

**HOUSE CS FOR CS FOR SENATE BILL NO. 285(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/2/08

Referred: Finance

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, based on low student**  
13 **performance, under which the department may intervene in a school district to**  
14 **improve instructional practices, as described in AS 14.07.030(14) or (15); the**  
15 **regulations must include**

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

19 **(B) an end date for departmental intervention, as described**  
20 **in AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates**  
21 **three consecutive years of improvement consisting of not less than two**  
22 **percent increases in student proficiency on standards-based assessments**  
23 **in math, reading, and writing as provided in AS 14.03.123(f)(2)(A); and**

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

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

29 \* Sec. 2. AS 14.07.030 is amended to read:

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

31 (1) establish, maintain, govern, operate, discontinue, and combine area,

1 regional, and special schools;

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

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

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

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

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

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

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

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

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

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

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

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

30 **(14) notwithstanding any other provision of this title, intervene in**  
31 **a school district to improve instructional practices under standards established**

1 by the department in regulation, including directing the

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

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

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

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

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

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

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

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