

**CS FOR HOUSE BILL NO. 156(EDC) am**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE EDUCATION COMMITTEE

Amended: 4/10/16

Offered: 3/24/16

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

**A BILL**

**FOR AN ACT ENTITLED**

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

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

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

9 (f) By January 15 of each year, beginning in 2001, the department shall  
10 provide to the governor and make available to the public and the legislature a report on  
11 the performance of public schools in this state. The report must be entitled "Alaska's  
12 Public Schools: A Report Card to the Public." The report must include

13 (1) comprehensive information on each public school compiled,

1 collected, and reported under (d) and (e) of this section for the prior school year;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (C) other measures identified that are indicators of student  
 2 success and achievement; and  
 3 (2) [(3)] to the extent practicable, minimize the administrative burden  
 4 on districts.

5 \* **Sec. 7.** 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; **the department may consult with the University of Alaska to**  
 13 **develop secondary education requirements to improve student achievement in**  
 14 **college preparatory courses;**

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

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

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

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

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

1 of physical examinations and immunizations in pre-elementary schools; the standards  
2 for private schools may not be more stringent than those for public schools;

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

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

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

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

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

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

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

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

31 (16) establish by regulation criteria, based on low student performance,

1 under which the department may intervene in a school district to improve instructional  
2 practices, as described in AS 14.07.030(14) or (15); the regulations must include

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

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

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

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

16 [(18) REPEALED]

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

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

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

31 (c) On or before January 1, 2018, the department shall submit a report to the

1 senate secretary and chief clerk of the house of representatives and notify the  
2 legislature that the report is available. The report must describe

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

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

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

8 \* **Sec. 9.** AS 14.08.111 is amended to read:

9 **Sec. 14.08.111. Duties.** A regional school board shall

10 (1) provide, during the school term of each year, an educational  
11 program for each school age child who is enrolled in or a resident of the district;

12 (2) develop a philosophy of education, principles, and goals for its  
13 schools;

14 (3) approve the employment of the professional administrators,  
15 teachers, and noncertificated personnel necessary to operate its schools;

16 (4) establish the salaries to be paid its employees;

17 (5) designate the employees authorized to direct disbursements from  
18 the school funds of the board;

19 (6) submit the reports prescribed for all school districts;

20 (7) provide for an annual audit in accordance with AS 14.14.050;

21 (8) provide custodial services and routine maintenance of school  
22 buildings and facilities;

23 (9) establish procedures for the review and selection of all textbooks  
24 and instructional materials, including textbooks and curriculum materials for statewide  
25 correspondence programs, before they are introduced into the school curriculum; the  
26 review includes a review for violations of AS 14.18.060; nothing in this paragraph  
27 precludes a correspondence study student, or the parent or guardian of a  
28 correspondence study student, from privately obtaining or using textbooks or  
29 curriculum material not provided by the school district;

30 (10) provide prospective employees with information relating to the  
31 availability and cost of housing in rural areas to which they might be assigned, and,

1 when possible, assist them in locating housing; however, nothing in this paragraph  
 2 requires a regional school board to provide teacher housing, whether owned, leased, or  
 3 rented or otherwise provided by the regional educational attendance area, nor does it  
 4 require the board to engage in a subsidy program of any kind with respect to teacher  
 5 housing;

6 (11) train persons required to report under AS 47.17.020, in the  
 7 recognition and reporting of child abuse, neglect, and sexual abuse of a minor; and

8 (12) establish procedures for providing the training under  
 9 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.362, AS 14.33.100, [14.33.127,]  
 10 AS 18.66.310, and AS 47.17.022; the procedures established under this paragraph  
 11 must include a training schedule that ensures that not less than 50 percent of the total  
 12 certificated staff employed at a school receives all of the training not less than every  
 13 two years and that all of the certificated staff employed at each school receives all of  
 14 the training not less than every four years.

15 \* **Sec. 10.** AS 14.08.111, as amended by sec. 6, ch. 2, SSSLA 2015, is amended to read:

16 **Sec. 14.08.111. Duties.** A regional school board shall

17 (1) provide, during the school term of each year, an educational  
 18 program for each school age child who is enrolled in or a resident of the district;

19 (2) develop a philosophy of education, principles, and goals for its  
 20 schools;

21 (3) approve the employment of the professional administrators,  
 22 teachers, and noncertificated personnel necessary to operate its schools;

23 (4) establish the salaries to be paid its employees;

24 (5) designate the employees authorized to direct disbursements from  
 25 the school funds of the board;

26 (6) submit the reports prescribed for all school districts;

27 (7) provide for an annual audit in accordance with AS 14.14.050;

28 (8) provide custodial services and routine maintenance of school  
 29 buildings and facilities;

30 (9) establish procedures for the review and selection of all textbooks  
 31 and instructional materials, including textbooks and curriculum materials for statewide

1 correspondence programs, before they are introduced into the school curriculum; the  
 2 review includes a review for violations of AS 14.18.060; nothing in this paragraph  
 3 precludes a correspondence study student, or the parent or guardian of a  
 4 correspondence study student, from privately obtaining or using textbooks or  
 5 curriculum material not provided by the school district;

6 (10) provide prospective employees with information relating to the  
 7 availability and cost of housing in rural areas to which they might be assigned, and,  
 8 when possible, assist them in locating housing; however, nothing in this paragraph  
 9 requires a regional school board to provide teacher housing, whether owned, leased, or  
 10 rented or otherwise provided by the regional educational attendance area, nor does it  
 11 require the board to engage in a subsidy program of any kind with respect to teacher  
 12 housing;

13 (11) train persons required to report under AS 47.17.020, in the  
 14 recognition and reporting of child abuse, neglect, and sexual abuse of a minor; and

15 (12) establish procedures for providing the training under  
 16 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362,  
 17 AS 14.33.100, [14.33.127,] AS 18.66.310, and AS 47.17.022; the procedures  
 18 established under this paragraph must include a training schedule that ensures that not  
 19 less than 50 percent of the total certificated staff employed at a school receives all of  
 20 the training not less than every two years and that all of the certificated staff employed  
 21 at each school receives all of the training not less than every four years.

22 \* **Sec. 11.** AS 14.14.090 is amended to read:

23 **Sec. 14.14.090. Duties of school boards.** In addition to other duties, a school  
 24 board shall

25 (1) determine and disburse the total amount to be made available for  
 26 compensation of all school employees and administrative officers;

27 (2) provide for, during the school term of each year, an educational  
 28 program for each school age child who is enrolled in or a resident of the district;

29 (3) withhold the salary for the last month of service of a teacher or  
 30 administrator until the teacher or administrator has submitted all summaries, statistics,  
 31 and reports that the school board may require by bylaws;

1 (4) transmit, when required by the assembly or council but not more  
2 often than once a month, a summary report and statement of money expended;

3 (5) keep the minutes of meetings and a record of all proceedings of the  
4 school board in a pertinent form;

5 (6) keep the records and files of the school board open to inspection by  
6 the public at the principal administrative office of the district during reasonable  
7 business hours;

8 (7) establish procedures for the review and selection of all textbooks  
9 and instructional materials, including textbooks and curriculum materials for statewide  
10 correspondence programs, before they are introduced into the school curriculum; the  
11 review includes a review for violations of AS 14.18.060; nothing in this paragraph  
12 precludes a correspondence study student, or the parent or guardian of a  
13 correspondence study student, from privately obtaining or using textbooks or  
14 curriculum material not provided by the school district;

15 (8) provide prospective employees with information relating to the  
16 availability and cost of housing in rural areas to which they might be assigned, and,  
17 when possible, assist them in locating housing; however, nothing in this paragraph  
18 requires a school district to provide teacher housing, whether district owned, leased,  
19 rented, or through other means, nor does it require a school board to engage in a  
20 subsidy program of any kind regarding teacher housing;

21 (9) train persons required to report under AS 47.17.020, in the  
22 recognition and reporting of child abuse, neglect, and sexual abuse of a minor;

23 (10) provide for the development and implementation of a preventative  
24 maintenance program for school facilities; in this paragraph, "preventative  
25 maintenance" means scheduled maintenance actions that prevent the premature failure  
26 or extend the useful life of a facility, or a facility's systems and components, and that  
27 are cost-effective on a life-cycle basis;

28 (11) establish procedures for providing the training under  
29 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.362, AS 14.33.100, [14.33.127,]  
30 AS 18.66.310, and AS 47.17.022; the procedures established under this paragraph  
31 must include a training schedule that ensures that not less than 50 percent of the total

1           certificated staff employed at a school receives all of the training not less than every  
 2           two years and that all of the certificated staff employed at each school receives all of  
 3           the training not less than every four years.

4           \* **Sec. 12.** AS 14.14.090, as amended by sec. 7, ch. 2, SSSLA 2015, is amended to read:

5                       **Sec. 14.14.090. Duties of school boards.** In addition to other duties, a school  
 6           board shall

7                               (1) determine and disburse the total amount to be made available for  
 8           compensation of all school employees and administrative officers;

9                               (2) provide for, during the school term of each year, an educational  
 10          program for each school age child who is enrolled in or a resident of the district;

11                              (3) withhold the salary for the last month of service of a teacher or  
 12          administrator until the teacher or administrator has submitted all summaries, statistics,  
 13          and reports that the school board may require by bylaws;

14                              (4) transmit, when required by the assembly or council but not more  
 15          often than once a month, a summary report and statement of money expended;

16                              (5) keep the minutes of meetings and a record of all proceedings of the  
 17          school board in a pertinent form;

18                              (6) keep the records and files of the school board open to inspection by  
 19          the public at the principal administrative office of the district during reasonable  
 20          business hours;

21                              (7) establish procedures for the review and selection of all textbooks  
 22          and instructional materials, including textbooks and curriculum materials for statewide  
 23          correspondence programs, before they are introduced into the school curriculum; the  
 24          review includes a review for violations of AS 14.18.060; nothing in this paragraph  
 25          precludes a correspondence study student, or the parent or guardian of a  
 26          correspondence study student, from privately obtaining or using textbooks or  
 27          curriculum material not provided by the school district;

28                              (8) provide prospective employees with information relating to the  
 29          availability and cost of housing in rural areas to which they might be assigned, and,  
 30          when possible, assist them in locating housing; however, nothing in this paragraph  
 31          requires a school district to provide teacher housing, whether district owned, leased,

1 rented, or through other means, nor does it require a school board to engage in a  
2 subsidy program of any kind regarding teacher housing;

3 (9) train persons required to report under AS 47.17.020, in the  
4 recognition and reporting of child abuse, neglect, and sexual abuse of a minor;

5 (10) provide for the development and implementation of a preventative  
6 maintenance program for school facilities; in this paragraph, "preventative  
7 maintenance" means scheduled maintenance actions that prevent the premature failure  
8 or extend the useful life of a facility, or a facility's systems and components, and that  
9 are cost-effective on a life-cycle basis;

10 (11) establish procedures for providing the training under  
11 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362,  
12 AS 14.33.100, [14.33.127,] AS 18.66.310, and AS 47.17.022; the procedures  
13 established under this paragraph must include a training schedule that ensures that not  
14 less than 50 percent of the total certificated staff employed at a school receives all of  
15 the training not less than every two years and that all of the certificated staff employed  
16 at each school receives all of the training not less than every four years.

17 \* **Sec. 13.** AS 14.16.020 is amended to read:

18 **Sec. 14.16.020. Operation of state boarding schools.** In the management of  
19 state boarding schools, the board shall

20 (1) adopt a philosophy of education for state boarding schools;

21 (2) approve the employment of personnel necessary to operate state  
22 boarding schools;

23 (3) establish the salaries and benefits to be paid teachers, excluding  
24 administrators;

25 (4) designate the employees authorized to direct disbursements from  
26 the money appropriated for the operation of state boarding schools and for the  
27 construction of facilities;

28 (5) provide custodial services and routine maintenance of physical  
29 facilities;

30 (6) establish procedures for the development and implementation of  
31 curriculum and the selection and use of textbooks and instructional materials;

1 (7) prescribe health evaluation and placement screening programs for  
2 newly admitted students;

3 (8) establish procedures for staff evaluation; and

4 (9) establish procedures for providing the training under AS 14.18.060,  
5 AS 14.20.149, 14.20.680, AS 14.30.362, AS 14.33.100, [14.33.127,] AS 18.66.310,  
6 and AS 47.17.022; the procedures established under this paragraph must include a  
7 training schedule that ensures that not less than 50 percent of the total certificated staff  
8 employed at a school receives all of the training not less than every two years and that  
9 all of the certificated staff employed at each school receives all of the training not less  
10 than every four years.

11 \* **Sec. 14.** AS 14.16.020, as amended by sec. 8, ch. 2, SSSLA 2015, is amended to read:

12 **Sec. 14.16.020. Operation of state boarding schools.** In the management of  
13 state boarding schools, the board shall

14 (1) adopt a philosophy of education for state boarding schools;

15 (2) approve the employment of personnel necessary to operate state  
16 boarding schools;

17 (3) establish the salaries and benefits to be paid teachers, excluding  
18 administrators;

19 (4) designate the employees authorized to direct disbursements from  
20 the money appropriated for the operation of state boarding schools and for the  
21 construction of facilities;

22 (5) provide custodial services and routine maintenance of physical  
23 facilities;

24 (6) establish procedures for the development and implementation of  
25 curriculum and the selection and use of textbooks and instructional materials;

26 (7) prescribe health evaluation and placement screening programs for  
27 newly admitted students;

28 (8) establish procedures for staff evaluation; and

29 (9) establish procedures for providing the training under AS 14.18.060,  
30 AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362, AS 14.33.100,  
31 [14.33.127,] AS 18.66.310, and AS 47.17.022; the procedures established under this

1 paragraph must include a training schedule that ensures that not less than 50 percent of  
2 the total certificated staff employed at a school receives all of the training not less than  
3 every two years and that all of the certificated staff employed at each school receives  
4 all of the training not less than every four years.

5 \* **Sec. 15.** AS 14.07.175 is repealed July 1, 2020.

6 \* **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to  
7 read:

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

12 \* **Sec. 17.** Section 16 of this Act takes effect immediately under AS 01.10.070(c).

13 \* **Sec. 18.** Sections 10, 12, and 14 of this Act take effect on the effective date of sec. 14, ch.  
14 2, SSSLA 2015.

15 \* **Sec. 19.** Except as provided in secs. 17 and 18 of this Act, this Act takes effect July 1,  
16 2016.