

CS FOR HOUSE BILL NO. 156(EDC)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE EDUCATION COMMITTEE

Offered: 3/24/16

Referred: Rules

Sponsor(s): REPRESENTATIVES KELLER, Reinbold, Colver, Wilson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the duties of the Department of Education and Early Development**
2 **and school districts; relating to public school curriculum and assessments; relating to**
3 **compliance with federal education laws; relating to public school accountability;**
4 **relating to a statewide assessment plan and review of education laws and regulations;**
5 **and providing for an effective date."**

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

7 *** Section 1.** AS 14.03.120(f) is amended to read:

8 (f) By January 15 of each year, beginning in 2001, the department shall
9 provide to the governor and make available to the public and the legislature a report on
10 the performance of public schools in this state. The report must be entitled "Alaska's
11 Public Schools: A Report Card to the Public." The report must include
12 (1) comprehensive information on each public school compiled,
13 collected, and reported under (d) and (e) of this section for the prior school year;

1 (2) a summary of the information described in (1) of this subsection;
 2 the summary must be prepared in a manner that allows school performance to be
 3 measured against established state education standards; and

4 (3) for a report due by or after January 15, 2005, the most recent
 5 performance designation under AS 14.03.123 received by each public school **and by**
 6 **the state public school system.**

7 * **Sec. 2.** AS 14.03.123(b) is amended to read:

8 (b) The department shall inform the governing body of each district of the
 9 performance **designations** [DESIGNATION] assigned **to the district and to the state**
 10 **public school system** under (a) of this section.

11 * **Sec. 3.** AS 14.03.123(c) is amended to read:

12 (c) The state board shall adopt regulations implementing this section,
 13 providing for a statewide student assessment system, and providing for the process of
 14 assigning a designation under (a) of this section, including

15 (1) the methodology used to assign the performance designation,
 16 including the measures used and their relative weights;

17 **(2) a comparison of the state public school system to public schools**
 18 **in other states, including a comparison of student participation in standards-**
 19 **based assessments and student performance on the assessments;**

20 **(3) [(2)]** high performance and low performance designations that are
 21 based on the accountability system under this section;

22 **(4) [(3)]** a procedure for appealing a designation that may be used by
 23 the principal of a public school or by the superintendent of a public school district;

24 **(5) [(4)]** additional measures that may be progressively implemented
 25 by the commissioner to assist schools or districts to improve performance in
 26 accordance with this section; [AND WITH FEDERAL LAW; TO THE EXTENT
 27 NECESSARY TO CONFORM TO FEDERAL LAW,] the additional measures may
 28 be unique to a certain school or district if that school or district receives federal
 29 funding that is not available to all schools or districts in the state.

30 * **Sec. 4.** AS 14.03.123(d) is amended to read:

31 (d) A public school or district that receives a low performance designation

1 under this section shall prepare and submit to the department a school or district
 2 improvement plan, as applicable, in accordance with regulations adopted by the board.
 3 The improvement plan must be prepared with the maximum feasible public
 4 participation of the community including, as appropriate, interested individuals,
 5 teachers, parents, parent organizations, students, tribal organizations, local government
 6 representatives, and other community groups. **The improvement plan must, to the**
 7 **extent possible, include measures that increase local control of education and**
 8 **parental choice and that do not require a direct increase in state or federal**
 9 **funding for the school or district.**

10 * **Sec. 5.** AS 14.03.123(e) is amended to read:

11 (e) The department shall establish a program of special recognition for those
 12 public schools that receive a high performance designation, **based on the**
 13 **accountability system under (f) of this section, that demonstrates**

14 **(1) an improvement over the school's performance designation for**
 15 **the previous year; or**

16 **(2) maintenance of a proficient or high performance designation**
 17 **from the previous year.**

18 * **Sec. 6.** AS 14.03.123(f) is amended to read:

19 (f) In the accountability system for schools and districts required by this
 20 section, the department shall

21 (1) [IMPLEMENT 20 U.S.C. 6301 - 7941 (ELEMENTARY AND
 22 SECONDARY EDUCATION ACT OF 1965), AS AMENDED;

23 (2)] implement state criteria and priorities for accountability including
 24 the use of

25 (A) measures of student performance on standards-based
 26 assessments in language arts and mathematics; **the assessments must be**
 27 **selected with the input of teachers and school administrators and**
 28 **minimize disruption to classroom instruction;**

29 (B) measures of student improvement **and academic**
 30 **achievement;** and

31 (C) other measures identified that are indicators of student

1 success and achievement; and

2 (2) [(3)] to the extent practicable, minimize the administrative burden
3 on districts.

4 * **Sec. 7.** AS 14.07.020(a) is amended to read:

5 (a) The department shall

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

8 (2) study the conditions and needs of the public schools of the state,
9 adopt or recommend plans, administer and evaluate grants to improve school
10 performance awarded under AS 14.03.125, and adopt regulations for the improvement
11 of the public schools; **the department may consult with the University of Alaska to**
12 **develop secondary education requirements to improve student achievement in**
13 **college preparatory courses;**

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

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

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

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

28 (7) prescribe by regulation, after consultation with the state fire
29 marshal and the state sanitarian, standards that will **ensure** [ASSURE] healthful and
30 safe conditions in the public and private schools of the state, including a requirement
31 of physical examinations and immunizations in pre-elementary schools; the standards

1 for private schools may not be more stringent than those for public schools;

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

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

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

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

19 (12) provide educational opportunities in the areas of vocational
20 education and training, and basic education to individuals over 16 years of age who
21 are no longer attending school; **the department may consult with businesses and**
22 **labor unions to develop a program to prepare students for apprenticeships or**
23 **internships that will lead to employment opportunities;**

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 intervene in a school district to improve instructional

1 practices, as described in AS 14.07.030(14) or (15); the regulations must include

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

4 (B) an end date for departmental intervention, as described in
5 AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three
6 consecutive years of improvement consisting of not less than two percent
7 increases in student proficiency on standards-based assessments in language
8 arts and mathematics, as provided in AS 14.03.123(f)(1)(A)
9 [AS 14.03.123(f)(2)(A)]; and

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

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

15 [(18) REPEALED]

16 * **Sec. 8.** AS 14.07 is amended by adding a new section to read:

17 **Sec. 14.07.175. Development of statewide assessment plan; review of**
18 **education laws and regulations.** (a) Notwithstanding AS 14.03.078, 14.03.120,
19 14.03.123, 14.03.300, 14.03.310, AS 14.07.020, 14.07.030, 14.07.165, or a provision
20 of federal law to the contrary, the department may not require a school district or
21 school to administer a statewide standards-based assessment after July 1, 2016, and
22 before July 1, 2018. The department and the board shall create a plan for working with
23 school districts to develop or select statewide assessments that are approved by school
24 districts. The plan must provide for the first administration of the assessments not later
25 than the school year that begins in 2020.

26 (b) The department shall review state education laws and regulations to
27 identify unnecessary laws or regulations and areas where the laws or regulations may
28 be changed to provide school districts with greater control over public education
29 policy in light of the enactment of the Every Student Succeeds Act, P.L. 114-95.

30 (c) On or before January 1, 2018, the department shall submit a report to the
31 senate secretary and chief clerk of the house of representatives and notify the

1 legislature that the report is available. The report must describe

2 (1) the final plan for developing or selecting statewide assessments as
3 required under (a) of this section; and

4 (2) recommendations for changes in laws or regulations as required
5 under (b) of this section.

6 (d) In this section, "school district" has the meaning given in AS 14.30.350.

7 * **Sec. 9.** AS 14.07.175 is repealed July 1, 2020.

8 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 TRANSITION: REGULATIONS. The Department of Education and Early
11 Development may adopt regulations necessary to implement the changes made by this Act.
12 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
13 effective date of the law implemented by the regulations.

14 * **Sec. 11.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).

15 * **Sec. 12.** Except as provided in sec. 11 of this Act, this Act takes effect July 1, 2016.