

**HOUSE CS FOR CS FOR SENATE BILL NO. 104(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 5/10/18

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. The board may include curricula delivered through virtual education in the  
5 standards and procedure established under this subsection.

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

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

17 (1) are appropriate;

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

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

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

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

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

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

1 (e) A three-year pilot program is established in the department, starting in the  
2 2019-2020 school year, to test the appropriateness and effectiveness of the  
3 incentivized curricula approved under (d) of this section. In conducting the program,  
4 the department shall

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

7 (2) select four school districts from those that apply to participate in  
8 the program, including two rural and two urban school districts, basing the selection of  
9 the school districts on the readiness and capacity of each district;

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

15 (4) starting in the 2019-2020 school year, distribute incentive  
16 payments, not to exceed \$10,000,000 in total, to the four school districts to assist with  
17 the purchase and implementation of the curricula, including best teaching practices  
18 and professional development, and purchase of instructional materials.

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

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

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

27 (g) The department may distribute an incentive payment available to a school  
28 district in an amount that is not more than the school district's ADM multiplied by  
29 150, subject to availability of funding, if the governing body of the school district

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

1 (2) requests an incentive payment from the department;  
 2 (3) has not previously implemented the incentivized curricula; and  
 3 (4) demonstrates to the satisfaction of the department the readiness and  
 4 capacity of the school district to implement the curricula.

5 (h) In addition to any unexpended money under (e)(4) of this section, the  
 6 department may distribute not more than \$9,500,000 in incentive payments under (f)  
 7 and (g) of this section.

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

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

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

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

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

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

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

31 (n) Beginning with the 2025-2026 school year, the department may distribute

1 incentive payments to school districts that use curricula reviewed and approved by the  
 2 board under AS 14.07.165(c). The department may provide incentive payments,  
 3 subject to appropriation, to school districts based on the readiness and capacity of the  
 4 school district as determined by the department.

5 (o) In this section,

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

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

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

10 (4) "urban" means a community other than a community described in  
 11 AS 14.43.700;

12 (5) "virtual education" means instruction delivered through  
 13 telecommunications or other digital or electronic methods.

14 **Sec. 14.07.182. Curriculum improvement and best practices fund.** (a) The  
 15 curriculum improvement and best practices fund is established. The fund consists of  
 16 appropriations, not to exceed \$19,500,000, for distribution to school districts.

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

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

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

21 \* **Sec. 4.** AS 14.08.111 is amended to read:

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

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

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

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

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

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

1 (6) submit the reports prescribed for all school districts;  
 2 (7) provide for an annual audit in accordance with AS 14.14.050;  
 3 (8) provide custodial services and routine maintenance of school  
 4 buildings and facilities;

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

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

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

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

28 \* **Sec. 5.** AS 14.14.090 is amended to read:

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

31 (1) determine and disburse the total amount to be made available for

1 compensation of all school employees and administrative officers;

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

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

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

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

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

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

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

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

29 (10) provide for the development and implementation of a preventive  
30 maintenance program for school facilities; in this paragraph, "preventive maintenance"  
31 means scheduled maintenance actions that prevent the premature failure or extend the

1 useful life of a facility, or a facility's systems and components, and that are cost-  
2 effective on a life-cycle basis;

3 (11) establish procedures for providing the training under  
4 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362,  
5 AS 14.33.100, AS 18.66.310, and AS 47.17.022; the procedures established under this  
6 paragraph must include a training schedule that ensures that not less than 50 percent of  
7 the total certificated staff employed by the district receive all of the training not less  
8 than every two years and that all of the certificated staff employed by the district  
9 receive all of the training not less than every four years.

10 \* **Sec. 6.** AS 14.16.020 is amended to read:

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

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

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

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

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

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

23 (6) establish procedures for the development and implementation of  
24 curriculum and the selection and use of textbooks and instructional materials; **the**  
25 **procedures must require a review of textbooks and instructional materials at**  
26 **least once every 10 years;**

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

29 (8) establish procedures for staff evaluation; and

30 (9) establish procedures for providing the training under AS 14.18.060,  
31 AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362, AS 14.33.100,

1 AS 18.66.310, and AS 47.17.022; the procedures established under this paragraph  
2 must include a training schedule that ensures that not less than 50 percent of the total  
3 certificated staff employed by the district receive all of the training not less than every  
4 two years and that all of the certificated staff employed by the district receive all of the  
5 training not less than every four years.

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

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

17 \* **Sec. 8.** AS 14.07.180(e), 14.07.180(f), 14.07.180(g), 14.07.180(h), 14.07.180(j),  
18 14.07.180(l), and 14.07.180(m) are repealed July 1, 2025.

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