

CS FOR HOUSE BILL NO. 70(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 4/3/09

Referred: Finance

Sponsor(s): REPRESENTATIVES GATTO, Ramras, Guttenberg, Gruenberg

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the farm-to-school program in the Department of Natural**
2 **Resources, and relating to school gardens, greenhouses, and farms."**

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

4 *** Section 1.** AS 03.05.010(a) is amended to read:

5 (a) The commissioner of natural resources shall

6 (1) direct, administer, and supervise promotional and experimental
7 work, extension services, and agricultural projects for the purpose of promoting and
8 developing the agricultural industry within the state including such fields as
9 horticulture, dairying, cattle raising, fur farming, grain production, vegetable
10 production, and development of other agricultural products;

11 (2) procure and preserve all information pertaining to the development
12 of the agricultural industry and disseminate that information to the public;

13 (3) assist prospective settlers and others desiring to engage in the
14 agricultural industry in the state with information concerning areas suitable for

1 agriculture and other activities and programs essential to the development of the
2 agricultural industry in the state;

3 (4) review the marketing, financing, and development of agricultural
4 products inside the state including transportation, with special emphasis upon local
5 production, and negotiate for the marketing of agricultural products of the state with
6 federal and state agencies operating in the state;

7 (5) regulate and control the entry into the state and the transportation,
8 sale, or use inside the state of plants, seeds, vegetables, shell eggs, fruits and berries,
9 nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and
10 agricultural chemicals in order to prevent the spread of pests, diseases, or toxic
11 substances injurious to the public interest, and to protect the agricultural industry
12 against fraud, deception, and misrepresentation; in this connection, the commissioner
13 may require registration, inspection, and testing, and establish procedures and fees;
14 [AND]

15 (6) regulate the farming of elk in a manner similar to the manner in
16 which the commissioner regulates domestic animals and livestock, to the extent that is
17 appropriate;

18 **(7) implement the farm-to-school program established in**
19 **AS 03.20.100.**

20 * **Sec. 2.** AS 03.20 is amended by adding a new section to read:

21 **Article 2. Farm-to-school Program.**

22 **Sec. 03.20.100. Farm-to-school program established.** (a) The farm-to-school
23 program is established in the department to increase the procurement and use by
24 public schools of food grown in the state.

25 (b) The department, in consultation with the Department of Health and Social
26 Services, the Department of Education and Early Development, the Department of
27 Administration, and the University of Alaska Cooperative Extension Service, shall, in
28 order of priority,

29 (1) coordinate with school procurement officials, buying cooperatives,
30 and other appropriate organizations to develop uniform procurement policies and
31 procedures, as well as materials and practical recommendations, to facilitate the

1 procurement and use by public schools of food grown in the state; these policies,
2 procedures, materials, and recommendations shall be made available to school districts
3 to adopt at their discretion;

4 (2) assist food producers, distributors, and food brokers to market food
5 grown in the state to public schools by informing school districts of food procurement
6 opportunities, bid procedures, purchasing criteria, and other relevant requirements;

7 (3) assist public schools in connecting with local producers by
8 informing the schools of the resources and availability of food grown in the state and
9 the nutritional, environmental, and economic benefits of purchasing the food grown in
10 the state;

11 (4) identify and recommend mechanisms that will increase the
12 predictability of sales for producers and the adequacy of supply for purchasers;

13 (5) identify and make available to public schools existing curricula,
14 programs, and publications that educate students on the nutritional, environmental, and
15 economic benefits of preparing and consuming food grown in the state;

16 (6) support efforts to advance other farm-to-school activities, including
17 school gardens, school farms, and farm visits;

18 (7) as resources allow, seek additional funding to leverage state
19 expenditures for the program.

20 (c) Beginning January 25, 2010, the department, in cooperation with the
21 Department of Education and Early Development, shall collect data on the activities
22 conducted under this section and report the data biennially to the legislature. The data
23 collected must include the number of schools and farms participating in the program
24 established under (a) of this section and the increase, if any, in the procurement by the
25 public schools of food grown in the state.

26 (d) This section does not modify AS 36.15.050 and 36.15.060 regarding
27 preferences for Alaska agricultural and fisheries products.

28 (e) In this section,

29 (1) "food grown in the state" includes fruits and vegetables grown in
30 the state and meat and dairy products produced in the state;

31 (2) "program" means the farm-to-school program described in this

1 section.

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

3 (a) The department shall

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

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

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

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

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

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

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

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

31 (9) exercise general supervision over elementary and secondary

1 correspondence study programs offered by municipal school districts or regional
2 educational attendance areas; the department may also offer and make available to any
3 Alaskan through a centralized office a correspondence study program;

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

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

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

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

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

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

23 (16) establish by regulation criteria, based on low student performance,
24 under which the department may intervene in a school district to improve instructional
25 practices, as described in AS 14.07.030(14) or (15); the regulations must include

26 (A) a notice provision that alerts the district to the deficiencies
27 and the instructional practice changes proposed by the department;

28 (B) an end date for departmental intervention, as described in
29 AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three
30 consecutive years of improvement consisting of not less than two percent
31 increases in student proficiency on standards-based assessments in math,

1 reading, and writing as provided in AS 14.03.123(f)(2)(A); and

2 (C) a process for districts to petition the department for
3 continuing or discontinuing the department's intervention;

4 (17) notify the legislative committees having jurisdiction over
5 education before intervening in a school district under AS 14.07.030(14) or redirecting
6 public school funding under AS 14.07.030(15);

7 **(18) assist the Department of Natural Resources in developing and**
8 **implementing the farm-to-school program established under AS 03.20.100.**

9 * **Sec. 4.** AS 14.30 is amended by adding a new section to article 7 to read:

10 **Sec. 14.30.375. School gardens, greenhouses, and farms.** (a) A school
11 district may authorize or operate a school garden, greenhouse, or farm. The garden,
12 greenhouse, or farm must be used for educational purposes and for growing fruits and
13 vegetables for consumption by the students through the school district's meal and
14 snack program.

15 (b) If a school district operates a school garden, greenhouse, or farm, the
16 district shall give students representing student organizations, including vocational
17 programs, the opportunity to be involved in the operation of the school garden,
18 greenhouse, or farm.

19 (c) When a school garden, greenhouse, or farm is used for educating students
20 about agricultural practices, students shall be afforded the opportunity to learn about
21 both organic and conventional growing methods.

22 (d) If a school district operates a school garden, greenhouse, or farm, the
23 excess fruit and vegetables may be sold.

24 * **Sec. 5.** AS 03.05.010(a)(7); AS 03.20.100; AS 14.07.020(a)(18); and AS 14.30.375 are
25 repealed July 1, 2013.