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CS FOR HOUSE BILL NO. 69(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HIMSCHOOT, Dibert, Josephson, Holland, Galvin, Mina, Fields, Carrick, Story, Hannan, Schrage, Eischeid, Hall, Burke, Gray, Edgmon, Mears, Stutes, Foster

A BILL

FOR AN ACT ENTITLED

"An Act relating to education; relating to open enrollment in public schools; relating to charter schools; relating to an annual report for correspondence study programs; relating to the base student allocation; relating to reading proficiency incentive grants; relating to wireless telecommunications devices in public schools; establishing the Task Force on Education Funding; relating to a report on regulation of school districts; and providing for an effective date."

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

* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE INTENT. It is the intent of the legislature that, consistent with art. VII, sec. 1, Constitution of the State of Alaska, nothing in this Act may be construed to allow a voucher system for education.

* **Sec. 2.** AS 14.03.080(a) is amended to read:

(a) **Subject to AS 14.14.110 and 14.14.120, a** [A] child of school age is entitled to attend public school without payment of tuition during the school term

(1) at [IN] the school in a school district that is assigned to the child based on the child's residence within the school district's boundary area; or

(2) at a school selected by a parent of the child under AS 14.03.080(i) [DISTRICT IN WHICH THE CHILD IS A RESIDENT SUBJECT TO THE PROVISIONS OF AS 14.14.110 AND 14.14.120].

* **Sec. 3.** AS 14.03.080(a), as amended by sec. 2 of this Act, is amended to read:

(a) **A** [SUBJECT TO AS 14.14.110 AND 14.14.120, A] child of school age is entitled to attend public school without payment of tuition during the school term **in**

[(1) AT] the school district in which the child is a resident subject to the provisions of AS 14.14.110 and 14.14.120 [IN A SCHOOL DISTRICT THAT IS ASSIGNED TO THE CHILD BASED ON THE CHILD'S RESIDENCE WITHIN THE SCHOOL DISTRICT'S BOUNDARY AREA; OR

(2) AT A SCHOOL SELECTED BY A PARENT OF THE CHILD UNDER AS 14.03.080(i)].

* **Sec. 4.** AS 14.03.080 is amended by adding new subsections to read:

(i) Each school district shall, upon application by a parent of a child of school age and subject to other provisions of this title governing enrollment of students in public schools and the enrollment capacity limitations of a selected school, allow the child to attend the school in the district selected by the parent instead of the school that is assigned to the child based on the child's residence within the district's boundary area. The district shall enroll the children selected by lottery throughout the school year, except that the district shall prioritize the enrollment of siblings in the same school. Each district shall establish a lottery for enrollment of children under this subsection and a process for conducting the lottery. The local school board of the district shall determine the capacity limitations of a school in the district.

(j) Each school district shall annually report to the department and publish on the district's publicly available Internet website student enrollment data for each school in the district, including enrollment capacity and vacancies for each grade in the school, the number of enrollment applications the district received under (i) of this

section, the number of those applications the district approved, the number of those applications the district denied, and an explanation of the reason for each denial.

(k) The department shall establish by regulation a process for appealing a school district's denial of an enrollment application submitted to the district under (i) of this section.

* **Sec. 5.** AS 14.03.253(b) is amended to read:

(b) In an appeal to the state Board of Education and Early Development of a denial of a charter school application under (a)(3) of this section, the state board shall determine, based on the record, whether the commissioner's findings are supported by substantial evidence and whether the decision is contrary to law. The state board shall issue a written decision within 45 [90] days after the state board receives an appeal.

* **Sec. 6.** AS 14.03.255(c) is amended to read:

(c) A charter school shall operate under a contract between the charter school and the local school board. A contract must contain the following provisions:

- (1) a description of the educational program;
- (2) specific levels of achievement for the education program;
- (3) admission policies and procedures;
- (4) administrative policies;
- (5) a statement of the charter school's funding allocation from the local school board and costs assignable to the charter school program budget;
- (6) the method by which the charter school will account for receipts and expenditures;
- (7) the location and description of the facility;
- (8) the name of the teacher, or teachers, who, by agreement between the charter school and the teacher, will teach in the charter school;
- (9) the teacher-to-student ratio;
- (10) the number of students served;
- (11) the term of the contract, not to exceed a term of 10 years;
- (12) a termination clause providing that the contract may be terminated by the local school board for the failure of the charter school to meet educational achievement goals or fiscal management standards, or for other good cause;

(13) a clause providing that, before a local school board terminates a contract, the local school board must provide the charter school with written notice and a reasonable opportunity, as determined by the local school board, to cure the problem;

(14) a statement that the charter school will comply with all state and federal requirements for receipt and use of public money;

(15) [(14)] other requirements or exemptions agreed on [UPON] by the charter school and the local school board.

* Sec. 7. AS 14.03.255 is amended by adding new subsections to read:

(e) A charter school may carry forward to the next fiscal year not more than 10 percent of the unreserved portion of the charter school's year-end program budget balance. Money carried forward under this subsection is reserved and excluded from the unreserved portion of a school district's year-end fund balance in the school operating fund under AS 14.17.505. The local school board shall review the charter school's program budget for the preceding fiscal year to ascertain the charter school's year-end program budget balance.

(f) A local school board shall establish procedures and standards for renewal of a contract between the local school board and a charter school. The renewal process must be as simple as possible.

* Sec. 8. AS 14.03.260(a) is amended to read:

(a) A local school board shall provide an approved charter school with an annual program budget. The budget shall be not less than the amount generated by the students enrolled in the charter school less administrative costs retained by the local school district, determined by applying the indirect cost rate approved by the department up to eight [FOUR] percent. Costs directly related to charter school facilities, including rent, utilities, and maintenance, may not be included in an annual program budget for the purposes of calculating the eight [FOUR] percent cap on administrative costs under this subsection. A local school board shall provide a charter school with a report itemizing the administrative costs retained by the local school board under this section. The "amount generated by students enrolled in the charter school" is to be determined in the same manner as it would be for a student enrolled in

another public school in that school district and includes funds generated by grants, appropriations, federal impact aid, the required local contribution, the local contribution under AS 14.17.410(c), special needs under AS 14.17.420(a)(1), and secondary school vocational and technical instruction under AS 14.17.420(a)(3). A school district shall direct state aid under AS 14.11 for the construction or major maintenance of a charter school facility to the charter school that generated the state aid, subject to the same terms and conditions that apply to state aid under AS 14.11 for construction or major maintenance of a school facility that is not a charter school.

* **Sec. 9.** AS 14.03.275 is amended to read:

Sec. 14.03.275. Contracts; duration; renewal. A contract for a charter school may be for a term of not [NO] more than 10 years. **A local school board may renew the contract for successive terms.**

* **Sec. 10.** AS 14.03.300 is amended by adding new subsections to read:

(c) Each district that provides a correspondence study program, and the department if the department provides a correspondence study program, shall prepare an annual report that includes

- (1) the number of students enrolled in the program;
- (2) the demographic information of the students enrolled in the program;
- (3) an accounting of student allotment funds that have been disbursed;
- (4) assessment and proficiency scores of the students enrolled in the program; and
- (5) a review of curricula that have been provided by the program or purchased using allotment funds.

(d) A district shall submit a report required under (c) of this section to the department, and the department shall provide the report to the state Board of Education and Early Development. If the department provides a correspondence study program, the department shall also submit to the state board the department's report required under (c) of this section.

* **Sec. 11.** AS 14.07.168 is amended to read:

Sec. 14.07.168. Report to the legislature. Not later than the 30th legislative

day of each regular session of the legislature, the board shall prepare and present in person to the legislative committees having jurisdiction over education an annual report that describes the efforts of the board to develop, maintain, and continuously improve a comprehensive quality public education system, as provided for under the bylaws of the board. The report must include

(1) a summary of the resolves and rationales provided in support of policy decisions made under AS 14.03.015;

(2) program and curriculum changes made, discussed, or recommended in meetings held under AS 14.07.125;

(3) additional information relevant to efforts made to improve and maintain the public education system;

(4) a summary of implementation and utilization of the consortium established under AS 14.30.800, including a review of consortium effectiveness and the participation rates of districts, teachers, and students;

(5) the information reported to the board under AS 14.03.300(d).

* **Sec. 12.** AS 14.07.168, as amended by sec. 23, ch. 40, SLA 2022, is amended to read:

Sec. 14.07.168. Report to the legislature. Not later than the 30th legislative day of each regular session of the legislature, the board shall prepare and present in person to the legislative committees having jurisdiction over education an annual report that describes the efforts of the board to develop, maintain, and continuously improve a comprehensive quality public education system, as provided for under the bylaws of the board. The report must include

(1) a summary of the resolves and rationales provided in support of policy decisions made under AS 14.03.015;

(2) program and curriculum changes made, discussed, or recommended in meetings held under AS 14.07.125;

(3) additional information relevant to efforts made to improve and maintain the public education system;

(4) the information reported to the board under AS 14.03.300(d).

* **Sec. 13.** AS 14.17.470 is amended to read:

Sec. 14.17.470. Base student allocation. The base student allocation is **\$6,960**

1 [\$5,960].

2 * **Sec. 14.** AS 14.30 is amended by adding a new section to read:

3 **Sec. 14.30.773. Reading proficiency incentive grants.** (a) Subject to
4 appropriation, a school district is eligible to receive a reading proficiency incentive
5 grant of \$450 for each student in

6 (1) kindergarten through grade three who performs at grade level or
7 demonstrates improvement on expected grade-level skills on the statewide screening
8 tool adopted by the department under AS 14.30.760; and

9 (2) grades four through six who performs at grade level or
10 demonstrates a measure of increased proficiency on a standards-based assessment in
11 language arts.

12 (b) The department shall adopt regulations to implement this section.

13 * **Sec. 15.** AS 14.30.773(a), enacted by sec. 14 of this Act, is amended to read:

14 (a) Subject to appropriation, a school district is eligible to receive a reading
15 proficiency incentive grant of \$450 for each student in

16 [(1)] kindergarten through grade [THREE WHO PERFORMS AT
17 GRADE LEVEL OR DEMONSTRATES IMPROVEMENT ON EXPECTED
18 GRADE-LEVEL SKILLS ON THE STATEWIDE SCREENING TOOL ADOPTED
19 BY THE DEPARTMENT UNDER AS 14.30.760; AND

20 (2) GRADES FOUR THROUGH] six who performs at grade level or
21 demonstrates a measure of increased proficiency on a standards-based assessment in
22 language arts.

23 * **Sec. 16.** AS 14.33 is amended by adding a new section to read:

24 **Article 5. Wireless Telecommunications Devices.**

25 **Sec. 14.33.300. Wireless telecommunications device policy.** (a) The
26 department shall develop and adopt a model policy that regulates the use of
27 nonschool-issued wireless telecommunications devices in public schools during
28 regular school hours, including lunch and passing periods. If the model policy
29 prohibits the use of nonschool-issued wireless telecommunications devices, the policy
30 must allow exceptions for students to use a wireless telecommunications device for
31 medical or translation purposes, in the event of an emergency, or when a teacher or

1 administrator of the school grants permission to a student to use a wireless
2 telecommunications device for educational purposes.

3 (b) Each school district shall adopt a policy that regulates the possession and
4 use of nonschool-issued wireless telecommunications devices during regular school
5 hours, including lunch and passing periods. Each school district shall share this policy
6 with parents or guardians, students, volunteers, and school employees. If a school
7 district's policy prohibits the use of nonschool-issued wireless telecommunications
8 devices, the policy must allow exceptions for students to use a wireless
9 telecommunications device for medical or translation purposes, in the event of an
10 emergency, or when a teacher or administrator of the school grants permission to a
11 student to use a wireless telecommunications device for educational purposes. A
12 school district may either develop and adopt its own policy or adopt the model policy
13 developed under (a) of this section.

14 (c) This section does not authorize a person to monitor, collect, or access
15 information related to a student's use of a wireless telecommunications device.

16 (d) In this section, "wireless telecommunications device" means any portable
17 wireless device that has the capability to provide voice, messaging, or other data
18 communication between two or more parties.

19 * **Sec. 17.** AS 14.03.080(i), 14.03.080(j), and 14.03.080(k) are repealed.

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

22 **TASK FORCE ON EDUCATION FUNDING.** (a) The Task Force on Education
23 Funding is established as a joint task force of the Alaska State Legislature.

24 (b) The task force shall

25 (1) analyze the state of public education funding and the current accountability
26 provisions for schools and districts in the state;

27 (2) make recommendations relating to public education funding and
28 accountability provisions for schools and districts in the state; and

29 (3) submit a report of findings and recommendations of the task force to the
30 senate secretary and the chief clerk of the house of representatives not later than the first day
31 of the Second Regular Session of the Thirty-Fourth Alaska State Legislature and notify the

members of the legislature that the report is available.

(c) The task force consists of six members as follows:

(1) three members of the senate, at least one of whom is a member of the minority, appointed by the president of the senate; the president of the senate shall select one of the members to serve as co-chair of the task force;

(2) three members of the house of representatives, at least one of whom is a member of the minority, appointed by the speaker of the house of representatives; the speaker of the house of representatives shall select one of the members to serve as co-chair of the task force.

(d) A vacancy on the task force shall be filled in the same manner as the original selection or appointment.

(e) The task force shall meet at the call of the co-chairs. The task force may meet between and during legislative sessions. A majority of the members of the task force constitute a quorum. The task force may conduct meetings in person, telephonically, or by electronic means, as directed by the co-chairs.

(f) The task force may request data and other information from the Department of Education and Early Development.

(g) The legislative staff of the members of the task force shall serve as staff for the task force. The task force may hire staff and contract for services necessary to carry out the duties of the task force under the procedures adopted by the legislative council governing procurement of services, subject to the approval of the legislative council and the legislative council making funds available for that purpose.

(h) The task force expires on January 31, 2026.

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

REPORT ON REGULATION OF SCHOOL DISTRICTS. The Department of Education and Early Development shall prepare a report recommending regulatory and statutory changes to reduce the regulatory burden on school districts. The department shall submit the report to the senate secretary and the chief clerk of the house of representatives not later than the first day of the Second Regular Session of the Thirty-Fourth Alaska State Legislature and notify the members of the legislature that the report is available.

1 * **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 **APPLICABILITY.** Sections 5 - 9 of this Act apply to a contract that becomes legally
4 binding on or after the effective date of secs. 5 - 9 of this Act.

5 * **Sec. 21.** Sections 3 and 17 of this Act take effect July 1, 2028.

6 * **Sec. 22.** Section 12 of this Act takes effect on the effective date of sec. 23, ch. 40, SLA
7 2022.

8 * **Sec. 23.** Section 15 of this Act takes effect June 30, 2034.

9 * **Sec. 24.** Except as provided in secs. 21 - 23 of this Act, this Act takes effect July 1, 2025.