

CS FOR SENATE BILL NO. 285(SED)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE SPECIAL COMMITTEE ON EDUCATION

Offered: 2/29/08

Referred: Finance

Sponsor(s): SENATOR STEVENS

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the power and duties of the Department of Education and Early**
2 **Development for improving instructional practices in school districts; and providing for**
3 **an effective date."**

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

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

7 LEGISLATIVE INTENT. It is the intent of the legislature that the Department of
8 Education and Early Development provide state oversight of public education, and that state
9 oversight respect and promote local control of public education where local control has
10 resulted in effective instructional practices. Consistent with the accountability system
11 established in AS 14.03.123, the secondary student competency examination in AS 14.03.075,
12 and the decision of the Alaska Superior Court in Moore v. State, No. 3AN-04-9756 CI
13 (Alaska Super. 2007), it is also the intent of the legislature that the Department of Education
14 and Early Development intervene in a school district when the department has evidence that

1 intervention by the department can result in improvement in instructional practices in the
2 school district.

3 * **Sec. 2.** AS 14.07.020(a) is amended to read:

4 (a) The department shall

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

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

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

13 (4) prescribe by regulation a minimum course of study for the public
14 schools; the regulations must provide that, if a course in American Sign Language is
15 given, the course shall be given credit as a course in a foreign language;

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

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

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

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

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

5 (10) accredit private schools that request accreditation and that meet
 6 accreditation standards prescribed by regulation by the department; nothing in this
 7 paragraph authorizes the department to require religious or other private schools to be
 8 licensed;

9 (11) review plans for construction of new public elementary and
 10 secondary schools and for additions to and major rehabilitation of existing public
 11 elementary and secondary schools and, in accordance with regulations adopted by the
 12 department, determine and approve the extent of eligibility for state aid of a school
 13 construction or major maintenance project; for the purposes of this paragraph, "plans"
 14 include educational specifications, schematic designs, and final contract documents;

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

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

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

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

24 **(16) establish by regulation criteria under which the department**
 25 **may intervene as necessary in a school district to improve instructional practices,**
 26 **as described in AS 14.07.030(14) or (15);**

27 **(17) notify the legislative committees having jurisdiction over**
 28 **education before intervening in a school district under AS 14.07.030(14) or**
 29 **withholding public school funding under AS 14.07.030(15).**

30 * **Sec. 3.** AS 14.07.030 is amended to read:

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

1 (1) establish, maintain, govern, operate, discontinue, and combine area,
2 regional, and special schools;

3 (2) enter into contractual agreements with the Bureau of Indian Affairs
4 or with a school district to share boarding costs of secondary school students;

5 (3) provide for citizenship night schools when and where expedient;

6 (4) provide for the sale or other disposition of abandoned or obsolete
7 buildings and other state-owned school property;

8 (5) prescribe a classification for items of expense of school districts;

9 (6) acquire and transfer personal property, acquire real property, and
10 transfer real property to federal agencies, state agencies, or to political subdivisions;

11 (7) enter into contractual agreements with school districts to provide
12 more efficient or economical education services; reasonable fees may be charged by
13 the department to cover the costs of providing services under an agreement, including
14 costs for professional services, reproduction or printing, and mailing and distribution
15 of educational materials;

16 (8) provide for the issuance of elementary and secondary diplomas to
17 persons not in school who have completed the equivalent of an 8th or 12th grade
18 education, respectively, in accordance with standards established by the department;

19 (9) apply for, accept, and spend endowments, grants, and other private
20 money available to the state for educational purposes in accordance with AS 37.07
21 (Executive Budget Act);

22 (10) set student tuition and fees for educational and extracurricular
23 programs and services provided and schools operated by the department under the
24 provisions of (1) of this section and AS 14.07.020(a)(9), (11), and (12);

25 (11) charge fees to cover the costs of care and handling with respect to
26 the acquisition, warehousing, distribution, or transfer of donated foods;

27 (12) establish and collect fees for the rental of school facilities and for
28 other programs and services provided by the schools;

29 (13) develop a model curriculum and provide technical assistance for
30 early childhood education programs;

31 **(14) notwithstanding any other provision of this title, intervene as**

1 necessary in a school district to improve instructional practices under standards
 2 established by the department in regulation, including directing the

3 (A) personnel decisions of a district; and

4 (B) use of appropriations under this title for distribution to
 5 a district;

6 (15) notwithstanding any other provision of this title, withhold
 7 public school funding under AS 14.17 appropriated for distribution to a school
 8 district, after providing notice to the district and an opportunity for the district
 9 to respond, when

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

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

17 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).