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Glover
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CS FOR HOUSE BILL NO. 156(EDC)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE EDUCATION COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE KELLER

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to compliance with federal education laws; relating to public school**
2 **accountability; relating to standards-based assessments and teacher performance**
3 **standards; and providing for an effective date."**

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

5 *** Section 1.** AS 14.03.123(c) is amended to read:

6 (c) The state board shall adopt regulations implementing this section,
7 providing for a statewide student assessment system, and providing for the process of
8 assigning a designation under (a) of this section, including

9 (1) the methodology used to assign the performance designation,
10 including the measures used and their relative weights;

11 (2) high performance and low performance designations that are based
12 on the accountability system under this section;

13 (3) a procedure for appealing a designation that may be used by the
14 principal of a public school or by the superintendent of a public school district;

(4) additional measures that may be progressively implemented by the commissioner to assist schools or districts to improve performance in accordance with this section; [AND WITH FEDERAL LAW; TO THE EXTENT NECESSARY TO CONFORM TO FEDERAL LAW,] the additional measures may be unique to a certain school or district if that school or district receives federal funding that is not available to all schools or districts in the state;

(5) the methodology used to assign the state public school system a performance designation that compares the state public school system to public school systems in other states and countries.

* 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 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. **The improvement plan must give preference to 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.**

* Sec. 3. AS 14.03.123(e) is amended to read:

(e) The department shall establish a program of special recognition for those public schools that receive a high performance designation, **based on the accountability system under (f) of this section, that demonstrates an improvement over the school's performance designation for the previous year.**

* Sec. 4. AS 14.03.123(f) is amended to read:

(f) In the accountability system for schools and districts required by this section, the department shall

(1) [IMPLEMENT 20 U.S.C. 6301 - 7941 (ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965), AS AMENDED;

(2)] implement state criteria and priorities for accountability including

1 the use of

2 (A) measures of student performance on standards-based
3 assessments in language arts and mathematics;

4 (B) measures of student improvement; and

5 (C) other measures identified that are indicators of student
6 success and achievement; and

7 (2) [(3)] to the extent practicable, minimize the administrative burden
8 on districts.

9 * **Sec. 5.** AS 14.03.123 is amended by adding a new subsection to read:

10 (h) The department shall, by regulation, develop procedures to

11 (1) allow the parent or guardian of a student or a student who is
12 emancipated or is 18 years of age or older to opt out of any student assessment used to
13 implement the accountability system under this section; and

14 (2) ensure that individually identifiable data pertaining to a student
15 collected under this section is stored securely and is only accessible to the student, the
16 student's parents or guardian, the student's teacher, and other individuals in the state
17 with a legitimate need for the information to perform the duties described under this
18 section.

19 * **Sec. 6.** AS 14.03 is amended by adding a new section to read:

20 **Sec. 14.03.124. Approval of standards-based assessments and teacher**
21 **performance standards.** (a) The department shall establish, by regulation, a process
22 for submitting standards-based assessments and teacher performance standards to
23 school districts and the legislature for approval. The process must include

24 (1) school district involvement in developing, revising, and selecting
25 standards-based assessments and teacher performance standards;

26 (2) an opportunity for school districts to review and recommend
27 approval or disapproval of the standards-based assessments and teacher performance
28 standards;

29 (3) submission of the standards-based assessments and teacher
30 performance standards to the legislature for approval if a majority of school districts
31 recommend approval of the standards-based assessments and teacher performance

standards;

(4) procedures for revising standards-based assessments and teacher performance standards that the legislature disapproves under this section.

(b) If the legislature fails to take action on the standards-based assessments or teacher performance standards before the end of the legislative session in which the standards-based assessments or teacher performance standards are submitted to the legislature, or, if submitted during the interim between legislative sessions, the session immediately following that interim, the standards-based assessments or teacher performance standards on which the legislature failed to act are approved.

* **Sec. 7.** 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) 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;

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

(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;

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

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

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

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

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

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

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

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

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

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

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

6 (B) an end date for departmental intervention, as described in
7 AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three
8 consecutive years of improvement consisting of not less than two percent
9 increases in student proficiency on standards-based assessments in language
10 arts and mathematics, as provided in AS 14.03.123(f)(1)(A)
11 [AS 14.03.123(f)(2)(A)]; and

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

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

17 [(18) REPEALED]

18 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 LEGISLATIVE REVIEW OF STANDARDS-BASED ASSESSMENTS AND
21 TEACHER EVALUATIONS. The Department of Education and Early Development shall
22 submit the current standards-based assessments and teacher performance standards to the
23 school districts and the legislature for approval under sec. 6 of this Act not later than five
24 years after the effective date of this Act.

25 * **Sec. 9.** This Act takes effect January 1, 2016.