

SENATE BILL NO. 80

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY SENATOR DUNLEAVY

Introduced: 3/18/15

Referred: Education, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the duties of the Department of Education and Early Development;**
2 **relating to educational standards and assessments; relating to an educational standards**
3 **and assessments review committee; and providing for an effective date."**

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

5 * **Section 1.** AS 14.07.020 is amended by adding a new subsection to read:

6 (d) The department may not accept funds not specifically appropriated by the
7 full legislature if accepting the funds will affect state educational policy or require the
8 state to appropriate funding in future years unless the department first obtains the
9 approval of the senate and house education committees in a joint meeting. If the
10 legislature is not in session, the department shall obtain approval from the Legislative
11 Budget and Audit Committee. The Legislative Budget and Audit Committee shall
12 consult with the chairs of the senate and house education committees before granting
13 approval.

14 * **Sec. 2.** AS 14.07.030 is amended to read:

Sec. 14.07.030. Powers of the department. The department may

- (1) establish, maintain, govern, operate, discontinue, and combine area, regional, and special schools;
- (2) enter into contractual agreements with the Bureau of Indian Affairs or with a school district to share boarding costs of secondary school students;
- (3) provide for citizenship night schools when and where expedient;
- (4) provide for the sale or other disposition of abandoned or obsolete buildings and other state-owned school property;
- (5) prescribe a classification for items of expense of school districts;
- (6) acquire and transfer personal property, acquire real property, and transfer real property to federal agencies, state agencies, or to political subdivisions;
- (7) enter into contractual agreements with school districts to provide more efficient or economical education services; reasonable fees may be charged by the department to cover the costs of providing services under an agreement, including costs for professional services, reproduction or printing, and mailing and distribution of educational materials;
- (8) provide for the issuance of elementary and secondary diplomas to persons not in school who have completed the equivalent of an 8th or 12th grade education, respectively, in accordance with standards established by the department;
- (9) apply for, accept, and spend endowments, grants, and other private money available to the state for educational purposes in accordance with AS 37.07 (Executive Budget Act) **and AS 14.07.020(d)**;
- (10) set student tuition and fees for educational and extracurricular programs and services provided and schools operated by the department under the provisions of (1) of this section and AS 14.07.020(a)(9), (11), and (12);
- (11) charge fees to cover the costs of care and handling with respect to the acquisition, warehousing, distribution, or transfer of donated foods;
- (12) establish and collect fees for the rental of school facilities and for other programs and services provided by the schools;
- (13) develop a model curriculum and provide technical assistance for early childhood education programs;

(14) notwithstanding any other provision of this title, intervene in a school district to improve instructional practices under standards established by the department in regulation, 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) use of appropriations under this title for distribution to a district;

(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 district and an opportunity for the district to respond, when

(A) necessary to contract for services to improve instructional practices in the district; or

(B) the district has failed to take an action required by the department to improve instructional practices in the district; if funding is redirected under this subparagraph, the department shall provide the redirected funding to the district when the department has determined that the required action is satisfactorily completed.

* **Sec. 3.** AS 14.07 is amended by adding a new section to read:

Sec. 14.07.034. Performance standards and student assessments review committee. (a) At least once every five years, the department shall convene an educational standards and assessments review committee to review the statewide performance standards and student assessments developed by the department under AS 14.07.020. The department shall appoint the members of the committee. At least 50 percent of the members of the committee must be parents of school age children.

(b) The committee shall review the performance standards and assessments developed by the department under AS 14.07.020 and submit a report to the department addressing whether the legislature should approve the performance standards and student assessments.

(c) The department shall submit the committee's report to the senate secretary and chief clerk of the house of representatives within 10 days after the opening of the

1 session and notify the legislature that the report is available.

2 (d) The department may not implement performance standards and student
3 assessments until they are approved by the legislature by law.

4 (e) Members of the commission receive no compensation, but are entitled to
5 per diem and travel expenses authorized for boards and commissions under
6 AS 39.20.180.

7 * **Sec. 4.** AS 14.07.150 is amended to read:

8 **Sec. 14.07.150. Budget and fiscal authority.** The commissioner has
9 responsibility and authority for the preparation and execution of a budget and for the
10 other fiscal affairs of the department, subject to the approval of the board **and subject**
11 **to AS 14.07.020(d).**

12 * **Sec. 5.** AS 24.20.206 is amended to read:

13 **Sec. 24.20.206. Duties.** The Legislative Budget and Audit Committee shall

14 (1) annually review the long-range operating plans of all agencies of
15 the state that perform lending or investment functions;

16 (2) review periodic reports from all agencies of the state that perform
17 lending or investment functions;

18 (3) prepare a complete report of investment programs, plans,
19 performance, and policies of all agencies of the state that perform lending or
20 investment functions and notify the legislature on or before the first day of each
21 regular session that the report is available;

22 (4) in conjunction with the finance committee of each house,
23 recommend annually to the legislature the investment policy for the general fund
24 surplus and for the income from the permanent fund;

25 (5) provide for an annual post audit and annual operational and
26 performance evaluation of the Alaska Permanent Fund Corporation investments and
27 investment programs;

28 (6) provide for an annual operational and performance evaluation of
29 the Alaska Housing Finance Corporation and the Alaska Industrial Development and
30 Export Authority; the performance evaluation must include, but is not limited to, a
31 comparison of the effect on various sectors of the economy by public and private

lending, the effect on resident and nonresident employment, the effect on real wages, and the effect on state and local operating and capital budgets of the programs of the Alaska Housing Finance Corporation and the Alaska Industrial Development and Export Authority;

(7) provide assistance to the trustees of the trust established in AS 37.14.400 - 37.14.450 in carrying out their duties under AS 37.14.415;

(8) grant or deny, in consultation with the chairs of the senate and house education committees, a request by the Department of Education and Early Development for authority to accept funds under AS 14.07.020(d).

* **Sec. 6.** AS 37.07.080 is amended by adding a new subsection to read:

(i) Notwithstanding (h) of this section, the Department of Education and Early Development may not accept federal or other program receipts not specifically appropriated by the full legislature unless the Department of Education and Early Development complies with AS 14.07.020(d) before accepting the federal or other program receipts.

* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION. The Department of Education and Early Development shall convene the first educational standards and assessments review committee, described in AS 14.07.034, added by sec. 3 of this Act, in 2015 and shall submit the committee's report to the legislature within 10 days after the opening of the Second Regular Session of the Twenty-Ninth Alaska State Legislature. Notwithstanding AS 14.07.034, added by sec. 3 of this Act, the Department of Education and Early Development may continue to implement the current performance standards and student assessments for the remainder of the 2014 - 2015 school year and the 2015 - 2016 school year.

* **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).