

AMENDMENT # 3

OFFERED IN THE SENATE

BY SENATOR KAUFMAN

TO: SCS CSHB 69(FIN)

1 Page 1, line 1:

2 Delete "the base student allocation"

3 Insert "education; relating to open enrollment in public schools; relating to
4 education reports; relating to the collection of data on the progress of high school
5 graduating classes in the state; relating to a student academic performance
6 improvement recognition program; relating to charter schools; relating to
7 correspondence study programs; relating to the required local contribution of a city or
8 borough school district; relating to the base student allocation; relating to the provision
9 of special education and related services; relating to reading proficiency incentive
10 grants; relating to wireless telecommunications devices in public schools; relating to the
11 duties of the Alaska Workforce Investment Board; establishing the Task Force on
12 Education Funding"

13

14 Page 1, lines 3 - 6:

15 Delete all material and insert:

16 **** Section 1.** AS 14.03.080(a) is amended to read:

17 (a) A child of school age is entitled to attend

18 (1) public school without payment of tuition during the school term in
19 the school district in which the child is a resident subject to the provisions of
20 AS 14.14.110 and 14.14.120; and

21 (2) upon application to the school, any other noncorrespondence
22 public school not located on a military installation that is selected by the child's
23 parent, subject to provisions established by the school district under an

1 **enrollment policy; the policy must**

2 **(A) consider the military status of a parent or guardian of**
3 **the child;**

4 **(B) address school capacity; the local school board of the**
5 **district shall determine the capacity of schools in the district;**

6 **(C) prioritize the placement of siblings in the same school**
7 **and the placement of a child in a school at which the child's parent or**
8 **guardian is employed; and**

9 **(D) establish a procedure for appealing a denial of an**
10 **enrollment application.**

11 * **Sec. 2.** AS 14.03.080 is amended by adding new subsections to read:

12 (i) Each school district shall, for each school in the district, publish on the
13 school district's Internet website or on the school's Internet webpage information about
14 the school's capacity, enrollment, the number of applicants in the previous school year,
15 the number of acceptances and denials in the previous school year, and the reasons for
16 the denials.

17 (j) In this section, "military installation" means a base, camp, post, station,
18 yard, center, homeport facility for a ship, armory, or other installation under the
19 jurisdiction of the United States Department of Defense or the United States Coast
20 Guard.

21 * **Sec. 3.** AS 14.03.120(d) is amended to read:

22 (d) Annually, before the date set by the district under (e) of this section, each
23 public school shall deliver to the department for posting on the department's Internet
24 website and provide, in a public meeting of parents, students, and community
25 members, a report on the school's performance and the performance of the school's
26 students. The report shall be prepared on a form prescribed by the department and
27 must include

28 (1) information on accreditation;

29 (2) results of norm-referenced achievement tests **that measure**
30 **student academic performance over time;**

31 (3) results of state standards-based assessments in language arts and

1 mathematics;

2 (4) a description, including quantitative and qualitative measures, of
3 student, parent, community, and business involvement in student learning;

4 (5) a description of the school's attendance, retention, dropout, and
5 graduation rates as specified by the state board;

6 (6) the annual percent of enrollment change, regardless of reason, and
7 the annual percent of enrollment change due to student transfers into and out of the
8 school district;

9 (7) if Native language education is provided, a summary and
10 evaluation of the curriculum described in AS 14.30.420;

11 (8) the performance designation assigned the school under
12 AS 14.03.123 and the methodology used to assign the performance designation,
13 including the measures used and their relative weights;

14 (9) other information concerning school performance and the
15 performance of the school's students as required by the state board in regulation; and

16 (10) information on the number, attendance, and performance of
17 students enrolled in the school whose parents or guardians are on active duty in the
18 armed forces of the United States, the United States Coast Guard, the Alaska National
19 Guard, the Alaska Naval Militia, or the Alaska State Defense Force.

20 * Sec. 4. AS 14.03.120(g) is amended to read:

21 (g) To the extent allowable under state and federal privacy laws, each district
22 shall annually report to the department information from the previous school year
23 regarding

24 (1) the number of students and teaching staff assigned to each
25 classroom in grades kindergarten through 12 [THREE];

26 (2) the number and percentage of students

27 (A) in grades kindergarten through three who demonstrated
28 improvement on expected grade-level skills on the statewide screening tool;

29 (B) in grades kindergarten through three who performed below
30 expected grade-level skills on the statewide screening tool, by grade;

31 (C) in grades kindergarten through three who did not progress

1 to the next grade and the reasons the students did not progress;

2 (D) in grade three who demonstrated sufficient reading skills to
3 progress to grade four based on the statewide screening tool;

4 (E) in grade three who progressed to grade four based on a
5 waiver under AS 14.30.765(f);

6 (F) in grade three who demonstrated sufficient reading skills to
7 progress to grade four based on an alternative standardized reading screening;

8 (G) in grade three who demonstrated sufficient reading skills to
9 progress to grade four based on a student reading portfolio;

10 (3) the performance on the statewide screening tool of students in a
11 grade above grade three who did not progress to grade four or who progressed to grade
12 four based on a waiver under AS 14.30.765(f).

13 * **Sec. 5.** AS 14.03.120 is amended by adding a new subsection to read:

14 (k) The department shall collaborate with the Department of Labor and
15 Workforce Development under AS 44.31.020 to gather data on the progress of each
16 high school graduating class in a district by collecting career, postsecondary
17 education, and residency data on each student in the graduating class. The departments
18 shall gather the data every five years for 20 years after the high school graduation date
19 of the class.

20 * **Sec. 6.** AS 14.03 is amended by adding a new section to read:

21 **Sec. 14.03.122. Student academic performance improvement recognition**
22 **program.** The department shall develop a program to provide recognition to school
23 districts, schools, school staff, and students in a school whose efforts lead to
24 improvement of student academic performance over time for students in the school, as
25 measured by norm-referenced achievement tests that measure student academic
26 performance over time. As part of the program, the department shall provide special
27 recognition to a school at which 75 percent or more of the school's students show
28 improvement in academic performance, as measured by norm-referenced achievement
29 tests that measure student academic performance over time. The department may,
30 subject to appropriation, provide financial incentive payments to the school as part of
31 the special recognition.

1 * **Sec. 7.** AS 14.03.250(a) is amended to read:

2 (a) A local school board shall prescribe an application procedure for the
3 establishment of a charter school in that school district. The application procedure
4 must **allow an application for the following school year to be filed at any time**
5 **during the school year, and must** include provisions for an academic policy
6 committee consisting of parents of students attending the school, teachers, and school
7 employees and a proposed form for a contract between a charter school and the local
8 school board, setting out the contract elements required under AS 14.03.255(c).

9 * **Sec. 8.** AS 14.03.253(b) is amended to read:

10 (b) In an appeal to the state Board of Education and Early Development of a
11 denial of a charter school application under (a)(3) of this section, the state board shall
12 determine, based on the record, whether the commissioner's findings are supported by
13 substantial evidence and whether the decision is contrary to law. The state board shall
14 issue a written decision within **45** [90] days after **the state board receives** an appeal.

15 * **Sec. 9.** AS 14.03.255(c) is amended to read:

16 (c) A charter school shall operate under a contract between the charter school
17 and the local school board. A contract must contain the following provisions:

- 18 (1) a description of the educational program;
- 19 (2) specific levels of achievement for the education program;
- 20 (3) admission policies and procedures;
- 21 (4) administrative policies;
- 22 (5) a statement of the charter school's funding allocation from the local
23 school board and costs assignable to the charter school program budget;
- 24 (6) the method by which the charter school will account for receipts
25 and expenditures;
- 26 (7) the location and description of the facility;
- 27 (8) the name of the teacher, or teachers, who, by agreement between
28 the charter school and the teacher, will teach in the charter school;
- 29 (9) the teacher-to-student ratio;
- 30 (10) the number of students served;
- 31 (11) the term of the contract, not to exceed a term of 10 years;

1 (12) a termination clause providing that the contract may be terminated
 2 by the local school board for the failure of the charter school to meet educational
 3 achievement goals or fiscal management standards, or for other good cause;

4 (13) a clause providing that the local school board may only
 5 terminate a contract under the standards and procedures established in
 6 AS 14.03.256;

7 (14) a statement that the charter school will comply with all state and
 8 federal requirements for receipt and use of public money;

9 (15) [(14)] other requirements or exemptions agreed on [UPON] by the
 10 charter school and the local school board.

11 * **Sec. 10.** AS 14.03.255 is amended by adding a new subsection to read:

12 (e) A local school board may establish simplified procedures and standards for
 13 a renewal of a contract in good standing, as defined by the local school board, between
 14 the local school board and a charter school.

15 * **Sec. 11.** AS 14.03 is amended by adding a new section to read:

16 **Sec. 14.03.256. Charter school termination.** (a) A local school board may
 17 terminate a contract between the local school board and a charter school only if the
 18 charter school has

19 (1) failed to comply with a condition or material term of the contract or
 20 AS 14.03.250 - 14.03.290; or

21 (2) intentionally or fraudulently misrepresented, in whole or in part,
 22 material facts or circumstances upon which the contract was made.

23 (b) Before termination of a contract under this section, the local school board
 24 shall give the charter school written notice of the local school board's intent to
 25 terminate the contract. The local school board shall also provide the charter school
 26 with a reasonable opportunity, as determined by the local school board, to cure any
 27 deficiency that is the basis for the termination if the local school board determines that
 28 curing the deficiency is appropriate under the circumstances.

29 (c) A local school board shall provide in writing the reasons for terminating or
 30 denying renewal of a charter school contract.

31 (d) A charter school whose contract is terminated under this section may file

1 an appeal with the superior court under the Alaska Rules of Appellate Procedure.

2 (e) If a charter school whose contract is terminated under this section files an
3 appeal with the superior court, the board may independently audit the finances of the
4 charter school.

5 * **Sec. 12.** AS 14.03.300 is amended by adding new subsections to read:

6 (c) Each district that provides a correspondence study program, and the
7 department if the department provides a correspondence study program, shall prepare
8 an annual report that includes

9 (1) the number of students enrolled in the program;

10 (2) the demographic information of the students enrolled in the
11 program;

12 (3) a detailed record of each student allotment provided under
13 AS 14.03.310 and of each expenditure made with the allotment;

14 (4) a random sample of 25 percent of services and materials purchased
15 under AS 14.03.310(b)(1);

16 (5) assessment and proficiency scores of the students enrolled in the
17 program; and

18 (6) a review of curricula that have been provided by the program or
19 purchased using allotment funds.

20 (d) A district shall submit a report required under (c) of this section to the
21 department, and the department shall provide the report to the state Board of
22 Education and Early Development. If the department provides a correspondence study
23 program, the department shall also submit to the state board the department's report
24 required under (c) of this section.

25 * **Sec. 13.** AS 14.07.168 is amended to read:

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

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

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

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

7 (4) a summary of implementation and utilization of the consortium
8 established under AS 14.30.800, including a review of consortium effectiveness and
9 the participation rates of districts, teachers, and students;

10 **(5) the information reported to the board under AS 14.03.300(d).**

11 * **Sec. 14.** AS 14.07.168, as amended by sec. 23, ch. 40, SLA 2022, is amended to read:

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

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

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

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

24 **(4) the information reported to the board under AS 14.03.300(d).**

25 * **Sec. 15.** AS 14.17.410(c) is amended to read:

26 (c) In addition to the local contribution required under (b)(2) of this section,
27 **and except as provided in (g) of this section,** a city or borough school district in a
28 fiscal year may make a local contribution of not more than the greater of

29 (1) the equivalent of a two mill tax levy on the full and true value of
30 the taxable real and personal property in the district as of January 1 of the second
31 preceding fiscal year, as determined by the Department of Commerce, Community,

1 and Economic Development under AS 14.17.510 and AS 29.45.110; or

2 (2) 23 percent of the total of the district's basic need for the fiscal year
3 under (b)(1) of this section and any additional funding distributed to the district in a
4 fiscal year according to (b) of this section.

5 * **Sec. 16.** AS 14.17.410 is amended by adding a new subsection to read:

6 (g) A city or borough school district may exceed the voluntary local
7 contribution limit established in (c) of this section only if the contribution made in
8 excess of the limit is not for current expenditures as defined in 20 U.S.C. 7713(4) or
9 34 C.F.R. 222.161(c).

10 * **Sec. 17.** AS 14.17.430 is amended to read:

11 **Sec. 14.17.430. State funding for correspondence study.** Except as provided
12 in AS 14.17.400(b), funding for the state centralized correspondence study program or
13 a district correspondence program, including a district that offers a statewide
14 correspondence study program, includes an allocation from the public education fund
15 in an amount equal to the ADM of the correspondence program [CALCULATED
16 BY MULTIPLYING THE ADM OF THE CORRESPONDENCE PROGRAM BY 90
17 PERCENT].

18 * **Sec. 18.** AS 14.17.470 is amended to read:

19 **Sec. 14.17.470. Base student allocation.** The base student allocation is \$6,657
20 [\$5,960].

21 * **Sec. 19.** AS 14.30.010(b) is amended to read:

22 (b) This section does not apply if a child

23 (1) is provided an academic education comparable to that offered by
24 the public schools in the area [, EITHER] by

25 (A) attendance at a private school in which the teachers are
26 certificated according to AS 14.20.020;

27 (B) tutoring by personnel certificated according to
28 AS 14.20.020; or

29 (C) attendance at an educational program operated in
30 compliance with AS 14.45.100 - 14.45.200 by a religious or other private
31 school;

- 1 (2) attends a school operated by the federal government;
- 2 (3) has a physical or mental condition that a competent medical
3 authority determines will make attendance impractical;
- 4 (4) is in the custody of a court or law enforcement authorities;
- 5 (5) is temporarily ill or injured;
- 6 (6) has been suspended or expelled under AS 14.03.160 or suspended
7 or denied admittance under AS 14.30.045;
- 8 (7) resides more than two miles from either a public school or a route
9 on which transportation is provided by the school authorities, except that this
10 paragraph does not apply if the child resides within two miles of a federal or private
11 school that the child is eligible and able to attend;
- 12 (8) is excused by action of the school board of the district at a regular
13 meeting or by the district superintendent subject to approval by the school board of the
14 district at the next regular meeting;
- 15 (9) has completed the 12th grade;
- 16 (10) is enrolled in
- 17 (A) a state boarding school established under AS 14.16; or
- 18 (B) a full-time program of correspondence study approved by
19 the department; in those school districts providing an approved correspondence
20 study program, a student may be enrolled either in the district correspondence
21 program or in the centralized correspondence study program;
- 22 (11) is equally well-served by an educational experience approved by
23 the school board as serving the child's educational interests despite an absence from
24 school, and the request for excuse is made in writing by the child's parents or guardian
25 and approved by the principal or administrator of the school that the child attends;
- 26 (12) is being educated in the child's home by a parent or legal
27 guardian;
- 28 **(13) is enrolled in a public school in a district in which the child**
29 **does not reside as permitted under AS 14.03.080(a)(2).**

30 * Sec. 20. AS 14.30.186(a) is amended to read:

- 31 (a) Special education and related services shall be provided by

1 (1) a borough or city school district for a child with a disability
 2 residing within the district or attending a school in the district under
 3 AS 14.03.080(a)(2);

4 (2) the board of a regional educational attendance area operating a
 5 school in the area for a child with a disability residing in the area served by the school
 6 or attending a school in the area under AS 14.03.080(a)(2);

7 (3) the borough, city school district, or regional educational attendance
 8 area in which a treatment institution, as that term is defined in AS 47.14.990, juvenile
 9 detention facility or juvenile treatment facility, as those terms are defined in
 10 AS 47.12.990, or a correctional facility is located for a child with a disability placed at
 11 the facility;

12 (4) a state boarding school established under AS 14.16 for a child with
 13 a disability enrolled at a state boarding school; or

14 (5) a school district that provides a statewide correspondence study
 15 program for a child with a disability who is enrolled in the program.

16 * **Sec. 21.** AS 14.30.186(e) is amended to read:

17 (e) If the parent of a child with a disability elects to educate the child as
 18 allowed under AS 14.30.010(b)(1) - (12) [AS 14.30.010(b)], the child may not be
 19 compelled to receive the special education and related services provided under
 20 AS 14.30.180 - 14.30.350.

21 * **Sec. 22.** AS 14.30 is amended by adding a new section to read:

22 **Sec. 14.30.773. Reading proficiency incentive grants.** (a) Subject to
 23 appropriation, a school district is eligible to receive a reading proficiency incentive
 24 grant of not less than \$450 for each student in

25 (1) kindergarten through grade three who performs at grade level or
 26 demonstrates improvement on expected grade-level skills on the statewide screening
 27 tool adopted by the department under AS 14.30.760; and

28 (2) grades four through six who performs at grade level or
 29 demonstrates a measure of increased proficiency on a standards-based assessment in
 30 language arts.

31 (b) The department shall adopt regulations to implement this section.

1 * **Sec. 23.** AS 14.33 is amended by adding a new section to read:

2 **Article 5. Wireless Telecommunications Devices.**

3 **Sec. 14.33.300. Wireless telecommunications device policy.** (a) Each school
4 district shall adopt a policy that regulates the possession and use of nonschool-issued
5 wireless telecommunications devices during regular school hours, including lunch and
6 passing periods. Each school district shall share this policy with parents or guardians,
7 students, volunteers, and school employees. If a school district's policy prohibits the
8 use of nonschool-issued wireless telecommunications devices, the policy must allow
9 exceptions for students to use a wireless telecommunications device for medical or
10 translation purposes, in the event of an emergency, or when a teacher or administrator
11 of the school grants permission to a student to use a wireless telecommunications
12 device for educational purposes.

13 (b) This section does not authorize a person to monitor, collect, or access
14 information related to a student's use of a wireless telecommunications device.

15 (c) In this section, "wireless telecommunications device" means any portable
16 wireless device that has the capability to provide voice, messaging, or other data
17 communication between two or more parties.

18 * **Sec. 24.** AS 23.15.820(a) is amended to read:

19 (a) The Alaska Workforce Investment Board shall

20 (1) administer the Alaska technical and vocational education program
21 established in AS 23.15.820 - 23.15.850;

22 (2) facilitate the development of a statewide policy for a coordinated
23 and effective technical and vocational education training system in this state and, to
24 the extent authorized by federal and state law, plan and coordinate federal, state, and
25 local efforts in technical and vocational education programs;

26 (3) adopt regulations under AS 44.62 (Administrative Procedure Act)
27 to carry out the purposes of AS 23.15.820 - 23.15.850;

28 (4) facilitate the development and implementation of a statewide
29 policy and procedure that provides for the acceptance of credit or hours toward a
30 degree or technical program offered by a vocational or technical training center in the
31 state for an applicant who provides satisfactory evidence of successful completion of

1 relevant military education, training, or service as a member of the armed forces of the
 2 United States, the United States Reserves, the National Guard of any state, the
 3 Military Reserves of any state, or the Naval Militia of any state;

4 **(5) partner with the Alaska Commission on Postsecondary**
 5 **Education, the Department of Education and Early Development, and school**
 6 **districts in the state to**

7 **(A) provide to each high school student an opportunity to**
 8 **take a career or college entrance examination or assessment; and**

9 **(B) establish a recognition program for high schools at**
 10 **which 90 percent or more of the school's students take at least one career**
 11 **or college entrance examination or assessment.**

12 * Sec. 25. AS 44.31.020 is amended to read:

13 **Sec. 44.31.020. Duties of department.** The Department of Labor and
 14 Workforce Development shall

15 (1) enforce the laws and adopt regulations under them concerning
 16 employer-employee relationships, including the safety, hours of work, wages, and
 17 conditions of workers, including children;

18 (2) accumulate, analyze, and report labor statistics;

19 (3) operate systems of workers' compensation and unemployment
 20 insurance;

21 (4) gather data reflecting the cost of living in various locations of the
 22 state upon request of the director of personnel under AS 39.27.030;

23 (5) operate the federally funded employment and training programs
 24 under 29 U.S.C. 2801 - 2945 (Workforce Investment Act of 1998);

25 (6) administer the state's program of adult basic education and adopt
 26 regulations to administer the program; and

27 (7) administer the programs of the Alaska Vocational Technical Center
 28 and adopt regulations to administer the programs, including regulations that set rates
 29 for student tuition and room and board and fees for the programs and services
 30 provided by the department regarding the Alaska Vocational Technical Center;

31 **(8) gather data on the progress of each high school graduating**

1 class in a district by collecting career, postsecondary education, and residency
 2 data on each student in the graduating class; the department shall gather the
 3 data required under this paragraph every five years for 20 years after the high
 4 school graduation date of each high school graduating class; the department shall
 5 publish a biennial report on the data gathered under this paragraph; in this
 6 paragraph, "district" has the meaning given in AS 14.17.990.

7 * Sec. 26. AS 14.03.080(g)(2) and 14.03.300(b) are repealed.

8 * Sec. 27. The uncodified law of the State of Alaska is amended by adding a new section to
 9 read:

10 TASK FORCE ON EDUCATION FUNDING. (a) The Task Force on Education
 11 Funding is established as a joint task force of the Alaska State Legislature.

12 (b) The task force shall

13 (1) analyze the state of public education funding and the current accountability
 14 provisions for schools and districts in the state;

15 (2) evaluate internal and external factors leading to school absenteeism and
 16 identify district and state level intervention and incentive tools relating to school absenteeism;

17 (3) analyze and make recommendations on effective policies relating to school
 18 major maintenance and school construction;

19 (4) evaluate and recommend health insurance, group insurance, and ways to
 20 reduce property and building insurance for public school facilities;

21 (5) make recommendations relating to public education funding and
 22 accountability provisions for schools and districts in the state; and

23 (6) submit a report of findings and recommendations of the task force to the
 24 senate secretary and the chief clerk of the house of representatives not later than the first day
 25 of the First Regular Session of the Thirty-Fifth Alaska State Legislature and notify the
 26 members of the legislature that the report is available.

27 (c) The task force consists of six members as follows:

28 (1) three members of the senate, at least one of whom is a member of the
 29 minority, appointed by the president of the senate; the president of the senate shall select one
 30 of the members to serve as co-chair of the task force;

31 (2) three members of the house of representatives, at least one of whom is a

1 member of the minority, appointed by the speaker of the house of representatives; the speaker
2 of the house of representatives shall select one of the members to serve as co-chair of the task
3 force.

4 (d) A vacancy on the task force shall be filled in the same manner as the original
5 selection or appointment.

6 (e) The task force shall meet at the call of the co-chairs. The task force may meet
7 between and during legislative sessions. A majority of the members of the task force
8 constitute a quorum. The task force may conduct meetings in person, telephonically, or by
9 electronic means, as directed by the co-chairs.

10 (f) The task force may request data and other information from the Department of
11 Education and Early Development.

12 (g) The legislative staff of the members of the task force shall serve as staff for the
13 task force. The task force may hire staff and contract for services necessary to carry out the
14 duties of the task force under the procedures adopted by the legislative council governing
15 procurement of services, subject to the approval of the legislative council and the legislative
16 council making funds available for that purpose.

17 (h) The task force expires on January 31, 2027.

18 * **Sec. 28.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 **APPLICABILITY.** Sections 8 - 11 of this Act apply to a contract that becomes legally
21 binding on or after the effective date of secs. 8 - 11 of this Act.

22 * **Sec. 29.** Section 14 of this Act takes effect on the effective date of sec. 23, ch. 40, SLA
23 2022.

24 * **Sec. 30.** Except as provided in sec. 29 of this Act, this Act takes effect July 1, 2025."