Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: HB 156
Fiscal Note Number:
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Identifier: HB156CS(EDC)am-EED-SSA-4-11-16
Title: SCHOOL ACCOUNTABILITY MEASURES; FED. LAW
Sponsor: KELLER
Requester: Senate Education

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**	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	**0.0**	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							

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If yes, by what date are the regulations to be adopted, amended or repealed?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 amended version repeals language at AS 14.08.111, 14.14.090 and 14.16.020 that requires schools to train at least 50% of school staff each year in crisis intervention training (restraint and seclusion). The repeal of AS 14.33.127 Crisis intervention training, at AS 14.08.111, 14.14.090 and 14.16.020, allows the governing body of a school to ensure that a sufficient number of employees are trained periodically. Except as noted, the effective date of the bill is July 1, 2016.

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Division: Teaching & Learning Support — Date: 04/11/2016 03:00 PM
Approved By: Susan McCauley, Interim Commissioner — Date: 04/11/16
Agency: Department of Education & Early Development

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Analysis

Section 1 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 2 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 3 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. If other direct assessment comparisons are expected, there would be additional fiscal impact that cannot be accurately determined at this time.

Section 3 also amends AS 14.03.123, School and District Accountability, (c)(4) (redesignated 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 4 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.

Section 5 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 6 amends AS 14.03.123, School and District Accountability, (f)(1) by removing the specific language that the department must implement the Elementary and Secondary Education Act (ESEA) as amended, 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. Total funds estimated for these programs in 2016-2017 is $99.3 million. As long as the state accountability plan meets federal requirements, the federal funds would not be jeopardized.

Section 6 also amends AS 14.03.123(f), School and District Accountability, by amending subsection (1)(A) and (B) (as redesignated), 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 7 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

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Analysis Continued

Section 8 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, 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. This requirement would prohibit the department from complying with the newly authorized Every Student Succeeds Act (ESSA) that requires administration of assessments annually to students in grades 3-8 and at least once in high school, potentially jeopardizing federal funding not only under ESEA but other programs including IDEA that require measurement of student progress toward meeting state standards. Total funds anticipated under these programs for 2016-2017 are estimated at $99.3 million. The department has already begun the process of working with school districts to create a plan for new statewide assessments. This language would prohibit the department from selecting and implementing a new assessment during the next two school years even if the school districts are ready to move forward with a new assessment.

Section 8 also adds additional subsections in AS 14.07.175. 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.

Sections 9 and 10 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.

Sections 11 and 12 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.

Sections 13 and 14 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.

Section 15 repeals the newly added AS 14.07.175 on July 1, 2020.

Sections 17-19 are effective date clauses.

The fiscal note is indeterminate as this legislation requires comparison of student performance on Alaska assessments to student performance on assessments in other states, which could increase the cost of the assessment. This legislation would also prohibit compliance with sections of the federal Every Student Succeeds Act regarding the annual assessment of students in grades 3-8 and once in high school, and sections related to the accountability system based on assessment results. This could potentially put $99.3 million in federal funds at risk.