

CS FOR HOUSE BILL NO. 256(EDC)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE EDUCATION COMMITTEE

Offered: 3/14/12

Referred: Finance

Sponsor(s): REPRESENTATIVES DICK, Herron, Foster

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the power and duties of the Department of Education and Early**
2 **Development to improve instructional practices; relating to teacher exit surveys; and**
3 **relating to duties of the state Board of Education and Early Development."**

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

5 * **Section 1.** AS 14.03.078 is amended to read:

6 **Sec. 14.03.078. Report.** The department shall provide to the legislature by
7 February 15 of each year an annual report regarding the progress of each school and
8 school district toward high academic performance by all students. The report required
9 under this section must include

10 (1) information described under AS 14.03.120(d);

11 (2) the number and percentage of students in each school who pass the
12 examination required under AS 14.03.075, and the number who pass each section of
13 the examination;

14 (3) progress of the department

1 (A) toward implementing the school accountability provisions
2 of AS 14.03.123; and

3 (B) in assisting high schools to become accredited;

4 (4) a description of the resources provided to each school and school
5 district for coordinated school improvement activities and staff training in each school
6 and school district;

7 (5) each school district's and each school's progress in aligning
8 curriculum with state education performance standards;

9 (6) a description of the efforts by the department to assist a public
10 school that receives a designation of deficient [OR IN CRISIS];

11 (7) a description of restoration [INTERVENTION] efforts by each
12 school district and school for students who are not meeting state performance
13 standards;

14 (8) the number and percentage of, and the reasons for, turnover in
15 certificated personnel and superintendents;

16 (9) the number of teachers by district and by school who are teaching
17 outside the teacher's area of endorsement but in areas tested by the high school
18 competency examination.

19 * **Sec. 2.** AS 14.03.123(d) is amended to read:

20 (d) A public school or district that receives a low performance designation
21 under this section shall, with the assistance of the department, prepare and submit to
22 the department a school or district improvement plan, as applicable, in accordance
23 with regulations adopted by the board. The improvement plan must be prepared with
24 the maximum feasible public participation of the community including, as appropriate,
25 interested individuals, teachers, parents, parent organizations, students, tribal
26 organizations, local government representatives, and other community groups.

27 * **Sec. 3.** AS 14.03 is amended by adding a new section to read:

28 **Sec. 14.03.127. Department accountability.** (a) By June 1 of each year, the
29 superintendents of each school district in the state shall provide to the Department of
30 Administration an evaluation of the department that addresses the following matters:

31 (1) whether the department staff were supportive of the district;

1 (2) a description of the support received, if any, from each division of
2 the department and an evaluation of the support;

3 (3) the level of contact the district had with the department, on a rating
4 scale of one to five, with five being an excellent level of contact;

5 (4) an evaluation of the reporting requirements on district activities to
6 the department, including level of burden, necessity, and redundancy of reporting
7 requirements;

8 (5) a statement on how the department may improve services to the
9 district.

10 (b) The Department of Administration shall annually compile the evaluations
11 provided under (a) of this section and provide to the governor, the legislature, and the
12 commissioner of education, in a manner that protects the identity of the
13 superintendents, a comprehensive description of evaluation results.

14 * **Sec. 4.** AS 14.07.020(a) is amended to read:

15 (a) The department shall

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

18 (2) **after providing notice and an opportunity for public school and**
19 **district administrators to participate,** study the conditions and needs of the public
20 schools of the state, adopt or recommend plans, administer and evaluate grants to
21 improve school performance awarded under AS 14.03.125, and adopt regulations for
22 the improvement of the public schools; **the plans adopted or recommended for**
23 **public schools must**

24 **(A) include appropriate cultural standards consistent with**
25 **the 1998 Alaska Standards for Culturally Responsive Schools adopted by**
26 **the Assembly of Alaska Native Educators;**

27 **(B) require appropriate cultural standards adopted by the**
28 **board to be included in instructional practices in districts in which 50**
29 **percent or more of the student population is of Alaska Native heritage;**

30 **(C) describe intensive early learning opportunities for each**
31 **district in the state;**

1 **(D) require an analysis of community involvement in the**
 2 **district and methods for improving community involvement;**

3 **(E) address teaching capacity, retention, and development**
 4 **and provide for technical assistance to teachers;**

5 **(F) establish routine evaluations and assistance to ensure**
 6 **that districts develop and maintain elective and career and technical**
 7 **courses;**

8 **(G) establish standards and timelines for restoration**
 9 **activities after first notifying a district of a low performance designation**
 10 **and offering technical assistance with predictable and research-based**
 11 **strategies tailored to the state to improve performance;**

12 **(H) describe research-based strategies that target**
 13 **educational performance of low-performing students in the state;**

14 (3) **employ qualified personnel who shall** provide advisory and
 15 consultative services to all public school governing bodies and personnel; **the services**

16 **(A) must comply with AS 14.07.030(14); and**

17 **(B) may not include the use or employment of a trustee;**

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

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

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

30 (7) prescribe by regulation, after consultation with the state fire
 31 marshal and the state sanitarian, standards that will assure healthful and safe

1 conditions in the public and private schools of the state, including a requirement of
 2 physical examinations and immunizations in pre-elementary schools; the standards for
 3 private schools may not be more stringent than those for public schools;

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

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

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

14 (11) review plans for construction of new public elementary and
 15 secondary schools and for additions to and major rehabilitation of existing public
 16 elementary and secondary schools and, in accordance with regulations adopted by the
 17 department, determine and approve the extent of eligibility for state aid of a school
 18 construction or major maintenance project; for the purposes of this paragraph, "plans"
 19 include educational specifications, schematic designs, projected energy consumption
 20 and costs, and final contract documents;

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

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

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

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

30 (16) establish by regulation criteria, based on low student performance,
 31 under which the department may restore [INTERVENE IN] a school or district to

1 improve instructional practices, as described in **(19) of this subsection and**
 2 AS 14.07.030(14) or (15); the regulations must include

3 (A) a notice provision that alerts the **school and the** district to
 4 the deficiencies and the instructional practice changes proposed by the
 5 department;

6 (B) an end date for departmental **restoration activities**
 7 [INTERVENTION], as described in AS 14.07.030(14)**(A) - (D)** [(A) AND
 8 (B)] and (15), after the **school or** district demonstrates three consecutive years
 9 of improvement **on measures identified as indicators of student success and**
 10 **achievement under AS 14.03.123(f); notwithstanding that a school or**
 11 **district has demonstrated three consecutive years of improvement, the**
 12 **district may, in its discretion, choose to receive restoration services for a**
 13 **fourth year** [CONSISTING OF NOT LESS THAN TWO PERCENT
 14 INCREASES IN STUDENT PROFICIENCY ON STANDARDS-BASED
 15 ASSESSMENTS IN MATHEMATICS, READING, AND WRITING AS
 16 PROVIDED IN AS 14.03.123(f)(2)(A)]; and

17 (C) a process for districts to petition the department for
 18 continuing or discontinuing the department's **restoration activities**
 19 [INTERVENTION];

20 (17) notify the legislative committees having jurisdiction over
 21 education before **restoring** [INTERVENING IN] a school **or** district under
 22 AS 14.07.030(14) or redirecting public school funding under AS 14.07.030(15);

23 (18) assist the Department of Natural Resources in developing and
 24 implementing the farm-to-school program established under AS 03.20.100;

25 **(19) engage in a process of collaborative support to restore and**
 26 **improve school performance when a school is designated as low performing**
 27 **under AS 14.03.123; the process must include**

28 **(A) for the first school year after the designation of the**
 29 **school as a low-performing school, by**

30 **(i) August 15, selection by the superintendent of the**
 31 **district and the commissioner of an independent expert to evaluate**

1 the areas of business services, board governance, leadership,
2 facilities, human relations, instruction, preparedness of students to
3 learn, or community involvement; the expert shall also evaluate the
4 extent to which the district has implemented the Alaska State
5 Cultural Standards; the expert shall visit the school or district for
6 not more than seven days to conduct the evaluation;

7 (ii) October 15, preparation of a written report by
8 the expert selected under (i) of this subparagraph and distribution
9 of the report to the commissioner, the local school board, and the
10 superintendent; a summary of the report shall be made available to
11 the public by posting the summary on the Internet;

12 (iii) November 15, mandatory selection and hiring of
13 two qualified coaches to advise the district with regard to the needs
14 identified in the evaluation completed under (ii) of this
15 subparagraph; one coach shall be selected jointly by the
16 superintendent and the department, and one coach shall be selected
17 jointly by the local school board and the department; the coaches
18 may advise the district for not more than 20 days in total for each
19 school year for which they are hired; and

20 (iv) June 1, provide to the department, parents, and
21 the legislature and publish on the Internet a summary of the
22 progress of the efforts to restore the school and the observations
23 and recommendations of the coaches hired under (iii) of this
24 subparagraph;

25 (B) for the second school year after the designation of a
26 school as a low-performing school, by

27 (i) September 15, mandatory selection and hiring of
28 two additional qualified coaches to advise the district with regard
29 to the needs identified in the evaluation completed under (A)(ii) of
30 this paragraph; one coach shall be selected by the superintendent,
31 and one coach shall be selected by the local school board, after

1 input from the Association of Alaska School Boards; the coaches
2 may advise the district for not more than 20 days in total for each
3 school year for which they are hired; and

4 (ii) June 1, provide to the state Board of Education
5 and Early Development, the department, parents, and the
6 legislature and publish on the Internet a summary of the progress
7 of the efforts to restore the school and the observations and
8 recommendations of the coaches hired under this subparagraph;

9 (C) for the third school year after the designation of a
10 school as a low-performing school,

11 (i) that the department engage in frequent
12 consultation with the staff at the low-performing school and with
13 the superintendent of the district in which the school is located;

14 (ii) that the department establish a school
15 improvement team for the purpose of advising the commissioner
16 on restoration activities; the team consists of the commissioner or
17 the commissioner's designee, a member of the state Board of
18 Education and Early Development, the superintendent of the
19 district, the four qualified coaches selected under (A) and (B) of
20 this paragraph, and one member of the local school board; the
21 team shall consider and evaluate evidence at the school of best
22 practices in the state for business services, instructional practices,
23 local school board governance, district leadership, facilities
24 maintenance, human resources, implementation of Alaska State
25 Cultural Standards, and preparedness of students to learn;

26 (iii) that the team established under (ii) of this
27 subparagraph develop a three-year plan to restore the school;
28 during the three-year plan, the team may redirect funding in the
29 district budget to improve instruction; the superintendent shall
30 implement the plan developed by the team; each year, at the end of
31 the school year, the team shall evaluate and adjust the plan as the

1 team determines necessary.

2 * **Sec. 5.** AS 14.07.030(14) is amended to read:

3 (14) **restore** [NOTWITHSTANDING ANY OTHER PROVISION OF
4 THIS TITLE, INTERVENE IN] a school **or** district to improve instructional practices
5 under standards established by the department in regulation; **the regulations must be**
6 **consistent with federal and state law and the superior court's findings, dated**
7 **February 4, 2009, in Moore et al. v. State of Alaska, No. 3AN-04-9756 CI,**
8 including [DIRECTING THE]

9 (A) [EMPLOYEES IDENTIFIED BY THE DEPARTMENT
10 TO EXERCISE SUPERVISORY AUTHORITY FOR INSTRUCTIONAL
11 PRACTICES IN THE DISTRICT OR IN A SPECIFIED SCHOOL;

12 (B)] **directing the** use of appropriations under this title for
13 distribution to a district **as necessary under AS 14.07.020(a)(19);**

14 **(B) providing for training and technical support to a low-**
15 **performing school or district as necessary to implement the school or**
16 **district improvement plan submitted under AS 14.03.123(d);**

17 **(C) providing for regular monitoring, evaluation, and**
18 **modification of improvement efforts that are tailored to the strengths and**
19 **weaknesses of the school or district;**

20 **(D) providing for the availability of courses and remedial**
21 **programs necessary for all students attending a low-performing school to**
22 **meet state standards for graduation from secondary school in the expected**
23 **time frame;**

24 * **Sec. 6.** AS 14.07.030(15) is repealed and reenacted to read:

25 (15) notwithstanding any other provision of this title, redirect public
26 school funding under AS 14.17 appropriated for distribution to a school district, after
27 providing notice to the legislative committees with jurisdiction over education and to
28 the district and an opportunity for the district to respond, if

29 (A) the department has assembled a school improvement team
30 under AS 14.07.020(a)(19) that has requested the funding to be redirected for a
31 specified purpose related to improvement of instructional practices in a school

1 or district that is in restoration status under (14) of this section; and

2 (B) the department has established a timeline for redirecting the
3 funding to the district after the school improvement team determines that the
4 improvement of instructional practices has satisfactorily occurred;

5 * **Sec. 7.** AS 14.07.165 is amended by adding a new subsection to read:

6 (b) In addition to the duties enumerated in (a) of this section, the board shall

7 (1) review and ensure departmental compliance with state law,
8 including departmental duties related to school monitoring, improvement, and
9 restoration provisions under AS 14.03.123, AS 14.07.020, and 14.07.030;

10 (2) provide to a superintendent and local school board that are affected
11 by an item scheduled for consideration on a board meeting agenda not less than 10
12 days' notice and an opportunity to respond.

13 * **Sec. 8.** AS 14.20.130 is amended by adding a new subsection to read:

14 (b) A contract for a teacher issued after the effective date of this Act, must
15 contain a term requiring a teacher leaving employment to complete the department's
16 exit survey for teachers.