

**HOUSE BILL NO. 341**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES MILLETT, Peggy Wilson**

**Introduced: 2/26/14**

**Referred: Education, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to school construction and major maintenance funding; relating to**  
2   **school design standards."**

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

4    \* **Section 1.** AS 14.07.020(a) is amended to read:

5                   (a) The department shall

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

8                               (2) study the conditions and needs of the public schools of the state,  
9                   adopt or recommend plans, administer and evaluate grants to improve school  
10                  performance awarded under AS 14.03.125, and adopt regulations for the improvement  
11                  of the public schools;

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

14                              (4) prescribe by regulation a minimum course of study for the public

1 schools; the regulations must provide that, if a course in American Sign Language is  
 2 given, the course shall be given credit as a course in a foreign language;

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

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

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

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

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

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

27 (11) review plans for construction of new public elementary and  
 28 secondary schools and for additions to and major rehabilitation of existing public  
 29 elementary and secondary schools for consistency with prototypical designs  
 30 established under AS 14.11.014(b)(8) and, in accordance with regulations adopted  
 31 by the department, determine and approve the extent of eligibility for state aid of a

1 school construction or major maintenance project; for the purposes of this paragraph,  
 2 "plans" include educational specifications, schematic designs, projected energy  
 3 consumption and costs, and final contract documents;

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

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

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

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

13 (16) establish by regulation criteria, based on low student performance,  
 14 under which the department may intervene in a school district to improve instructional  
 15 practices, as described in AS 14.07.030(14) or (15); the regulations must include

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

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

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

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

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

30 \* **Sec. 2.** AS 14.08.101 is amended to read:

31 **Sec. 14.08.101. Powers.** A regional school board may

- 1 (1) sue and be sued;
- 2 (2) contract with the department, the Bureau of Indian Affairs, or any  
3 other school district, agency, or regional board for the provision of services, facilities,  
4 supplies, or utilities;
- 5 (3) determine its own fiscal procedures, including but not limited to  
6 policies and procedures for the purchase of supplies and equipment; the regional  
7 school boards are exempt from AS 37.05 (Fiscal Procedures Act) and AS 36.30 (State  
8 Procurement Code);
- 9 (4) appoint, compensate, and otherwise control all school employees in  
10 accordance with this title; these employees are not subject to AS 39.25 (State  
11 Personnel Act);
- 12 (5) adopt regulations governing organization, policies, and procedures  
13 for the operation of the schools;
- 14 (6) establish, maintain, operate, discontinue, and combine schools  
15 subject to the approval of the commissioner;
- 16 (7) recommend to the department projects for construction,  
17 rehabilitation, and improvement of schools and education-related facilities as specified  
18 in AS 14.11.011(b), and plan [, DESIGN,] and construct the project when the  
19 responsibility for it is assumed under AS 14.11.020;
- 20 (8) by resolution adopted by a majority of all the members of the board  
21 and provided to the commissioner of the department, assume ownership of all land and  
22 buildings used in relation to the schools in the regional educational attendance area, as  
23 provided for in AS 14.08.151(b);
- 24 (9) provide housing for rental to teachers, by leasing existing housing  
25 from a local agency or individual, by entering into contractual arrangements with a  
26 local agency or individual to lease housing that will be constructed by the local agency  
27 or individual for that purpose, or, without using for the purpose that portion of public  
28 school funding that consists of state aid provided under AS 14.17, by constructing or  
29 otherwise acquiring housing that is owned and managed by the regional educational  
30 attendance area for rental to teachers;
- 31 (10) employ a chief school administrator;

(11) apply for and use the proceeds of a loan from the Alaska energy efficiency revolving loan fund (AS 18.56.855);

(12) exercise those other functions that may be necessary for the proper performance of its responsibilities.

\* **Sec. 3.** AS 14.11.014(b) is amended to read:

(b) The committee shall

(1) review the department's priorities among projects for which school construction grants are requested;

(2) make recommendations to the board concerning school construction grants and make recommendations to the commissioner concerning projects for which bond reimbursement is requested;

(3) develop criteria for construction of schools in the state; criteria developed under this paragraph must include requirements intended to achieve **cost-effective** [COST EFFECTIVE] school construction;

(4) analyze existing prototypical designs for school construction projects;

(5) establish a form for grant applications;

(6) establish a method of ranking grant projects;

(7) recommend to the board necessary changes to the approval process for school construction grants and for projects for which bond reimbursement is requested;

(8) **approve prototypical designs, components of prototypical designs under AS 14.11.100, and modifications to prototypical designs under AS 14.11.020(f) for each region of the state** [SET STANDARDS] for energy **and maintenance** efficiency for school construction and major maintenance **that** [TO] provide energy **and maintenance** efficiency benefits for all school locations in the state and that address energy **and maintenance** efficiency in design and **operating** [ENERGY] systems **to** [THAT] minimize long-term energy and operating costs.

\* **Sec. 4.** AS 14.11.020(a) is amended to read:

(a) The assembly or council of a municipality that is a school district or a regional school board may, by resolution or majority vote of the body, assume the

responsibilities relating to the planning [, DESIGN,] and construction of a school or an education-related facility located within the boundaries or operating area of the municipality or regional educational attendance area. After receipt of a request by an assembly or council under this subsection, the department shall provide for the assumption of the responsibilities requested. After receipt of a request by a regional school board under this subsection, the department may provide for the assumption of the responsibilities requested.

\* **Sec. 5.** AS 14.11.020 is amended by adding new subsections to read:

(e) Except as provided in (f) of this section, a school or facility constructed by a school district or regional school board that has assumed responsibility for planning and constructing under this section must be consistent with the prototypical designs approved by the bond reimbursement and grant review committee under AS 14.11.014(b)(8) for the region in which the school or facility is located.

(f) A school district or regional school board may submit for consideration by the bond reimbursement and grant review committee modifications to a prototypical design for a school or facility. The modification must provide operational energy and maintenance efficiencies that are equivalent to or better than the prototypical design for the region and must be suitable for the unique regional or local climatic conditions in which the school or facility will be constructed.

\* **Sec. 6.** AS 14.11 is amended by adding a new section to read:

**Sec. 14.11.101. Prototypical school construction design.** The department shall establish one or more prototypical school construction designs and identify components of prototypical designs for school construction that offer operational energy and maintenance efficiencies and take into account regional climatic differences. The department shall consult with representatives of the Alaska Housing Finance Corporation, the Alaska Energy Authority, and the Department of Transportation and Public Facilities and with organizations and individuals with engineering and architectural design expertise relevant to construction in the various climatic regions in the state.