

SENATE BILL NO. 114

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE EDUCATION COMMITTEE

Introduced: 4/15/19

Referred: Education, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to course credit for students; relating to annual reports regarding**
2 **school district performance and school district employees; relating to cooperative**
3 **arrangements between school districts; relating to school operating fund reserves;**
4 **relating to competency examinations for teacher certificates; relating to the duties and**
5 **powers of the Department of Education and Early Development; relating to the**
6 **Professional Teaching Practices Commission; relating to a virtual education**
7 **consortium; establishing a reading intervention program for students in grades**
8 **kindergarten through three; establishing the Alaska middle college program for public**
9 **school students; relating to the powers of the University of Alaska; relating to reporting**
10 **requirements of the Board of Regents of the University of Alaska; and providing for an**
11 **effective date."**

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

1 * **Section 1.** AS 14.03.073(a) is amended to read:

2 (a) A school district shall provide the opportunity for students enrolled in
3 grades nine through 12 in the district to challenge one or more courses provided by the
4 district by demonstrating mastery in mathematics, language arts, science, social
5 studies, and world languages at the level of the course challenged. A school district
6 shall give full credit for a course to a student who successfully challenges that course
7 as provided under **(b) of** this section.

8 * **Sec. 2.** AS 14.03.073(b) is amended to read:

9 (b) A school district shall establish, within a reasonable time, an assessment
10 tool and a standard for demonstrating mastery in courses provided for students in
11 grades nine through 12 by the district under **(a) of** this section. This section does not
12 require a school district to establish an assessment tool for every course in
13 mathematics, language arts, science, social studies, and world languages that is offered
14 to students in grades nine through 12 by the district.

15 * **Sec. 3.** AS 14.03.073 is amended by adding a new subsection to read:

16 (e) In addition to providing the opportunity for a student to challenge a course
17 under (a) - (c) of this section, a school district shall allow a student enrolled in grades
18 nine through 12 to receive course credit in career and technical education, physical
19 education, music, or art if the student participates in an activity, including a cultural
20 activity, outside of school hours that the school district determines meets the
21 educational or physical activity requirements of the course. A school district may
22 adopt standards for awarding course credit for an activity under this subsection.

23 * **Sec. 4.** AS 14.03.078(a) is amended to read:

24 (a) The department shall provide to the legislature **and school districts** by
25 February 15 of each year by electronic means an annual report regarding the progress
26 of each school and school district toward high academic performance by all students.
27 The report required under this section must include

28 (1) information described under AS 14.03.120(d);

29 (2) progress of the department

30 (A) toward implementing the school accountability provisions
31 of AS 14.03.123; and

- 1 (B) in assisting high schools to become accredited;
- 2 (3) a description of the resources provided to each school and school
- 3 district for coordinated school improvement activities and staff training in each school
- 4 and school district;
- 5 (4) each school district's and each school's progress in aligning
- 6 curriculum with state education performance standards;
- 7 (5) a description of the efforts by the department to assist a public
- 8 school or district that receives a low performance designation under AS 14.03.123;
- 9 (6) a description of intervention efforts by each school district and
- 10 school for students who are not meeting state performance standards; [AND]
- 11 (7) the number and percentage of turnover in certificated personnel and
- 12 superintendents; and

13 (8) a summary of the categories of certificated administrative

14 employees employed by each school district that includes the ratio of

15 (A) the number of certificated administrative employees in

16 each category employed by each school district compared to the number

17 of students enrolled in the school district on October 1 of the previous

18 year;

19 (B) the total number of certificated administrative

20 employees employed by each school district compared to the total number

21 of classroom teachers employed by the school district on October 1 of the

22 previous year; and

23 (C) the total number of classroom teachers employed by

24 each school district compared to the total number of students enrolled in

25 the school district on October 1 of the previous year.

26 * Sec. 5. AS 14.03.078 is amended by adding new subsections to read:

27 (c) Each school district shall make available to the public the portion of the

28 report under (a)(8) of this section that pertains to the school district by posting the

29 information in a prominent location on the school district's or local community's

30 Internet website or by another easily accessible method.

31 (d) In this section,

(1) "administrative employee" means an employee who does not provide direct classroom instruction for students as a regular part of the employee's job;

(2) "classroom teacher" means a person who holds a teacher certificate under AS 14.20.010 and instructs students in activities designed to promote intellectual, social, and physical growth, prepares outlines for courses of study, assigns and corrects assignments and tests, records learning processes, maintains order in the classroom, and discusses with parents a student's progress.

* **Sec. 6.** AS 14.07.168 is amended to read:

Sec. 14.07.168. Report to the legislature. Not later than the 30th legislative day of each regular session of the legislature, the board shall prepare and present in person to the legislative committees having jurisdiction over education an annual report that describes the efforts of the board to develop, maintain, and continuously improve a comprehensive quality public education system, as provided for under the bylaws of the board. The report must include

(1) a summary of the resolves and rationales provided in support of policy decisions made under AS 14.03.015;

(2) program and curriculum changes made, discussed, or recommended in meetings held under AS 14.07.125;

(3) additional information relevant to efforts made to improve and maintain the public education system;

(4) a summary of the Alaska middle college program established in AS 14.30.780; the summary must include the

(A) number of students participating in the program;

(B) types of courses in which students have enrolled;

(C) total number of credits that students have earned;

(D) rate of subsequent enrollment in postsecondary institutions by students who participated in the program; and

(E) postsecondary remediation rates of students who participated in the program for courses taken through the program.

* **Sec. 7.** AS 14.14.115(a) is amended to read:

(a) To encourage cooperative arrangements between school districts and between school districts and businesses, nonprofit organizations, and state or local government agencies to provide more efficient or economical administrative or educational services, a school district may receive a one-time cooperative arrangement grant from the department of up to \$200,000 if the school district demonstrates that the arrangement will result in a cost savings to the district [\$100,000].

* **Sec. 8.** AS 14.14.115 is amended by adding new subsections to read:

(d) To be eligible for a cooperative arrangement grant between school districts under this section, other than a cooperative arrangement grant for assistance with the costs of transferring a health insurance policy under (e) of this section, a district must either be a rural school district or enter into a cooperative arrangement with a rural school district.

(e) The department may award a one-time cooperative arrangement grant under this section to a school district to assist the school district in paying for the costs of transferring school district employees from a health insurance policy provided by the school district to a policy of group health insurance under AS 39.30.090. The department may not award a cooperative arrangement grant to a school district to pay the school district's contributions to the costs of the health insurance policy.

(f) During the first three fiscal years after a cooperative arrangement grant is awarded under this section, a district awarded a grant may accumulate in its school operating fund, in addition to the unreserved portion allowed under AS 14.17.505(a), an amount equal to the savings resulting from the cooperative arrangement.

(g) In this section, "rural school district" means a regional educational attendance area or a small municipal school district as that term is defined in AS 14.11.025(c).

* **Sec. 9.** AS 14.17.505(a) is amended to read:

(a) Except as provided under AS 14.14.115(f), a [A] district may not accumulate in a fiscal year an unreserved portion of its year-end fund balance in its school operating fund, as defined by department regulations, that is greater than 15 [10] percent of its expenditures for that fiscal year.

* **Sec. 10.** AS 14.20.020(i) is amended to read:

(i) A [BEGINNING ON JULY 1, 1998, A] person is not eligible for an initial regular teacher certificate unless the person has taken and successfully completed a competency examination or examinations designated, at the time the person took the test, by the board. The board shall review nationally recognized examinations that are designed to test the competency of new teachers and shall designate those examinations that it finds adequately test the skills and abilities of new teachers. For each examination designated under this subsection, the board shall establish the minimum acceptable level of performance, **including a passing score. The board shall reevaluate the passing score of a competency examination at least once every five years and shall review all examinations designated by the board at least once every three years. The board shall prioritize the review of those examinations for which the minimum passing score deviates the greatest from the mean of passing scores adopted by other jurisdictions. When reevaluating a passing score, the board shall consider the historical effect of the established passing score, the potential effect of changing the passing score, and the passing scores currently used by other jurisdictions. The board shall adopt regulations to implement this subsection. A regulation that changes the minimum acceptable level of performance on a competency examination may not take effect earlier than one year after the date the board adopts the regulation. The board may allow a teacher who passed a comparable competency examination required by another jurisdiction to satisfy the competency examination requirements under this subsection. In this subsection, "competency examination" includes basic competency examinations with sub-examinations in the areas of reading, writing, and mathematics and subject area examinations that are specific to the subject area the teacher will be teaching.**

* **Sec. 11.** AS 14.20.380 is amended by adding a new subsection to read:

(b) The department shall provide administrative support services to the commission.

* **Sec. 12.** AS 14.20.460 is amended to read:

Sec. 14.20.460. Duties of commission. The commission shall

(1) establish procedures [,] and adopt regulations to implement the

1 purposes of AS 14.20.370 - 14.20.510;

2 (2) conduct investigations and hearings on alleged violations of ethical
3 or professional teaching performance, contractual obligations, and professional
4 teaching misconduct;

5 (3) review the regulations of the department as they relate to teacher
6 certification and recommend necessary changes;

7 (4) review the decisions of the department regarding the issuance or
8 denial of certificates and, in the [ITS] discretion of the commission, recommend
9 reversal of decisions;

10 (5) reduce the commission's administrative costs by using
11 administrative support services provided by the department.

12 * **Sec. 13.** AS 14.30 is amended by adding a new section to read:

13 **Article 15. Virtual Education.**

14 **Sec. 14.30.760. Virtual education consortium.** (a) The department shall, in
15 cooperation with school districts, establish a virtual education consortium for the
16 purpose of making virtual education and professional development resources available
17 to students and teachers in the state. The consortium shall create and maintain a
18 database of virtual education courses for students, training in virtual instruction for
19 teachers, and professional development courses for teachers of students in any grade
20 throughout the state if the coursework curriculum is aligned with state standards
21 established by the department. The database must be accessible to all school districts.

22 (b) For teachers delivering or facilitating virtual coursework to students in the
23 consortium, the consortium shall provide training and professional development on
24 virtual instruction methods and the differences between virtual instruction and
25 instruction offered in a classroom. A teacher may not provide instruction through a
26 course for students that is in the database unless

27 (1) the teacher has completed the training or professional development
28 provided by the consortium; or

29 (2) the consortium determines that the teacher's previous experience
30 has prepared the teacher to provide virtual instruction and the teacher demonstrates the
31 skills necessary to provide virtual instruction.

(c) The department may require a school district that participates in the consortium to pay a fee to the consortium. If the department requires a fee, the department shall establish the fee in regulations, based on a recommendation made by the consortium, and may adjust the fee annually as necessary. The fees must approximately equal the consortium's prorated administrative costs related to reviewing and approving courses and maintaining the database.

(d) The consortium may require, as a condition of participation, that school districts that provide courses or have students participating in courses included in the database under (b) of this section adopt the same school term and class schedule for all or part of a school day. The school term must meet the requirements of AS 14.03.030.

(e) In this section, "virtual education" or "virtual instruction" means instruction delivered through telecommunications or another digital or electronic method.

* **Sec. 14.** AS 14.30 is amended by adding a new section to read:

Article 16. District Reading Intervention Program.

Sec. 14.30.790. District reading intervention program. (a) Each district shall establish a reading intervention program for students in grades kindergarten through three to ensure that students who struggle with reading can read at or above grade level by the end of grade three. A district shall provide the reading intervention program in addition to core reading instruction that is provided to all students in the general education classroom. In implementing the reading intervention program, a district shall

(1) as part of a comprehensive assessment system, administer a state universal screening tool for reading approved by the department to all students in grades kindergarten through three, once in the fall, once in the winter, and once in the spring; the assessment must include

(A) for students in kindergarten, phonemic awareness, letter naming fluency, letter sound fluency, and letter word sound fluency;

(B) for students in grade one, letter word sound fluency and oral reading fluency; and

(C) for students in grades two and three, vocabulary and oral

1 reading fluency;

2 (2) establish a plan based on an articulated Response to Intervention or
3 Multi-Tiered System of Support model that includes

4 (A) a universal screening and benchmark assessment process;

5 (B) a data review process that includes the teacher, parents, and
6 other appropriate staff that assists with interventions for students who struggle
7 with reading;

8 (C) use of identified intervention procedures for students who
9 struggle with reading; and

10 (D) a process for monitoring the progress and addressing the
11 needs of students who continue to struggle with reading;

12 (3) implement the program during regular school hours and through
13 any available method, which may include using online teachers or coaches that use
14 explicit and systematic instruction.

15 (b) Not later than 15 days after a student in grades kindergarten through three
16 is identified by the state determined universal screening tool to be struggling in a
17 specific area, the district shall notify the parent of the student in writing. The written
18 notice must

19 (1) advise that the student has been identified as a struggling reader;

20 (2) indicate whether a plan based on a Response to Intervention or
21 Multi-Tiered System Support model has been implemented for the student;

22 (3) include a description of the intervention program that will be
23 provided to the student, including the research and evidence-based reading
24 interventions and supplemental instructional services and support that will be provided
25 to the student for the purpose of addressing the areas in which the student struggles;

26 (4) inform the parent that the parent will be notified in writing at least
27 once every two weeks of the student's progress toward reading at grade level; and

28 (5) provide strategies that the parent can use at home to help the
29 student succeed in reading.

30 (c) Each district shall provide intensive reading intervention services to
31 support areas of need for students identified as struggling readers based on the state

1 determined universal screening test. The reading intervention services must include
2 effective instructional strategies to accelerate student progress. Each school district
3 shall conduct a review of plans based on Response to Intervention or Multi-Tiered
4 System Support models implemented for students identified as struggling readers. The
5 review must address additional support and services needed to remedy the identified
6 needs of students consistent with this subsection. The intensive reading intervention
7 services must include

8 (1) instruction, either in person or online, from a highly effective
9 reading teacher, as determined by student reading performance data and teacher
10 performance evaluations;

11 (2) use of reading instruction and intervention methods based on
12 scientific research;

13 (3) use of reading strategies and programs based on scientific research
14 that have proven results in accelerating student reading achievement within a single
15 school year;

16 (4) daily targeted small group reading instruction based on student
17 needs, either in person or online;

18 (5) instruction, either in person or online, with detailed explanations,
19 extensive opportunities for guided practice, and opportunities for error correction and
20 feedback; and

21 (6) throughout the school year, frequent monitoring of adjustments to
22 instruction according to a student's progress in reading.

23 (d) Each district shall establish an intensive acceleration class to support
24 students that need additional support in reading instruction as determined by
25 instructors providing intensive reading intervention services under (c) of this section.
26 The intensive acceleration class must provide

27 (1) a reduced teacher-to-student ratio; and

28 (2) for a period of reading instruction and interventions that accounts
29 for most of the student contact time each day.

30 (e) On or before September 1 of each year, each district shall provide to the
31 department a report describing for the previous school year

1 (1) the district school board's policies and procedures on student
2 retention and promotion;

3 (2) by grade, the number and percentage of students in grades
4 kindergarten through three performing below the designated threshold on the state
5 determined universal screening tool; and

6 (3) the number and percentage of students in grade three demonstrating
7 reading skills sufficient for that grade level based on the state determined universal
8 screening tool.

9 (f) The department shall approve a universal screening tool for reading and
10 establish a uniform format for the school districts to report on reading progress as
11 required under (e) of this section using existing data collection methods. For the
12 information received under (e) of this section, the department shall annually

13 (1) compile, validate, and approve the information;

14 (2) create a state-level summary report of the information; and

15 (3) providing a copy of the report to the board and the governor,
16 publish the report on the board's Internet website, and notify the legislature that the
17 report is available by October 1 of each year.

18 * **Sec. 15.** AS 14.30 is amended by adding a new section to read:

19 **Article 17. Dual Credit.**

20 **Sec. 14.30.850. Alaska middle college program established.** (a) The Alaska
21 middle college program is established for eligible students to enroll in courses offered
22 by the University of Alaska. A student shall earn both high school and college credit
23 for each course the student has satisfactorily completed through the program. College
24 credit earned through the program is fully transferable within the University of Alaska
25 system.

26 (b) Every school district shall participate in the program. Each school district
27 shall enter into an agreement with the University of Alaska for the purpose of carrying
28 out the program. An agreement under this subsection must allow any student eligible
29 under (c) of this section to participate in the program.

30 (c) A student is eligible for the program if the student

31 (1) is enrolled in public school in the state;

1 (2) has completed the eighth grade and has demonstrated, to the
 2 satisfaction of the school district and the University of Alaska, the academic ability
 3 necessary to complete college level coursework;

4 (3) has not been awarded a high school diploma; and

5 (4) complies with the requirements of the program.

6 (d) Every school district shall provide information about the program to
 7 students in grades eight through 12 who are enrolled in a public school in the state.
 8 The information provided must include the

9 (1) process that the University of Alaska uses in awarding credit for
 10 completing a course through the program, including the minimum scores generally
 11 required to receive college credit from a state postsecondary institution;

12 (2) availability of program courses offered online and throughout the
 13 school district;

14 (3) benefits of earning college credit while enrolled in high school;

15 (4) availability of academic support services;

16 (5) academic and social responsibilities associated with participating in
 17 the program; and

18 (6) consequences of failing or not completing a course taken through
 19 the program.

20 (e) A student who is enrolled in the program may not be required to pay
 21 tuition or other costs associated with the program. An agreement entered into by a
 22 school district and the University under (b) of this section must state the manner in
 23 which costs associated with the program will be shared between the participating
 24 school district and the University of Alaska. The agreement may provide for
 25 scholarship opportunities and fee waivers to reduce the cost to the school district of
 26 participating in the program.

27 (f) A program course may be offered and taught at a public high school in the
 28 state if

29 (1) the content and curriculum of the course is consistent with the
 30 standards and learning outcomes of the equivalent course offered at the University of
 31 Alaska;

1 (2) the instructor teaching the course meets the University of Alaska's
2 standards for adjunct faculty members;

3 (3) the instructor uses the same textbooks and instructional materials
4 used for the equivalent course offered at the University of Alaska; and

5 (4) the course and the instructor are subject to regular evaluation by the
6 University of Alaska to ensure compliance with these standards.

7 (g) A student who enrolls in the program shall be permitted to enroll in up to
8 12 credits each semester and earn up to 60 total credits.

9 (h) For the purpose of calculating a school district's ADM under
10 AS 14.17.410, a student participating in the program is considered a full-time student
11 of the school district in which the student is enrolled.

12 (i) The University of Alaska and a school district may release to each other the
13 transcript of a student to determine the student's eligibility for the program or for
14 graduation.

15 (j) In this section,

16 (1) "program" means the middle college program established under
17 this section;

18 (2) "school district" has the meaning given in AS 14.30.350.

19 * **Sec. 16.** AS 14.40.040 is amended by adding a new subsection to read:

20 (c) The University of Alaska shall implement the Alaska middle college
21 program established under AS 14.30.780. The University of Alaska may not require an
22 applicant to the program to meet eligibility criteria in addition to the eligibility
23 requirements under AS 14.30.780(c). The University of Alaska shall

24 (1) evaluate and regularly review each course offered in the middle
25 college program under AS 14.30.780(f) to ensure consistency with national standards
26 for awarding dual credit;

27 (2) enter into an agreement with a school district consistent with the
28 middle college program standards; and

29 (3) award to a student college credit that is fully transferable within the
30 University of Alaska system for each course satisfactorily completed under the middle
31 college program.

1 * **Sec. 17.** AS 14.40.190(b) is amended to read:

2 (b) In addition to the report required under (a) of this section, the Board of
 3 Regents shall prepare and present **in person** to the legislative committees having
 4 jurisdiction over education a biennial report, [NOT LATER THAN THE 30TH
 5 LEGISLATIVE DAY OF THE FIRST SESSION OF EACH LEGISLATURE,] titled
 6 "Alaska's University for Alaska's Schools" that describes the efforts of the university
 7 to attract, train, and retain qualified public school teachers. The report must include an
 8 outline of the university's current and future plans to close the gap between known
 9 teacher employment vacancies in the state and the number of state residents who
 10 complete teacher training. The information reported under this subsection may also
 11 include short-term and five-year strategies with accompanying fiscal notes and
 12 outcome measures. **Not later than the 30th legislative day of the first regular**
 13 **session of each legislature, the Board of Regents shall deliver a copy of the report**
 14 **to the senate secretary and the chief clerk of the house of representatives and**
 15 **notify the legislature that the report is available.**

16 * **Sec. 18.** AS 14.40.190 is amended by adding a new subsection to read:

17 (c) In addition to the reports under (a) and (b) of this section, the Board of
 18 Regents shall prepare a semiannual report on accreditation. The report must, for each
 19 instructional program of the university, assess the program's quality and effectiveness
 20 for purposes of accreditation, assess the program's alignment with applicable national,
 21 regional, and specialized accreditation standards, and describe the efforts the
 22 university has made to achieve or maintain the program's accreditation. The report
 23 must be disaggregated by university campus, school or college, program, accrediting
 24 body, date of initial accreditation, next review date and review cycle, and current
 25 accreditation status. For each instructional program that has lost or is at risk of losing
 26 accreditation, the report must describe the university's plan to remediate the loss or
 27 risk. The Board of Regents shall

28 (1) deliver a copy of the each semiannual report to the senate secretary
 29 and the chief clerk of the house of representatives and notify the legislature that the
 30 report is available on or before

31 (A) the 30th legislative day of each regular legislative session

1 for the first semiannual report of the calendar year; and

2 (B) July 1 of each year for the second semiannual report of the
3 calendar year;

4 (2) annually, present both reports in person to the legislative
5 committees having jurisdiction over education.

6 * **Sec. 19.** The uncoded law of the State of Alaska is amended by adding a new section to
7 read:

8 VIRTUAL EDUCATION CONSORTIUM TASK FORCE. The Department of
9 Education and Early Development shall develop a virtual education consortium task force led
10 by the commissioner of education and early development and made up of leaders in
11 technology in education in the state. The task force shall begin developing the virtual
12 education consortium one year prior to the effective date of sec. 12 of this Act. In developing
13 the virtual education consortium, the task force shall finish defining the structure of the
14 consortium, including its functionality within school districts, whether teacher training
15 requirements are necessary, and possible fee structures.

16 * **Sec. 20.** Sections 4, 5, 7 - 12, and 19 of this Act take effect immediately under
17 AS 01.10.070(c).

18 * **Sec. 21.** Sections 1 - 3, 6, and 13 - 16 take effect July 1, 2020.