

CS FOR HOUSE BILL NO. 156(EDC) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE EDUCATION COMMITTEE

Amended: 4/10/16

Offered: 3/24/16

Sponsor(s): REPRESENTATIVES KELLER, Reinbold, Wilson, Gattis

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the duties of the State Board of Education and Early Development,**
2 **the Department of Education and Early Development, school boards, and school**
3 **districts; relating to public school curriculum and assessments; relating to compliance**
4 **with federal education laws; relating to public school accountability; relating to a**
5 **statewide assessment plan and review of education laws and regulations; and providing**
6 **for an effective date."**

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

8 * **Section 1.** AS 14.03.120(f) is amended to read:

9 (f) By January 15 of each year, beginning in 2001, the department shall
10 provide to the governor and make available to the public and the legislature a report on
11 the performance of public schools in this state. The report must be entitled "Alaska's
12 Public Schools: A Report Card to the Public." The report must include

13 (1) comprehensive information on each public school compiled,

collected, and reported under (d) and (e) of this section for the prior school year;

(2) a summary of the information described in (1) of this subsection; the summary must be prepared in a manner that allows school performance to be measured against established state education standards; and

(3) for a report due by or after January 15, 2005, the most recent performance designation under AS 14.03.123 received by each public school **and by the state public school system.**

* **Sec. 2.** AS 14.03.123(b) is amended to read:

(b) The department shall inform the governing body of each district of the performance **designations** [DESIGNATION] assigned **to the district and to the state public school system** under (a) of this section.

* **Sec. 3.** AS 14.03.123(c) is amended to read:

(c) The state board shall adopt regulations implementing this section, providing for a statewide student assessment system, and providing for the process of assigning a designation under (a) of this section, including

(1) the methodology used to assign the performance designation, including the measures used and their relative weights;

(2) a comparison of the state public school system to public schools in other states, including a comparison of student participation in standards-based assessments and student performance on the assessments;

(3) [(2)] high performance and low performance designations that are based on the accountability system under this section;

(4) [(3)] a procedure for appealing a designation that may be used by the principal of a public school or by the superintendent of a public school district;

(5) [(4)] additional measures that may be progressively implemented by the commissioner to assist schools or districts to improve performance in accordance with this section; [AND WITH FEDERAL LAW; TO THE EXTENT NECESSARY TO CONFORM TO FEDERAL LAW,] the additional measures may be unique to a certain school or district if that school or district receives federal funding that is not available to all schools or districts in the state.

* **Sec. 4.** AS 14.03.123(d) is amended to read:

(d) A public school or district that receives a low performance designation under this section shall prepare and submit to the department a school or district improvement plan, as applicable, in accordance with regulations adopted by the board. The improvement plan must be prepared with the maximum feasible public participation of the community including, as appropriate, interested individuals, teachers, parents, parent organizations, students, tribal organizations, local government representatives, and other community groups. **The improvement plan must, to the extent possible, include measures that increase local control of education and parental choice and that do not require a direct increase in state or federal funding for the school or district.**

* Sec. 5. AS 14.03.123(e) is amended to read:

(e) The department shall establish a program of special recognition for those public schools that receive a high performance designation, **based on the accountability system under (f) of this section, that demonstrates**

(1) an improvement over the school's performance designation for the previous year; or

(2) maintenance of a proficient or high performance designation from the previous year.

* Sec. 6. AS 14.03.123(f) is amended to read:

(f) In the accountability system for schools and districts required by this section, the department shall

(1) [IMPLEMENT 20 U.S.C. 6301 - 7941 (ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965), AS AMENDED;

(2)] implement state criteria and priorities for accountability including the use of

(A) measures of student performance on standards-based assessments in language arts and mathematics; **the assessments must be selected with the input of teachers and school administrators and minimize disruption to classroom instruction;**

(B) measures of student improvement **and academic achievement;** and

(C) other measures identified that are indicators of student success and achievement; and

(2) [(3)] to the extent practicable, minimize the administrative burden on districts.

* **Sec. 7.** AS 14.07.020(a) is amended to read:

(a) The department shall

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

(2) study the conditions and needs of the public schools of the state, adopt or recommend plans, administer and evaluate grants to improve school performance awarded under AS 14.03.125, and adopt regulations for the improvement of the public schools; **the department may consult with the University of Alaska to develop secondary education requirements to improve student achievement in college preparatory courses;**

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

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

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

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

(7) prescribe by regulation, after consultation with the state fire marshal and the state sanitarian, standards that will **ensure** [ASSURE] healthful and safe conditions in the public and private schools of the state, including a requirement

1 of physical examinations and immunizations in pre-elementary schools; the standards
 2 for private schools may not be more stringent than those for public schools;

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

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

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

13 (11) review plans for construction of new public elementary and
 14 secondary schools and for additions to and major rehabilitation of existing public
 15 elementary and secondary schools and, in accordance with regulations adopted by the
 16 department, determine and approve the extent of eligibility for state aid of a school
 17 construction or major maintenance project; for the purposes of this paragraph, "plans"
 18 include educational specifications, schematic designs, projected energy consumption
 19 and costs, and final contract documents;

20 (12) provide educational opportunities in the areas of vocational
 21 education and training, and basic education to individuals over 16 years of age who
 22 are no longer attending school; **the department may consult with businesses and**
 23 **labor unions to develop a program to prepare students for apprenticeships or**
 24 **internships that will lead to employment opportunities;**

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

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

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

31 (16) establish by regulation criteria, based on low student performance,

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

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

(B) an end date for departmental intervention, as described in AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three consecutive years of improvement consisting of not less than two percent increases in student proficiency on standards-based assessments in language arts and mathematics, as provided in AS 14.03.123(f)(1)(A) [AS 14.03.123(f)(2)(A)]; and

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

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

[(18) REPEALED]

* **Sec. 8.** AS 14.07 is amended by adding a new section to read:

Sec. 14.07.175. Development of statewide assessment plan; review of education laws and regulations. (a) Notwithstanding AS 14.03.078, 14.03.120, 14.03.123, 14.03.300, 14.03.310, AS 14.07.020, 14.07.030, 14.07.165, or a provision of federal law to the contrary, the department may not require a school district or school to administer a statewide standards-based assessment after July 1, 2016, and before July 1, 2018. The department and the board shall create a plan for working with school districts to develop or select statewide assessments that are approved by school districts. The plan must provide for the first administration of the assessments not later than the school year that begins in 2020.

(b) The department shall review state education laws and regulations to identify unnecessary laws or regulations and areas where the laws or regulations may be changed to provide school districts with greater control over public education policy in light of the enactment of the Every Student Succeeds Act, P.L. 114-95.

(c) On or before January 1, 2018, the department shall submit a report to the

senate secretary and chief clerk of the house of representatives and notify the legislature that the report is available. The report must describe

(1) the final plan for developing or selecting statewide assessments as required under (a) of this section; and

(2) recommendations for changes in laws or regulations as required under (b) of this section.

(d) In this section, "school district" has the meaning given in AS 14.30.350.

* **Sec. 9.** AS 14.08.111 is amended to read:

Sec. 14.08.111. Duties. A regional school board shall

(1) provide, during the school term of each year, an educational program for each school age child who is enrolled in or a resident of the district;

(2) develop a philosophy of education, principles, and goals for its schools;

(3) approve the employment of the professional administrators, teachers, and noncertificated personnel necessary to operate its schools;

(4) establish the salaries to be paid its employees;

(5) designate the employees authorized to direct disbursements from the school funds of the board;

(6) submit the reports prescribed for all school districts;

(7) provide for an annual audit in accordance with AS 14.14.050;

(8) provide custodial services and routine maintenance of school buildings and facilities;

(9) establish procedures for the review and selection of all textbooks and instructional materials, including textbooks and curriculum materials for statewide correspondence programs, before they are introduced into the school curriculum; the review includes a review for violations of AS 14.18.060; nothing in this paragraph precludes a correspondence study student, or the parent or guardian of a correspondence study student, from privately obtaining or using textbooks or curriculum material not provided by the school district;

(10) provide prospective employees with information relating to the availability and cost of housing in rural areas to which they might be assigned, and,

1 when possible, assist them in locating housing; however, nothing in this paragraph
 2 requires a regional school board to provide teacher housing, whether owned, leased, or
 3 rented or otherwise provided by the regional educational attendance area, nor does it
 4 require the board to engage in a subsidy program of any kind with respect to teacher
 5 housing;

6 (11) train persons required to report under AS 47.17.020, in the
 7 recognition and reporting of child abuse, neglect, and sexual abuse of a minor; and

8 (12) establish procedures for providing the training under
 9 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.362, AS 14.33.100, [14.33.127,]
 10 AS 18.66.310, and AS 47.17.022; the procedures established under this paragraph
 11 must include a training schedule that ensures that not less than 50 percent of the total
 12 certificated staff employed at a school receives all of the training not less than every
 13 two years and that all of the certificated staff employed at each school receives all of
 14 the training not less than every four years.

15 * **Sec. 10.** AS 14.08.111, as amended by sec. 6, ch. 2, SSSLA 2015, is amended to read:

16 **Sec. 14.08.111. Duties.** A regional school board shall

17 (1) provide, during the school term of each year, an educational
 18 program for each school age child who is enrolled in or a resident of the district;

19 (2) develop a philosophy of education, principles, and goals for its
 20 schools;

21 (3) approve the employment of the professional administrators,
 22 teachers, and noncertificated personnel necessary to operate its schools;

23 (4) establish the salaries to be paid its employees;

24 (5) designate the employees authorized to direct disbursements from
 25 the school funds of the board;

26 (6) submit the reports prescribed for all school districts;

27 (7) provide for an annual audit in accordance with AS 14.14.050;

28 (8) provide custodial services and routine maintenance of school
 29 buildings and facilities;

30 (9) establish procedures for the review and selection of all textbooks
 31 and instructional materials, including textbooks and curriculum materials for statewide

correspondence programs, before they are introduced into the school curriculum; the review includes a review for violations of AS 14.18.060; nothing in this paragraph precludes a correspondence study student, or the parent or guardian of a correspondence study student, from privately obtaining or using textbooks or curriculum material not provided by the school district;

(10) provide prospective employees with information relating to the availability and cost of housing in rural areas to which they might be assigned, and, when possible, assist them in locating housing; however, nothing in this paragraph requires a regional school board to provide teacher housing, whether owned, leased, or rented or otherwise provided by the regional educational attendance area, nor does it require the board to engage in a subsidy program of any kind with respect to teacher housing;

(11) train persons required to report under AS 47.17.020, in the recognition and reporting of child abuse, neglect, and sexual abuse of a minor; and

(12) establish procedures for providing the training under AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362, AS 14.33.100, [14.33.127,] AS 18.66.310, and AS 47.17.022; the procedures established under this paragraph must include a training schedule that ensures that not less than 50 percent of the total certificated staff employed at a school receives all of the training not less than every two years and that all of the certificated staff employed at each school receives all of the training not less than every four years.

* **Sec. 11.** AS 14.14.090 is amended to read:

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

(1) determine and disburse the total amount to be made available for compensation of all school employees and administrative officers;

(2) provide for, during the school term of each year, an educational program for each school age child who is enrolled in or a resident of the district;

(3) withhold the salary for the last month of service of a teacher or administrator until the teacher or administrator has submitted all summaries, statistics, and reports that the school board may require by bylaws;

1 (4) transmit, when required by the assembly or council but not more
2 often than once a month, a summary report and statement of money expended;

3 (5) keep the minutes of meetings and a record of all proceedings of the
4 school board in a pertinent form;

5 (6) keep the records and files of the school board open to inspection by
6 the public at the principal administrative office of the district during reasonable
7 business hours;

8 (7) establish procedures for the review and selection of all textbooks
9 and instructional materials, including textbooks and curriculum materials for statewide
10 correspondence programs, before they are introduced into the school curriculum; the
11 review includes a review for violations of AS 14.18.060; nothing in this paragraph
12 precludes a correspondence study student, or the parent or guardian of a
13 correspondence study student, from privately obtaining or using textbooks or
14 curriculum material not provided by the school district;

15 (8) provide prospective employees with information relating to the
16 availability and cost of housing in rural areas to which they might be assigned, and,
17 when possible, assist them in locating housing; however, nothing in this paragraph
18 requires a school district to provide teacher housing, whether district owned, leased,
19 rented, or through other means, nor does it require a school board to engage in a
20 subsidy program of any kind regarding teacher housing;

21 (9) train persons required to report under AS 47.17.020, in the
22 recognition and reporting of child abuse, neglect, and sexual abuse of a minor;

23 (10) provide for the development and implementation of a preventative
24 maintenance program for school facilities; in this paragraph, "preventative
25 maintenance" means scheduled maintenance actions that prevent the premature failure
26 or extend the useful life of a facility, or a facility's systems and components, and that
27 are cost-effective on a life-cycle basis;

28 (11) establish procedures for providing the training under
29 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.362, AS 14.33.100, [14.33.127,]
30 AS 18.66.310, and AS 47.17.022; the procedures established under this paragraph
31 must include a training schedule that ensures that not less than 50 percent of the total

1 certificated staff employed at a school receives all of the training not less than every
 2 two years and that all of the certificated staff employed at each school receives all of
 3 the training not less than every four years.

4 * **Sec. 12.** AS 14.14.090, as amended by sec. 7, ch. 2, SSSLA 2015, is amended to read:

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

7 (1) determine and disburse the total amount to be made available for
 8 compensation of all school employees and administrative officers;

9 (2) provide for, during the school term of each year, an educational
 10 program for each school age child who is enrolled in or a resident of the district;

11 (3) withhold the salary for the last month of service of a teacher or
 12 administrator until the teacher or administrator has submitted all summaries, statistics,
 13 and reports that the school board may require by bylaws;

14 (4) transmit, when required by the assembly or council but not more
 15 often than once a month, a summary report and statement of money expended;

16 (5) keep the minutes of meetings and a record of all proceedings of the
 17 school board in a pertinent form;

18 (6) keep the records and files of the school board open to inspection by
 19 the public at the principal administrative office of the district during reasonable
 20 business hours;

21 (7) establish procedures for the review and selection of all textbooks
 22 and instructional materials, including textbooks and curriculum materials for statewide
 23 correspondence programs, before they are introduced into the school curriculum; the
 24 review includes a review for violations of AS 14.18.060; nothing in this paragraph
 25 precludes a correspondence study student, or the parent or guardian of a
 26 correspondence study student, from privately obtaining or using textbooks or
 27 curriculum material not provided by the school district;

28 (8) provide prospective employees with information relating to the
 29 availability and cost of housing in rural areas to which they might be assigned, and,
 30 when possible, assist them in locating housing; however, nothing in this paragraph
 31 requires a school district to provide teacher housing, whether district owned, leased,

1 rented, or through other means, nor does it require a school board to engage in a
2 subsidy program of any kind regarding teacher housing;

3 (9) train persons required to report under AS 47.17.020, in the
4 recognition and reporting of child abuse, neglect, and sexual abuse of a minor;

5 (10) provide for the development and implementation of a preventative
6 maintenance program for school facilities; in this paragraph, "preventative
7 maintenance" means scheduled maintenance actions that prevent the premature failure
8 or extend the useful life of a facility, or a facility's systems and components, and that
9 are cost-effective on a life-cycle basis;

10 (11) establish procedures for providing the training under
11 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362,
12 AS 14.33.100, [14.33.127,] AS 18.66.310, and AS 47.17.022; the procedures
13 established under this paragraph must include a training schedule that ensures that not
14 less than 50 percent of the total certificated staff employed at a school receives all of
15 the training not less than every two years and that all of the certificated staff employed
16 at each school receives all of the training not less than every four years.

17 * **Sec. 13.** AS 14.16.020 is amended to read:

18 **Sec. 14.16.020. Operation of state boarding schools.** In the management of
19 state boarding schools, the board shall

20 (1) adopt a philosophy of education for state boarding schools;

21 (2) approve the employment of personnel necessary to operate state
22 boarding schools;

23 (3) establish the salaries and benefits to be paid teachers, excluding
24 administrators;

25 (4) designate the employees authorized to direct disbursements from
26 the money appropriated for the operation of state boarding schools and for the
27 construction of facilities;

28 (5) provide custodial services and routine maintenance of physical
29 facilities;

30 (6) establish procedures for the development and implementation of
31 curriculum and the selection and use of textbooks and instructional materials;

(7) prescribe health evaluation and placement screening programs for newly admitted students;

(8) establish procedures for staff evaluation; and

(9) establish procedures for providing the training under AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.362, AS 14.33.100, [14.33.127,] AS 18.66.310, and AS 47.17.022; the procedures established under this paragraph must include a training schedule that ensures that not less than 50 percent of the total certificated staff employed at a school receives all of the training not less than every two years and that all of the certificated staff employed at each school receives all of the training not less than every four years.

* **Sec. 14.** AS 14.16.020, as amended by sec. 8, ch. 2, SSSLA 2015, is amended to read:

Sec. 14.16.020. Operation of state boarding schools. In the management of state boarding schools, the board shall

(1) adopt a philosophy of education for state boarding schools;

(2) approve the employment of personnel necessary to operate state boarding schools;

(3) establish the salaries and benefits to be paid teachers, excluding administrators;

(4) designate the employees authorized to direct disbursements from the money appropriated for the operation of state boarding schools and for the construction of facilities;

(5) provide custodial services and routine maintenance of physical facilities;

(6) establish procedures for the development and implementation of curriculum and the selection and use of textbooks and instructional materials;

(7) prescribe health evaluation and placement screening programs for newly admitted students;

(8) establish procedures for staff evaluation; and

(9) establish procedures for providing the training under AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362, AS 14.33.100, [14.33.127,] AS 18.66.310, and AS 47.17.022; the procedures established under this

1 paragraph must include a training schedule that ensures that not less than 50 percent of
 2 the total certificated staff employed at a school receives all of the training not less than
 3 every two years and that all of the certificated staff employed at each school receives
 4 all of the training not less than every four years.

5 * **Sec. 15.** AS 14.07.175 is repealed July 1, 2020.

6 * **Sec. 16.** The uncoded law of the State of Alaska is amended by adding a new section to
 7 read:

8 TRANSITION: REGULATIONS. The Department of Education and Early
 9 Development may adopt regulations necessary to implement the changes made by this Act.
 10 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
 11 effective date of the law implemented by the regulations.

12 * **Sec. 17.** Section 16 of this Act takes effect immediately under AS 01.10.070(c).

13 * **Sec. 18.** Sections 10, 12, and 14 of this Act take effect on the effective date of sec. 14, ch.
 14 2, SSSLA 2015.

15 * **Sec. 19.** Except as provided in secs. 17 and 18 of this Act, this Act takes effect July 1,
 16 2016.