

State Board of Education & Early Development
Unapproved Minutes
July 26, 2023
Virtual Meeting Platform
Department of Education & Early Development
333 Willoughby Avenue
Juneau, AK 99801

Wednesday, July 26, 2023

Chair Fields swore in two new board members – Barbara Tyndall and Pamela Dupras.

Chair Fields called the meeting to order at 8:40 a.m. First Vice Chair Van Diest gave the invocation, and the board pledged allegiance to the flag.

Roll was called, and the following members were present to provide a quorum: Member Pamela Dupras, Member Jeff Erickson, Second Vice Chair Sally Stockhausen, Member Barbara Tyndall, First Vice Chair Lorri Van Deist, Student Advisor Felix Myers, and Chair James Fields. Member Bob Griffin and Lt. Col. James Fowley were excused.

First Vice Chair Van Diest motioned, and Member Erickson seconded, a motion to adopt the July agenda. There was no discussion and the motion passed unanimously in a roll call vote. There were no potential conflicts of interest identified by board members.

Public Comment

Public comment was opened at 8:45AM.

KC Casort – Opposes the Interscholastic Activities proposed regulation; athlete in the Fairbanks North Star Borough School District, and believes all students, regardless of gender identity, should have those same opportunities. It is also against trans kids' privacy.

Judy Eledge – Supports the Interscholastic Activities proposed regulation; remembers when Title IX was approved, and believes this regulation is tied to women's rights. The physical differences in biological males hurt girls' competition.

Tim Doran – Strongly opposes the Interscholastic Activities proposed regulation. It sends a message to marginalize and bully certain students. The changes are an invasion of privacy and take control away from local districts. It does not take into consideration the full complexity of medical situations. There are potential issues with transfer students from other states with different birth certificates.

Ava Earl – Opposes the Interscholastic Activities proposed regulation. The regulation encroaches on the privacy of all female athletes and creates a toxic team environment. Trans girls are not taking opportunities away from other girls. It also takes away opportunities for trans girls who need the benefits of sports the most.

Brett Slaathaus – Kotzebue coach, teacher, and athletic director for 15 years; supports the Interscholastic Activities proposed regulation because divisions are based upon talent, age, physical skills, etc. In high

school cross-country, the first-place girl would have been only as high of a placement as 15th in the boys' division.

Joshua Church – Supports the Interscholastic Activities proposed regulation; believes trans kids have mental delusions, and teachers and adults should not encourage this dangerous behavior. It will set kids up for failure.

Monica Whitman – Opposes the Interscholastic Activities proposed regulation; parent of a transgender child. Trans girls are girls and deserve equal protection under the law.

Kathy Todd – Strongly opposed to the Interscholastic Activities proposed regulation. Sports participation is really important, especially in small communities. Unfair competition is the only logical argument for the regulation, but most trans girls are blocking testosterone. Athletics are generally unfair – if a student is older, bigger, more skilled – but that doesn't stop them from participating.

Christi Marie Hannah – Supports a separate open division; supportive of including trans students while protecting female athletes. They have worked hard to get where they are and don't want to get pushed out. Males are physically different than females.

Rose O'Hara-Jolley, Planned Parenthood – Planned Parenthood opposes the Interscholastic Activities proposed regulation. It is a part of a nationwide campaign to erase and belittle trans students. There are no reports in Alaska of male athletes pretending to be female to win in girls' sports. There are very few trans athletes. The Alaska Legislature already did not pass something similar. The regulation would invade the privacy of female athletes, is a violation of Title IX, and makes females seem weak by needing protection.

Morgan Lim – Opposed to the Interscholastic Activities proposed regulation. As a volleyball player, gained many benefits from the sport. Trans students similarly deserve to learn skills like leadership, teamwork, dedication, and inclusion.

Aurora Hoefflerle – Opposed to the Interscholastic Activities proposed regulation and disappointed in the Board. They are transgender. LGBTQ youth experience loneliness, pain, fear, and isolation. Transgender people are at a high risk for depression, homelessness, obesity, addiction, suicide, and more. They are a vulnerable population that is being attacked. The regulation violates privacy and puts trans girls in danger.

Joan Nockels Wilson – Supports the Interscholastic Activities proposed regulation. Females are not as strong or big as males, and it would be unfair for them to compete in the girl's division. The regulation protects girls' spaces.

Senator Shelley Hughes – Supports the Interscholastic Activities proposed regulation; is not transphobic and says the regulation does not exclude anyone from participating. Without the regulation, girls will be put in danger. Biological males have an advantage, even if taking testosterone blockers, against females. There should be a third, open division. Under Title IX, intersex students already have accommodations by law. While trans children might be at risk for depression and suicide, teenage girls' suicide and depression rates are also growing at an alarming rate.

Hopelynn Uele – Opposes the Interscholastic Activities proposed regulation; all students deserve to be kids who grow up in inclusive and safe environments.

Michael Garvey, ACLU Alaska – Opposes the Interscholastic Activities proposed regulation; unconstitutional, discriminatory, and would violate privacy.

Rachel White – Opposes the Interscholastic Activities proposed regulation. There is no epidemic of trans girls dominating girls' sports or science against trans girls participating. It is exclusionary and a violation of privacy.

Madonna Singleton – Opposes the Interscholastic Activities proposed regulation. (1:05:00)

Mary Bishop – Opposes the Interscholastic Activities proposed regulation; only supports the resolution if it includes a stipulation that trans girls who have undergone hormonal treatment can participate in girls' sports.

Kuba Grzeda – Opposes the Interscholastic Activities proposed regulation. Children's sports are a source of enjoyment, social inclusion, and confidence building, and all deserve to participate. The bullying and exclusionary tactics will lead to mental health issues. Trans athletes are not dominating girls' sports, but instead face more obstacles.

Josh Smith – Opposes the Interscholastic Activities proposed regulation. This regulation is a solution looking for a problem; there is no evidence that trans athletes take anything away from cis athletes. Indigenous cultures and sports – of whose land we occupy – are accepting of nonbinary participants. Belonging and community is essential for the health of trans kids, and they deserve to have that opportunity.

Brian Mulkan – Opposes the Interscholastic Activities proposed regulation. Discrimination will hurt all kids, not just trans kids. If we reduce or prohibit trans girls from participating in small communities, they may not meet the minimum participant number and the entire team will be forced to forfeit. There is not enough money to implement the regulation by creating additional open divisions. Because the regulation is only targeting trans girls and not trans boys, it is unfair. It is also a violation of Title IX.

Dan Paulson – Opposes the Interscholastic Activities proposed regulation. Shares personal experience as a gay athlete – the fear, anxiety, lack of representation, and exclusion – and shows the parallels with trans girl athletes. LGBTQ persons deserve to be counted. The regulation is anti-local control and discriminatory.

Nicholas Schoob, Pastor of Epiphany Lutheran Church – Opposes the Interscholastic Activities proposed regulation. Is disappointed and hurt that trans kids have been described as non-existent, disgusting, morally wrong, and more during the public comment, and our kids are also experiencing this bullying, especially trans athletes. There is no evidence of trans athletes dominating sports or creating unsafe environments.

Liz Rangel – Opposes the Interscholastic Activities proposed regulation. Kids don't care about whether a trans kid is on their team; they just want to have fun. These are kids, not adults. Trans kids deserve to experience the joys and learning opportunities of team sports. This is discriminatory and violates privacy. It will not protect any children.

Mike Coons – Supports the Interscholastic Activities proposed regulation. Cross-dressers (trans) are only 0.3%. Compared trans existence to murderers, pedophilia, and many other abhorrent actions in the Bible. Doesn't want co-ed in the locker rooms. Any districts that don't implement this regulation change should be held accountable.

Dr. Valerie Brooks – Opposes the Interscholastic Activities proposed regulation. Disappointed in the public commenters and the Board who are not tolerant or compassionate. The Board is overstepping the Legislature. The Alaska Constitution explicitly provides student privacy, as well as provides all students academic, emotional, physical, nutritional, etc. support.

Lori Chikoyak – Opposes the Interscholastic Activities proposed regulation. All girls' privacy is at risk of being forced to have a genital physical.

Laura Buchheit – Opposes the Interscholastic Activities proposed regulation. Trans means transitional, and although change is hard to comprehend and accept, our duty is still to provide an excellent education to every student.

Nithya Thiru – Opposes the Interscholastic Activities proposed regulation, which is discriminatory and will have negative outcomes, such as increased risk of suicide and depression. Sports provide support during challenging times. Trans girls are girls.

Malinda Linstid – Supports the Interscholastic Activities proposed regulation and wants firm boys and girls divisions. If funding and participation are available, a third open division is acceptable. Need to support, in a safe environment, these young people growing into men and women. Females need their own spaces.

Moira Pyhala – Opposes the Interscholastic Activities proposed regulation. Shares personal experience of bullying and exclusion in a small community, and how sports protected her mental, physical, and emotional health. School sports are not about winning, but about making sure students don't fall through the cracks. This isn't an issue impacting anyone or common. The message being sent is exclusion.

Jas Stokes – Opposes the Interscholastic Activities proposed regulation. This is a biased policy, may have unethical implementation, will violate privacy, and will make it more dangerous for trans athletes.

Gage Sexton – Opposes the Interscholastic Activities proposed regulation. Kids should be divided by performance, not sex and gender. There should be an open league to protect rights.

Kaytlin McAnelly – Supports the Interscholastic Activities proposed regulation. Girls should not be forced to compete against boys. Provides winning statistics comparing boys and girls. This regulation will not take away opportunities from trans athletes, simply provides them with an open division. Will not invade privacy because it will be based on the birth certificate.

Allegory Smith – Opposes the Interscholastic Activities proposed regulation. Separation, exclusion, policing a minority population, and discrimination will not provide an excellent education to all students. Let's all learn together.

Pamela Samash – Supports the Interscholastic Activities proposed regulation. Provides a story about a trans girl who is de-transitioning and warns others about transitioning as children. Children are not responsible enough to make that decision; it is mutilation. Mentions population crash is a concern and the solution is pro-life and heterosexual reproduction.

Carly Jensen – Opposes the Interscholastic Activities proposed regulation. Reminder that this regulation is about children, who are not villains. Adult men are much more likely to be the villains. Excluding trans girls is not the solution.

Sally Duncan – Supports the Interscholastic Activities proposed regulation. Women and their spaces should be protected. If a man thinks he is a woman, he needs psychological help or is a predator. A man cannot be a woman.

Mercedes Arciniaga – Opposes the Interscholastic Activities proposed regulation. Trans girls are not lurking in locker rooms; they don't have ill will. Research shows that biological advantages are not cut-and-dry, and makes parallel to racial studies during the Civil Rights. An open division is not a viable solution.

Mary Szatkowski – Opposes the Interscholastic Activities proposed regulation. Ranking is the least important benefit of sports. This regulation violates their privacy, potentially outs them, and will hurt their mental health. It will hurt everyone; studies show that trans restrictions also lead to fewer cis-girls participating.

Kristen Faulkner – Supports the Interscholastic Activities proposed regulation. Discusses female cycling restrictions and how they have benefited participants. This regulation will protect women's rights. Does not want to hurt or isolate trans athletes, but joining the girls' team is not the solution.

Ruth Botstein – Opposes the Interscholastic Activities proposed regulation. Kids find value in sports teams through sportsmanship, community, leadership, etc., not winning. The regulation promotes exclusion, hostility, fear, and disrespect. Trans kids are most vulnerable and need a team to find their place. Their inclusion will teach other teammates new things.

Izzie Marshall – Oppose the Interscholastic Activities proposed regulation. Provides own personal experience as a nonbinary student who values privacy and autonomy.

Jordan Nigro – Opposes the Interscholastic Activities proposed regulation. It can be nuanced and complex, but ultimately an opportunity to play sports with your peers is incredibly helpful. Trans girls are girls and are not taking away opportunities from cis girls.

Dr. Lindsey Banning – Opposes the Interscholastic Activities proposed regulation. Disappointed in the hateful dialogue today and how it was tolerated by the board. The Legislature has already not passed this type of regulation. Trans girls are girls, and there is not a big biological difference in young children. This is about kids, not elite athletes. Trans kids are more likely to experience violence, not perpetrate violence. It is a solution in search of a problem.

Representative Jamie Allard – Supports the Interscholastic Activities proposed regulation. It protects girls and parental choice. The birth certificate be used to determine. Biological boys are at an advantage, could injure girls, and have a better chance of receiving college scholarships.

Public comment closed at 11:28 a.m. after Chair Fields gave thanks to all participants.

Work Session

Agenda Item 1 - Executive Session: Attorney Consultation and Commissioner Interview

Chair Fields moved to enter the Board into Executive Session to discuss the proposed regulation, and then a second Executive Session to discuss the qualifications of a candidate for the Commissioner of the Department of Education and Early Development.

The Board exiting Executive Session and Chair Fields called the public meeting back into order at 2:38 p.m.

Agenda Item 2 – FY2024 Budget Update

Administrative Services Director Sabrina Javier provided an update on the FY2024 Budget.

Agenda Item 3 – Tribal Compacting Update

Tribal Affairs Director Joel Isaak provided an update on Tribal Compacting.

Second Vice Chair Stockhausen asked how AK STAR assessment is included in the process. Director Isaak responded that the assessment piece will be outlined. Federal testing cannot be overridden and will be included. Conversations are happening about how tribes get access to and training for giving assessments. A different pedagogical approach may be utilized, and we must determine how to measure accountability and success.

Agenda Item 4 - Assessment Validation Process Update

Division of Innovation and Education Excellence Deputy Director Kelly Manning and Assessment Administrator Dr. Elizabeth Greninger provided an update on the assessment validation process.

Second Vice Chair Stockhausen asked the difference between adaptive and linear. Dr. Greninger answered that the summative component identifies all content standards. In parallel, there is the growth component which is adaptive for each student. They are all integrated into the student experience. As a follow-up, Second Vice Chair Stockhausen asked when districts receive the score. Dr. Greninger answered that the growth scores were available during the last week of testing. Districts use and value that information.

Chair Fields asked about comparison to other state scores. Dr. Greninger responded that NAEP is a comparison assessment. There are also 37 other states that use MAP Growth assessments, so they can be compared. However, different states have different standards. Deputy Director Manning reiterated that each state's summative assessment is written to their specific standards, so the comparison is not always accurate. Member Erickson complimented Dr. Greninger for her thorough and clear presentation.

Agenda Item 5 - Library, Archives and Museum's Stratton Library & Sheldon Jackson Museum

Dr. Amy Phillips-Chan provided an update on LAM, primarily the Stratton Library.

Agenda Item 6 - Alaska Pacific University Teacher Preparation Program

Teacher Certification Administrator Sondra Meredith provided an update on the Alaska Pacific University Teacher Preparation Program. Second Vice Chair Stockhausen requested a site visit.

Agenda Item 7 – Regulations for consideration for adoption

Agenda Item 7A – Virtual Education Consortium

Division of Innovation and Education Excellence Deputy Director Kelly Manning introduced the Virtual Education consortium regulation change. DEED received one public comment in support.

Agenda Item 7B – Interscholastic Activities

Acting Commissioner Heidi Teshner introduced the Interscholastic Activities regulation change. Assistant Attorney General Susan Sonneborn was available for questions.

Chair Fields asked about privacy issues. Ms. Sonneborn responded that the obligation of the board is to review the public comment. Because the board still had outstanding questions, Chair Fields recommended postponing decision-making until a special board meeting.

Member Erickson agreed, especially since there are two new board members. First Vice Chair Van Diest and Student Advisor Myers also agreed to postpone. Member Van Diest thanked everyone for contributing public comment.

Chair Fields asked Ms. Sonneborn for direction on postponing and taking up action on the regulation in a special meeting. She provided two options.

Business Meeting

Agenda Item 8 - Approve Library, Archives and Museum's Stratton Library & Sheldon Jackson Museum

First Vice Chair Van Diest motioned, and Member Erickson seconded the following motion: I move that the State Board of Education and Early Development authorize and approve the acting commissioner to pursue sale of the Stratton Library, with the Governor's approval, and with the following conditions: (1) Proceeds from the sale of the Stratton Library shall be directed towards the Sheldon Jackson Museum; and, (2) the Department of Education and Early Development shall retain oversight of the Sheldon Jackson Museum including its facilities, operations, and grounds. There was no discussion. The motion passed unanimously in a roll call vote.

Agenda Item 9 - Approve Alaska Pacific University Teacher Preparation Program

Second Vice Chair Stockhausen motioned, and First Vice Chair Van Diest seconded the following motion: I move the State Board of Education and Early Development approve the continuation of the Alaska Pacific University Initial Educator Preparation Program's state approval through June 30, 2030. There was no discussion. The motion passed unanimously in a roll call vote.

Agenda Item 10 – Regulations for consideration for adoption

Agenda Item 10A – Virtual Education Consortium

Member Erickson motioned and First Vice Chair Van Diest seconded the following motion: I move the State Board of Education and Early Development approve adding new regulations 4 AAC 67.010 through 4 AAC 67.900 to implement a virtual education consortium defined by AS 14.30.800. There was no discussion. The motion passed unanimously in a roll call vote.

Agenda Item 10B – Interscholastic Activities

There was no motion to take action on the Interscholastic Activities regulation and it was tabled.

Agenda Item 11 – Approve Finance and Support Services Director

First Vice Chair Van Diest motioned, and Second Vice Chair Stockhausen seconded the following motion: I move the State Board of Education and Early Development approve the Acting Commissioner’s appointment of Karen Morrison as Director of Finances and Support Services effective immediately. Acting Commissioner Teshner introduced Director Morrison, and First Vice Chair Van Diest

Agenda Item 12 – Amend meeting dates and location

First Vice Chair Van Diest motioned, and Second Vice Chair Stockhausen seconded the following motion: I move the State Board of Education and Early Development approve the following schedule of meeting dates, location, and format (virtual meeting versus in-person) for the 2023-2024 school year. Regularly Quarterly Meeting, October 4-5, 2023, In person, either Anchorage or Mat-Su and Commissioner Report, December 6, 2023, Virtual Meeting. Member Tyndall mentioned that she will be busy on March 5, 2024. The motion passed unanimously in a roll call vote.

Agenda Item 13 - Commissioner of Education & Early Development

First Vice Chair Van Diest motioned, and Member Erickson seconded the following motion: I move the State Board of Education & Early Development appoint Dr. Deena Bishop as Commissioner of Education and Early Development, contingent on Governor approval, effective August 9, 2023. The motion passed unanimously in a roll call vote.

Agenda Item 14 - Questions Regarding Standing Reports

Member Erickson asked about the disparity in girl versus boy demographics at Mt. Edgecumbe High School. Superintendent Huntington responded that the number of students by gender is reflective of the type of applicants. If applicants were to shift to more boys, there would be flexibility in facilities to accommodate more boys. This year, there were 8 more boys who attended.

Second Vice Chair Stockhausen asked about the status of the Apprenticeship RFI/RFP. Deputy Director Manning responded that the Report for Information (RFI) was published in spring for potential vendors and the Request for Proposal (RFP) is upcoming. Procurement documents are underway.

Agenda Item 15 - Commissioner’s Report

Acting Commissioner Teshner gave brief updates on upcoming events, such as a Superintendent Fly-In and a booth at the State Fair.

Board Comments

Member Erickson, Student Advisor Myers, Second Vice Chair Stockhausen, First Vice Chair Van Diest, and Chair Fields thanked Acting Commissioner Teshner for her time and knowledge. They also welcomed the two new board members, who both responded by giving thanks.

The meeting adjourned at 5:02 p.m.