

27-LS1171\X

Luckhaupt/Mischel

2/27/12

CS FOR HOUSE BILL NO. 256()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES DICK, Herron

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to the power and duties of the Department of Education and Early
2 Development to improve instructional practices; and relating to duties of the state Board
3 of Education and Early Development."

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

5 * **Section 1.** AS 14.03.078 is amended to read:

6 **Sec. 14.03.078. Report.** The department shall provide to the legislature by
7 February 15 of each year an annual report regarding the progress of each school and
8 school district toward high academic performance by all students. The report required
9 under this section must include

10 (1) information described under AS 14.03.120(d);

11 (2) the number and percentage of students in each school who pass the
12 examination required under AS 14.03.075, and the number who pass each section of
13 the examination;

14 (3) progress of the department

(A) toward implementing the school accountability provisions of AS 14.03.123; and

(B) in assisting high schools to become accredited;

(4) a description of the resources provided to each school and school district for coordinated school improvement activities and staff training in each school and school district;

(5) each school district's and each school's progress in aligning curriculum with state education performance standards;

(6) a description of the efforts by the department to assist a public school that receives a designation of deficient [OR IN CRISIS];

(7) a description of restoration [INTERVENTION] efforts by each school district and school for students who are not meeting state performance standards;

(8) the number and percentage of, and the reasons for, turnover in certificated personnel and superintendents;

(9) the number of teachers by district and by school who are teaching outside the teacher's area of endorsement but in areas tested by the high school competency examination.

* Sec. 2. 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, with the assistance of the department, 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.

* Sec. 3. AS 14.03 is amended by adding a new section to read:

Sec. 14.03.127. Department accountability. (a) By June 1 of each year, the superintendents of each school district in the state shall provide to the Department of Administration an evaluation of the department that addresses the following matters:

(1) whether the department staff were supportive of the district;

(2) a description of the support received, if any, from each division of the department and an evaluation of the support;

(3) the level of contact the district had with the department, on a rating scale of one to five, with five being an excellent level of contact;

(4) an evaluation of the reporting requirements on district activities to the department, including level of burden, necessity, and redundancy of reporting requirements;

(5) a statement on how the department may improve services to the district.

(b) The Department of Administration shall annually compile the evaluations provided under (a) of this section and provide to the governor, the legislature, and the commissioner of education, in a manner that protects the identity of the superintendents, a comprehensive description of evaluation results.

* **Sec. 4. 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) after providing notice and an opportunity for public school and district administrators to participate, 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 regulations must**

(A) include appropriate cultural standards consistent with the 1998 Alaska Standards for Culturally Responsive Schools adopted by the Assembly of Alaska Native Educators:

(B) require appropriate cultural standards adopted by the board to be included in instructional practices in districts in which 50 percent or more of the student population is of Alaska Native heritage:

(C) describe intensive early learning opportunities for each district in the state:

(P) require an analysis of community involvement in the

1 district and methods for improving community involvement;

2 (E) address teaching capacity, retention, and development
3 and provide for technical assistance to teachers;

4 (F) establish routine evaluations and assistance to ensure
5 that districts develop and maintain elective and career and technical
6 courses;

7 (G) establish standards and timelines for restoration
8 activities that prohibit state restoration activities without first notifying a
9 district of a low performance designation, offering technical assistance
10 with predictable and research-based strategies tailored to the state to
11 improve performance, and complying with the requirements of
12 AS 14.07.030(14);

13 (H) describe research-based strategies that target
14 educational performance of low-performing students in the state;

15 (3) employ qualified personnel who shall provide advisory and
16 consultative services to all public school governing bodies and personnel; the services
17 may not include restoration of a school or district except as provided in
18 AS 14.07.030(14) or employment of a trustee;

19 (4) prescribe by regulation a minimum course of study for the public
20 schools that includes elective and career and vocational courses in addition to
21 core curricula; the regulations must provide that, if a course in American Sign
22 Language is given, the course shall be given credit as a course in a foreign language;

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

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

(7) prescribe by regulation, after consultation with the state fire marshal and the state sanitarian, standards that will assure healthful and safe conditions in the public and private schools of the state, including a requirement of physical examinations and immunizations in pre-elementary schools; the standards for private schools may not be more stringent than those for public schools;

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

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

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

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

(12) provide educational opportunities in the areas of vocational education and training, and basic education to individuals over 16 years of age who are no longer attending school;

(13) administer the grants awarded under AS 14.11;

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

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

(16) establish by regulation criteria, based on low student performance, under which the department may restore [INTERVENE IN] a school or district to improve instructional practices, as described in (19) of this subsection and AS 14.07.030(14) or (15); the regulations must include

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

(B) an end date for departmental restoration activities [INTERVENTION], as described in AS 14.07.030(14)(A) - (E) [(A) AND (B)] and (15), after the school or district demonstrates two [THREE] consecutive years of improvement on measures identified as indicators of student success and achievement under AS 14.03.123(f); notwithstanding that a school or district has demonstrated two consecutive years of improvement, the district may, in its discretion, chose to receive restoration services for a third year [CONSISTING OF NOT LESS THAN TWO PERCENT INCREASES IN STUDENT PROFICIENCY ON STANDARDS-BASED ASSESSMENTS IN MATHEMATICS, READING, AND WRITING AS PROVIDED IN AS 14.03.123(f)(2)(A)]; and

(C) a process for districts to petition the department for continuing or discontinuing the department's restoration activities [INTERVENTION];

(17) notify the legislative committees having jurisdiction over education before restoring [INTERVENING IN] a school or district under AS 14.07.030(14) or redirecting public school funding under AS 14.07.030(15);

(18) assist the Department of Natural Resources in developing and implementing the farm-to-school program established under AS 03.20.100;

(19) engage in a process of collaborative support to restore and improve school performance if a school is designated as low performing under AS 14.03.123; the process must include

(A) for the first school year after the designation of the school as a low-performing school, not later than

(i) August 15, selection by the superintendent of the district and the commissioner of at least one independent expert in the area of business services, board governance, leadership, facilities, human relations, instruction, student preparedness, or community involvement;

(ii) September 15, evaluation of the school by the expert or experts selected under (i) of this subparagraph; the expert or experts shall also evaluate the extent to which the district has implemented the 1998 Alaska Standards for Culturally Responsive Schools, prepared by the Assembly of Alaska Native Educators;

(iii) October 15, preparation of a written report by the expert or experts selected under (i) of this subparagraph and distribution of the report to the commissioner, the local school board, and the superintendent; a summary of the report shall be made available to the public by posting the summary on the Internet;

(iv) November 15, mandatory selection and hiring of two qualified coaches to advise the district with regard to the needs identified in the evaluation completed under this subparagraph; one coach shall be selected jointly by the superintendent and the department, and one coach shall be selected jointly by the local school board and the department; and

(v) June 1, provide to the department, parents, and the legislature and publish on the Internet a summary of the progress of the efforts to restore the school and the observations and recommendations of the coaches hired under this subparagraph;

(B) for the second school year after the designation of a school as a low-performing school, not later than

(i) September 15, mandatory selection and hiring of

1 two additional qualified coaches to advise the district with regard
2 to the needs identified in the evaluation completed under this
3 paragraph; one coach shall be selected by the superintendent, and
4 one coach shall be selected by the local school board; and

5 (ii) June 1, provide to the department, parents, and
6 the legislature and publish on the Internet a summary of the
7 progress of the efforts to restore the school and the observations
8 and recommendations of the coaches hired under this
9 subparagraph;

10 (C) for the third school year after the designation of a
11 school as a low-performing school,

12 (i) frequent consultation with the staff at the low-
13 performing school and with the superintendent of the district in
14 which the school is located;

15 (ii) establishment of a school improvement team for
16 the purpose of advising the commissioner on restoration activities;
17 the team consists of the commissioner or the commissioner's
18 designee, a member of the state Board of Education and Early
19 Development, the superintendent of the district, the four qualified
20 coaches selected under (A) and (B) of this paragraph, and one
21 member of the local school board;

22 (iii) consideration and evaluation by the team
23 established under (ii) of this subparagraph of evidence at the school
24 of best practices in the state for business services, instructional
25 practices, local school board governance, district leadership,
26 facilities maintenance, human resources, and student wellness;

27 (iv) development of a three-year plan by the team
28 established under (ii) of this subparagraph to restore the school;
29 during the three-year plan, the team may redirect funding in the
30 district budget to improve instruction; the superintendent shall
31 implement the plan developed by the team; each year, at the end of

1 the school year, the team shall evaluate and adjust the plan as the
2 team determines necessary;

3 (20) subject to appropriation by the legislature, request proposals
4 from and provide grants to schools or districts being restored.

5 * Sec. 5. AS 14.07.030(14) is amended to read:

6 (14) notwithstanding any other provision of this title, restore
7 [INTERVENE IN] a school or district to improve instructional practices under
8 standards established by the department in regulation; the regulations must be
9 consistent with federal and state law and the superior court's findings, dated
10 February 4, 2009, in Moore et al. v. State of Alaska, No. 3AN-04-9756 CI,
11 including providing for [DIRECTING THE]

12 (A) qualified employees identified by the department to
13 exercise supervisory authority for instructional practices in the district or in a
14 specified school;

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

17 (C) training and technical support to a low-performing
18 school or district as necessary to implement the school or district
19 improvement plan submitted under AS 14.03.123(d);

20 (D) regular monitoring, evaluation, and modification of
21 improvement efforts that are tailored to the strengths and weaknesses of
22 the school or district;

23 (E) the availability of courses and remedial programs
24 necessary for all students attending a low-performing school to meet state
25 standards for graduation from secondary school in the expected time
26 frame;

27 * Sec. 6. AS 14.07.030(15) is repealed and reenacted to read:

28 (15) notwithstanding any other provision of this title, redirect public
29 school funding under AS 14.17 appropriated for distribution to a school district, after
30 providing notice to the legislative committees with jurisdiction over education and to
31 the district and an opportunity for the district to respond, if

(A) the department has assembled a school improvement team under AS 14.07.020(a)(19) that has requested the funding to be redirected for a specified purpose related to improvement of instructional practices in a school or district that is in restoration status under (14) of this section; and

(B) the department has established a timeline for redirecting the funding to the district after the school improvement team determines that the improvement of instructional practices has satisfactorily occurred;

* Sec. 7. AS 14.07.030 is amended by adding a new paragraph to read:

(16) employ instructional coaches and direct staff members who are experts in their field to assist a low-performing school or district if the school or district agrees to the coach and to the terms of the coach's or staff member's contract or assignment, including the duties and the duration and hours of work at the school or district; under this paragraph, in a district in which 50 percent or more of the student population is of Alaska Native heritage, the duties of a coach or staff member must include implementation of the 1998 Alaska Standards for Culturally Responsive Schools, prepared by the Assembly of Alaska Native Educators, and school improvement and education standards adopted by the board.

* Sec. 8. AS 14.07.165 is amended by adding a new subsection to read:

(b) In addition to the duties enumerated in (a) of this section, the board shall

(1) review and ensure departmental compliance with state law, including departmental duties related to school monitoring, improvement, and restoration provisions under AS 14.03.123, AS 14.07.020, and 14.07.030;

(2) provide to a superintendent and local school board that are affected by an item scheduled for consideration on a board meeting agenda not less than 10 days' notice and an opportunity to respond.