

CS FOR SENATE BILL NO. 104(2d FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/6/18
Referred: Rules

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the duties of the Department of Education and Early Development;**
2 **relating to the duties of the state Board of Education and Early Development; relating to**
3 **school curricula; and relating to a system for managing student information and records**
4 **related to individualized education programs for children with disabilities."**

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

6 * **Section 1.** AS 14.07.030 is amended by adding a new subsection to read:

7 (b) The department may not require a school district to review textbooks,
8 instructional materials, or curricula more frequently than once every 10 years.

9 * **Sec. 2.** AS 14.07.165 is amended by adding a new subsection to read:

10 (c) Every five years, the board shall review the mathematics and English and
11 language arts curricula used in the state to ensure the curricula are still effective and
12 are being taught using best practices.

13 * **Sec. 3.** AS 14.07 is amended by adding new sections to read:

14 **Sec. 14.07.180. Curricula approval and review; pilot program; incentives.**

1 (a) Notwithstanding any other provision of law, the board shall establish standards and
2 a procedure for the review, ranking, and approval of mathematics and English and
3 language arts curricula for school districts to use in each grade level as provided in this
4 section.

5 (b) The department, in consultation with school districts, shall review
6 mathematics and English and language arts curricula used in schools in the state and in
7 other states and countries. Not later than July 1, 2019, the department shall identify the
8 best mathematics and English and language arts curricula and the best teaching
9 practices for each of the curricula.

10 (c) The department shall submit the curricula and teaching practices that the
11 department identifies as the best under (b) of this section to the board for approval,
12 including evidence supporting the department's selection, if the department concludes
13 that the curricula and best practices

14 (1) are appropriate;

15 (2) are in compliance with the nondiscrimination standards established
16 under AS 14.18.060(b);

17 (3) are aligned with state education standards; and

18 (4) result in improved academic achievement for students.

19 (d) The board may approve curricula submitted under (c) of this section if the
20 curricula are consistent with the standards established by the board under (a) of this
21 section. The department shall place the curricula approved by the board into two
22 categories as follows:

23 (1) incentivized curricula for the best curricula for each subject, based
24 on evidence provided to the department; the department may place not more than two
25 curricula in this category for each subject;

26 (2) designated effective curricula for the curricula for each subject that
27 are not incentivized curricula but that the department finds appropriate and effective
28 based on factual and other evidence provided to the department.

29 (e) A three-year pilot program is established in the department, starting in the
30 2019-2020 school year, to test the appropriateness and effectiveness of the
31 incentivized curricula approved under (d) of this section. In conducting the program,

1 the department shall

2 (1) establish an application process for school districts to apply for
3 participation in the program;

4 (2) select five school districts from those that apply to participate in the
5 program, including at least two rural and two urban school districts, basing the
6 selection of the school districts on the readiness and capacity of each district;

7 (3) assign to each participating school district the incentivized
8 mathematics curriculum or the incentivized English and language arts curriculum; the
9 department shall assign the mathematics curriculum to one rural and one urban school
10 district and the English and language arts curriculum to one rural and one urban school
11 district;

12 (4) starting in the 2019-2020 school year, distribute incentive
13 payments, not to exceed \$10,000,000 in total, to the five school districts to assist with
14 the purchase and implementation of the curricula, including best teaching practices,
15 and purchase of instructional materials.

16 (f) At the completion of the pilot program under (e) of this section, the
17 department shall

18 (1) if the department finds that the incentivized curricula tested in the
19 pilot program are appropriate and effective, submit the findings to the board; and

20 (2) if the board finds that the curricula tested in the pilot program are
21 appropriate and effective, make the curricula and one-time incentive payments under
22 (g) of this section available to all school districts starting in the 2022-2023 school year
23 and ending in the 2024-2025 school year.

24 (g) The department may distribute an incentive payment available to a school
25 district in an amount that is not more than the school district's ADM multiplied by
26 150, subject to availability of funding, if the governing body of the school district

27 (1) selects one of the incentivized curricula for implementation in the
28 school district in an eligible school year under (f)(2) of this section;

29 (2) requests an incentive payment from the department;

30 (3) has not previously implemented the incentivized curricula; and

31 (4) demonstrates to the satisfaction of the department the readiness and

1 capacity of the school district to implement the curricula.

2 (h) In addition to any unexpended money under (e)(4) of this section, the
3 department may distribute not more than \$20,000,000 in incentive payments under (f)
4 and (g) of this section.

5 (i) The department shall publish on the department's Internet website and
6 make available to the public

7 (1) all curricula used by school districts in the state for all subjects,
8 whether or not the curricula are approved; and

9 (2) the curricula approved under (d) of this section.

10 (j) The department shall submit an electronic report to the legislature and
11 make the report available to the public on the department's Internet website. The report
12 must provide information on the pilot project and the curricula that each school district
13 has adopted. On or before January 15, 2019, and each year thereafter, the department
14 shall submit the report required under this subsection to the senate secretary and the
15 chief clerk of the house of representatives and notify the legislature that the report is
16 available.

17 (k) Each school district shall submit to the department the relevant
18 information needed for the department to carry out its duties under this section.

19 (l) Payments for curricula implementation under the pilot program described
20 in (e) of this section and incentive payments under (f) and (g) of this section are
21 subject to appropriation. If insufficient funding is available to distribute payments to
22 all school districts that request funding in a year under (g) of this section, the
23 department may distribute payments to the remaining school districts the following
24 school year.

25 (m) If the applications for participation in the pilot program are insufficient to
26 meet the requirements under (e) of this section, the department may select five school
27 districts from those that apply, taking into consideration geographical diversity.

28 (n) Beginning with the 2025-2026 school year, the department may distribute
29 incentive payments to school districts that use curricula reviewed and approved by the
30 board under AS 14.07.165(c). The department may provide incentive payments,
31 subject to appropriation, to school districts based on the readiness and capacity of the

1 school district as determined by the department.

2 (o) In this section,

3 (1) "rural" has the meaning given in AS 14.43.700;

4 (2) "school district" has the meaning given in AS 14.30.350;

5 (3) "school district's ADM" has the meaning given to "district ADM"
6 in AS 14.17.990;

7 (4) "urban" means a community other than a community described in
8 AS 14.43.700.

9 **Sec. 14.07.182. Curriculum improvement and best practices fund.** (a) The
10 curriculum improvement and best practices fund is established. The fund consists of
11 appropriations, not to exceed \$30,000,000, for distribution to school districts.

12 (b) Money appropriated to the fund may be expended by the department as
13 provided under AS 14.07.180, without further appropriation.

14 (c) Nothing in this section creates a dedicated fund.

15 (d) Appropriations to the fund do not lapse.

16 * **Sec. 4.** AS 14.08.111 is amended to read:

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

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

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

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

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

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

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

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

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

31 (9) establish procedures for the review and selection of all textbooks

1 and instructional materials at least once every 10 years, including textbooks and
 2 curriculum materials for statewide correspondence programs, before they are
 3 introduced into the school curriculum; the review includes a review for violations of
 4 AS 14.18.060; nothing in this paragraph precludes a correspondence study student, or
 5 the parent or guardian of a correspondence study student, from privately obtaining or
 6 using textbooks or curriculum material not provided by the school district;

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

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

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

23 * **Sec. 5.** AS 14.14.090 is amended to read:

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

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

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

30 (3) withhold the salary for the last month of service of a teacher or
 31 administrator until the teacher or administrator has submitted all summaries, statistics,

1 and reports that the school board may require by bylaws;

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

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

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

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

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

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

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

29 (11) establish procedures for providing the training under
30 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362,
31 AS 14.33.100, 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 by the district receive all of the training not less
 3 than every two years and that all of the certificated staff employed by the district
 4 receive all of the training not less than every four years.

5 * **Sec. 6.** AS 14.16.020 is amended to read:

6 **Sec. 14.16.020. Operation of state boarding schools.** In the management of
 7 state boarding schools, the board shall

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

9 (2) approve the employment of personnel necessary to operate state
 10 boarding schools;

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

13 (4) designate the employees authorized to direct disbursements from
 14 the money appropriated for the operation of state boarding schools and for the
 15 construction of facilities;

16 (5) provide custodial services and routine maintenance of physical
 17 facilities;

18 (6) establish procedures for the development and implementation of
 19 curriculum and the selection and use of textbooks and instructional materials; **the**
 20 **procedures must require a review of textbooks and instructional materials at**
 21 **least once every 10 years;**

22 (7) prescribe health evaluation and placement screening programs for
 23 newly admitted students;

24 (8) establish procedures for staff evaluation; and

25 (9) establish procedures for providing the training under AS 14.18.060,
 26 AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362, AS 14.33.100,
 27 AS 18.66.310, and AS 47.17.022; the procedures established under this paragraph
 28 must include a training schedule that ensures that not less than 50 percent of the total
 29 certificated staff employed by the district receive all of the training not less than every
 30 two years and that all of the certificated staff employed by the district receive all of the
 31 training not less than every four years.

1 * **Sec. 7.** AS 14.30.285 is amended by adding a new subsection to read:

2 (h) The department shall make available to school districts an electronic
3 system for managing student information and tracking records relating to
4 individualized education programs for children with disabilities. The system must, to
5 the extent permitted by federal law, allow school districts to transfer special education
6 records for a student when the student transfers to a different school district. If the
7 governing body of a school district elects to use the system selected by the department,
8 the department shall provide the school district with the system, including any
9 software necessary to implement the system, at no charge to the school district. The
10 department may not require a school district to use the system selected by the
11 department.

12 * **Sec. 8.** AS 14.07.180(e), 14.07.180(f), 14.07.180(g), 14.07.180(h), 14.07.180(j),
13 14.07.180(l), and 14.07.180(m) are repealed July 1, 2025.

14 * **Sec. 9.** 4 AAC 05.080(e) is annulled.