

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	SCS CSHB 156(FIN)
Fiscal Note Number:	2
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Identifier: HB156SCSCS(FIN)-EED-SSA-4-15-16
Title: SCHOOL ACCOUNTABILITY MEASURES; FED.
LAW
Sponsor: KELLER
Requester: Senate Finance

Department: Department of Education and Early Development
Appropriation: Teaching and Learning Support
Allocation: Student and School Achievement
OMB Component Number: 2796

Expenditures/Revenues

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

(Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? Various

Why this fiscal note differs from previous version:

The Senate CS adds parental opt-out language; removes a requirement to establish procedures for crisis intervention training under AS 14.33.127 from duties of school boards, regional school boards, and state boarding schools; removes a provision that requires school districts to pay for a physical exam of a teacher as part of employment; aligns suicide awareness and prevention trainings for districts with other trainings; repeals AS 14.17.520 70% minimum expenditure for instruction; repeals language relating to questionnaires and surveys administered in public schools; exempts the Department of Education & Early Development from state procurement requirements for the purposes of procuring a new statewide student assessment; and requires that sex education, human reproduction, and human sexuality education to be taught by certificated district employees under AS 14.20.

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Agency: Department of Education & Early Development

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FISCAL NOTE ANALYSIS

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Analysis

Section 1 amends AS 14.03, Public School Generally, by adding a new section, AS 14.03.016, A parent's right to direct the education of the parent's child. This section recognizes the authority of a parent. Additionally, this section requires districts to adopt policies and procedures that allow parents to object to and withdraw the child from a standards-based assessment or test required by the state, or from an activity, class, or program because of concerns regarding human reproduction or sexual matters or inquiries into private family affairs. In addition, districts must provide for parent notification of not less than two weeks prior to an activity, class, or program that includes content involving human reproduction or sexual matters. Parents must be provided the opportunity to review the content of an activity, class, performance standard or program. If a child is withdrawn from activities, classes, or programs, the absence will not be considered an unlawful absence.

Section 2 amends AS 14.03.016(d) by adding a new paragraph excluding curricula from human reproduction or sexual matters related to sexual abuse and sexual assault awareness and prevention training required under AS 14.30.355 and dating violence and abuse training required under AS 14.30.356.

Section 3 amends AS 14.03.120(f) to include the designation given to the state public school system in the report to the legislature that is due each January 15.

Section 4 amends AS 14.03.123(b) to require the department to inform each district of the performance designations assigned to the district and to the state public school system.

Section 5 amends AS 14.03.123(c) by adding a new subsection (2) which is a specific requirement to compare the state public school system to that of other states, including a comparison of student participation in standards-based assessments and student performance on the assessments. Fiscal impact: The only common assessment that all states participate in is the National Assessment of Educational Progress (NAEP). A comparison of Alaska student performance on NAEP can be made without additional fiscal impact. Because the bill does not specify other direct assessment comparisons, there is not an additional fiscal impact expected at this time. This section also amends AS 14.03.123, School and District Accountability, (c)(4) (re-designated as subsection (c)(5)) by removing the explicit statement that additional measures may be implemented to the extent necessary to conform with federal law.

Section 6 amends AS 14.03.123, School and District Accountability, (d) by stating "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." Current improvement plans meet this requirement and will continue to be able to meet this requirement under the federal law newly authorized as the Every Student Succeeds Act (ESSA).

Section 7 amends AS 14.03.123, School and District Accountability, (e) by amending the school recognition program to specify that the recognition is based on the accountability system in section (f) and that the schools recognized must demonstrate an improvement over the school's performance designation for the previous year, or maintain a proficient or high performance designation from the previous year.

Section 8 amends AS 14.03.123, School and District Accountability, (f)(1) by removing specific language that the department must implement the Elementary and Secondary Education Act (ESEA), which references the entire federal law. The current state-driven accountability system met the federal requirements under the No Child Left Behind Act and the ESEA Flexibility Waiver. The U.S. Department of Education reviewed and approved the Alaska specific accountability plan, which enables the state to receive federal education funds. The fiscal impact if the state accountability system does not meet federal requirements is the potential loss of federal education funds under ESEA, and could impact the Individual with Disabilities Act (IDEA) funds as well; a total of \$99.3 million estimated for 2016-2017. As long as the state plan meets federal requirements, the federal funds would not be jeopardized.

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Section 8 also amends AS 14.03.123(f), School and District Accountability, by amending subsection (1)(A) and (B) (as re-designated), which requires that standards-based assessments in language arts and mathematics be selected with the input of teachers and school administrators and minimize disruption to classroom instruction, and that the criteria include measures of student academic achievement as well as measures of student improvement.

Section 9 amends AS 14.07.020, Duties of the department, (a) is amended to allow the department to consult with the University of Alaska to develop secondary education requirements to improve student achievement in college preparatory courses and to allow the department to consult with businesses and labor unions to develop a program to prepare students for apprenticeships or internships that will lead to employment opportunities.

Section 10 amends AS 14.07 by adding a new section AS 14.07.175. Subsection (a) states that "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, and except as provided in (d) of this section, the department may not require a school district or school to administer a standards-based assessment after July 1, 2016 and before July 1, 2018." This section also requires the department to create a plan to work with school districts to develop or select statewide assessments that are approved by school districts with the first administration to be provided not later than the school year that begins in 2020. Subsection (b) requires the department to review state education laws and regulations to identify changes that may be needed to provide school districts with greater control over public education in light of the ESSA. Subsection (c) requires the department to submit a report to the legislature by January 1, 2018, of the final plan for developing or selecting the assessments and recommendations for changes in laws or regulations. Subsection (d) requires the department to require a school or district to administer a statewide standards-based assessment after July 1, 2016, and before July 1, 2018, if the U.S. Department of Education provides notice that it intends to withhold all or a portion of the state's federal education funding as a result of the department's compliance with (a)-(c) of this section. While subsection (a) would prohibit the department from requiring a school district or school to administer a federally-required assessment, thus potentially jeopardizing federal funding not only under ESEA but other programs including IDEA approximating \$99.3 million for the 2016-2017 school year, subsection (d) reinstates the requirement for the department to require the administration of the assessments by schools and school districts if the U.S. Department Education notifies the state that it intends to withhold all or a portion of the federal funding.

Sections 11 and 12 repeal language at AS 14.08.111, Duties of a regional boarding school. This language repeals AS 14.33.127 Crisis intervention training (restraint and seclusion) in order to allow the governing body of a school to ensure that a sufficient number of employees are trained periodically. Current statutory language requires schools to train at least 50% of staff annually in crisis intervention training. This language shifts the requirement from the school level to the district level for the percentage of staff to receive training.

Sections 13 and 14 repeal language at AS 14.14.090, Duties of school boards. This language repeals AS 14.33.127 Crisis intervention training (restraint and seclusion) in order to allow the governing body of a school to ensure that a sufficient number of employees are trained periodically. Current statutory language requires schools to train at least 50% of staff annually in crisis intervention training. This language shifts the requirement from the school level to the district level for the percentage of staff to receive training.

Sections 15 and 16 repeal language at AS 14.16.020, Operation of state boarding schools. This language repeals AS 14.33.127 Crisis intervention training (restraint and seclusion) to allow the governing body of a school to ensure that a sufficient number of employees are trained periodically. Current statutory language requires schools to train at least 50% of staff annually in crisis intervention training. This language shifts the requirement from the school level to the district level for the percentage of staff to receive training.

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Section 17 adds a new section under AS 14.30.075, Physical examinations for teachers. This language allows a school district to require a physical exam of teachers as a condition of employment, but does not require the district to pay for the exam.

Section 18 adds a new section under AS 14.30.361, Sex education, human reproductive education and human sexuality education, which will require a person who teaches these classes or programs to possess a valid teacher certificate and is under contract with the school. This section also requires that any related curriculum, literature, or material that may be used in a class, program, or distributed in a school must be approved by the school board and available for parents to review.

Section 19 amends AS 14.30.361 by adding a new subsection (c) to exclude sexual abuse and sexual assault training required under 14.30.355 and dating violence and abuse awareness and prevention training required under AS 14.30.356 from the requirements proposed by Section 18 of this bill.

Section 20 amends AS 14.30.362 to provide youth suicide awareness and prevention training to all teachers, administrators, counselors, and specialists employed by a district by removing "in grades seven through 12."

Section 21 amends AS 36.30.850(b) by adding paragraph (47) to exempt the department from the procurement process for contracts for statewide student assessments required under AS 14.03.123 and AS 14.07.020.

Section 22 repeals AS 14.17.520 that requires a school district to budget for and expend a minimum of 70% of its school operating expenditures in each fiscal year on the instructional component of the district budget.

Section 23 repeals the newly added AS 14.07.175 on July 1, 2020.

Section 24 repeals Section 4, ch. 2, SSSLA 2015.

Section 25 is uncodified law allowing the Department of Education & Early Development to adopt regulations in order to implement the changes made in this legislation.

Sections 26-30 are effective date clauses.

The fiscal note is zero based on the recent change to re-instate the requirement for the department to require a school or district to administer a statewide standards-based assessment after July 1, 2016, and before July 1, 2018, if the U.S. Department of Education provides notice that it intends to withhold all or a portion of the state's federal education funding as a result of the department's compliance with (a)-(c) of this section.