESSMENTS

NCLB requires states to test students in reading, math and science in grades 3-8 and at one grade level in high school. Unlike many states, Tennessee has long recognized assessments as an important tool for school improvement and had already mandated an extensive testing and accountability system for students and schools prior to enactment of NCLB. However, even with testing models in place, problems with implementation of NCLB testing requirements have emerged, particularly as they relate to the needs of students with disabilities and to students who are not proficient in English – both of which are required not only to take the same assessments as other students but also perform at the same proficiency level.

Recommendations

- Allow states to adopt alternative assessments aligned to appropriate standards for special education students based upon Individual Education Plans. [Current U.S. Department of Education regulations limit alternative assessments to one percent of all students or 10 percent of students with disabilities.] Bottom line – special education students that meet the goals established in their IEP's are achieving.
 - Allow states to delay the inclusion of test scores of English Language Learners for accountability purposes until the student has been enrolled for at least two years. [Current law requires testing of ELL students and inclusion of their scores for school accountability purposes after a full academic year. However, including the test scores of these students unfairly penalizes schools and more importantly students, who are unreasonably expected to achieve proficiency on a test they cannot even read.]
-

2. ADEQUATE YEARLY PROGRESS

At the heart of NCLB is the concept of Adequate Yearly Progress (AYP), a measure of year-over-year achievement based on student testing. NCLB requires a 100 percent student proficiency rate in reading and math by 2014, with incremental percentage goals leading up to this date. Within schools this determination must be made not only on the basis of the school's enrollment as a whole, but also on the basis of the performance of student subgroups that have historically been associated with lower academic achievement, including children with disabilities and children with limited English proficiency.

Put simply, Congress has set a course where every child in every subgroup in every Tennessee school must perform at a state-defined proficient level within 10 years. While Tennessee's local school boards applaud the federal government's attention to the achievement of all students and share in the goal of closing the achievement gaps in our public schools, we fear the current system will over-identify students and schools as failures and undermine the credibility of public schools across the country.

Furthermore, while commendable, NCLB's staunch focus on raising only the achievement levels of lower performing students could work to weaken efforts to improve student achievement for others, as it provides no incentive for continuing to improve the performance of those students who are already at or above the proficient levels. Congress should ensure that NCLB does not raise the achievement floor while lowering the achievement ceiling.

Recommendations

- Apply sanctions to schools or school districts only when the same subgroup or subgroups do not meet AYP targets in the same subject for two consecutive years. [Current law applies sanctions when a school or district misses AYP targets in a subject for two consecutive years regardless of whether it is the same subgroup or not.]

- Provide flexibility in calculating AYP where students belong to multiple subgroups by allowing their proficiency scores to be included in one subgroup or apportioned among the groups, so that the total sum of the apportioned scores does not exceed 1.00.
 - Allow states, like Tennessee, that have the proper assessment measures in place to use value-added or gain scores, which measure the progress of all students from year to year, for the purposes of meeting AYP. [Tennessee requested to use this measurement as one way to identify the progress of schools but was denied by the U.S. Department of Education.]
-

3. PARTICIPATION IN ASSESSMENTS

In addition to meeting proficiency standards for schoolwide populations and subgroups, schools and districts must have 95 percent participation on assessments in order to meet the federal benchmarks required by NCLB. In Tennessee, 22 schools were placed on the target list for missing only this one requirement. Yet, not meeting the participation category does not necessarily signify that a school is not high performing. For example, if a test is given on a day when many students are sick with the flu, it is quite possible that 95 percent of the students or of a subgroup will not participate in the assessment. In addition, when considering that schools cannot control attendance and that Tennessee's attendance goal for K-8 is less than 95 percent, it seems unrealistic and unfair to require a 95 percent participation rate on state assessments in every case.

Recommendation

- Provide states the flexibility to grant waivers to local schools when they do not meet the 95 percent participation rate if the school can provide valid reasons for failure to meet the requirement.
-

4. SCHOOL CHOICE

If a school does not meet Adequate Yearly Progress in the same subject for two consecutive years, parents must be notified of their option to transfer their children to another school, regardless of whether the student is within the subgroup or subgroups that did not meet the performance goal. This requirement is overly burdensome on schools when considering that even those students that are doing well are permitted to transfer to a different school at the district's expense. Also, NCLB prevents physical capacity of the receiving schools from being a factor in offering transfer options, increasing costs to school systems further through the addition of portable classrooms and teachers.

Recommendation

- Limit school choice provisions to those students belonging to subgroups not meeting AYP.

5. SUPPLEMENTAL SERVICES

If a school does not meet AYP for three consecutive years, it must provide options to students whereby they can acquire supplemental services, in the form of tutoring, after school services and summer school. Supplemental service providers may include private agencies; however, the instructional personnel employed by these private providers are not required to meet the same qualification requirements as those in public schools. This is difficult to understand, especially considering the importance Congress has placed on having all teachers "highly qualified."

Recommendation

- **Require instructional personnel employed by supplemental service providers to meet the same qualifications as comparable employees in the local school district.**
-

6. HIGHLY QUALIFIED TEACHERS

Local boards of education concur with Congress that if students are going to meet high standards, they must be taught by highly qualified teachers. But, federal lawmakers must understand that if the demand for highly qualified teachers and the goals of NCLB are going to be met by 2005-06, access to these teachers and maximum flexibility on the part of school management are essential.

Recommendations

- **Allow school districts to apply for time extensions in meeting the "highly qualified" provisions when they can document a lack of "highly qualified" employees and/or applicants.**
 - **Clarify that collective bargaining agreements and state tenure laws do not prohibit school districts from transferring or dismissing teachers that do not meet the "highly qualified" requirements.**
-

7. FUNDING

In the course of complying with the mandates of NCLB, school districts and states throughout the country have raised questions regarding the costs of implementing the law. Several studies including one by the U.S. Government Accounting Office suggest that funds appropriated by the federal government are not adequate to cover the mandates imposed through the act. Congress itself authorized \$18.5 billion in Title I funds for Fiscal Year 04, yet is now proposing an increase of about \$665 million, which would provide \$12.3 billion for the entire program – a federal shortfall of \$6.2 billion for this year. The fear on the part of local school boards is that NCLB will become another IDEA – an unfunded mandate from its beginning.

Recommendations

- Fully fund all NCLB programs at their authorized levels.
- Direct an NCLB implementation study to include Congressional hearings with a focus on federal and state funding requirements.

Conclusion

Tennessee's local boards of education fully support the goal of NCLB – to ensure the success of each and every student. This was the aim of our public schools long before NCLB and it will undoubtedly continue. If Congress truly wants to help public education succeed, it can start by focusing on these fair and realistic recommendations and by recognizing the unique challenges that face a system where children from all walks of life are welcomed and where the life challenges of each child become the academic challenges of each school.

February 2004

For more information, contact:
Tennessee School Boards Association
Government Relations Department
1130 Nelson Merry Street
Nashville, TN 37203
615-741-4706, Ext. 237



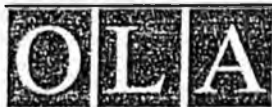
No Child Left Behind Recommendations

1. Allow states to adopt alternative assessments aligned to appropriate standards for special education students based upon Individual Education Plans.
2. Allow states to delay the inclusion of test scores of English Language Learners for accountability purposes until the student has been enrolled for at least two years. (Addressed – U.S. Dept. of Education Rule Change – Feb. 2004)
3. Apply sanctions to schools or school districts only when the same subgroup or subgroups do not meet AYP targets in the same subject for two consecutive years.
4. Provide flexibility in calculating AYP where students belong to multiple subgroups by allowing their proficiency scores to be included in one subgroup or apportioned among the groups, so that the total sum of the apportioned scores does not exceed 1.00.
5. Allow states, like Tennessee, that have the proper assessment measures in place to use value-added or gain scores, which measure the progress of students from year to year, for the purposes of meeting AYP.
6. Provide states the flexibility to grant waivers to local schools when they do not meet the 95 percent participation rate if the school can provide valid reasons for failure to meet the requirement.
7. Limit school choice provisions to those students belonging to subgroups not meeting AYP.
8. Require instructional personnel employed by supplemental service providers to meet the same qualifications as comparable employees in the local school district.
9. Allow school districts to apply for time extensions in meeting the “highly qualified” provisions when they can document a lack of “highly qualified” employees and/or applicants.
10. Clarify that collective bargaining agreements and state tenure laws do not prohibit school districts from transferring or dismissing teachers that do not meet the “highly qualified” requirements.
11. Fully fund all NCLB programs at their authorized levels.
12. Direct an NCLB implementation study to include Congressional hearings with a focus on federal and state funding requirements.

The Tennessee School Boards Association firmly believes in the success of Tennessee's public schools and the opportunities they have provided and continue to provide to children. The association acknowledges the challenges that public schools face as well as the need for continued improvement, and its member boards of education are dedicated to reaching the goal of every child achieving to his or her highest potential.

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OFFICE OF THE LEGISLATIVE AUDITOR

STATE OF MINNESOTA

No Child Left Behind

February 26, 2004

Major Findings

- The federal No Child Left Behind (NCLB) Act imposes rigorous new requirements on Minnesota's education accountability system.
- While most education officials in Minnesota embrace the underlying goals of NCLB, many school district superintendents believe that NCLB is costly, unrealistic, and punitive. Local officials have particular concerns about holding students with disabilities and limited English skills to the same standards as other students.
- Even if Minnesota students' math and reading test scores improve significantly in coming years, there will likely be large increases in the number of schools failing to make "adequate yearly progress" (AYP), as defined by NCLB. More than 80 percent of Minnesota elementary schools would not make AYP by 2014, according to a simulation conducted for our office, and many of these schools would face the prospect of restructuring or other serious sanctions prescribed by NCLB.
- NCLB has had limited state and local fiscal impacts so far, but many school districts will likely bear significant new costs in future years for student assessments, sanctions for low-performing schools, and compliance with stricter requirements for staff qualifications. These costs cannot be estimated with precision, but it is quite possible that NCLB's new costs will exceed the increase in NCLB revenues.



It is likely that most Minnesota schools will not be able to meet the goals of No Child Left Behind, and this could trigger expensive sanctions.

- However, Minnesota could lose the majority of its projected \$216 million in federal funding for state fiscal year 2005 if it "opts out" of the accountability provisions of NCLB. While federal NCLB funding is less than 4 percent of school districts' operating budgets, relatively few school district superintendents favor opting out.

Recommendations

Changes in the federal NCLB law may be necessary for states to have a realistic chance of complying with the law's goals for student achievement. At the state level, we recommend:

- The Minnesota Department of Education should provide the Legislature with (1) a plan for how measures of individual student achievement growth could be incorporated into the state's AYP determination process, and (2) an assessment of the overall validity and reliability of Minnesota's educational accountability system.
- The Legislature should require the department to (1) annually report on school district expenditures related to sanctions for low-performing schools, and (2) specify how it will monitor the quality and effectiveness of supplemental educational services providers.

Report Summary

In January 2002, President Bush signed into law the No Child Left Behind (NCLB) Act. This law is the latest version of the Elementary and Secondary Education Act, first passed in 1965. The law's stated purpose is to close the "achievement gaps" between high- and low-performing students. It proposes to accomplish this through improved accountability, expanded educational choices, and more funding.

NCLB requires public reporting on the extent to which schools are making "adequate yearly progress" (AYP) toward the goal of having *all* students proficient in reading and math by the 2013-14 school year. The Minnesota Department of Education makes these AYP determinations, based on reading and math test scores, test participation rates, attendance rates, and graduation rates. Presently, Minnesota schools test students' reading and math in grades 3, 5, and 7, and they assess reading in grade 10 and math in grade 11. NCLB requires annual reading and math assessments in grades 3 through 8, plus in one year of high school.

Individual schools are held accountable for their overall performance and for the performance of various student subgroups within the school population.¹ NCLB prescribes up to 37 performance targets that may be used to assess a school's performance. Most schools are not subject to all of these targets, but a school's failure to meet any of the applicable targets results in a state determination that the school has failed to make AYP.

The law specifies sanctions for schools that fail to make AYP for at least two consecutive years. School districts may have to offer parents the options of transferring their children to other schools or enrolling them in "supplemental

educational services" (such as after-school tutoring). If schools continue to under-perform, NCLB subjects them to "corrective actions" (such as replacement of staff or curriculum) or "restructuring."

To help meet the law's education goals, Minnesota is projected to receive \$216 million in NCLB formula grants in state fiscal year 2005. This is 24 percent more than Minnesota received three years earlier (after adjusting for inflation), although Minnesota's funding increase was smaller than the increase received by most other states.

Schools Will Have Increasing Difficulty Meeting NCLB's Performance Targets

In the 2002-03 school year, about 8 percent of Minnesota's schools did not make AYP, and only 5 of Minnesota's 342 school districts were required by NCLB to offer school choice or supplemental educational services to parents. But the number of schools subject to NCLB sanctions will likely grow, for at least two reasons. First, the proficiency targets used to measure school performance will begin increasing in the 2005-06 school year; by 2013-14, NCLB will expect 100 percent of students to be proficient. Second, as Minnesota implements assessments in more grades, many schools will be held accountable for the performance of more NCLB-specified student subgroups.²

With the help of the University of Minnesota's Office of Educational Accountability, we simulated the likelihood that Minnesota elementary schools will fail to make AYP in coming years. This analysis was based on 2003 statewide test data, using assumptions ranging from "no improvement" to "high improvement" in the future achievement levels of students. Under these various scenarios, the simulations showed that between 80 and

NCLB imposes new accountability requirements on states.

¹ Minnesota schools are held accountable for the following student subgroups: white, black, Asian, American Indian, Hispanic, limited-English, special education, and low income students.

² A school is held accountable for a subgroup of its population only if the number of tested students in the subgroup exceeds a minimum number designated by the state. Consequently, as the number of tested students rises, a growing number of subgroups will surpass this minimum threshold.

The Minnesota Department of Education should specify how measures of individual student achievement growth could be integrated with NCLB-prescribed measures of school progress.

100 percent of Minnesota's elementary schools would fail to make AYP by 2014. In addition, the simulations showed that 35 to 76 percent of Minnesota's elementary schools that receive federal "Title I" funding for disadvantaged students would be subject to NCLB-prescribed restructuring within the next decade. In sum, even if there are large, sustained improvements in student achievement, many Minnesota schools will likely struggle to comply with the ambitious targets set by NCLB.

Many aspects of the AYP determination process are prescribed by the federal NCLB law and are not subject to change by individual states. Thus, it is questionable whether Minnesota policy makers could, through state action alone, significantly improve schools' likelihood of making AYP. Minnesota Department of Education officials told us they would like to find ways to recognize year-to-year growth in individual student achievement levels during the AYP determination process, in addition to measuring achievement against an absolute standard. But the department has not yet specified how it would do this, and it is questionable whether such an approach would meet federal requirements. We recommend that the department outline how it proposes to incorporate measures of individual achievement growth into the AYP process. We also recommend that the department assess the overall validity and reliability of Minnesota's education accountability system.

School Districts Face Growing NCLB-Related Costs

Many of NCLB's new requirements have not yet been fully implemented in Minnesota. Thus, the implementation costs borne by the Minnesota Department of Education and local school districts have been modest, so far.

Although Minnesota had implemented (or planned to implement) several statewide tests before NCLB passed, the costs of some forthcoming Minnesota assessments

are attributable to NCLB—specifically, reading and math assessments in grades 4, 6, and 8, three science assessments, and listening and speaking assessments for limited-English students. The state and local costs to administer these assessments will total roughly \$19 million annually.

School districts will bear other NCLB-related costs in coming years, although they are difficult to accurately forecast. Districts could spend up to \$20 million of federal or other revenues annually to comply with NCLB requirements for school choice and supplemental services, depending partly on the number of schools failing to make AYP. In addition, many schools may be subject to "corrective actions" or "restructuring" because of persistent under-performance, although it is unclear what specific actions will be pursued by school districts and the Minnesota Department of Education.³ Also, due to NCLB, schools must comply with more stringent requirements regarding teacher and paraprofessional qualifications, and some school districts will incur higher costs to attract or retain staff who meet these standards. Furthermore, schools are expected to ensure that all students are proficient by 2014, although it is unclear what strategies and resources this might require.

It is plausible that new, NCLB-related costs will exceed the \$42 million (inflation-adjusted) increase in annual revenues that Minnesota is expected to receive under NCLB, but this will be unclear until school districts proceed further with NCLB implementation. In a statewide survey, less than 3 percent of Minnesota superintendents said that they expected their school district's share of the increased federal revenues to cover the cost of new spending required by NCLB.

Key NCLB Provisions Lack the Support of Local School Officials

Minnesota was implementing its own education accountability system at the time

³ The department has assembled a committee to advise it on NCLB sanctions, including legislative changes that may be required in 2005.

At this time, it is unclear whether the cost savings from "opting out" of NCLB would offset the state's revenue losses.

that NCLB became law. The Legislature had adopted academic standards, mandated statewide tests in several grades, and required the measurement of progress by schools and individual students.

NCLB reinforced some parts of Minnesota's emerging accountability system, but it also imposed new, more rigorous requirements. Compared with previous requirements, NCLB set more ambitious goals, required more tests and performance measures, specified stronger sanctions, and held schools more accountable for the performance of student subgroups. Officials with the Minnesota Department of Education strongly believe that NCLB will improve student achievement and close achievement gaps among student subgroups.

Meanwhile, although many Minnesota school district superintendents support the act's emphasis on improving achievement levels of all children, most superintendents view the act as unrealistic, costly, and punitive. Only 17 percent of superintendents said that it is "likely" or "very likely" that their districts could help all students become proficient by 2013-14. Nearly three-fourths of superintendents said that, contrary to NCLB requirements, special education and limited-English

students should not be held to the same standards of academic proficiency as other students. For each of the various NCLB subgroups, a majority of superintendents said that schools should not be required to face NCLB-prescribed consequences for the subgroup's persistent failure to make AYP. Only 7 percent of superintendents said that the educational benefits of NCLB will outweigh any adverse impacts the act will have on their districts.

Some legislators have asked whether Minnesota should simply ignore the federal NCLB requirements. This report offers no recommendation, and policy makers weighing this issue might consider various factors—such as the appropriateness of the federal government's role in education, the fiscal implications of noncompliance for the state, and the overall impact of NCLB on schools. But, by "opting out" of NCLB, Minnesota would risk losing the majority of its funding under the Elementary and Secondary Education Act (\$216 million), and it is unclear whether the cost savings from opting out would offset the revenue losses. Less than 20 percent of superintendents said they would favor Minnesota opting out of NCLB.

The full evaluation report, *No Child Left Behind* (#pe04-04), includes the agency's response and is available at 651/296-4708 or:

www.auditor.leg.state.mn.us/ped/2004/pe0404.htm

Summary of Agency Response:

In a letter dated February 20, 2004, Commissioner of Education Cheri Pierson Yecke wrote, "The Pawlenty administration strongly supports the goals and tenets of No Child Left Behind . . . If the State is not going to support [a goal of 100 percent proficiency], then it must tell the public which children will be left behind. The Pawlenty administration is not prepared to do this."

The Commissioner also noted, "Most of the [report's] recommendations are in the process of being implemented." However, "since there are multiple opportunities to correct school and district data prior to finalizing AYP status, the department does not agree with the recommendation to hold schools or districts harmless for uncorrected data errors found to be the responsibility of the school or district."

<http://www.chicagotribune.com/news/local/chi-0402230194feb23,1.5988772.story?coll=chi-newslocal-hed>

Evanston school may quit 'No Child'

Extra funds not worth it, some say

By Jodi S. Cohen and Lisa Black
Tribune staff reporters

February 23, 2004

As many educators struggle to meet federal No Child Left Behind requirements, Evanston Township High School officials are considering pulling out of the program, saying the financial benefits might not be worth the trouble.

The district, which could become the first in Illinois to opt out of the education reform law, would forfeit at least \$131,000 in federal funds.

School officials say they will decide in coming weeks whether accepting the Title I money--directed to schools with low-income students to pay for more teachers, professional development and other programs --is worth the staff time and other costs to comply with the law's record keeping and arguably stiff penalties.

If they reject the federal aid, school officials would avoid having to offer private tutoring or to allow students to transfer to higher-achieving districts if the school does not reach state testing goals. They still would have to test all students in 11th grade, be held accountable for their progress and face the state's less stringent penalties if students do not meet standards.

"It is important to look at this issue soon so we don't get immersed in trying to comply with it if it is something we think is not conducive to the way we educate children," said School District 202 board member Ross Friedman, who raised the issue at a board meeting earlier this month.

The debate at Evanston comes as a growing number of state legislators and school administrators nationwide also look for ways to withdraw from the 2-year-old law, which many contend is underfunded and intrusive.

Several school districts in Vermont and Connecticut already have opted out. Utah, Virginia, Arizona and other states either have introduced legislation that would reject parts of the law or have requested waivers from the U.S. Department of Education. Illinois is not among the group.

Funds vital to some districts

Ron Tomalis, senior adviser with the Department of Education, said it would be foolish for Evanston or any other school district to reject money when many are operating in the red.



Schools are turning down Title I funding for the first time because of unprecedented accountability for test scores, dropout rates and teacher credentials, he said.

"You are talking about turning down resources to help children read or do math problems because of a discomfort," Tomalis said.

The program is well-funded, he said, with Illinois receiving more than \$800 million.

Experts say the discussion at Evanston, one of the state's most academically successful and racially diverse schools, is a reflection of the frustration felt by teachers, parents and students affected by the increased focus on high-stakes testing--and the stigma test results can put on even the best schools.

The law's requirements also mean that for the first time, schools have to track down and test special education students who study off-campus, send letters to parents whose children are taught by an uncertified teacher and train for new test procedures.

"The frustration is spreading across the nation as districts have a better awareness of the operational impact of the law," said Reggie Felton, director of federal relations for the National School Boards Association, based in Alexandria, Va. "It may be costing them more money than they get."

The Utah House of Representatives voted this month not to contribute money to comply with parts of the law where they believe the federal government has not supplied enough funds.

In Virginia, the House of Delegates approved a resolution last month asking Congress to exempt it from "the most sweeping intrusions into state and local control of education in the history of the United States."

Besides arguing that the law's mandates are underfunded, some officials say the requirements--most notably having every student learning at grade level by 2014--are unrealistic.

But many schools that struggle the most with No Child Left Behind penalties have more low-income students than Evanston and could not afford to reject the money. For example, Chicago Public Schools got about \$240 million in Title I funds for low-income students this year; East Aurora District 131 got nearly \$5 million.

Xavier Botana, director of Chicago's No Child Left Behind program, said it would be good to have the financial flexibility to withdraw, but that "is not realistic" for a district with so many low-income students.

"It certainly would be a statement [if Evanston opted out] because it is a school with a great reputation," Botana said.

Districts that leave the program also risk losing other funds associated with Title I, including grants for safe and drug-free schools and educational technology, Tomalis said.

Although many Illinois educators share Evanston's concerns about some of the law's requirements, state education leaders are unaware of any districts that have bailed. In southern Illinois, Dongola school district Supt. William Mauser planned to reject \$16,000 in Title I funds rather than send students to a higher-achieving district. But when an agreement couldn't be reached with a neighboring district to accept them, Mauser said his district was able to keep its students--and the money.

"There are an awful number of people who rumble about [No Child Left Behind]," said Dave Turner,

executive director of the Springfield-based Illinois Principals Association. "But sometimes that's simply a catharsis, when you get a group of principals and superintendents together who say I'm going to take this law and shove it, sometimes more professionally than that and sometimes not."

Leaving no option for some

Other local school districts have looked into pulling out of No Child Left Behind but decided against it.

"We've considered the question, but at this time it's not a direction in which we're going to head," said Philip Prale, director of instruction at Oak Park and River Forest High School. The district receives about \$80,000 to \$90,000 in Title I funds used for a reading enrichment program and test preparation for targeted students, he said.

With an annual budget of about \$46 million, Evanston High School uses most of its Title I money to pay teacher's aides who work with students in reading, math and English, said business manager Jeff Taggart.

This was the first year the district didn't make adequate progress because not enough African-American and low-income students passed reading and math tests, according to the 2003 state report card. Under No Child Left Behind, sanctions involving school choice and private tutoring start to kick in when a district doesn't meet standards two years in a row.

School officials say the data are inaccurate, and they are appealing.

Costs are at issue

"On paper the goals are certainly admirable. Who would object to them?" school board president Margaret Lurie said, noting that the district worked to close the achievement gap between minority students and their white peers long before the government made it a priority.

Yet, "like so many of the mandates that we get, there's just no money behind it," she said. "And there's the whole concept of having to worry about test scores when we feel we're constantly working on student achievement."

She and other board members asked school administrators to provide an analysis of the costs associated with the law before they discuss--and eventually vote on--whether to forgo the Title I money.

The seven-member board hasn't set a timetable but plans to take up the issue before the end of the school year. Three members reached by the Tribune last week would not commit themselves one way or the other.

"Politically, I'm not sure it's a good idea," Lurie said. "It would have to be a strong case to present to the taxpayers. There are a lot of programs that the money goes to."

Board member Jane Colleton said it's an important issue to debate, because "it is not a lot of money for all the hoops we are jumping through."

In the meantime, she proposed a bake sale.

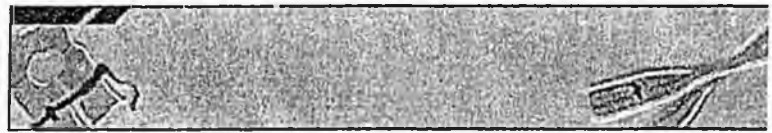
"There are so many people who don't like No Child Left Behind, we can get a lot of teachers to bake and buy," she said with a laugh. "We might be able to make up that money."

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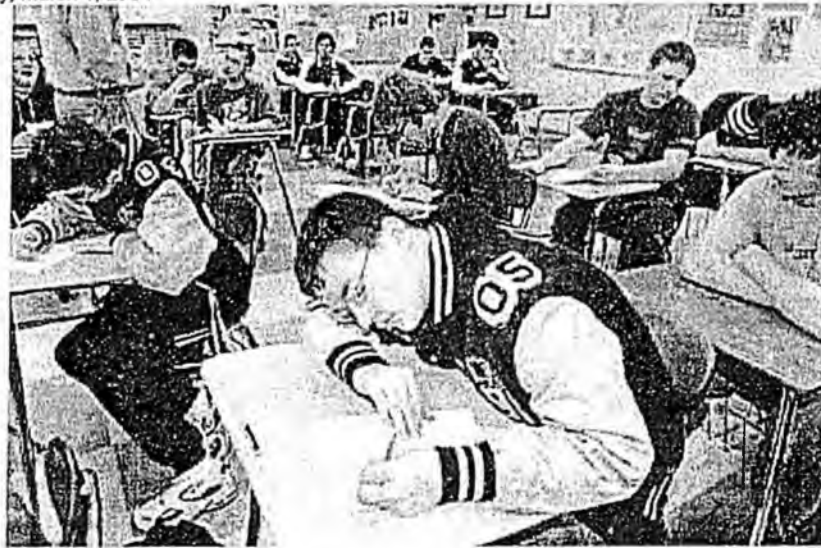
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David Coates / The Detroit News

Charles Ring, a junior, takes a test on World War II at Clawson High School, one of the few schools that make passing the MEAP test a requirement for graduation.

Exclusive Report: No Child Left Behind

Law turns up heat on students, teachers Critics doubt act's 100% success goal is reasonable target

By Maureen Feighan and Christine MacDonald / The Detroit News

Michigan students face more tests, heightened pressure to succeed and a greater chance of having their schools labeled as failing as the bar of accountability inches upward for public schools under the No Child Left Behind Act.

By 2014, every student must pass the same state math and reading tests, beginning in the third grade. It's an admirable goal, educators say, but many doubt it can be reached. And though the law is still new, they say it is only a matter of time before all schools are labeled



David Coates / The Detroit News

Principal Wilma Taylor-Coston, front, of Blackwell Institute in Detroit congratulates her students who did well on the MEAP test at the MEAP Masters ceremony held in their honor. Schools are under increasing pressure

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failing.

"One hundred percent is not reasonable," said Gayle Green, chief academic officer with the Macomb Intermediate School District. "And (the state) knows that. The crafters of the law know that. I support high expectations, but they have to be reasonable."

Reasonable or not, the pressure is on and not just for schools, but parents, teachers and students.

Starting in 2005, students in third through eighth grades will have to take the Michigan Educational Assessment Program or MEAP test, which is used as the achievement measure. The same year, veteran teachers must be highly qualified to teach their subject areas, which in many cases will require certification and training.

At the same time, schools must continue to hit rising targets in the number of students who pass the exams until every one of them do. If students fail the tests, or fewer than 95 percent take them, the school is automatically labeled as failing to meet the standards. It has prompted some officials and educators to look for ways to increase the number of test-takers.

Hundreds of schools across Michigan already have been flagged under the law. About 400 schools face penalties this year such as providing tutoring or offering to transfer kids to better schools because they didn't make adequate progress for two straight years on the MEAP test.

As more schools miss the mark, the more convinced Cathy Seavoy is that the law was intentionally designed to make public schools look bad.

Seavoy, 42, of Utica bristles at the idea of students being forced to take the MEAP every year and thinks the law creates "unmeasurable" goals.

"It's not fair," said Seavoy, whose two children attend Utica Community Schools. "Kids learn differently, and they learn at different grades. You might have a kid that's reading and creative but math isn't his thing. The law doesn't take into account things like that."

Requests for changes grow

Proponents of changes in the law already are increasing in Michigan.

Schools are required to test each demographic group of students based on race, economic status, English proficiency and learning disabilities if they have 30 or more of those students. Under the law, those students are expected to meet the same standards as any other student.

School officials want the number of students raised because if one demographic group doesn't meet the state's established benchmarks in math and reading, an entire school fails and is subject to penalties.

Canton's Pioneer Middle School, for example, didn't meet the standards last year because a group of special education students didn't score high enough. Principal Philip Freeman worries some people might unfairly blame some groups of students for one school's failure.

to hit rising targets.

About this series

Today: The future under the No Child Left Behind Act includes more tests for students, stricter guidelines for teachers and higher odds of schools being labeled as failing.

Sunday: The federal education law has drawbacks that pose challenges for parents, students and educators.

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State Rep. Brian Palmer, R-Romeo, who chairs the state House education committee, said he's received numerous calls from school officials advocating that the number of kids in each group be raised. He said 40 might be a more appropriate number.

"If one student misses the test, they have a problem," Palmer said. "It becomes a skewed perspective on how students are doing."

Palmer has seen the effect first-hand at his son's Romeo Middle School, which failed because a group of 33 low-income students didn't score high enough on the MEAP tests. Overall, the students' math and reading scores are higher than the state average.

"It was kind of a surprise," Palmer said.

Nancy Sisung, assistant superintendent for Warren Consolidated Schools, also thinks the group minimum of 30 is too low. She says the same testing and rules can't apply to all types of students such as the disabled or students learning English as a second language, a group that makes up one-third of Warren's 15,000-student population.

At Romeo Middle School, Principal Jeff LaPerriere said if 10 of the 33 low-income students had one more question right, they would have passed. Now the school has to offer transportation to any parent who wants to transfer their kid to another school. They'll have to offer the option until they meet the standards for two consecutive years.

"It discredits the whole system," LaPerriere said.

MEAP linked to graduation

Some districts are making other changes to ensure their schools are not flagged as failing.

At least three school districts — Waterford, New Haven and South Redford — are considering making the MEAP test a graduation requirement.

Twenty-eight Metro Detroit high schools didn't meet the 95 percent threshold. For that reason alone, they were labeled this year as failing.

Clawson High School was one of the schools. Determined not to end up on the failing list again, the school is requiring students to take the MEAP in order to get a diploma.

Mike Harvill, Clawson's school board president, admits he's not a big fan of the test but said the new policy was passed last April because the state "kept playing games" with the MEAP. First, \$2,500 merit scholarships were offered to boost participation, then parents were allowed to opt their children out of taking the test.

"We just think it's best that everybody take it," Harvill said.

Hana Attar doesn't mind the MEAP requirement. The 17-year-old senior at Clawson High School took the test and got a merit scholarship out of the deal to put toward college this fall.

"I think the reason they required it is because we have to take the SAT or ACT, so it's kind of like a warm-up," Attar said. "For me, it really was not a big deal at all."

Some educators wonder if kids will take the test seriously if it's mandatory.

"If you force kids to take a test, and they don't want to take it and don't see any purpose, I'd really question how accurate the results are going to be," said Green with the Macomb Intermediate School District. "What's

that going to do to (a district's) scores?"

Rising standards

The goal of No Child Left Behind is to have 100% of students proficient in core subjects by 2014. To meet that goal, each school must meet gradually increasing state standards.

Percentage of students that must pass the MEAP by year

Elementary

Reading		Percent proficient				
38%	49%	59%	69%	79%	90%	100%
Year '02	'05	'08	'11	'12	'13	'14

Math		Percent proficient				
47%	56%	64%	73%	82%	91%	100%
Year '02	'05	'08	'11	'12	'13	'14

Middle school

Reading		Percent proficient				
31%	43%	54%	66%	77%	89%	100%
Year '02	'05	'08	'11	'12	'13	'14

Math		Percent proficient				
31%	43%	54%	66%	77%	89%	100%
Year '02	'05	'08	'11	'12	'13	'14

High school

Reading		Percent proficient				
42%	52%	61%	71%	81%	90%	100%
Year '02	'05	'08	'11	'12	'13	'14

Math		Percent proficient				
33%	44%	56%	67%	78%	89%	100%
Year '02	'05	'08	'11	'12	'13	'14

*Under No Child Left Behind, Michigan and other states set their own targets, which are to be increased gradually. Target goals for the science assessment have yet to be set.

Source: Michigan Department of Education

The Detroit News

Act will challenge teachers

No Child Left Behind will pose different challenges for teachers.

By 2005, veteran teachers will have to prove they're highly qualified to teach their subject areas. That means teachers will either have to have a bachelor's degree in the core subjects they teach or will be required to take the state's certification test, get a master's degree or become nationally certified.

Teachers who don't will either be moved to subject areas in which they majored in college or schools must send letters home to parents informing them.

Molly McGlynn, a second-grade teacher at Cory Elementary School in Romulus, said some teachers feel so much pressure from No Child Left Behind they're contemplating leaving the profession.

"As teachers, we want to be accountable," McGlynn said. "But this is an accountability nobody can match."

The federal law also will require instructors to change their lesson plans. Since students will be tested in third through eighth grades — kids now take the MEAP in fourth, fifth, seventh and eighth grades — the state board of education approved "grade-level expectations" in November to give math and English teachers direction on what they

should be teaching.

The expectations dictate specific skills kids should know and do at every grade level. For example, kids will have to learn their multiplication tables up to 10 by 10 in third grade, and writing narrative papers will be a requirement in eighth grade.

Now, students are expected to learn certain skills over a certain time frame, not at each grade level.

"It makes the curriculum more transparent, more standardized," said Yvonne Caamal Canul, director of the office of school improvement for the Michigan Department of Education. "It's a sequencing of learning by grade level."

Some worry the expectations will inhibit what teachers can do in the classroom.

Shelly Robinet of Livonia said her son used to have a teacher who kept her lessons plans strictly in line with the MEAP, and it was a disaster.

"Any time government decides they know what's better than teachers is wrong," said Robinet, a mother of four.

Some teachers such as Mary Turchi like the new structure. Turchi, an eighth-grade English and language arts teacher at Novi Middle School, said the guidelines remove a lot of the gray area that used to exist when it came to teaching reading and language arts.

Now, she knows exactly what is expected of her, but she'll have to coordinate everything she does with her fellow English teachers.

"It feels nice to have this cohesiveness," Turchi said.

All told, experts say time will tell the true impact of No Child Left Behind.

Some contend the law simply needs to be amended not overhauled, and at least one expert said he's already received calls from a Michigan congressman about ways to amend the law.

"Yes, a lot of schools need improvement," said Bruce Fuller, professor of education and public policy at the University of California at Berkley, who wouldn't reveal which congressman called him. "Yes, there are student subgroups whose needs are not being addressed. But to create a system that says 25 percent of schools are failing is just not a sound approach."

You can reach Maureen Feighan at (313) 222-2690 or mfeighan@detnews.com



David Coates / The Detroit News

Canton teacher Sheila Neils gives her eighth-grade math students a MEAP test.

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5 states want out of education law

Lack of funding, and local control spark mini-revolt

By Maureen Feighan and Christine MacDonald / The Detroit News

The No Child Left Behind Act is only 2 years old, but the federal education law is already sparking a mini-revolt from some states.

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Outraged by the law's perceived intrusiveness, unfunded requirements and infringement on local control, at least five states, including Virginia, Arizona, Maine, Vermont and Minnesota, have either passed resolutions or are considering ones that rebuke the education law. Michigan, however, remains committed to holding schools accountable under the reform.

No state has officially opted out of the law, which would force them to forfeit millions of dollars in federal money for disadvantaged students. But several are taking steps to get out or calling on Congress to exempt them, arguing the law will cost far more to implement than they receive in federal funds.

Martin Ackley, spokesman for the Michigan Department of Education, and Elizabeth Boyd, spokeswoman for Gov. Jennifer Granholm, say there are no discussions of sacrificing the federal money to avoid complying with No Child Left Behind. Michigan receives \$420 million in federal dollars that go toward helping disadvantaged students.

"There's grumbling about (the law), but regardless of what you do, you're going to have grumbling," said state Sen. Wayne Kuipers, R-Holland, who chairs the Senate education committee. "It's important for us to have an accountability tool that's effective and gives us real answers. But is there some frustration? You bet."

Utah's House of Representatives passed a bill early this month that would've allowed the state to only implement the law where there is adequate funding. The state Senate has since put that on hold. Pulling out altogether would have cost the state \$106 million in federal funds, said Utah Rep. Margaret Dayton.

"What we have not been told is how much it will cost us to implement all of the requirements of No Child Left Behind if we choose to opt out," said Dayton in a written statement. "That is a serious question that has plagued all states."

Sandy Kress, a Texas attorney who helped construct the law as former senior education adviser to President Bush, thinks most states are committed to No Child Left Behind. But the federal government could do

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a better job of pointing out ways the law could be more flexible, such as providing different ways to test special education and English as a second language students, he said.

In the end, he doesn't expect many states to pull out.

"Most states are taking this seriously," Kress said. "We are going to make it."

You can reach Maureen Feighan at (313)222-2690 or mfeighan@detnews.com.

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- ▶Home Life
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SJR

31

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SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/16/04

FURTHER: Resources

Date of 5-Day Notice: 3/11/04
 (in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/19/04

State Affairs Committee considered SENATE JOINT RESOLUTION NO. 31

SJR 31 FEDERAL FUNDING FOR EDUCATION

Relating to urging the United States Congress to compensate the State of Alaska for the effect of federal land ownership on the state's ability to fund public education.

and recommends:

- be replaced with _____ CS SJR 31 (STA)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
	<u>3/16/04</u>			<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>			
CHAIR:	<input checked="" type="checkbox"/>			

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SJR 31
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: None
 Title Federal Funding for Education BRU _____
 Component _____
 Sponsor Senator Therrault
 Requester Senate State Affairs Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Senate State Affairs Committee Phone 465-4522
 Division _____ Date/Time 3/16/04 2:35 PM
 Approved by: Senator Gary Stevens, Chair Date 3/16/2004
 Agency _____

23-LS0881\Q
Mischel
3/15/04

CS FOR SENATE JOINT RESOLUTION NO. 31()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE

A RESOLUTION

1 **Relating to urging the United States Congress to compensate the State of Alaska for the**
2 **effect of federal land ownership on the state's ability to fund public education.**

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

4 **WHEREAS**, for many years, western states, including Alaska, have grappled with the
5 challenge of providing the best education for their citizens; and

6 **WHEREAS** western states face unique challenges in achieving this goal; and

7 **WHEREAS**, from 1979 to 1998, the percentage change in expenditure per pupil in 13
8 western states was 28 percent, compared to 57 percent in the remaining states; and

9 **WHEREAS**, in 2000 - 2001, the pupil per teacher ratio in 13 western states averaged
10 17.9 to one compared with 14.8 to one in the remaining states; and

11 **WHEREAS** the conditions in western states are exacerbated by projections that
12 enrollment will increase by an average of 7.1 percent, compared to an average decrease of 2.6
13 percent in the rest of the nation; and

14 **WHEREAS**, despite the wide disparities in expenditures per pupil and in pupil per
15 teacher ratios, western states tax at a comparable rate and allocate as much of their budgets to
16 public education as the rest of the nation; and

1 **WHEREAS** the ability of western states to fund education is directly related to federal
2 ownership of state land; and

3 **WHEREAS** the federal government owns an average of 51.9 percent of the land in 13
4 western states, compared to 4.1 percent in the remaining states; and

5 **WHEREAS** the enabling acts of most western states promise that five percent of the
6 proceeds from the sale of federal land will go to the states for public education; and

7 **WHEREAS** a federal policy change in 1977 ended these sales, resulting in an
8 estimated \$14,000,000,000 in lost public education funding for western states; and

9 **WHEREAS** the ability of western states to fund public education is further affected
10 by the fact that state and local property taxes, which public education relies heavily upon to
11 fund education, cannot be assessed on federal land; and

12 **WHEREAS** the estimated annual impact of this property tax prohibition on western
13 states is more than \$4,000,000,000; and

14 **WHEREAS** royalties to the western states are reduced because federal land is less
15 likely to be developed and federal laws often place stipulations on the use of state royalty
16 payments; and

17 **WHEREAS** the estimated annual impact of royalty payment policies on western
18 states is more than \$1,860,000,000; and

19 **WHEREAS** much of the land that the federal government transferred to states upon
20 statehood as a trust for public education is difficult to administer and to make productive
21 because it is surrounded by federal land; and

22 **WHEREAS** federal land ownership greatly hinders the ability of western states to
23 fund public education; and

24 **WHEREAS** the federal government should compensate western states for the
25 significant impact federal land ownership has on the ability of western states to educate their
26 citizens; and

27 **WHEREAS** Alaska joins the 12 other member states of the Council of State
28 Governments-West that have passed or are in the process of passing joint resolutions
29 addressing the effect of federal land ownership on the states' ability to fund public education;
30 and

31 **WHEREAS** just compensation will allow western states to be on equal footing with

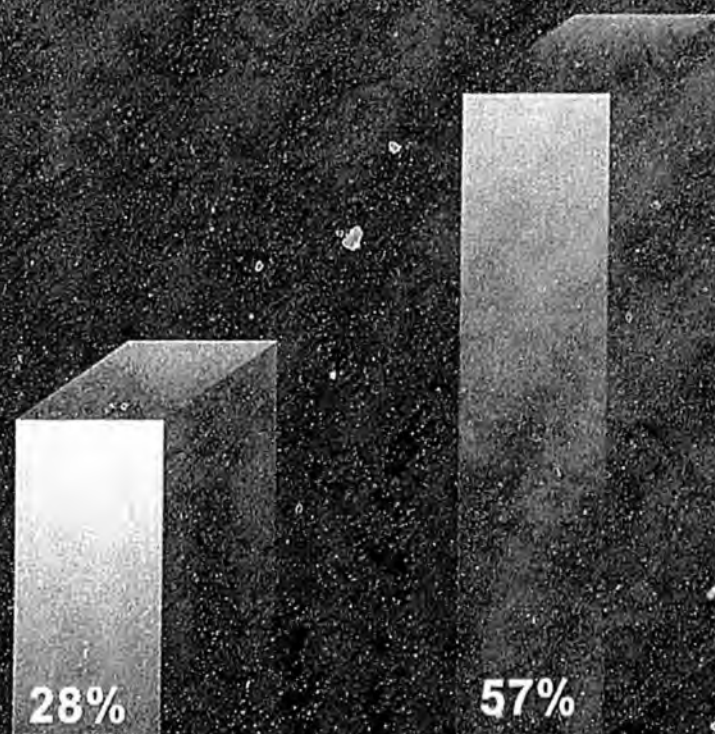
1 the rest of the nation in their efforts to provide education for their citizens;

2 **BE IT RESOLVED** that the Alaska State Legislature urges the United States
3 Congress to appropriate just compensation to the State of Alaska for the effect of federal land
4 ownership on the state's ability to fund public education.

5 **COPIES** of this resolution shall be sent to the Honorable Ted Stevens and the
6 Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
7 Representative, members of the Alaska delegation in Congress.

#1

Percent Change in Expenditures Per Pupil 1979-98

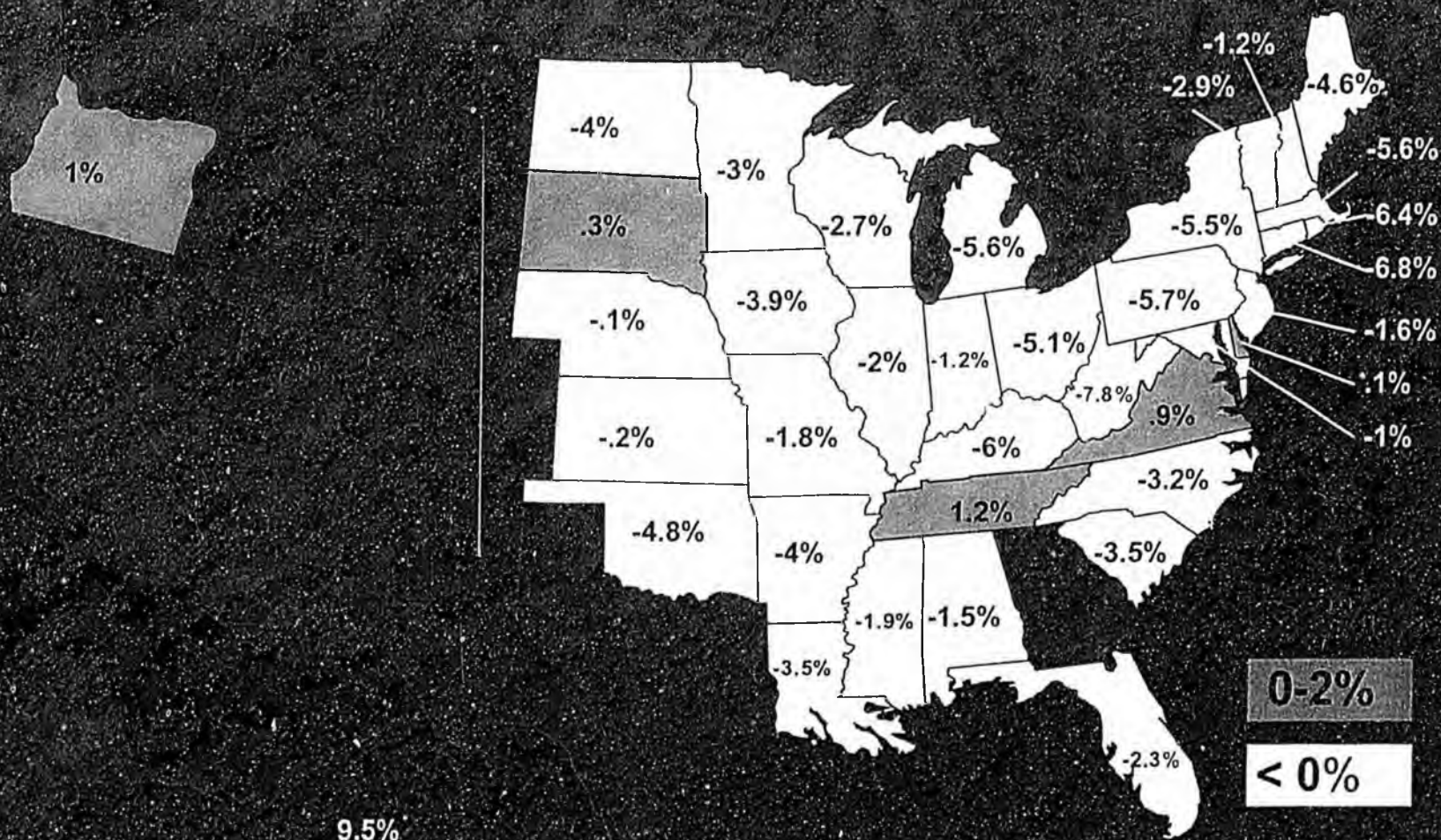


13 Western States Average

37 Other States Average

#2

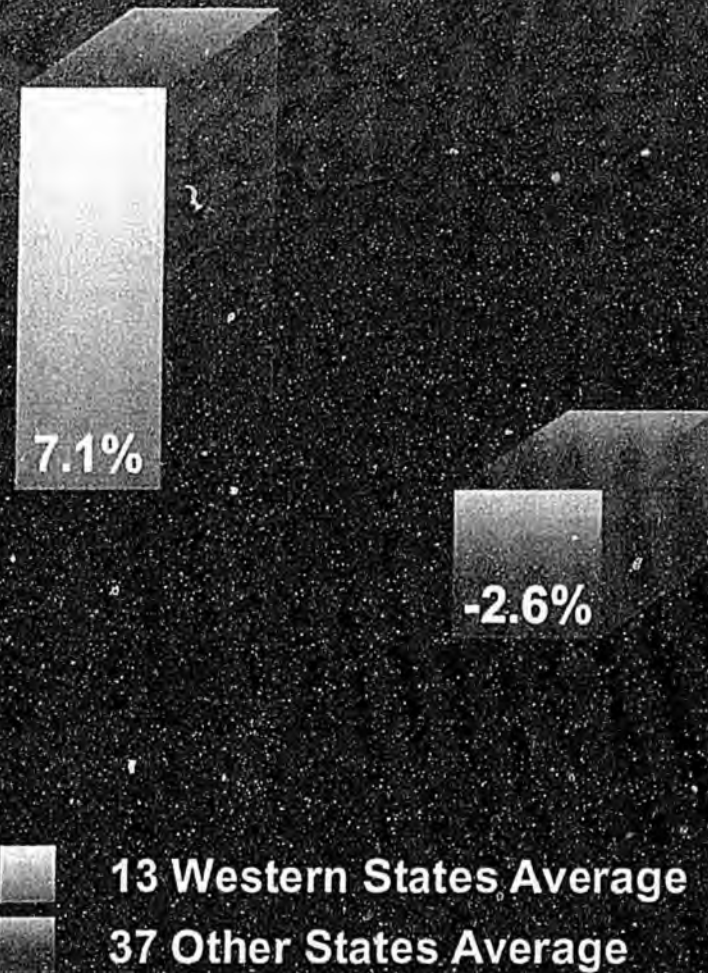
Percent Change In Projected Enrollment 2002-2011



Source: U.S. Department of Education, National Center for Education Statistics

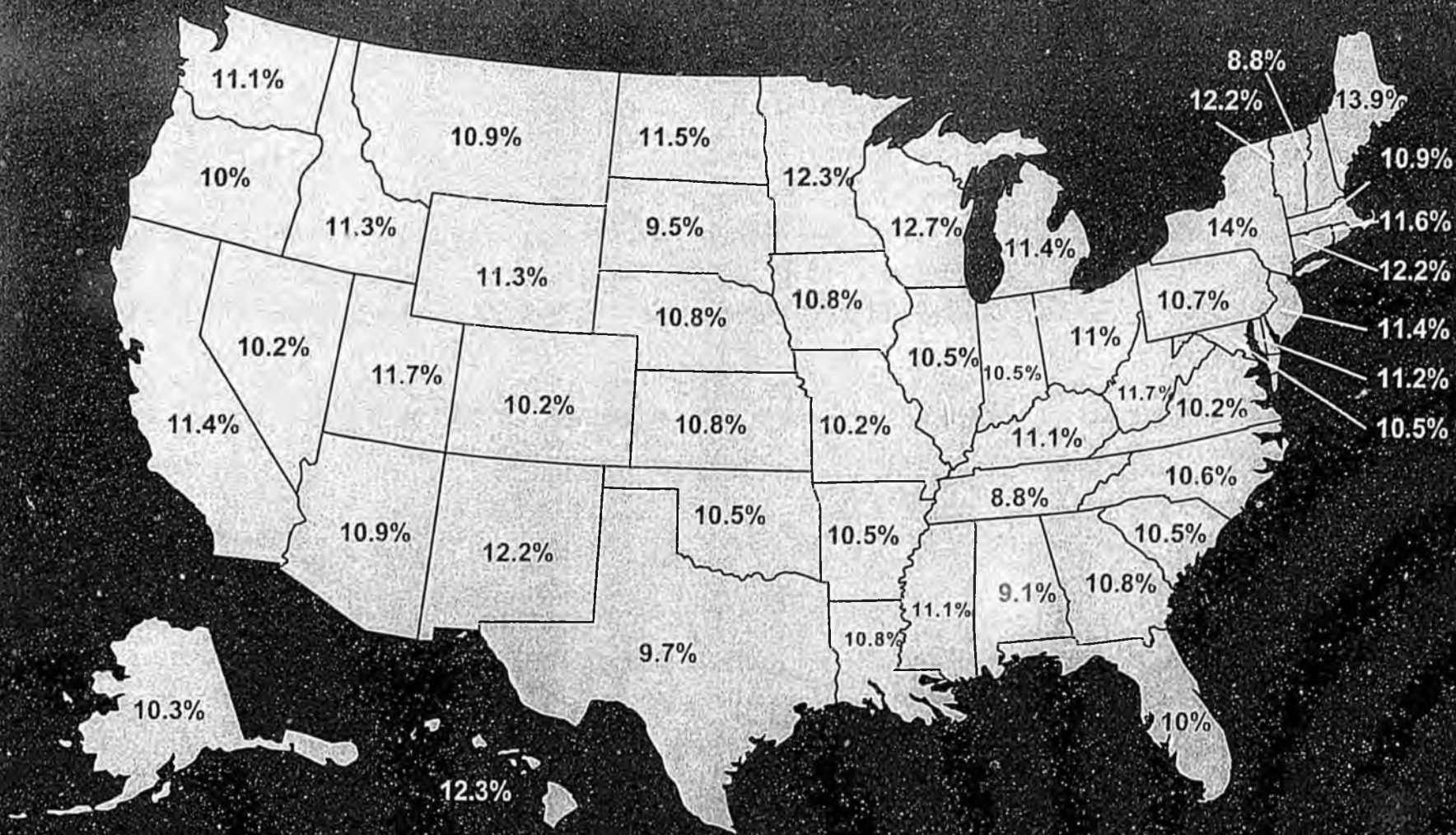
#3

Percent Change In Projected Enrollment 2002-2011



#4

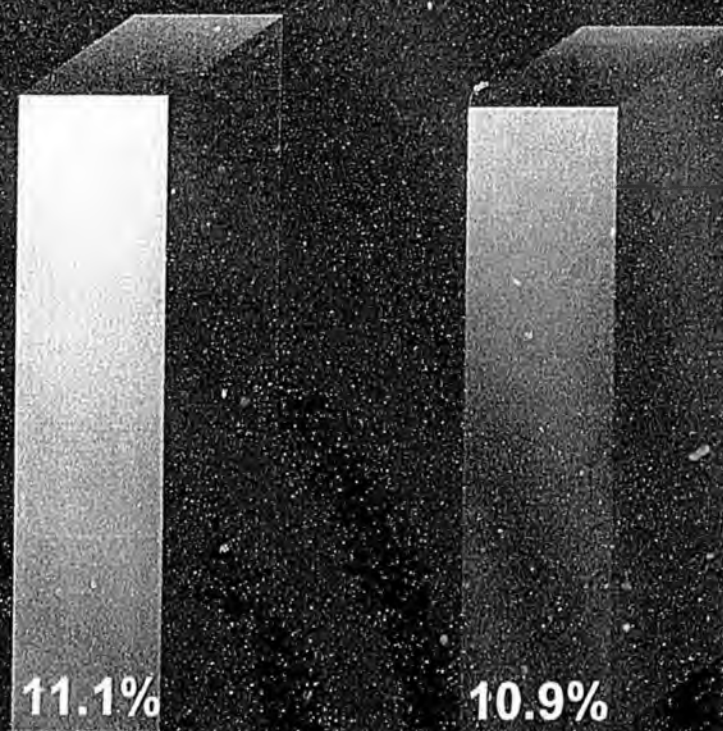
State and Local Taxes As A Percent of Personal Income 1998-99



Source: U.S. Bureau of the Census

#5

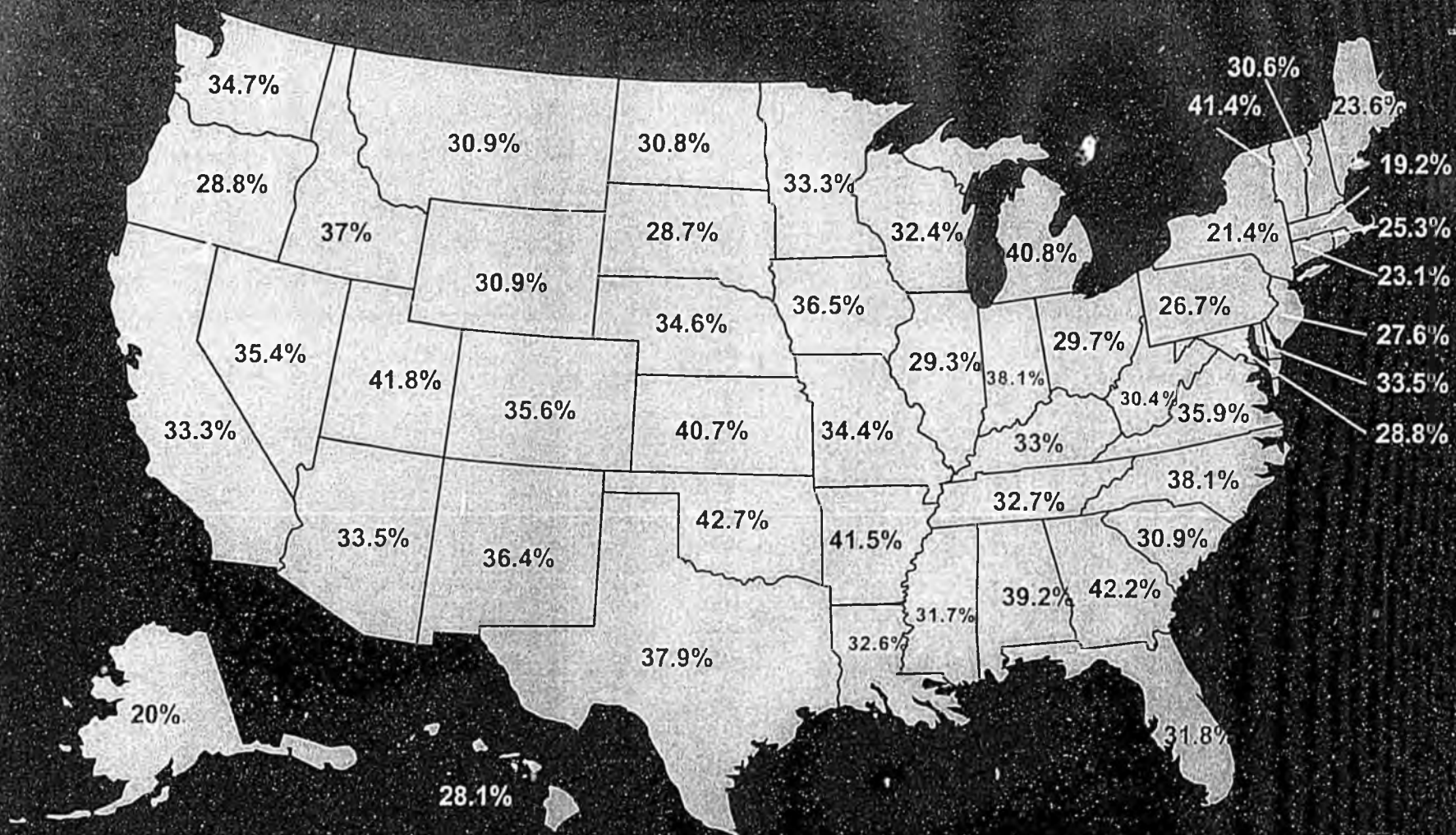
State and Local Taxes As A Percent of Personal Income 1998-99



■ 13 Western States Average
■ 37 Other States Average

#6

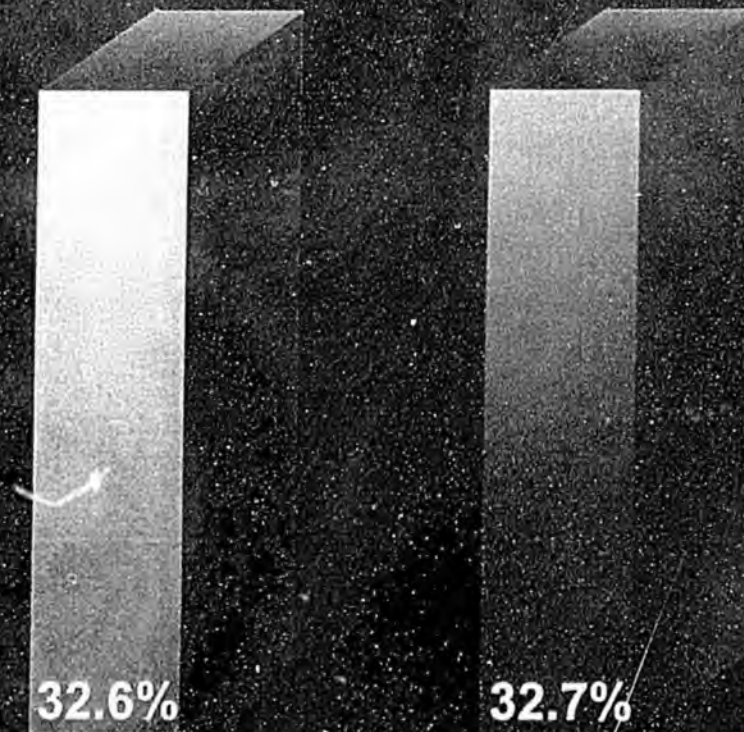
Percent of State Budget Allocated To Public Education



Source: Census Bureau - State Government Finance 2000

#7

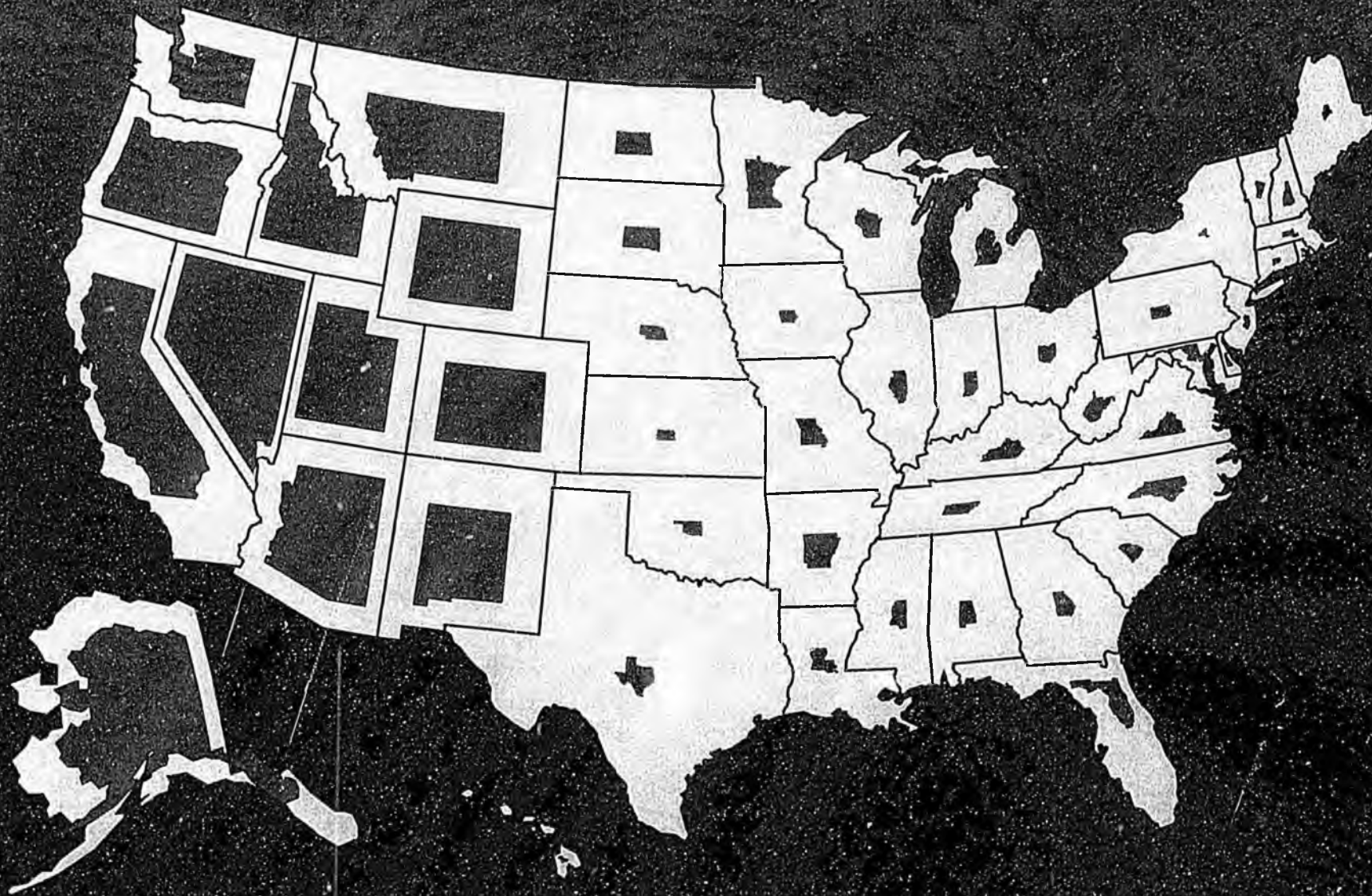
Percent of State Budget Allocated To Public Education



■ 13 Western States Average
■ 37 Other States Average

#9

Federal Land Ownership



10

Percent Of Federal Land Ownership

51.9%

4.1%

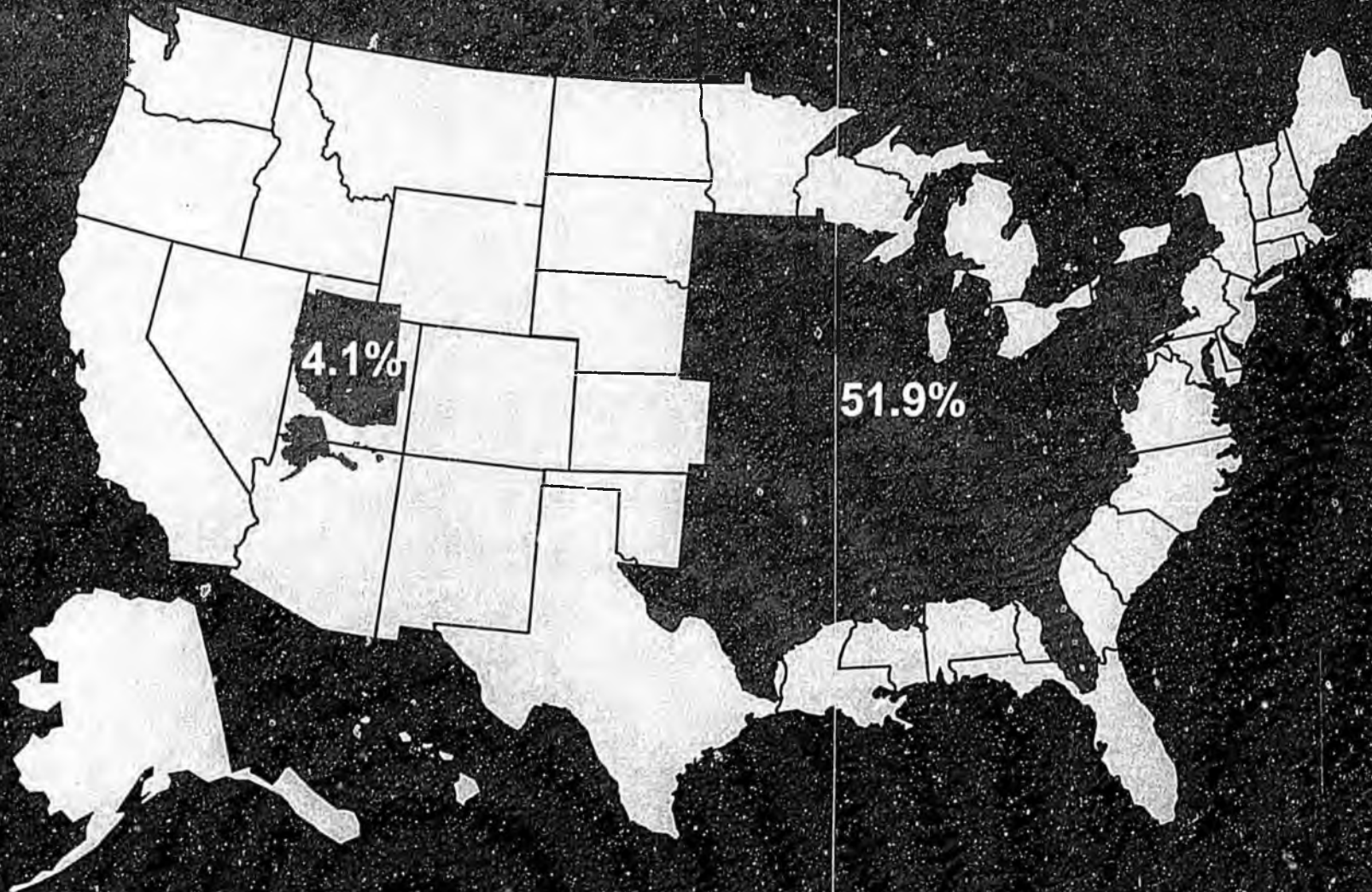
13 Western States

37 Other States



11

Percent Of Federal Land Ownership - Reversed





HOUSE OF REPRESENTATIVES
OFFICE OF THE SPEAKER
SALT LAKE CITY, UTAH 84114

MARTIN R. STEPHENS
WEBER COUNTY

LEGISLATURE
18011 538-1637
RESIDENCE
18011 731-5346

President Gene Therriault
Alaska State Senate
State Capitol, Room 111
Juneau, AK 99801-1182

Speaker Pete Kott
Alaska House of Representatives
State Capitol, Room 208
Juneau, AK 99801-1182

Dear President Therriault and Speaker Kott:

We are writing to make you aware of a resolution that is being circulated to presiding officers in the legislatures of all thirteen western states and to request your support as legislative leaders of its introduction and passage in Alaska. A copy of the resolution, entitled "Joint Resolution Supporting Action Plan for Public Land and Education," (APPLE) is enclosed for your review.

The concept and language of the joint resolution is supported by western legislators and governors through the actions and resolutions of The Council of State Governments-*WEST* (CSG-*WEST*) and the Western Governors' Association (WGA). Speaker Kott will recall that the APPLE Initiative, as the resolution is called, was unanimously adopted by the Executive Committee of CSG-*WEST* at our annual meeting in Lake Tahoe, Nevada in July of 2002; subsequently, the Western Governors' Association unanimously endorsed the APPLE initiative at their winter meeting in Las Vegas this past December. A copy of the CSG-*WEST* resolution is also enclosed as well as a brief summary of the APPLE initiative.

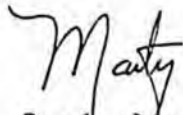
We believe that adoption of the resolution is an important step toward creating a broad-based coalition in support of just compensation for public schools in western states where the federal government owns nearly 52% of the land within our borders. Based on our research, the western states would receive one-time revenues from the federal government of 14.1 billion dollars and 6.4 billion annual revenue from property tax and royalties. For Alaska, this would mean 5.59 billion in one-time revenue and 2.05 billion in annual recurring revenue. This money is vital in a region where enrollment and higher pupil per teacher ratios are projected to increase dramatically in the foreseeable future.

We hope that you will be willing to support this joint resolution in your legislature and to serve or appoint members from your legislature to work with us on a steering committee to build a western coalition in support of the APPLE Initiative. As you might imagine, we have received a tremendous expression of interest and support from the education community.

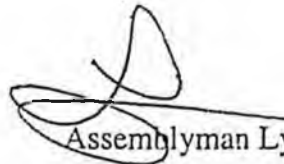
We look forward to answering any questions you may have about the APPLE initiative. Please contact either of us, Speaker Marty Stephens in Salt Lake City, Utah at (801) 538-1930 or Assemblyman Lynn Hettrick in Carson City, Nevada at (775) 684-8843. Kent Briggs of the CSG-WEST staff is also assisting with this project and can be contacted at (916) 553-4423 in Sacramento, California. The detailed power point presentation of the APPLE Initiative can be easily accessed on the CSG-WEST web site at www.csghost.org.

Our best wishes on a successful legislative session; we look forward to working with you as part of a unique western coalition to secure in the language of the resolution, "just compensation that will allow western states to be on equal footing with the rest of the nation in their efforts to provide education."

Sincerely,



Speaker Marty Stephens
Utah House of Representatives
Chair, APPLE Initiative Steering Committee



Assemblyman Lynn Hettrick
Minority Leader, Nevada State Assembly
Immediate Past Chair, CSG-WEST

Enclosures



"Serving Western Legislatures"

Resolution No. 2002-01

**Resolution Urging the United States Congress to Compensate Western States
for the Impact of Federal Land Ownership on State Education Funding**

Introduced by the Executive Committee

Whereas, for many years western states have grappled with the challenge of providing the best education for their citizens;

Whereas, western states face unique challenges in achieving this goal;

Whereas, from 1979 to 1998 the percent change in expenditures per pupil in 13 western states was 28%, compared to 57% in the remaining states;

Whereas, in 2000-2001, the pupil per teacher ratio in 13 western states averaged 17.9 to one compared with 14.8 to one in the remaining states;

Whereas, the conditions in western states are exacerbated by projections that enrollment will increase by an average of 7.1% compared to an average decrease of 2.6% in the rest of the nation;

Whereas, despite the wide disparities in expenditures per pupil and pupil per teacher ratio, western states tax at a comparable rate and allocate as much of their Budgets to public education as the rest of the nation;

Whereas, the ability of western states to fund education is directly related to federal ownership of state lands;

Whereas, the federal government owns an average of 51.9% of the land in 13 western states, compared to 4.1% in the remaining states;

Whereas, the enabling acts of most western states promise that 5% of the proceeds from the sale of federal lands will go to the states for public education;

Whereas, a federal policy change in 1977 ended these sales resulting in an estimated 14 billion in lost public education funding for western states;

Whereas, the ability of western states to fund public education is further impacted by the fact that state and local property taxes which public education relies heavily upon to fund education and cannot be assessed on federal lands;

CSG-WEST

1107 9th Street, Su. 650 - Sacramento, CA 95814

Phone: (916)553-4423 - Fax: (916)446-5760

Whereas, the estimated annual impact of this property tax prohibition on western lands is over 4 billion;

Whereas, the federal government shares only half of its royalty revenue with the states;

Whereas, royalties are further reduced because federal lands are less likely to be developed and federal laws often place stipulations on the use of state royalty payments;

Whereas, the estimated annual impact of royalty payment policies on western states is over 1.86 billion;

Whereas, much of the land that the federal government transferred to states upon statehood as a trust for public education is difficult to administer and to make productive because it is surrounded by federal land;

Whereas, federal land ownership greatly hinders the ability of western states to fund public education;

Whereas, the federal government should compensate western states for the significant impact federal land ownership has on the ability of western states to educate its citizens;

Whereas, just compensation will allow western states to be on equal footing with the rest of the nation in their efforts to provide education for their citizens;

NOW, THEREFORE, BE IT RESOLVED that the Executive Committee of the Council of State Governments-*WEST* endorses and supports the Action Plan for Public Lands and Education;

BE IT FURTHER RESOLVED that the Executive Committee of the Council of State Governments-*WEST* endorses an initiative seeking just compensation from the federal government for the impact its ownership of lands within western states has on the ability of the states' ability to fund public education;

BE IT FURTHER RESOLVED that the Executive Committee of the Council of State Governments -*WEST* endorses an initiative urging the federal government to provide an expedited land exchange process for land not contended for wilderness designation;

BE IT FURTHER RESOLVED that the chair of The Council of State Governments-*WEST* appoint from the members of the CSG-*WEST* Executive Committee a steering committee to prepare the initiative for congressional consideration. These appointments shall be from both political parties and from all parts of the West. The CSG-*WEST* chair will also appoint the chair of the initiative steering committee;

BE IT FURTHER RESOLVED that the executive director of the Council of State Governments-*WEST* is authorized to assign staff to the initiative's steering committee to accomplish the successful implementation of the initiative; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States and other officers as deemed advisable.

*Adopted by the CSG-WEST Executive Committee on July 19, 2002
Assembled in Annual Meeting in Lake Tahoe, Nevada.*

Alaska State Legislature

SENATOR
GENE THERRIALT

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-4271

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884
SENATE DISTRICT F

President of the Senate

SPONSOR STATEMENT – SJR 31

SJR 31, “Relating to urging the United States Congress to compensate the State of Alaska for the effect of federal land ownership on the State’s ability to fund public education”.

This legislation stems from a resolution adopted in July of 2002 by the Executive Committee of the Council of State Governments-WEST urging its membership of thirteen states to support and pass joint resolutions expressing how federal land ownership hinders western states’ ability to fund education. Since then, all thirteen states have introduced similar resolutions and all but four (CA, WA, CO, AK) have passed them. The Western Governors’ Association has also endorsed this resolution, termed “APPLE” for Action Plan for Public Land and Education.

This resolution is the result of years of research and preparation by legislators from the State of Utah in an attempt to bring western states up to equity with the rest of the nation in the funding of public education.

Western states as group are falling behind in education funding when measured in growth of real per pupil expenditures during the period of 1979 – 98. Eleven of the twelve states with the lowest real growth in pupil expenditures are western states. The growth rate of real per pupil expenditures in the thirteen western states is less than half (28% versus 57%) of that in the thirty-seven other states. On average, enrollment in western states is projected to increase dramatically while the growth rate in other states is projected to actually decrease (2002-2011 western states 7.1% vs. – 2.6%).

Yet, Western states’ state and local taxes as a percent of personal income are as high or higher than other states (1998-99 western states 11.1% vs. 10.9%) and Western states’ commitment to education as a percent of state budget is equal to that of other states (in year 2000 western states 32.6% vs. 32.7%)

The problem lies with the federal government and the enormous amount of land it owns in western states. If an imaginary line was drawn from Montana to New Mexico, no state east of that line has more than 14% of its land owned by the federal government. No state west of that line has less than 27% of their land federally owned (with the exception of Hawaii). Four western states have more than 62% of their land federally owned. (Alaska, Idaho, Nevada & Utah).

Most enabling acts for western states, including Alaska, promised to give the state 5% of the proceeds from the sale of federal land for the benefit of public education. In 1977 the federal government abandoned its original policy to dispose of public lands, depriving the states of public education funding estimated to be over \$14 billion dollars. This resolution does not recommend that federally owned lands be sold, only that states be compensated as promised.

States are not allowed to assess property tax on federal lands, impacting western states in an amount over \$4 billion annually. The federal government does provide "payments in lieu of taxes" (PILT) since states cannot tax federal lands, but the amount of PILT payments to states in 2001 was only about 4% of the annual property tax revenue lost by western states.

This resolution proposes to: (1) create legislative awareness, (2) educate the public, (3) build a western states coalition, and, (4) petition Congress to compensate western states.

In summary, western states are financially harmed in a significant way by the amount of federal land ownership. The conclusion is that federal land ownership hinders western states' ability to fund public education.

SJR

33

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 04/7/04

FURTHER: Judiciary

Date of 5-Day Notice: 4/28/04
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4/30/04

State Affairs Committee considered SENATE JOINT RESOLUTION NO. 33

SJR 33 CONGRESSIONAL VOTE ON JUDICIAL NOMINATION

Urging our United States Senators to work to allow a timely vote on the floor on all judicial nominations.

and recommends:

- be replaced with _____ CS SJR 33 (STA)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
<u>Sea. STA</u>	<u>4/28/04</u>			<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<u>John J. Casadevall</u>	<input checked="" type="checkbox"/>			
<u>Robert J. ...</u>			<input checked="" type="checkbox"/>	
<u>...</u>		<input checked="" type="checkbox"/>		
CHAIR: <u>[Signature]</u>	<input checked="" type="checkbox"/>			

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SJR 33
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: None
 Title Congressional Vote on Judicial Nomin BRU _____
 Component _____
 Sponsor Senator Seekins
 Requester Senate State Affairs Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Senate State Affairs Committee Phone 465-4522
 Division _____ Date/Time 4/26/04 9:13 AM
 Approved by: Senator Gary Stevens, Chair Date 4/26/2004
 Agency _____