

HOUSE CS FOR CS FOR SENATE BILL NO. 104(FIN) am H

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/12/18

Offered: 5/10/18

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; relating to a system for managing student information and records**
4 **related to individualized education programs for children with disabilities; establishing**
5 **the marijuana education and treatment fund; and relating to the duties of the**
6 **Department of Health and Social Services to administer a comprehensive marijuana use**
7 **education and treatment program."**

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

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

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

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

13 (c) Every five years, the board shall review the mathematics and English and

1 language arts curricula used in the state to ensure the curricula are still effective and
2 are being taught using best practices.

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

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

5 (a) Notwithstanding any other provision of law, the board shall establish standards and
6 a procedure for the review, ranking, and approval of mathematics and English and
7 language arts curricula for school districts to use in each grade level as provided in this
8 section. The board may include curricula delivered through virtual education in the
9 standards and procedure established under this subsection.

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

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

21 (1) are appropriate;

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

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

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

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

30 (1) incentivized curricula for the best curricula for each subject, based
31 on evidence provided to the department; the department may place not more than two

1 curricula in this category for each subject;

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

5 (e) A three-year pilot program is established in the department, starting in the
6 2019-2020 school year, to test the appropriateness and effectiveness of the
7 incentivized curricula approved under (d) of this section. In conducting the program,
8 the department shall

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

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

14 (3) assign to each participating school district the incentivized
15 mathematics curriculum or the incentivized English and language arts curriculum; the
16 department shall assign the mathematics curriculum to one rural and one urban school
17 district and the English and language arts curriculum to one rural and one urban school
18 district;

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

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

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

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

31 (g) The department may distribute an incentive payment available to a school

1 district in an amount that is not more than the school district's ADM multiplied by
2 150, subject to availability of funding, if the governing body of the school district

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

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

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

7 (4) demonstrates to the satisfaction of the department the readiness and
8 capacity of the school district to implement the curricula.

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

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

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

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

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

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

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

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

4 (n) Beginning with the 2025-2026 school year, the department may distribute
 5 incentive payments to school districts that use curricula reviewed and approved by the
 6 board under AS 14.07.165(c). The department may provide incentive payments,
 7 subject to appropriation, to school districts based on the readiness and capacity of the
 8 school district as determined by the department.

9 (o) In this section,

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

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

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

14 (4) "urban" means a community other than a community described in
 15 AS 14.43.700;

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

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

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

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

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

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

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

27 (1) provide, 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 (2) develop a philosophy of education, principles, and goals for its
 30 schools;

31 (3) approve the employment of the professional administrators,

1 teachers, and noncertificated personnel necessary to operate its schools;

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

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

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

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

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

9 (9) 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 (10) 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 regional school board to provide teacher housing, whether owned, leased, or
20 rented or otherwise provided by the regional educational attendance area, nor does it
21 require the board to engage in a subsidy program of any kind with respect to teacher
22 housing;

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

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

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

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

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

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

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

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

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

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

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

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

31 (9) train persons required to report under AS 47.17.020, in the

1 recognition and reporting of child abuse, neglect, and sexual abuse of a minor;

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

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

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

15 **Sec. 14.16.020. Operation of state boarding schools.** In the management of
16 state boarding schools, the board shall

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

18 (2) approve the employment of personnel necessary to operate state
19 boarding schools;

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

22 (4) designate the employees authorized to direct disbursements from
23 the money appropriated for the operation of state boarding schools and for the
24 construction of facilities;

25 (5) provide custodial services and routine maintenance of physical
26 facilities;

27 (6) establish procedures for the development and implementation of
28 curriculum and the selection and use of textbooks and instructional materials; **the**
29 **procedures must require a review of textbooks and instructional materials at**
30 **least once every 10 years;**

31 (7) prescribe health evaluation and placement screening programs for

1 newly admitted students;

2 (8) establish procedures for staff evaluation; and

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

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

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

21 * **Sec. 8.** AS 43.61.010(d) is amended to read:

22 (d) The legislature may use the annual estimated balance in the **recidivism**
23 **reduction** fund to make appropriations to the Department of Corrections, the
24 Department of Health and Social Services, or the Department of Public Safety for
25 recidivism reduction programs.

26 * **Sec. 9.** AS 43.61.010 is amended by adding a new subsection to read:

27 (f) The marijuana education and treatment fund is established in the general
28 fund. In addition to the accounting under (c) of this section, the Department of
29 Administration shall separately account for 25 percent of the tax collected under this
30 section and deposit it into the marijuana education and treatment fund. The
31 Department of Administration shall deposit interest earned on the fund into the general

1 fund. Money in the fund does not lapse. The legislature may use the annual estimated
 2 balance in the fund to make appropriations to the Department of Health and Social
 3 Services for the marijuana use education and treatment program established under
 4 AS 44.29.020(a)(17).

5 * **Sec. 10.** AS 44.29.020(a) is amended to read:

6 (a) The Department of Health and Social Services shall administer the state
 7 programs of public health and social services, including

- 8 (1) maternal and child health services;
- 9 (2) preventive medical services;
- 10 (3) public health nursing services;
- 11 (4) nutrition services;
- 12 (5) health education;
- 13 (6) laboratories;
- 14 (7) mental health treatment and diagnosis;
- 15 (8) management of state institutions, except for adult penal institutions;
- 16 (9) medical facilities;
- 17 (10) adult public assistance;
- 18 (11) **the** Alaska temporary assistance program;
- 19 (12) child welfare services;
- 20 (13) general relief;
- 21 (14) a comprehensive smoking education, tobacco use prevention, and

22 tobacco control program; to the maximum extent possible, the department shall
 23 administer the program required under this paragraph by grant **to** or contract with one
 24 or more organizations in the state; the department's program must include

25 (A) a community-based tobacco use prevention and cessation
 26 component addressing the needs of youth and adults that includes use of
 27 cessation aids such as a nicotine patch or a nicotine gum tobacco substitute;

28 (B) youth-based efforts that involve youth in the design and
 29 implementation of tobacco control efforts;

30 (C) anti-tobacco counter-marketing targeting both youth and
 31 adult populations designed to communicate messages to help prevent youth

1 initiation of tobacco use, promote cessation among tobacco users, and educate
2 the public about the lethal effects of exposure to secondhand smoke;

3 (D) tobacco use surveys of youth and adult populations
4 concerning knowledge, awareness, attitude, and use of tobacco products; and

5 (E) an enforcement component;

6 (15) the Alaska Pioneers' Home and the Alaska Veterans' Home;

7 (16) licensure and regulation of child care facilities;

8 **(17) a comprehensive marijuana use education and treatment**
9 **program; to the extent possible, the department shall administer the program**
10 **required under this paragraph by grant to, or contract with, one or more**
11 **organizations in the state; the department's program must include**

12 **(A) a community-based marijuana misuse prevention**
13 **component; the community-based component must provide for a youth**
14 **services grant program to**

15 **(i) reduce initiation and promote cessation of**
16 **marijuana use by youth, reduce youth access to marijuana**
17 **products, and reduce exposure of youth to impaired driving**
18 **dangers related to marijuana use;**

19 **(ii) provide recreational, educational, and character-**
20 **building programs for youth outside school hours; and**

21 **(iii) address marijuana use prevention through**
22 **outcome-based curricula, adult and peer mentoring, and**
23 **opportunities for positive, prosocial leisure and recreational**
24 **activities;**

25 **(B) marijuana public education designed to communicate**
26 **messages to help prevent youth initiation of marijuana use, educate the**
27 **public about the effects of marijuana use, and educate the public about**
28 **marijuana laws;**

29 **(C) surveys of**

30 **(i) youth and adult populations concerning**
31 **knowledge, awareness, attitude, and use of marijuana products;**

