

HOUSE BILL NO. 204

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 4/22/25

Referred: Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to education; relating to open enrollment in public schools; relating to
2 charter schools; relating to correspondence study programs; relating to the base student
3 allocation; relating to the provision of special education and related services; relating to
4 reading proficiency incentive grants; relating to wireless telecommunication devices in
5 public schools; and providing for an effective date."

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

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

8 (a) Subject to the provisions of AS 14.14.110 and 14.14.120, a [A] child of
9 school age is entitled to attend public school without payment of tuition during the
10 school term

11 (1) in the school district in which the child is a resident; and

12 (2) upon application to a school district, at a school selected by the
13 child's parent or guardian that is in or outside the school district in which the

1 **child is a resident subject to**

2 **(A) capacity limitations of the selected school; and**

3 **(B) a school district policy that**

4 **(i) prioritizes placement of siblings in the same**
 5 **school;**

6 **(ii) enrolls students in the order of applications**
 7 **received;**

8 **(iii) guarantees enrollment upon application unless**
 9 **the selected school does not have capacity at the requested grade**
 10 **level; and**

11 **(iv) establishes a procedure for appealing a school**
 12 **district's denial of an enrollment application** [SUBJECT TO THE
 13 PROVISIONS OF AS 14.14.110 AND 14.14.120].

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

15 (i) Nothing in (a)(2) of this section applies to a correspondence study program.

16 (j) Each school district shall, for each school in the district, annually publish
 17 on the school district's Internet website or on the school's Internet webpage
 18 information about the school's enrollment policies, enrollment application process, and
 19 school-level enrollment data, including capacity and vacancies for each grade, the
 20 number of applications, acceptances, denials, and reasons for denials.

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 14.03.250(a) is amended to read:

21 (a) A local school board shall prescribe an application procedure for the
22 establishment of a charter school in that school district. The application procedure
23 must include provisions for an academic policy committee consisting of parents of
24 students attending the school, teachers, and school employees and a proposed form for
25 a contract between a charter school and the local school board, setting out the contract
26 elements required under AS 14.03.255(c). **The application procedure must allow an**
27 **application to be submitted at any time during the school year for the following**
28 **school year.**

29 * **Sec. 5.** AS 14.03.253(b) is amended to read:

30 (b) In an appeal to the state Board of Education and Early Development of a
31 denial of a charter school application under (a)(3) of this section, the state board shall

1 determine, based on the record, whether the commissioner's findings are supported by
 2 substantial evidence and whether the decision is contrary to law. The state board shall
 3 issue a written decision within **45** [90] days after **the state board receives** an appeal.

4 * **Sec. 6.** AS 14.03.255(c) is amended to read:

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

- 7 (1) a description of the educational program;
- 8 (2) specific levels of achievement for the education program;
- 9 (3) admission policies and procedures;
- 10 (4) administrative policies;
- 11 (5) a statement of the charter school's funding allocation from the local
 12 school board and costs assignable to the charter school program budget;
- 13 (6) the method by which the charter school will account for receipts
 14 and expenditures;
- 15 (7) the location and description of the facility;
- 16 (8) the name of the teacher, or teachers, who, by agreement between
 17 the charter school and the teacher, will teach in the charter school;
- 18 (9) the teacher-to-student ratio;
- 19 (10) the number of students served;
- 20 (11) the term of the contract, not to exceed a term of 10 years;
- 21 (12) a termination clause providing that the contract may **only** be
 22 terminated by the local school board **if** [FOR THE FAILURE OF] the charter school
 23 **fails** to meet educational achievement goals or fiscal management standards, **fails to**
 24 **comply with a material term of the contract, or intentionally misrepresents a**
 25 **material fact or circumstance on which the contract is made** [OR FOR OTHER
 26 GOOD CAUSE];
- 27 (13) a statement that the charter school will comply with all state and
 28 federal requirements for receipt and use of public money;
- 29 (14) other requirements or exemptions agreed upon by the charter
 30 school and the local school board; **and**
- 31 **(15) a renewal clause providing that the local school board will**

1 **renew the contract, as may be amended by mutual agreement, for an additional**
 2 **term upon application by the charter school.**

3 * **Sec. 7.** AS 14.03.255 is amended by adding a new subsection to read:

4 (e) A local school board's denial of an application by a charter school to renew
 5 the contract is appealable under AS 14.03.256.

6 * **Sec. 8.** AS 14.03 is amended by adding a new section to read:

7 **Sec. 14.03.256. Charter school termination and denial of renewal**
 8 **application; appeals.** (a) Before termination or nonrenewal of a charter school
 9 contract, the local school board shall give the charter school written notice, including a
 10 statement of cause explaining the basis of the local school board's intent to terminate
 11 or not renew the contract. The local school board shall provide the charter school with
 12 a reasonable opportunity to cure any deficiency that is the basis for the termination or
 13 nonrenewal.

14 (b) A decision of a local school board to terminate a charter school's contract
 15 or deny a charter school's application for renewal must be in writing and provide
 16 findings of fact or conclusions of law that explain the cause for the termination or
 17 denial.

18 (c) A charter school whose contract is terminated or not renewed may file an
 19 appeal with the commissioner. The appeal to the commissioner shall be filed not later
 20 than 60 days after the local school board issues its written decision under (b) of this
 21 section. The commissioner shall review the local school board's decision to determine
 22 whether the findings of fact are supported by substantial evidence and whether the
 23 decision is contrary to law. A decision of the commissioner upholding the termination
 24 or nonrenewal may be appealed within 30 days to the state Board of Education and
 25 Early Development.

26 (d) Upon receipt of an appeal, the state Board of Education and Early
 27 Development may employ an independent auditor to review issues related to the
 28 charter school's financial records that are raised in the appeal.

29 (e) The state Board of Education and Early Development shall exercise
 30 independent judgment in evaluating the record on appeal, including any
 31 recommendations or reports obtained under (d) of this section, and shall issue a

1 written decision within 45 days after receipt of the appeal. If employing an
 2 independent auditor to review financial records, the state board may extend the
 3 timeline required for its written decision by 90 days.

4 (f) If the commissioner or the state Board of Education and Early
 5 Development overturns a local school board's decision to terminate a charter school's
 6 contract or deny an application for renewal, the local school board shall operate the
 7 charter school as provided in AS 14.03.255 - 14.03.290.

8 * **Sec. 9.** AS 14.03.260(a) is amended to read:

9 (a) A local school board shall provide an approved charter school with an
 10 annual program budget. The budget shall be not less than the amount generated by the
 11 students enrolled in the charter school less administrative costs retained by the local
 12 school district, determined by applying the indirect cost rate approved by the
 13 department up to four percent. Costs directly related to charter school facilities,
 14 including rent, utilities, and maintenance, may not be included in an annual program
 15 budget for the purposes of calculating the four percent cap on administrative costs
 16 under this subsection. A local school board shall provide a charter school with a report
 17 itemizing the administrative costs retained by the local school board under this section.
 18 The "amount generated by students enrolled in the charter school" is to be determined
 19 in the same manner as it would be for a student enrolled in another public school in
 20 that school district and includes funds generated by grants, appropriations, federal
 21 impact aid, the required local contribution, the local contribution under
 22 AS 14.17.410(c), special needs under AS 14.17.420(a)(1), and secondary school
 23 vocational and technical instruction under AS 14.17.420(a)(3). A school district shall
 24 direct state aid under AS 14.11 for the construction or major maintenance of a charter
 25 school facility to the charter school that generated the state aid, subject to the same
 26 terms and conditions that apply to state aid under AS 14.11 for construction or major
 27 maintenance of a school facility that is not a charter school. **A school district shall**
 28 **permit a charter school to maintain a year-end fund balance in a manner**
 29 **consistent with AS 14.17.505(a).**

30 * **Sec. 10.** AS 14.03.275 is amended to read:

31 **Sec. 14.03.275. Contracts; duration.** A contract for a charter school may be

1 for a term of no more than 10 years. **A contract for a charter school may be**
 2 **renewed.**

3 * **Sec. 11.** AS 14.17.430 is amended to read:

4 **Sec. 14.17.430. State funding for correspondence study.** Except as provided
 5 in AS 14.17.400(b), funding for the state centralized correspondence study program or
 6 a district correspondence program, including a district that offers a statewide
 7 correspondence study program, includes an allocation from the public education fund
 8 in an amount **equal to the ADM of the correspondence program** [CALCULATED
 9 BY MULTIPLYING THE ADM OF THE CORRESPONDENCE PROGRAM BY 90
 10 PERCENT].

11 * **Sec. 12.** AS 14.17.470 is amended to read:

12 **Sec. 14.17.470. Base student allocation.** The base student allocation is **\$6,520**
 13 [\$5,960].

14 * **Sec. 13.** AS 14.30.010(b) is amended to read:

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

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

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

20 (B) tutoring by personnel certificated according to
 21 AS 14.20.020; or

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

25 (2) attends a school operated by the federal government;

26 (3) has a physical or mental condition that a competent medical
 27 authority determines will make attendance impractical;

28 (4) is in the custody of a court or law enforcement authorities;

29 (5) is temporarily ill or injured;

30 (6) has been suspended or expelled under AS 14.03.160 or suspended
 31 or denied admittance under AS 14.30.045;

1 (7) resides more than two miles from either a public school or a route
 2 on which transportation is provided by the school authorities, except that this
 3 paragraph does not apply if the child resides within two miles of a federal or private
 4 school that the child is eligible and able to attend;

5 (8) is excused by action of the school board of the district at a regular
 6 meeting or by the district superintendent subject to approval by the school board of the
 7 district at the next regular meeting;

8 (9) has completed the 12th grade;

9 (10) is enrolled in

10 (A) a state boarding school established under AS 14.16; or

11 (B) a full-time program of correspondence study approved by
 12 the department; in those school districts providing an approved correspondence
 13 study program, a student may be enrolled either in the district correspondence
 14 program or in the centralized correspondence study program;

15 (11) is equally well-served by an educational experience approved by
 16 the school board as serving the child's educational interests despite an absence from
 17 school, and the request for excuse is made in writing by the child's parents or guardian
 18 and approved by the principal or administrator of the school that the child attends;

19 (12) is being educated in the child's home by a parent or legal
 20 guardian;

21 **(13) is enrolled in a public school in a district in which the child**
 22 **does not reside as permitted under AS 14.03.080(a)(2).**

23 * **Sec. 14.** AS 14.30.186(a) is amended to read:

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

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

28 (2) the board of a regional educational attendance area operating a
 29 school in the area for a child with a disability residing in the area served by the school
 30 **or attending a school in the area under AS 14.03.080(a)(2);**

31 (3) the borough, city school district, or regional educational attendance

1 area in which a treatment institution, as that term is defined in AS 47.14.990, juvenile
 2 detention facility or juvenile treatment facility, as those terms are defined in
 3 AS 47.12.990, or a correctional facility is located for a child with a disability placed at
 4 the facility;

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

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

9 * **Sec. 15.** AS 14.30.186(e) is amended to read:

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

14 * **Sec. 16.** AS 14.30 is amended by adding a new section to read:

15 **Sec. 14.30.773. Reading proficiency incentive grants.** Subject to
 16 appropriation, a school district is eligible to receive a reading proficiency incentive
 17 grant of not less than \$450 for each student in kindergarten through grade six who
 18 (1) performs at grade-level reading proficiency; or
 19 (2) at year-end, demonstrates improvement on the statewide screening
 20 tool or a standards-based assessment in language arts approved by the department.

21 * **Sec. 17.** AS 14.33 is amended by adding a new section to read:

22 **Article 5. Wireless Telecommunications Devices.**

23 **Sec. 14.33.300. Wireless telecommunications device policy.** (a) Each school
 24 district shall adopt a policy that regulates the possession and use of nonschool-issued
 25 wireless telecommunications devices during regular school hours, including lunch and
 26 passing periods. Each school district shall share this policy with parents or guardians,
 27 students, volunteers, and school employees. If a school district's policy prohibits the
 28 use of nonschool-issued wireless telecommunications devices, the policy must allow
 29 exceptions for students to use a wireless telecommunications device for medical or
 30 translation purposes, in the event of an emergency, or when a teacher or administrator
 31 of the school grants permission to a student to use a wireless telecommunications

1 device for educational purposes.

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

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

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

9 APPLICABILITY. Sections 6 - 8 of this Act apply to a contract that is renewed or
10 becomes legally binding on or after the effective date of this Act.

11 * **Sec. 19.** This Act takes effect July 1, 2025.