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CS FOR HOUSE BILL NO. 256(EDC)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE EDUCATION COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES DICK, Herron

A BILL

FOR AN ACT ENTITLED

"An Act relating to the power and duties of the Department of Education and Early Development to improve instructional practices; relating to teacher exit surveys; and relating to duties of the state Board of Education and Early Development."

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

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

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

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

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

(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 plans adopted or recommended for public schools 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;

(D) require an analysis of community involvement in the district and methods for improving community involvement;

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

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

(G) establish standards and timelines for restoration activities after first notifying a district of a low performance designation and offering technical assistance with predictable and research-based strategies tailored to the state to improve performance;

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

(3) **employ qualified personnel who shall** provide advisory and consultative services to all public school governing bodies and personnel; **the services**

(A) must comply with AS 14.07.030(14); and

(B) may not include the use or employment of a trustee;

(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 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) - (D)** [(A) AND (B)] and (15), after the **school or** district demonstrates 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 three consecutive years of improvement, the district may, in its discretion, choose to receive restoration services for a fourth 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 when 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, by

(i) August 15, selection by the superintendent of the district and the commissioner of an independent expert to evaluate

the areas of business services, board governance, leadership, facilities, human relations, instruction, preparedness of students to learn, or community involvement; the expert shall also evaluate the extent to which the district has implemented the Alaska State Cultural Standards; the expert shall visit the school or district for not more than seven days to conduct the evaluation;

(ii) October 15, preparation of a written report by the expert 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;

(iii) 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 (ii) of 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; the coaches may advise the district for not more than 20 days in total for each school year for which they are hired; and

(iv) 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 (iii) of this subparagraph;

(B) for the second school year after the designation of a school as a low-performing school, by

(i) September 15, mandatory selection and hiring of two additional qualified coaches to advise the district with regard to the needs identified in the evaluation completed under (A)(ii) of this paragraph; one coach shall be selected by the superintendent, and one coach shall be selected by the local school board, after

input from the Association of Alaska School Boards; the coaches may advise the district for not more than 20 days in total for each school year for which they are hired; and

(ii) June 1, provide to the state Board of Education and Early Development, 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;

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

(i) that the department engage in frequent consultation with the staff at the low-performing school and with the superintendent of the district in which the school is located;

(ii) that the department establish a school improvement team for the purpose of advising the commissioner on restoration activities; the team consists of the commissioner or the commissioner's designee, a member of the state Board of Education and Early Development, the superintendent of the district, the four qualified coaches selected under (A) and (B) of this paragraph, and one member of the local school board; the team shall consider and evaluate evidence at the school of best practices in the state for business services, instructional practices, local school board governance, district leadership, facilities maintenance, human resources, implementation of Alaska State Cultural Standards, and preparedness of students to learn;

(iii) that the team established under (ii) of this subparagraph develop a three-year plan to restore the school; during the three-year plan, the team may redirect funding in the district budget to improve instruction; the superintendent shall implement the plan developed by the team; each year, at the end of the school year, the team shall evaluate and adjust the plan as the

team determines necessary.

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

(14) **restore** [NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, INTERVENE IN] a school **or** district to improve instructional practices under standards established by the department in regulation**; the regulations must be consistent with federal and state law and the superior court's findings, dated February 4, 2009, in Moore et al. v. State of Alaska, No. 3AN-04-9756 CI**, including [DIRECTING THE]

(A) [EMPLOYEES IDENTIFIED BY THE DEPARTMENT TO EXERCISE SUPERVISORY AUTHORITY FOR INSTRUCTIONAL PRACTICES IN THE DISTRICT OR IN A SPECIFIED SCHOOL;

(B)] **directing the** use of appropriations under this title for distribution to a district **as necessary under AS 14.07.020(a)(19)**;

(B) providing for training and technical support to a low-performing school or district as necessary to implement the school or district improvement plan submitted under AS 14.03.123(d);

(C) providing for regular monitoring, evaluation, and modification of improvement efforts that are tailored to the strengths and weaknesses of the school or district;

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

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

(15) notwithstanding any other provision of this title, redirect public school funding under AS 14.17 appropriated for distribution to a school district, after providing notice to the legislative committees with jurisdiction over education and to 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 14.07.165 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.

*** Sec. 8.** AS 14.20.130 is amended by adding a new subsection to read:

(b) A contract for a teacher issued after the effective date of this Act, must contain a term requiring a teacher leaving employment to complete the department's exit survey for teachers.