

CS FOR SENATE BILL NO. 285(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/19/08

Referred: Rules

Sponsor(s): SENATORS STEVENS, Wilken

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

6 (a) The department shall

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

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

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

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

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

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

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

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

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

24 (10) accredit private schools that request accreditation and that meet
25 accreditation standards prescribed by regulation by the department; nothing in this
26 paragraph authorizes the department to require religious or other private schools to be
27 licensed;

28 (11) review plans for construction of new public elementary and
29 secondary schools and for additions to and major rehabilitation of existing public
30 elementary and secondary schools and, in accordance with regulations adopted by the
31 department, determine and approve the extent of eligibility for state aid of a school

1 construction or major maintenance project; for the purposes of this paragraph, "plans"
2 include educational specifications, schematic designs, and final contract documents;

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

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

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

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

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

15 **(A) a notice provision that alerts the district of the**
16 **deficiencies and the instructional practice changes proposed by the**
17 **department;**

18 **(B) an end date for departmental intervention after the**
19 **district demonstrates three consecutive years of improvement consisting of**
20 **not less than two percent increases in student proficiency on standards-**
21 **based assessments in math, reading, and writing as provided in**
22 **AS 14.03.123(f)(2)(A); and**

23 **(C) a process for districts to petition the department for**
24 **continuing or discontinuing the department's intervention;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 **(14) notwithstanding any other provision of this title, intervene as**
30 **necessary in a school district to improve instructional practices under standards**
31 **established by the department in regulation, including directing the**

1 (A) employees identified by the department to exercise
2 supervisory authority for instructional practices in the district or in a
3 specified school;

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

6 (15) notwithstanding any other provision of this title, redirect
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 redirected under this subparagraph, the department shall provide the
15 redirected funding to the district when the department has determined
16 that the required action is satisfactorily completed.

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

18 **Sec. 14.07.032. Definition for AS 14.07.020 - 14.07.032.** In AS 14.07.020 -
19 14.07.032, "instructional practices" means the strategies and methods used in teaching
20 or delivering information, skills, and material to a student to help the student achieve
21 intended educational outcomes.

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