

HB

156

<TARGET><BILL>HB 156</BILL><SUBJECT>HB
156</SUBJECT><COMM>SFIN29</COMM></TARGET>

SENATE FINANCE COMMITTEE REPORT

DATE: 4/14/16

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered CS FOR HOUSE BILL NO. 156(EDC) am

HB 156-SCHOOL ACCOUNTABILITY MEASURES; FED. LAW

"An Act relating to the duties of the State Board of Education and Early Development, the Department of Education and Early Development, school boards, and school districts; relating to public school curriculum and assessments; relating to compliance with federal education laws; relating to public school accountability; relating to a statewide assessment plan and review of education laws and regulations; and providing for an effective date."

and recommends:

- be replaced with SCS CS HB 156 (FIN) Same Title Technical Title Change
 New Title/SCR No. 25
- adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
EED			✓	

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	MICCICHE	✓			
	BISHOP			✓	
	DUNSENY	✓			
	Hoffman			✓	
	Orsinger			✓	
CO-CHAIR:	Kelly	✓			
CO-CHAIR:	MacKinnon				✓

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: HB 156
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB156SCSCS(FIN)-EED-SSA-4-15-16
Title: SCHOOL ACCOUNTABILITY MEASURES; FED.
LAW
Sponsor: KELLER
Requester: Senate Finance

Department: Department of Education and Early Development
Appropriation: Teaching and Learning Support
Allocation: Student and School Achievement
OMB Component Number: 2796

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates				
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **Yes**
If yes, by what date are the regulations to be adopted, amended or repealed? **Various**

Why this fiscal note differs from previous version:

The Senate CS adds parental opt-out language; removes a requirement to establish procedures for crisis intervention training under AS 14.33.127 from duties of school boards, regional school boards, and state boarding schools; removes a provision that requires school districts to pay for a physical exam of a teacher as part of employment; aligns suicide awareness and prevention trainings for districts with other trainings; repeals AS 14.17.520 70% minimum expenditure for instruction; repeals language relating to questionnaires and surveys administered in public schools; exempts the Department of Education & Early Development from state procurement requirements for the purposes of procuring a new statewide student assessment; and requires that sex education, human reproduction, and human sexuality education to be taught by certificated district employees under AS 14.20.

Prepared By: <u>Margaret MacKinnon, Director Assessment & Accountability</u>	Phone: <u>(907)465-2970</u>
Division: <u>Teaching & Learning Support</u>	Date: <u>04/15/2016 02:00 PM</u>
Approved By: <u>Susan McCauley, Interim Commissioner</u>	Date: <u>04/15/16</u>
Agency: <u>Department of Education & Early Development</u>	

Analysis

Section 1 amends AS 14.03, Public School Generally, by adding a new section, AS 14.03.016, A parent's right to direct the education of the parent's child. This section recognizes the authority of a parent. Additionally, this section requires districts to adopt policies and procedures that allow parents to object to and withdraw the child from a standards-based assessment or test required by the state, or from an activity, class, or program because of concerns regarding human reproduction or sexual matters or inquiries into private family affairs. In addition, districts must provide for parent notification of not less than two weeks prior to an activity, class, or program that includes content involving human reproduction or sexual matters. Parents must be provided the opportunity to review the content of an activity, class, performance standard or program. If a child is withdrawn from activities, classes, or programs, the absence will not be considered an unlawful absence.

Section 2 amends AS 14.03.016(d) by adding a new paragraph excluding curricula from human reproduction or sexual matters related to sexual abuse and sexual assault awareness and prevention training required under AS 14.30.355 and dating violence and abuse training required under AS 14.30.356.

Section 3 amends AS 14.03.120(f) to include the designation given to the state public school system in the report to the legislature that is due each January 15.

Section 4 amends AS 14.03.123(b) to require the department to inform each district of the performance designations assigned to the district and to the state public school system.

Section 5 amends AS 14.03.123(c) by adding a new subsection (2) which is a specific requirement to compare the state public school system to that of other states, including a comparison of student participation in standards-based assessments and student performance on the assessments. Fiscal impact: The only common assessment that all states participate in is the National Assessment of Educational Progress (NAEP). A comparison of Alaska student performance on NAEP can be made without additional fiscal impact. Because the bill does not specify other direct assessment comparisons, there is not an additional fiscal impact expected at this time. This section also amends AS 14.03.123, School and District Accountability, (c)(4) (re-designated as subsection (c)(5)) by removing the explicit statement that additional measures may be implemented to the extent necessary to conform with federal law.

Section 6 amends AS 14.03.123, School and District Accountability, (d) by stating "The improvement plan must, to the extent possible, include measures that increase local control of education and parental choice and that do not require a direct increase in state or federal funding for the school or district." Current improvement plans meet this requirement and will continue to be able to meet this requirement under the federal law newly authorized as the Every Student Succeeds Act (ESSA).

Section 7 amends AS 14.03.123, School and District Accountability, (e) by amending the school recognition program to specify that the recognition is based on the accountability system in section (f) and that the schools recognized must demonstrate an improvement over the school's performance designation for the previous year, or maintain a proficient or high performance designation from the previous year.

Section 8 amends AS 14.03.123, School and District Accountability, (f)(1) by removing specific language that the department must implement the Elementary and Secondary Education Act (ESEA), which references the entire federal law. The current state-driven accountability system met the federal requirements under the No Child Left Behind Act and the ESEA Flexibility Waiver. The U.S. Department of Education reviewed and approved the Alaska specific accountability plan, which enables the state to receive federal education funds. The fiscal impact if the state accountability system does not meet federal requirements is the potential loss of federal education funds under ESEA, and could impact the Individual with Disabilities Act (IDEA) funds as well; a total of \$99.3 million estimated for 2016-2017. As long as the state plan meets federal requirements, the federal funds would not be jeopardized.

Analysis Continued

Section 8 also amends AS 14.03.123(f), School and District Accountability, by amending subsection (1)(A) and (B) (as redesignated), which requires that standards-based assessments in language arts and mathematics be selected with the input of teachers and school administrators and minimize disruption to classroom instruction, and that the criteria include measures of student academic achievement as well as measures of student improvement.

Section 9 amends AS 14.07.020, Duties of the department, (a) is amended to allow the department to consult with the University of Alaska to develop secondary education requirements to improve student achievement in college preparatory courses and to allow the department to consult with businesses and labor unions to develop a program to prepare students for apprenticeships or internships that will lead to employment opportunities.

Section 10 amends AS 14.07 by adding a new section AS 14.07.175. Subsection (a) states that "notwithstanding AS 14.03.078, 14.03.120, 14.03.123, 14.03.300, 14.03.310, AS 14.07.020, 14.07.030, 14.07.165, or a provision of federal law to the contrary, and except as provided in (d) of this section, the department may not require a school district or school to administer a standards-based assessment after July 1, 2016 and before July 1, 2018." This section also requires the department to create a plan to work with school districts to develop or select statewide assessments that are approved by school districts with the first administration to be provided not later than the school year that begins in 2020. Subsection (b) requires the department to review state education laws and regulations to identify changes that may be needed to provide school districts with greater control over public education in light of the ESSA. Subsection (c) requires the department to submit a report to the legislature by January 1, 2018, of the final plan for developing or selecting the assessments and recommendations for changes in laws or regulations. Subsection (d) requires the department to require a school or district to administer a statewide standards-based assessment after July 1, 2016, and before July 1, 2018, if the U.S. Department of Education provides notice that it intends to withhold all or a portion of the state's federal education funding as a result of the department's compliance with (a)-(c) of this section. While subsection (a) would prohibit the department from requiring a school district or school to administer a federally-required assessment, thus potentially jeopardizing federal funding not only under ESEA but other programs including IDEA approximating \$99.3 million for the 2016-2017 school year, subsection (d) reinstates the requirement for the department to require the administration of the assessments by schools and school districts if the U.S. Department Education notifies the state that it intends to withhold all or a portion of the federal funding.

Sections 11 and 12 repeal language at AS 14.08.111, Duties of a regional boarding school. This language repeals AS 14.33.127 Crisis intervention training (restraint and seclusion) in order to allow the governing body of a school to ensure that a sufficient number of employees are trained periodically. Current statutory language requires schools to train at least 50% of staff annually in crisis intervention training. This language shifts the requirement from the school level to the district level for the percentage of staff to receive training.

Sections 13 and 14 repeal language at AS 14.14.090, Duties of school boards. This language repeals AS 14.33.127 Crisis intervention training (restraint and seclusion) in order to allow the governing body of a school to ensure that a sufficient number of employees are trained periodically. Current statutory language requires schools to train at least 50% of staff annually in crisis intervention training. This language shifts the requirement from the school level to the district level for the percentage of staff to receive training.

Sections 15 and 16 repeal language at AS 14.16.020, Operation of state boarding schools. This language repeals AS 14.33.127 Crisis intervention training (restraint and seclusion) to allow the governing body of a school to ensure that a sufficient number of employees are trained periodically. Current statutory language requires schools to train at least 50% of staff annually in crisis intervention training. This language shifts the requirement from the school level to the district level for the percentage of staff to receive training.

Analysis Continued

Section 17 adds a new section under AS 14.30.075, Physical examinations for teachers. This language allows a school district to require a physical exam of teachers as a condition of employment, but does not require the district to pay for the exam.

Section 18 adds a new section under AS 14.30.361, Sex education, human reproductive education and human sexuality education, which will require a person who teaches these classes or programs to possess a valid teacher certificate and is under contract with the school. This section also requires that any related curriculum, literature, or material that may be used in a class, program, or distributed in a school must be approved by the school board and available for parents to review.

Section 19 amends AS 14.30.361 by adding a new subsection (c) to exclude sexual abuse and sexual assault training required under 14.30.355 and dating violence and abuse awareness and prevention training required under AS 14.30.356 from the requirements proposed by Section 18 of this bill.

Section 20 amends AS 14.30.362 to provide youth suicide awareness and prevention training to all teachers, administrators, counselors, and specialists employed by a district by removing "in grades seven through 12."

Section 21 amends AS 36.30.850(b) by adding paragraph (47) to exempt the department from the procurement process for contracts for statewide student assessments required under AS 14.03.123 and AS 14.07.020.

Section 22 repeals AS 14.17.520 that requires a school district to budget for and expend a minimum of 70% of its school operating expenditures in each fiscal year on the instructional component of the district budget.

Section 23 repeals the newly added AS 14.07.175 on July 1, 2020.

Section 24 repeals Section 4, ch. 2, SSSLA 2015.

Section 25 is uncodified law allowing the Department of Education & Early Development to adopt regulations in order to implement the changes made in this legislation.

Sections 26-30 are effective date clauses.

The fiscal note is zero based on the recent change to re-instate the requirement for the department to require a school or district to administer a statewide standards-based assessment after July 1, 2016, and before July 1, 2018, if the U.S. Department of Education provides notice that it intends to withhold all or a portion of the state's federal education funding as a result of the department's compliance with (a)-(c) of this section.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSHB 156(EDC)
Fiscal Note Number:	1
(H) Publish Date:	3/24/2016

Identifier: HB156-EED-SSA-3-11-16
 Title: SCHOOL ACCOUNTABILITY MEASURES; FED.
 LAW
 Sponsor: KELLER
 Requester: House Education Committee

Department: Department of Education and Early Development
 Appropriation: Teaching and Learning Support
 Allocation: Student and School Achievement
 OMB Component Number: 2796

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates				
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	***	***	***	***	***	***	***
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
 If yes, by what date are the regulations to be adopted, amended or repealed? 09/30/16

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By:	Paul R. Prussing, Acting Director	Phone:	(907)465-8721
Division:	Teaching and Learning Support	Date:	03/11/2016 03:00 PM
Approved By:	Susan McCauley, Interim Commissioner	Date:	03/11/16
Agency:	Department of Education & Early Development		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

Section 1 amends AS 14.03.123, School and District Accountability, (c)(4) by removing the requirement of the commissioner to add additional performance measures in the state accountability system just to comply with federal law. Section 1 also adds a new part (c)(5), which is a specific requirement for the state to compare our public school system to other public school systems in other states and countries. The department would be required to create a new system to meet the requirements of (c)(5) with state funds. Without a clear definition of what elements are to be compared, the fiscal impact of this legislation cannot be accurately determined at this time.

Section 2 amends AS 14.03.123, School and District Accountability, (d) by stating "The improvement plan must give preference to measures that increase local control of education and parental choice and that do not require a direct increase in state or federal funding for the school or district." Current improvement plans meet this requirement.

Section 3 amends AS 14.03.123, School and District Accountability, (e) by amending the school recognition program to conform with the change made in Section 4.

Section 4 amends AS 14.03.123, School and District Accountability, (f) by removing the department's requirement to establish a state accountability system that also meets the federal Elementary and Secondary Education Act (ESEA) requirements. The current accountability system is a state driven model, which meets current federal requirements. The U.S. Department of Education reviewed and approved the Alaska specific accountability plan, which enables the state to receive federal education funds. Fiscal impact: potential loss of federal education funds under ESEA if we don't have a system compliant with state and federal law, which includes Impact Aid is currently \$200.2 million.

Section 5 amends AS 14.03.123, School and District Accountability, by adding a new subsection (h), which allows parents of students, and emancipated students or students who are 18, to opt out of assessments used for school accountability. Because participation in assessment is necessary for understanding school and student performance, for helping students improve achievement, and to be compliant with state and federal laws, this may have fiscal impacts that includes the loss of federal funds under ESEA. Additionally, this section includes limits on data that may prevent analysis sought by public policy makers and required in Section 1.

Section 6 amends AS 14.07.020, Duties of the department, (a)(16)(B) by makes a technical change.

The fiscal note is indeterminate as this legislation requires the department to establish a system of accountability that is comparable to other states and countries. Currently EED does not have the tools to build an accountability system of this design.

The effective date of this legislation is January 1, 2016.

ALASKA STATE LEGISLATURE

Interim:

**600 East Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 373-1842
Fax: (907) 373-4729**



Session:

**State Capitol Building
Juneau, Alaska 99801-1182
Phone: (907) 465-2186
Fax: (907) 465-3818**

**REPRESENTATIVE WES KELLER
DISTRICT 10
SPONSOR STATEMENT
CS for HB 156**

The time is right to let Washington, D.C. know that Alaska has no intention of being a US Department of Education experiment. Parents, not bureaucrats have the right to control the content and standards of education for their children. When there is a conflict between education laws (federal or state) and parental educational choice, parents ultimately must always have the right to determine how to educate their children.

We as a state have a Constitutional obligation to provide a free public education, accessible to all. Beyond that obligation we need to strive to make that public education system be so good that most parents opt-in at a level where they assume ownership and engage eagerly, bringing their values with them.

HB 156 sends the message that Alaskans are not here to be a "rubber-stamp" of educational policy. Student assessment, privacy, school designators, teacher evaluation, special education, curricula selection, or education standards must be defined by Alaskans.

While HB 156 deletes statutory language that requires the Board of education to "IMPLEMENT...." federal rules it also directs the Board to work to maintain and improve the quality of Alaska's Education with local schools and districts.

HB 156 puts the current state testing infrastructure systems on hold, pending review and creation of testing based on input from local school districts. A deadline of 2020 is in place for those test to begin. This ensures parental control through elected local school board members and state legislators instead of the far-off federal government. The intent is to cause a re-evaluation and elimination of unnecessary baggage.

HB 156 includes provisions in the language allowing for methodology to compare proficiency of Alaska students with other states and nations; prioritizes local engagement in school improvement plans for struggling schools, and; ensures that the highest recognition goes to schools that demonstrate improvement.

SENATE CS FOR CS FOR HOUSE BILL NO. 156(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES KELLER, Reinbold, Colver, Wilson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a parent's right to direct the education of a child; relating to the
2 duties of the state Board of Education and Early Development, the Department of
3 Education and Early Development, school boards, and school districts; relating to public
4 school curriculum and assessments; relating to compliance with federal education laws;
5 relating to public school accountability; relating to a statewide assessment plan and
6 review of education laws and regulations; repealing the minimum expenditure for
7 instruction for school districts; relating to sex education, human reproduction
8 education, and human sexuality education; relating to suicide awareness and prevention
9 training; relating to contracts for student assessments; relating to questionnaires and
10 surveys administered in public schools; relating to physical examinations for teachers;
11 and providing for an effective date."

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

1 * **Section 1.** AS 14.03 is amended by adding a new section to read:

2 **Sec. 14.03.016. A parent's right to direct the education of the parent's**
3 **child.** (a) A local school board shall, in consultation with parents, teachers, and school
4 administrators, adopt policies to promote the involvement of parents in the school
5 district's education program. The policies must include procedures

6 (1) recognizing the authority of a parent and allowing a parent to
7 object to and withdraw the child from a standards-based assessment or test required by
8 the state;

9 (2) recognizing the authority of a parent and allowing a parent to
10 object to and withdraw the child from an activity, class, or program;

11 (3) providing for parent notification not less than two weeks before
12 any activity, class, or program that includes content involving human reproduction or
13 sexual matters is provided to a child;

14 (4) recognizing the authority of a parent and allowing a parent to
15 withdraw the child from an activity, class, program, or standards-based assessment or
16 test required by the state for a religious holiday, as defined by the parent;

17 (5) providing a parent with an opportunity to review the content of an
18 activity, class, performance standard, or program;

19 (6) ensuring that, when a child is absent from an activity, class,
20 program, or standards-based assessment or test required by the state under this section,
21 the absence is not considered an unlawful absence under AS 14.30.020 if the child's
22 parent withdrew the child from the activity, class, program, or standards-based
23 assessment or test or gave permission for the child's absence.

24 (b) The policies adopted under this section may not allow a parent
25 categorically to object or withdraw a child from all activities, classes, programs, or
26 standards-based assessments or tests required by the state. The policies must require a
27 parent to object each time the parent wishes to withdraw the child from an activity,
28 class, program, or standards-based assessment or test required by the state.

29 (c) Nothing in this section prohibits a school employee or volunteer from
30 answering a question from a child about any topic.

31 (d) In this section,

1 (1) "child" means an unemancipated minor under 18 years of age;

2 (2) "local school board" has the meaning given in AS 14.03.290;

3 (3) "parent" means the natural or adoptive parent of a child or a child's
4 legal guardian;

5 (4) "school district" has the meaning given in AS 14.30.350.

6 * **Sec. 2.** AS 14.03.016(d), enacted by sec. 1 of this Act, is amended by adding a new
7 paragraph to read:

8 (5) "human reproduction or sexual matters" does not include curricula
9 or materials for

10 (A) sexual abuse and sexual assault awareness and prevention
11 training required under AS 14.30.355; or

12 (B) dating violence and abuse awareness and prevention
13 training required under AS 14.30.356.

14 * **Sec. 3.** AS 14.03.120(f) is amended to read:

15 (f) By January 15 of each year, beginning in 2001, the department shall
16 provide to the governor and make available to the public and the legislature a report on
17 the performance of public schools in this state. The report must be entitled "Alaska's
18 Public Schools: A Report Card to the Public." The report must include

19 (1) comprehensive information on each public school compiled,
20 collected, and reported under (d) and (e) of this section for the prior school year;

21 (2) a summary of the information described in (1) of this subsection;
22 the summary must be prepared in a manner that allows school performance to be
23 measured against established state education standards; and

24 (3) for a report due by or after January 15, 2005, the most recent
25 performance designation under AS 14.03.123 received by each public school **and by**
26 **the state public school system.**

27 * **Sec. 4.** AS 14.03.123(b) is amended to read:

28 (b) The department shall inform the governing body of each district of the
29 performance **designations** [DESIGNATION] assigned **to the district and to the state**
30 **public school system** under (a) of this section.

31 * **Sec. 5.** AS 14.03.123(c) is amended to read:

1 (c) The state board shall adopt regulations implementing this section,
 2 providing for a statewide student assessment system, and providing for the process of
 3 assigning a designation under (a) of this section, including

4 (1) the methodology used to assign the performance designation,
 5 including the measures used and their relative weights;

6 **(2) a comparison of the state public school system to public schools**
 7 **in other states, including a comparison of student participation in standards-**
 8 **based assessments and student performance on the assessments;**

9 **(3) [(2)]** high performance and low performance designations that are
 10 based on the accountability system under this section;

11 **(4) [(3)]** a procedure for appealing a designation that may be used by
 12 the principal of a public school or by the superintendent of a public school district;

13 **(5) [(4)]** additional measures that may be progressively implemented
 14 by the commissioner to assist schools or districts to improve performance in
 15 accordance with this section; [AND WITH FEDERAL LAW; TO THE EXTENT
 16 NECESSARY TO CONFORM TO FEDERAL LAW,] the additional measures may
 17 be unique to a certain school or district if that school or district receives federal
 18 funding that is not available to all schools or districts in the state.

19 * Sec. 6. AS 14.03.123(d) is amended to read:

20 (d) A public school or district that receives a low performance designation
 21 under this section shall prepare and submit to the department a school or district
 22 improvement plan, as applicable, in accordance with regulations adopted by the board.
 23 The improvement plan must be prepared with the maximum feasible public
 24 participation of the community including, as appropriate, interested individuals,
 25 teachers, parents, parent organizations, students, tribal organizations, local government
 26 representatives, and other community groups. **The improvement plan must, to the**
 27 **extent possible, include measures that increase local control of education and**
 28 **parental choice and that do not require a direct increase in state or federal**
 29 **funding for the school or district.**

30 * Sec. 7. AS 14.03.123(e) is amended to read:

31 (e) The department shall establish a program of special recognition for those

1 public schools that receive a high performance designation, based on the
 2 accountability system under (f) of this section, that demonstrates

3 (1) an improvement over the school's performance designation for
 4 the previous year; or

5 (2) maintenance of a proficient or high performance designation
 6 from the previous year.

7 * Sec. 8. AS 14.03.123(f) is amended to read:

8 (f) In the accountability system for schools and districts required by this
 9 section, the department shall

10 (1) [IMPLEMENT 20 U.S.C. 6301 - 7941 (ELEMENTARY AND
 11 SECONDARY EDUCATION ACT OF 1965), AS AMENDED;

12 (2)] implement state criteria and priorities for accountability including
 13 the use of

14 (A) measures of student performance on standards-based
 15 assessments in language arts and mathematics; the assessments must be
 16 selected with the input of teachers and school administrators and
 17 minimize disruption to classroom instruction;

18 (B) measures of student improvement and academic
 19 achievement; and

20 (C) other measures identified that are indicators of student
 21 success and achievement; and

22 (2) [(3)] to the extent practicable, minimize the administrative burden
 23 on districts.

24 * Sec. 9. AS 14.07.020(a) is amended to read:

25 (a) The department shall

26 (1) exercise general supervision over the public schools of the state
 27 except the University of Alaska;

28 (2) study the conditions and needs of the public schools of the state,
 29 adopt or recommend plans, administer and evaluate grants to improve school
 30 performance awarded under AS 14.03.125, and adopt regulations for the improvement
 31 of the public schools; the department may consult with the University of Alaska to

1 **develop secondary education requirements to improve student achievement in**
2 **college preparatory courses;**

3 (3) provide advisory and consultative services to all public school
4 governing bodies and personnel;

5 (4) prescribe by regulation a minimum course of study for the public
6 schools; the regulations must provide that, if a course in American Sign Language is
7 given, the course shall be given credit as a course in a foreign language;

8 (5) establish, in coordination with the Department of Health and Social
9 Services, a program for the continuing education of children who are held in detention
10 facilities in the state during the period of detention;

11 (6) accredit those public schools that meet accreditation standards
12 prescribed by regulation by the department; these regulations shall be adopted by the
13 department and presented to the legislature during the first 10 days of any regular
14 session, and become effective 45 days after presentation or at the end of the session,
15 whichever is earlier, unless disapproved by a resolution concurred in by a majority of
16 the members of each house;

17 (7) prescribe by regulation, after consultation with the state fire
18 marshal and the state sanitarian, standards that will **ensure** [ASSURE] healthful and
19 safe conditions in the public and private schools of the state, including a requirement
20 of physical examinations and immunizations in pre-elementary schools; the standards
21 for private schools may not be more stringent than those for public schools;

22 (8) exercise general supervision over pre-elementary schools that
23 receive direct state or federal funding;

24 (9) exercise general supervision over elementary and secondary
25 correspondence study programs offered by municipal school districts or regional
26 educational attendance areas; the department may also offer and make available to any
27 Alaskan through a centralized office a correspondence study program;

28 (10) accredit private schools that request accreditation and that meet
29 accreditation standards prescribed by regulation by the department; nothing in this
30 paragraph authorizes the department to require religious or other private schools to be
31 licensed;

1 (11) review plans for construction of new public elementary and
 2 secondary schools and for additions to and major rehabilitation of existing public
 3 elementary and secondary schools and, in accordance with regulations adopted by the
 4 department, determine and approve the extent of eligibility for state aid of a school
 5 construction or major maintenance project; for the purposes of this paragraph, "plans"
 6 include educational specifications, schematic designs, projected energy consumption
 7 and costs, and final contract documents;

8 (12) provide educational opportunities in the areas of vocational
 9 education and training, and basic education to individuals over 16 years of age who
 10 are no longer attending school; **the department may consult with businesses and**
 11 **labor unions to develop a program to prepare students for apprenticeships or**
 12 **internships that will lead to employment opportunities;**

13 (13) administer the grants awarded under AS 14.11;

14 (14) establish, in coordination with the Department of Public Safety, a
 15 school bus driver training course;

16 (15) require the reporting of information relating to school disciplinary
 17 and safety programs under AS 14.33.120 and of incidents of disruptive or violent
 18 behavior;

19 (16) establish by regulation criteria, based on low student performance,
 20 under which the department may intervene in a school district to improve instructional
 21 practices, as described in AS 14.07.030(14) or (15); the regulations must include

22 (A) a notice provision that alerts the district to the deficiencies
 23 and the instructional practice changes proposed by the department;

24 (B) an end date for departmental intervention, as described in
 25 AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three
 26 consecutive years of improvement consisting of not less than two percent
 27 increases in student proficiency on standards-based assessments in language
 28 arts and mathematics, as provided in **AS 14.03.123(f)(1)(A)**
 29 **[AS 14.03.123(f)(2)(A)]**; and

30 (C) a process for districts to petition the department for
 31 continuing or discontinuing the department's intervention;

1 (17) notify the legislative committees having jurisdiction over
 2 education before intervening in a school district under AS 14.07.030(14) or redirecting
 3 public school funding under AS 14.07.030(15).

4 [(18) REPEALED]

5 * **Sec. 10.** AS 14.07 is amended by adding a new section to read:

6 **Sec. 14.07.175. Development of statewide assessment plan; review of**
 7 **education laws and regulations.** (a) Notwithstanding AS 14.03.078, 14.03.120,
 8 14.03.123, 14.03.300, 14.03.310, AS 14.07.020, 14.07.030, 14.07.165, or a provision
 9 of federal law to the contrary, and except as provided in (d) of this section, the
 10 department may not require a school district or school to administer a statewide
 11 standards-based assessment after July 1, 2016, and before July 1, 2018. The
 12 department and the board shall create a plan for working with school districts to
 13 develop or select statewide assessments that are approved by school districts. The plan
 14 must provide for the first administration of the assessments not later than the school
 15 year that begins in 2020.

16 (b) The department shall review state education laws and regulations to
 17 identify unnecessary laws or regulations and areas where the laws or regulations may
 18 be changed to provide school districts with greater control over public education
 19 policy in light of the enactment of P.L. 114-95 (Every Student Succeeds Act).

20 (c) On or before January 1, 2018, the department shall submit a report to the
 21 senate secretary and chief clerk of the house of representatives and notify the
 22 legislature that the report is available. The report must describe

23 (1) the final plan for developing or selecting statewide assessments as
 24 required under (a) of this section; and

25 (2) recommendations for changes in laws or regulations as required
 26 under (b) of this section.

27 (d) The department shall require a school district or school to administer a
 28 statewide standards-based assessment after July 1, 2016, and before July 1, 2018, if
 29 the United States Department of Education provides notice that the United States
 30 Department of Education intends to withhold all or a portion of the state's federal
 31 education funding as a result of the department's compliance with (a) - (c) of this

1 section.

2 (e) In this section, "school district" has the meaning given in AS 14.30.350.

3 * **Sec. 11.** AS 14.08.111 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

3 (12) establish procedures for providing the training under
4 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.362, AS 14.33.100, [14.33.127,]
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 [AT A SCHOOL RECEIVES] all
8 of the training not less than every two years and that all of the certificated staff
9 employed by the district receive [AT EACH SCHOOL RECEIVES] all of the
10 training not less than every four years.

11 * **Sec. 12.** AS 14.08.111, as amended by sec. 6, ch. 2, SSSLA 2015, is amended to read:

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

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

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

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

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

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

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

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

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

26 (9) establish procedures for the review and selection of all textbooks
27 and instructional materials, including textbooks and curriculum materials for statewide
28 correspondence programs, before they are introduced into the school curriculum; the
29 review includes a review for violations of AS 14.18.060; nothing in this paragraph
30 precludes a correspondence study student, or the parent or guardian of a
31 correspondence study student, from privately obtaining or using textbooks or

1 curriculum material not provided by the school district;

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

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

11 (12) establish procedures for providing the training under
12 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362,
13 AS 14.33.100, [14.33.127,] AS 18.66.310, and AS 47.17.022; the procedures
14 established under this paragraph must include a training schedule that ensures that not
15 less than 50 percent of the total certificated staff employed by the district receive
16 [AT A SCHOOL RECEIVES] all of the training not less than every two years and that
17 all of the certificated staff employed by the district receive [AT EACH SCHOOL
18 RECEIVES] all of the training not less than every four years.

19 * **Sec. 13.** AS 14.14.090 is amended to read:

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

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

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

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

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

31 (5) keep the minutes of meetings and a record of all proceedings of the

1 school board in a pertinent form;

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

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

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

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

20 (10) provide for the development and implementation of a preventative
21 maintenance program for school facilities; in this paragraph, "preventative
22 maintenance" means scheduled maintenance actions that prevent the premature failure
23 or extend the useful life of a facility, or a facility's systems and components, and that
24 are cost-effective on a life-cycle basis;

25 (11) establish procedures for providing the training under
26 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.362, AS 14.33.100, [14.33.127,]
27 AS 18.66.310, and AS 47.17.022; the procedures established under this paragraph
28 must include a training schedule that ensures that not less than 50 percent of the total
29 certificated staff employed by the district receive [AT A SCHOOL RECEIVES] all
30 of the training not less than every two years and that all of the certificated staff
31 employed by the district receive [AT EACH SCHOOL RECEIVES] all of the

1 training not less than every four years.

2 * **Sec. 14.** AS 14.14.090, as amended by sec. 7, ch. 2, SSSLA 2015, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

8 (11) establish procedures for providing the training under
9 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362,
10 AS 14.33.100, [14.33.127,] AS 18.66.310, and AS 47.17.022; the procedures
11 established under this paragraph must include a training schedule that ensures that not
12 less than 50 percent of the total certificated staff employed by the district receive
13 [AT A SCHOOL RECEIVES] all of the training not less than every two years and that
14 all of the certificated staff employed by the district receive [AT EACH SCHOOL
15 RECEIVES] all of the training not less than every four years.

16 * **Sec. 15.** AS 14.16.020 is amended to read:

17 **Sec. 14.16.020. Operation of state boarding schools.** In the management of
18 state boarding schools, the board shall

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

20 (2) approve the employment of personnel necessary to operate state
21 boarding schools;

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

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

27 (5) provide custodial services and routine maintenance of physical
28 facilities;

29 (6) establish procedures for the development and implementation of
30 curriculum and the selection and use of textbooks and instructional materials;

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 14.30.362, AS 14.33.100, [14.33.127,] AS 18.66.310,
 5 and AS 47.17.022; the procedures established under this paragraph must include a
 6 training schedule that ensures that not less than 50 percent of the total certificated staff
 7 employed by the district receive [AT A SCHOOL RECEIVES] all of the training not
 8 less than every two years and that all of the certificated staff employed by the district
 9 receive [AT EACH SCHOOL RECEIVES] all of the training not less than every four
 10 years.

11 * **Sec. 16.** AS 14.16.020, as amended by sec. 8, ch. 2, SSSLA 2015, is amended to read:

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

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

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

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

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

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

24 (6) establish procedures for the development and implementation of
 25 curriculum and the selection and use of textbooks and instructional materials;

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

28 (8) establish procedures for staff evaluation; and

29 (9) establish procedures for providing the training under AS 14.18.060,
 30 AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362, AS 14.33.100,
 31 [14.33.127,] AS 18.66.310, and AS 47.17.022; the procedures established under this

1 paragraph must include a training schedule that ensures that not less than 50 percent of
 2 the total certificated staff employed by the district receive [AT A SCHOOL
 3 RECEIVES] all of the training not less than every two years and that all of the
 4 certificated staff employed by the district receive [AT EACH SCHOOL RECEIVES]
 5 all of the training not less than every four years.

6 * **Sec. 17.** AS 14.30 is amended by adding a new section to read:

7 **Sec. 14.30.075. Physical examinations for teachers.** (a) A school district may
 8 require physical examinations of teachers as a condition of employment. A school
 9 district is not required to pay the cost of physical examinations for teachers. This
 10 section does not affect the coverage of any health insurance benefits that a school
 11 district provides to teachers.

12 (b) In this section, "school district" has the meaning given in AS 14.30.350.

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

14 **Sec. 14.30.361. Sex education, human reproductive education, and human**
 15 **sexuality education.** (a) A person may only teach a class or program in sex education,
 16 human reproduction education, or human sexuality education if the person

17 (1) possesses a valid teacher certificate issued under AS 14.20 and is
 18 employed under a contract with the school; or

19 (2) is supervised by a person who meets the requirements under (1) of
 20 this subsection.

21 (b) Before curriculum, literature, or materials related to sex education, human
 22 reproduction education, or human sexuality education may be used in a class or
 23 program or distributed in a school, the curriculum, literature, or materials must be

24 (1) approved by the school board; and

25 (2) available for parents to review.

26 (c) Before a person teaches a class or program under (a)(2) of this section,

27 (1) the person must be approved by the school board; and

28 (2) the person's credentials must be available for parents to review.

29 * **Sec. 19.** AS 14.30.361, enacted by sec. 18 of this Act, is amended by adding a new
 30 subsection to read:

31 (d) The requirements under (a) of this section do not apply to

1 (1) sexual abuse and sexual assault awareness and prevention training
2 required under AS 14.30.355; or

3 (2) dating violence and abuse awareness and prevention training
4 required under AS 14.30.356.

5 * **Sec. 20.** AS 14.30.362(a), added by sec. 15, ch. 2, SSSLA 2015, is amended to read:

6 **Sec. 14.30.362. Suicide awareness and prevention training.** (a) A school
7 district and the department shall provide youth suicide awareness and prevention
8 training approved by the commissioner to each teacher, administrator, counselor, and
9 specialist who is employed by the district or department to provide services to students
10 [IN GRADES SEVEN THROUGH 12] in a public school in the state at no cost to the
11 teacher, administrator, counselor, or specialist.

12 * **Sec. 21.** AS 36.30.850(b) is amended by adding a new paragraph to read:

13 (47) contracts of the Department of Education and Early Development
14 for student assessments required under AS 14.03.123 and AS 14.07.020.

15 * **Sec. 22.** AS 14.17.520 is repealed.

16 * **Sec. 23.** AS 14.07.175 is repealed July 1, 2020.

17 * **Sec. 24.** Section 4, ch. 2, SSSLA 2015, is repealed.

18 * **Sec. 25.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 TRANSITION: REGULATIONS. The Department of Education and Early
21 Development may adopt regulations necessary to implement the changes made by this Act.
22 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
23 effective date of the law implemented by the regulations.

24 * **Sec. 26.** Section 25 of this Act takes effect immediately under AS 01.10.070(c).

25 * **Sec. 27.** Sections 2, 12, 14, 16, and 19 of this Act take effect on the effective date of sec.
26 14, ch. 2, SSSLA 2015.

27 * **Sec. 28.** Section 20 of this Act takes effect on the effective date of sec. 15, ch. 2, SSSLA
28 2015.

29 * **Sec. 29.** Except as provided in secs. 26 - 28 of this Act, this Act takes effect July 1, 2016.

adopted 9/16/14

CONCEPTUAL AMENDMENT TO AMENDMENT NO. 1

TO: SCS CSHB 156(FIN)

BY: SENATOR MICCICHE

Page 1, lines 13 - 14:

Delete all material and insert:

“(2) the person’s credentials must be available for parents to review.”

adopted 4/16/16

29-LS0566\R.1
Glover
4/15/16

AMENDMENT #1

OFFERED IN THE SENATE

BY SENATOR MICCICHE

TO: SCS CSHB 156(FIN), Draft Version "R"

1 Page 16, lines 17 - 18:

2 Delete "(1) possesses a valid teacher certificate issued under AS 14.20; and

3 (2) teaches the class or program under a contract with the school."

4 Insert "(1) possesses a valid teacher certificate issued under AS 14.20 and is employed
5 under a contract with the school; or

6 (2) is supervised by a person who meets the requirements under (1) of
7 this subsection."
8

9 Page 16, following line 23:

10 Insert a new subsection to read:

11 "(c) Before a person teaches a class or program under (a)(2) of this section,

12 (1) the person must be approved by the school board; and

13 (2) the school shall notify the parents of students in the class or
14 program of the person's credentials."

adopted 4/15/16

29-LS0566\R
Glover
4/15/16

**SENATE CS FOR CS FOR HOUSE BILL NO. 156(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION**

BY THE SENATE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES KELLER, Reinbold, Colver, Wilson

**A BILL
FOR AN ACT ENTITLED**

1 "An Act relating to a parent's right to direct the education of a child; relating to the
2 duties of the state Board of Education and Early Development, the Department of
3 Education and Early Development, school boards, and school districts; relating to public
4 school curriculum and assessments; relating to compliance with federal education laws;
5 relating to public school accountability; relating to a statewide assessment plan and
6 review of education laws and regulations; repealing the minimum expenditure for
7 instruction for school districts; relating to sex education, human reproduction
8 education, and human sexuality education; relating to suicide awareness and prevention
9 training; relating to contracts for student assessments; relating to questionnaires and
10 surveys administered in public schools; relating to physical examinations for teachers;
11 and providing for an effective date."

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

1 * **Section 1.** AS 14.03 is amended by adding a new section to read:

2 **Sec. 14.03.016. A parent's right to direct the education of the parent's**
3 **child.** (a) A local school board shall, in consultation with parents, teachers, and school
4 administrators, adopt policies to promote the involvement of parents in the school
5 district's education program. The policies must include procedures

6 (1) recognizing the authority of a parent and allowing a parent to
7 object to and withdraw the child from a standards-based assessment or test required by
8 the state;

9 (2) recognizing the authority of a parent and allowing a parent to
10 object to and withdraw the child from an activity, class, or program;

11 (3) providing for parent notification not less than two weeks before
12 any activity, class, or program that includes content involving human reproduction or
13 sexual matters is provided to a child;

14 (4) recognizing the authority of a parent and allowing a parent to
15 withdraw the child from an activity, class, program, or standards-based assessment or
16 test required by the state for a religious holiday, as defined by the parent;

17 (5) providing a parent with an opportunity to review the content of an
18 activity, class, performance standard, or program;

19 (6) ensuring that, when a child is absent from an activity, class,
20 program, or standards-based assessment or test required by the state under this section,
21 the absence is not considered an unlawful absence under AS 14.30.020 if the child's
22 parent withdrew the child from the activity, class, program, or standards-based
23 assessment or test or gave permission for the child's absence.

24 (b) The policies adopted under this section may not allow a parent
25 categorically to object or withdraw a child from all activities, classes, programs, or
26 standards-based assessments or tests required by the state. The policies must require a
27 parent to object each time the parent wishes to withdraw the child from an activity,
28 class, program, or standards-based assessment or test required by the state.

29 (c) Nothing in this section prohibits a school employee or volunteer from
30 answering a question from a child about any topic.

31 (d) In this section,

- 1 (1) "child" means an unemancipated minor under 18 years of age;
2 (2) "local school board" has the meaning given in AS 14.03.290;
3 (3) "parent" means the natural or adoptive parent of a child or a child's
4 legal guardian;
5 (4) "school district" has the meaning given in AS 14.30.350.

6 * **Sec. 2.** AS 14.03.016(d), enacted by sec. 1 of this Act, is amended by adding a new
7 paragraph to read:

- 8 (5) "human reproduction or sexual matters" does not include curricula
9 or materials for
10 (A) sexual abuse and sexual assault awareness and prevention
11 training required under AS 14.30.355; or
12 (B) dating violence and abuse awareness and prevention
13 training required under AS 14.30.356.

14 * **Sec. 3.** AS 14.03.120(f) is amended to read:

15 (f) By January 15 of each year, beginning in 2001, the department shall
16 provide to the governor and make available to the public and the legislature a report on
17 the performance of public schools in this state. The report must be entitled "Alaska's
18 Public Schools: A Report Card to the Public." The report must include

- 19 (1) comprehensive information on each public school compiled,
20 collected, and reported under (d) and (e) of this section for the prior school year;
21 (2) a summary of the information described in (1) of this subsection;
22 the summary must be prepared in a manner that allows school performance to be
23 measured against established state education standards; and
24 (3) for a report due by or after January 15, 2005, the most recent
25 performance designation under AS 14.03.123 received by each public school **and by**
26 **the state public school system.**

27 * **Sec. 4.** AS 14.03.123(b) is amended to read:

28 (b) The department shall inform the governing body of each district of the
29 performance **designations** [DESIGNATION] assigned **to the district and to the state**
30 **public school system** under (a) of this section.

31 * **Sec. 5.** AS 14.03.123(c) is amended to read:

1 (c) The state board shall adopt regulations implementing this section,
2 providing for a statewide student assessment system, and providing for the process of
3 assigning a designation under (a) of this section, including

4 (1) the methodology used to assign the performance designation,
5 including the measures used and their relative weights;

6 **(2) a comparison of the state public school system to public schools**
7 **in other states, including a comparison of student participation in standards-**
8 **based assessments and student performance on the assessments;**

9 **(3) [(2)]** high performance and low performance designations that are
10 based on the accountability system under this section;

11 **(4) [(3)]** a procedure for appealing a designation that may be used by
12 the principal of a public school or by the superintendent of a public school district;

13 **(5) [(4)]** additional measures that may be progressively implemented
14 by the commissioner to assist schools or districts to improve performance in
15 accordance with this section; [AND WITH FEDERAL LAW; TO THE EXTENT
16 NECESSARY TO CONFORM TO FEDERAL LAW,] the additional measures may
17 be unique to a certain school or district if that school or district receives federal
18 funding that is not available to all schools or districts in the state.

19 * Sec. 6. AS 14.03.123(d) is amended to read:

20 (d) A public school or district that receives a low performance designation
21 under this section shall prepare and submit to the department a school or district
22 improvement plan, as applicable, in accordance with regulations adopted by the board.
23 The improvement plan must be prepared with the maximum feasible public
24 participation of the community including, as appropriate, interested individuals,
25 teachers, parents, parent organizations, students, tribal organizations, local government
26 representatives, and other community groups. **The improvement plan must, to the**
27 **extent possible, include measures that increase local control of education and**
28 **parental choice and that do not require a direct increase in state or federal**
29 **funding for the school or district.**

30 * Sec. 7. AS 14.03.123(e) is amended to read:

31 (e) The department shall establish a program of special recognition for those

1 public schools that receive a high performance designation, based on the
2 accountability system under (f) of this section, that demonstrates

3 (1) an improvement over the school's performance designation for
4 the previous year; or

5 (2) maintenance of a proficient or high performance designation
6 from the previous year.

7 * Sec. 8. AS 14.03.123(f) is amended to read:

8 (f) In the accountability system for schools and districts required by this
9 section, the department shall

10 (1) [IMPLEMENT 20 U.S.C. 6301 - 7941 (ELEMENTARY AND
11 SECONDARY EDUCATION ACT OF 1965), AS AMENDED;

12 (2)] implement state criteria and priorities for accountability including
13 the use of

14 (A) measures of student performance on standards-based
15 assessments in language arts and mathematics; the assessments must be
16 selected with the input of teachers and school administrators and
17 minimize disruption to classroom instruction;

18 (B) measures of student improvement and academic
19 achievement; and

20 (C) other measures identified that are indicators of student
21 success and achievement; and

22 (2) [(3)] to the extent practicable, minimize the administrative burden
23 on districts.

24 * Sec. 9. AS 14.07.020(a) is amended to read:

25 (a) The department shall

26 (1) exercise general supervision over the public schools of the state
27 except the University of Alaska;

28 (2) study the conditions and needs of the public schools of the state,
29 adopt or recommend plans, administer and evaluate grants to improve school
30 performance awarded under AS 14.03.125, and adopt regulations for the improvement
31 of the public schools; the department may consult with the University of Alaska to

1 **develop secondary education requirements to improve student achievement in**
2 **college preparatory courses;**

3 (3) provide advisory and consultative services to all public school
4 governing bodies and personnel;

5 (4) prescribe by regulation a minimum course of study for the public
6 schools; the regulations must provide that, if a course in American Sign Language is
7 given, the course shall be given credit as a course in a foreign language;

8 (5) establish, in coordination with the Department of Health and Social
9 Services, a program for the continuing education of children who are held in detention
10 facilities in the state during the period of detention;

11 (6) accredit those public schools that meet accreditation standards
12 prescribed by regulation by the department; these regulations shall be adopted by the
13 department and presented to the legislature during the first 10 days of any regular
14 session, and become effective 45 days after presentation or at the end of the session,
15 whichever is earlier, unless disapproved by a resolution concurred in by a majority of
16 the members of each house;

17 (7) prescribe by regulation, after consultation with the state fire
18 marshal and the state sanitarian, standards that will **ensure** [ASSURE] healthful and
19 safe conditions in the public and private schools of the state, including a requirement
20 of physical examinations and immunizations in pre-elementary schools; the standards
21 for private schools may not be more stringent than those for public schools;

22 (8) exercise general supervision over pre-elementary schools that
23 receive direct state or federal funding;

24 (9) exercise general supervision over elementary and secondary
25 correspondence study programs offered by municipal school districts or regional
26 educational attendance areas; the department may also offer and make available to any
27 Alaskan through a centralized office a correspondence study program;

28 (10) accredit private schools that request accreditation and that meet
29 accreditation standards prescribed by regulation by the department; nothing in this
30 paragraph authorizes the department to require religious or other private schools to be
31 licensed;

1 (11) review plans for construction of new public elementary and
2 secondary schools and for additions to and major rehabilitation of existing public
3 elementary and secondary schools and, in accordance with regulations adopted by the
4 department, determine and approve the extent of eligibility for state aid of a school
5 construction or major maintenance project; for the purposes of this paragraph, "plans"
6 include educational specifications, schematic designs, projected energy consumption
7 and costs, and final contract documents;

8 (12) provide educational opportunities in the areas of vocational
9 education and training, and basic education to individuals over 16 years of age who
10 are no longer attending school; **the department may consult with businesses and**
11 **labor unions to develop a program to prepare students for apprenticeships or**
12 **internships that will lead to employment opportunities;**

13 (13) administer the grants awarded under AS 14.11;

14 (14) establish, in coordination with the Department of Public Safety, a
15 school bus driver training course;

16 (15) require the reporting of information relating to school disciplinary
17 and safety programs under AS 14.33.120 and of incidents of disruptive or violent
18 behavior;

19 (16) establish by regulation criteria, based on low student performance,
20 under which the department may intervene in a school district to improve instructional
21 practices, as described in AS 14.07.030(14) or (15); the regulations must include

22 (A) a notice provision that alerts the district to the deficiencies
23 and the instructional practice changes proposed by the department;

24 (B) an end date for departmental intervention, as described in
25 AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three
26 consecutive years of improvement consisting of not less than two percent
27 increases in student proficiency on standards-based assessments in language
28 arts and mathematics, as provided in **AS 14.03.123(f)(1)(A)**
29 **[AS 14.03.123(f)(2)(A)]**; and

30 (C) a process for districts to petition the department for
31 continuing or discontinuing the department's intervention;

1 (17) notify the legislative committees having jurisdiction over
2 education before intervening in a school district under AS 14.07.030(14) or redirecting
3 public school funding under AS 14.07.030(15).

4 [(18) REPEALED]

5 * **Sec. 10.** AS 14.07 is amended by adding a new section to read:

6 **Sec. 14.07.175. Development of statewide assessment plan; review of**
7 **education laws and regulations.** (a) Notwithstanding AS 14.03.078, 14.03.120,
8 14.03.123, 14.03.300, 14.03.310, AS 14.07.020, 14.07.030, 14.07.165, or a provision
9 of federal law to the contrary, and except as provided in (d) of this section, the
10 department may not require a school district or school to administer a statewide
11 standards-based assessment after July 1, 2016, and before July 1, 2018. The
12 department and the board shall create a plan for working with school districts to
13 develop or select statewide assessments that are approved by school districts. The plan
14 must provide for the first administration of the assessments not later than the school
15 year that begins in 2020.

16 (b) The department shall review state education laws and regulations to
17 identify unnecessary laws or regulations and areas where the laws or regulations may
18 be changed to provide school districts with greater control over public education
19 policy in light of the enactment of P.L. 114-95 (Every Student Succeeds Act).

20 (c) On or before January 1, 2018, the department shall submit a report to the
21 senate secretary and chief clerk of the house of representatives and notify the
22 legislature that the report is available. The report must describe

23 (1) the final plan for developing or selecting statewide assessments as
24 required under (a) of this section; and

25 (2) recommendations for changes in laws or regulations as required
26 under (b) of this section.

27 (d) The department shall require a school district or school to administer a
28 statewide standards-based assessment after July 1, 2016, and before July 1, 2018, if
29 the United States Department of Education provides notice that the United States
30 Department of Education intends to withhold all or a portion of the state's federal
31 education funding as a result of the department's compliance with (a) - (c) of this

1 section.

2 (e) In this section, "school district" has the meaning given in AS 14.30.350.

3 * **Sec. 11.** AS 14.08.111 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

(12) establish procedures for providing the training under AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.362, AS 14.33.100, [14.33.127,] AS 18.66.310, and AS 47.17.022; the procedures established under this paragraph must include a training schedule that ensures that not less than 50 percent of the total certificated staff employed by the district receive [AT A SCHOOL RECEIVES] all of the training not less than every two years and that all of the certificated staff employed by the district receive [AT EACH SCHOOL RECEIVES] all of the training not less than every four years.

* Sec. 12. AS 14.08.111, as amended by sec. 6, ch. 2, SSSLA 2015, is amended to read:

Sec. 14.08.111. Duties. A regional school board shall

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

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

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

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

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

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

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

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

(9) establish procedures for the review and selection of all textbooks and instructional materials, including textbooks and curriculum materials for statewide correspondence programs, before they are introduced into the school curriculum; the review includes a review for violations of AS 14.18.060; nothing in this paragraph precludes a correspondence study student, or the parent or guardian of a correspondence study student, from privately obtaining or using textbooks or

1 curriculum material not provided by the school district;

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

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

11 (12) establish procedures for providing the training under
12 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362,
13 AS 14.33.100, [14.33.127,] AS 18.66.310, and AS 47.17.022; the procedures
14 established under this paragraph must include a training schedule that ensures that not
15 less than 50 percent of the total certificated staff employed by the district receive
16 [AT A SCHOOL RECEIVES] all of the training not less than every two years and that
17 all of the certificated staff employed by the district receive [AT EACH SCHOOL
18 RECEIVES] all of the training not less than every four years.

19 * **Sec. 13.** AS 14.14.090 is amended to read:

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

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

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

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

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

31 (5) keep the minutes of meetings and a record of all proceedings of the

1 school board in a pertinent form;

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

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

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

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

20 (10) provide for the development and implementation of a preventative
21 maintenance program for school facilities; in this paragraph, "preventative
22 maintenance" means scheduled maintenance actions that prevent the premature failure
23 or extend the useful life of a facility, or a facility's systems and components, and that
24 are cost-effective on a life-cycle basis;

25 (11) establish procedures for providing the training under
26 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.362, AS 14.33.100, [14.33.127,]
27 AS 18.66.310, and AS 47.17.022; the procedures established under this paragraph
28 must include a training schedule that ensures that not less than 50 percent of the total
29 certificated staff employed by the district receive [AT A SCHOOL RECEIVES] all
30 of the training not less than every two years and that all of the certificated staff
31 employed by the district receive [AT EACH SCHOOL RECEIVES] all of the

1 training not less than every four years.

2 * **Sec. 14.** AS 14.14.090, as amended by sec. 7, ch. 2, SSSLA 2015, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

8 (11) establish procedures for providing the training under
9 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362,
10 AS 14.33.100, [14.33.127,] AS 18.66.310, and AS 47.17.022; the procedures
11 established under this paragraph must include a training schedule that ensures that not
12 less than 50 percent of the total certificated staff employed by the district receive
13 [AT A SCHOOL RECEIVES] all of the training not less than every two years and that
14 all of the certificated staff employed by the district receive [AT EACH SCHOOL
15 RECEIVES] all of the training not less than every four years.

16 * **Sec. 15.** AS 14.16.020 is amended to read:

17 **Sec. 14.16.020. Operation of state boarding schools.** In the management of
18 state boarding schools, the board shall

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

20 (2) approve the employment of personnel necessary to operate state
21 boarding schools;

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

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

27 (5) provide custodial services and routine maintenance of physical
28 facilities;

29 (6) establish procedures for the development and implementation of
30 curriculum and the selection and use of textbooks and instructional materials;

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 14.30.362, AS 14.33.100, [14.33.127,] AS 18.66.310,
5 and AS 47.17.022; the procedures established under this paragraph must include a
6 training schedule that ensures that not less than 50 percent of the total certificated staff
7 employed by the district receive [AT A SCHOOL RECEIVES] all of the training not
8 less than every two years and that all of the certificated staff employed by the district
9 receive [AT EACH SCHOOL RECEIVES] all of the training not less than every four
10 years.

11 * **Sec. 16.** AS 14.16.020, as amended by sec. 8, ch. 2, SSSLA 2015, is amended to read:

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

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

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

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

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

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

24 (6) establish procedures for the development and implementation of
25 curriculum and the selection and use of textbooks and instructional materials;

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

28 (8) establish procedures for staff evaluation; and

29 (9) establish procedures for providing the training under AS 14.18.060,
30 AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362, AS 14.33.100,
31 [14.33.127,] AS 18.66.310, and AS 47.17.022; the procedures established under this

1 paragraph must include a training schedule that ensures that not less than 50 percent of
2 the total certificated staff employed by the district receive [AT A SCHOOL
3 RECEIVES] all of the training not less than every two years and that all of the
4 certificated staff employed by the district receive [AT EACH SCHOOL RECEIVES]
5 all of the training not less than every four years.

6 * **Sec. 17.** AS 14.30 is amended by adding a new section to read:

7 **Sec. 14.30.075. Physical examinations for teachers.** (a) A school district may
8 require physical examinations of teachers as a condition of employment. A school
9 district is not required to pay the cost of physical examinations for teachers. This
10 section does not affect the coverage of any health insurance benefits that a school
11 district provides to teachers.

12 (b) In this section, "school district" has the meaning given in AS 14.30.350.

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

14 **Sec. 14.30.361. Sex education, human reproductive education, and human**
15 **sexuality education.** (a) A person may only teach a class or program in sex education,
16 human reproduction education, or human sexuality education if the person

17 (1) possesses a valid teacher certificate issued under AS 14.20; and

18 (2) teaches the class or program under a contract with the school.

19 (b) Before curriculum, literature, or materials related to sex education, human
20 reproduction education, or human sexuality education may be used in a class or
21 program or distributed in a school, the curriculum, literature, or materials must be

22 (1) approved by the school board; and

23 (2) available for parents to review.

24 * **Sec. 19.** AS 14.30.361, enacted by sec. 18 of this Act, is amended by adding a new
25 subsection to read:

26 (c) The requirements under (a) of this section do not apply to

27 (1) sexual abuse and sexual assault awareness and prevention training
28 required under AS 14.30.355; or

29 (2) dating violence and abuse awareness and prevention training
30 required under AS 14.30.356.

31 * **Sec. 20.** AS 14.30.362(a), added by sec. 15, ch. 2, SSSLA 2015, is amended to read:

1 **Sec. 14.30.362. Suicide awareness and prevention training.** (a) A school
2 district and the department shall provide youth suicide awareness and prevention
3 training approved by the commissioner to each teacher, administrator, counselor, and
4 specialist who is employed by the district or department to provide services to students
5 [IN GRADES SEVEN THROUGH 12] in a public school in the state at no cost to the
6 teacher, administrator, counselor, or specialist.

7 * **Sec. 21.** AS 36.30.850(b) is amended by adding a new paragraph to read:

8 (47) contracts of the Department of Education and Early Development
9 for student assessments required under AS 14.03.123 and AS 14.07.020.

10 * **Sec. 22.** AS 14.17.520 is repealed.

11 * **Sec. 23.** AS 14.07.175 is repealed July 1, 2020.

12 * **Sec. 24.** Section 4, ch. 2, SSSLA 2015, is repealed.

13 * **Sec. 25.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 TRANSITION: REGULATIONS. The Department of Education and Early
16 Development may adopt regulations necessary to implement the changes made by this Act.
17 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
18 effective date of the law implemented by the regulations.

19 * **Sec. 26.** Section 25 of this Act takes effect immediately under AS 01.10.070(c).

20 * **Sec. 27.** Sections 2, 12, 14, 16, and 19 of this Act take effect on the effective date of sec.
21 14, ch. 2, SSSLA 2015.

22 * **Sec. 28.** Section 20 of this Act takes effect on the effective date of sec. 15, ch. 2, SSSLA
23 2015.

24 * **Sec. 29.** Except as provided in secs. 26 - 28 of this Act, this Act takes effect July 1, 2016.

adopted 4/15/16

29-LS0566\T.1
Glover
4/14/16

AMENDMENT #1

OFFERED IN THE SENATE

BY SENATOR DUNLEAVY

TO: SCS CSHB 156(EDC)

1 Page 16, line 10:

2 Delete "AS 14.20.020"

3 Insert "AS 14.20"

4

5 Page 16, following line 17:

6 Insert a new bill section to read:

7 "* **Sec. 19.** AS 14.30.361, enacted by sec. 18 of this Act, is amended by adding a new
8 subsection to read:

9 (c) The requirements under (a) of this section do not apply to

10 (1) sexual abuse and sexual assault awareness and prevention training
11 required under AS 14.30.355; or

12 (2) dating violence and abuse awareness and prevention training
13 required under AS 14.30.356."

14

15 Renumber the following bill sections accordingly.

16

17 Page 17, line 6:

18 Delete "Section 24"

19 Insert "Section 25"

20

21 Page 17, line 9:

22 Delete "Section 19"

23 Insert "Section 20"

1

2 Page 17, line 11:

3 Delete "Section 2 of this Act takes"

4 Insert "Sections 2 and 19 of this Act take"

5

6 Page 17, line 12:

7 Delete "secs. 25 - 28"

8 Insert "secs. 26 - 29"

adopted 4/19/16

29-LS0566\T.2
Mischel/Glover
4/14/16

AMENDMENT #2

OFFERED IN THE SENATE

TO: SCS CSHB 156(EDC), Draft Version "T"

BY SENATOR DUNLEAVY

1 Page 8, line 9, following "contrary,":

2 Insert "and except as provided in (d) of this section,"

3

4 Page 8, following line 25:

5 Insert a new subsection to read:

6 "(d) The department shall require a school district or school to administer a
7 statewide standards-based assessment after July 1, 2016, and before July 1, 2018, if
8 the United States Department of Education provides notice that the United States
9 Department of Education intends to withhold all or a portion of the state's federal
10 education funding as a result of the department's compliance with (a) - (c) of this
11 section."

12

13 Reletter the following subsection accordingly.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 11, 2016

SUBJECT: Sectional summary
(CSHB 156(EDC) am; Work Order No. 29-LS0566\X.A)

TO: Representative Wes Keller
Chair of the House Education Committee
Attn: Jim Pound

FROM: Kate S. Glover *KG*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Requires the Department of Education and Early Development (the department) to include a performance designation for the state public school system in its annual report entitled "Alaska's Public Schools: A Report Card to the Public."

Section 2. Requires the department to inform each school district of the performance designation assigned to the state public school system.

Section 3. Requires the process for assigning performance designations to include a comparison of the state public school system to public schools in other states. Section 3 also removes the department's obligation to implement measures necessary to conform to federal law in providing for the student assessment system and process for assigning performance designations under AS 14.03.123.

Section 4. Requires improvement plans for schools with low performance designations to include measures that increase local control of education and parental choice and that do not require a direct increase in state or federal funding for the school or district.

Section 5. Modifies the criteria for recognizing schools that receive a high performance designation to require that the school demonstrate an improvement over the school's performance designation for the previous year.

Section 6. Removes the requirement for the department to implement 20 U.S.C. 6301 - 7941 (Elementary and Secondary Education Act of 1965, as amended) in the accountability system for schools and districts required under AS 14.03.123(f). Section 6 also requires the department to select student assessments with the input of teachers and school administrators.

Section 7. Authorizes the department to consult with the University of Alaska to develop secondary education requirements to improve student achievement in college preparatory courses. Also authorizes the department to consult with businesses and labor unions to develop a program to prepare students for apprenticeships or internships.

Section 8. Adds a new section prohibiting the department from requiring a school district or school to administer a statewide standards-based assessment after July 1, 2017, and before July 1, 2019. Requires the department to create a plan for developing or selecting statewide assessments that are approved by school districts for administration no later than the school year beginning in 2020. Requires the department to submit a report to the legislature on or before January 1, 2018, describing the assessment plan and making recommendations for changes in education laws or regulations that would allow school districts greater control over education policy in light of the enactment of the Every Student Succeeds Act, P.L. 114-95.

Section 9. Amends AS 14.08.111 to remove a requirement to establish procedures for crisis intervention training under AS 14.33.127 from the duties of regional school boards.

Section 10. Amends AS 14.08.111, as amended by a session law, to remove a requirement to establish procedures for crisis intervention training under AS 14.33.127 from the duties of regional school boards.

Section 11. Amends AS 14.14.090 to remove a requirement to establish procedures for crisis intervention training under AS 14.33.127 from the duties of school boards.

Section 12. Amends AS 14.08.111, as amended by a session law, to remove a requirement to establish procedures for crisis intervention training under AS 14.33.127 from the duties of school boards.

Section 13. Amends AS 14.16.020 to remove a requirement to establish procedures for crisis intervention training under AS 14.33.127 from the duties of regional school boards.

Section 14. Amends AS 14.16.020, as amended by a session law, to remove a requirement to establish procedures for crisis intervention training under AS 14.33.127 from the duties of regional school boards.

Section 15. Repeals AS 14.07.175, added by sec. 8 of the bill, on July 1, 2020.

Section 16. Allows the department to adopt regulations necessary to implement the Act.

Representative Wes Keller
April 11, 2016
Page 3

The regulations may not take effect before the effective date of the law implemented by the regulations.

Section 17. Provides an immediate effective date for sec. 16 of the bill.

Section 18. Provides that sections 10, 12, and 14 of the bill take effect on the effective date of sec. 14, ch. 2.

Section 19. Provides that the remainder of the bill takes effect July 1, 2017.

If I may be of further assistance, please advise.

KSG:dla:lem
16-337.lem

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 14, 2016

SUBJECT: Sectional summary
(SCS CSHB 156(EDC); Work Order No. 29-LS0566\T)

TO: Representative Wes Keller
Chair of the House Education Committee
Attn: Jim Pound

FROM: Kate S. Glover *KS*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Requires local school boards to adopt policies allowing parents to withdraw their children from any activity, class, program, or standards-based assessment required by the state to which the parent objects.

Section 2. Exempts curricula and materials for sexual abuse and sexual assault awareness and prevention training and for dating violence and abuse awareness and prevention training from the definition of "human reproduction or sexual matters."

Section 3. Requires the Department of Education and Early Development (the department) to include a performance designation for the state public school system in its annual report entitled "Alaska's Public Schools: A Report Card to the Public."

Section 4. Requires the department to inform each school district of the performance designation assigned to the state public school system.

Section 5. Requires the process for assigning performance designations to include a comparison of the state public school system to public schools in other states. Section 5 also removes the department's obligation to implement measures necessary to conform to federal law in providing for the student assessment system and process for assigning performance designations under AS 14.03.123.

Section 6. Requires improvement plans for schools with low performance designations

to include measures that increase local control of education and parental choice and that do not require a direct increase in state or federal funding for the school or district.

Section 7. Modifies the criteria for recognizing schools that receive a high performance designation to require that the school demonstrate an improvement over the school's performance designation for the previous year.

Section 8. Removes the requirement for the department to implement 20 U.S.C. 6301 - 7941 (Elementary and Secondary Education Act of 1965, as amended) in the accountability system for schools and districts required under AS 14.03.123(f). Section 8 also requires the department to select student assessments with the input of teachers and school administrators.

Section 9. Authorizes the department to consult with the University of Alaska to develop secondary education requirements to improve student achievement in college preparatory courses. Also authorizes the department to consult with businesses and labor unions to develop a program to prepare students for apprenticeships or internships.

Section 10. Adds a new section prohibiting the department from requiring a school district or school to administer a statewide standards-based assessment after July 1, 2017, and before July 1, 2019. Requires the department to create a plan for developing or selecting statewide assessments that are approved by school districts for administration no later than the school year beginning in 2020. Requires the department to submit a report to the legislature on or before January 1, 2018, describing the assessment plan and making recommendations for changes in education laws or regulations that would allow school districts greater control over education policy in light of the enactment of the Every Student Succeeds Act, P.L. 114-95.

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Section 15. Amends AS 14.16.020 to remove a requirement to establish procedures for crisis intervention training under AS 14.33.127 from the duties of regional school boards.

Section 16. Amends AS 14.16.020, as amended by a session law, to remove a

requirement to establish procedures for crisis intervention training under AS 14.33.127 from the duties of regional school boards.

Section 17. Allows school districts to require physical examinations of teachers, but provides that school districts are not required to pay for the physical examinations.

Section 18. Adds a new section providing that only certified teachers may teach classes in sex education, and that curriculum and materials for sex education classes must be approved by the school board and available for parents to review.

Section 19. Amends AS 14.30.362, added by a session law, to provide that suicide awareness and prevention training must be provided to each teacher, administrator, counselor, and specialist who is employed by the district or the department to provide services to students.

Section 20. Amends AS 36.30.850(b) to exempt department contracts for student assessments from the state procurement code.

Section 21. Repeals AS 14.17.520, which relates to minimum expenditure for instruction.

Section 22. Repeals AS 14.07.175, added by sec. 10 of the bill, on July 1, 2020.

Section 23. Repeals sec. 4, ch. 2, SSSLA 2015, which amended AS 14.03.110(a), relating to questionnaires or surveys administered in schools.

Section 24. Allows the department to adopt regulations necessary to implement the Act. The regulations may not take effect before the effective date of the law implemented by the regulations.

Section 25. Provides an immediate effective date for sec. 24 of the bill.

Section 26. Provides that sections 12, 14, and 16 of the bill take effect on the effective date of sec. 14, ch. 2, SSSLA 2015.

Section 27. Provides that section 19 of the bill takes effective date of sec. 15, ch. 2, SSSLA 2015.

Section 28. Provides that section 2 of the bill takes effect on June 30, 2017.

Section 29. Provides that the remainder of the bill takes effect July 1, 2017.

If I may be of further assistance, please advise.

KSG:lem:dla
16-475.dla

Sec. 14.03.123. School and district accountability.

(a) By September 1 of each year, the department shall assign a performance designation to each public school and school district and to the state public school system in accordance with (f) of this section.

(b) The department shall inform the governing body of each district of the performance designation assigned under (a) of this section.

(c) The state board shall adopt regulations implementing this section, providing for a statewide student assessment system, and providing for the process of assigning a designation under (a) of this section, including

(1) the methodology used to assign the performance designation, including the measures used and their relative weights;

(2) high performance and low performance designations that are based on the accountability system under this section;

(3) a procedure for appealing a designation that may be used by the principal of a public school or by the superintendent of a public school district;

(4) additional measures that may be progressively implemented by the commissioner to assist schools or districts to improve performance in accordance with this section and with federal law; to the extent necessary to conform to federal law, the additional measures may be unique to a certain school or district if that school or district receives federal funding that is not available to all schools or districts in the state.

(d) A public school or district that receives a low performance designation under this section shall prepare and submit to the department a school or district improvement plan, as applicable, in accordance with regulations adopted by the board. The improvement plan must be prepared with the maximum feasible public participation of the community including, as appropriate, interested individuals, teachers, parents, parent organizations, students, tribal organizations, local government representatives, and other community groups.

(e) The department shall establish a program of special recognition for those public schools that receive a high performance designation.

(f) In the accountability system for schools and districts required by this section, the department shall

(1) implement 20 U.S.C. 6301 - 7941 (Elementary and Secondary Education Act of 1965), as amended;

(2) implement state criteria and priorities for accountability including the use of

(A) measures of student performance on standards-based assessments in language arts and mathematics;

(B) measures of student improvement; and

(C) other measures identified that are indicators of student success and achievement; and

(3) to the extent practicable, minimize the administrative burden on districts.

(g) In this section,

(1) "district" has the meaning given in AS 14.17.990;

(2) "state public school system" means the combination of all public schools, public school districts, and state-operated schools.

((7 ch 83 SLA 1998; am 2, 3 ch 99 SLA 2002; am 4 ch 173 SLA 2004; am 8 - 10 ch 12 SLA 2006; am 7 ch 15 SLA 2014))

Administrative Code. - For statewide student assessment, see 4 AAC 6, art. 4.

For school and district accountability, see 4 AAC 6, art. 5.

Effect of amendments. The 2004 amendment, effective July 27, 2004, rewrote the section.

The 2006 amendment, effective April 4, 2006, substituted "performance" for "achievement" two times in paragraph (2) of subsection (c), near the beginning of subsection (d), and near the end of subsection (e).

The 2014 amendment, effective July 1, 2014, rewrote (f)(2)(A), which read, "measures of student performance on standards-based assessments in reading, writing, and mathematics, and including competency tests required under AS 14.03.75".

AMENDMENT TO CSHB 156

Amendment on the House Floor is language based on an error to HB 44. The changes deal with language that had made the training part of the program too cumbersome for schools. The amendments deletes this section from the language.

Deletion amendment can be found on Page 8, Line 9- Page 9, Line 17- Page 10, line 29- Page 12, Line 12- Page 13 Line 5 and 31

Sec. 14.33.127. Crisis intervention training.

(a) The department shall approve crisis intervention training programs for schools, which shall include training in

(1) evidence-based techniques that have been shown to be effective in the prevention of restraint and seclusion of students;

(2) evidence-based techniques shown to be effective in keeping school personnel and students safe when imposing physical restraint or seclusion of students;

(3) evidence-based skills related to positive behavior supports, conflict prevention, understanding antecedents, de-escalation, and conflict management;

(4) first aid and cardiopulmonary resuscitation; and

(5) applicable policies and procedures.

(b) The governing body of a school shall ensure that a sufficient number of school employees receives periodic training in an approved crisis intervention program to meet the needs of the school population.

(c) In this section,

(1) "restraint" has the meaning given in AS 14.33.125;

(2) "seclusion" has the meaning given in AS 14.33.125.

Sec. 14.33.125. Student restraint or seclusion; limitations.

(g) In this section,

(1) "chemical restraint" means a psychopharmacologic drug that is used on a student for discipline or convenience and that is not required to treat a medical symptom;

(2) "mechanical restraint" means the use of a device that is not a medical device or protective equipment prescribed by a qualified health care professional to restrict a student's freedom of movement;

(3) "physically restrain" or "physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move the student's arms, legs, or head freely;

(4) "restraint" means **physical restraint, chemical restraint, mechanical restraint, or other aversive behavioral interventions that compromise health and safety;**

(5) "seclusion" means **the involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving; "seclusion" does not include a classroom time-out, supervised detention, or suspension from school under AS 14.30.045. (emphasis added)**

Annual Testing Shackles Schools and Students

To the Editor:

The No Child Left Behind Act, which mandated annual standardized testing in U.S. public schools, states that National Assessment of Educational Progress scores will be used to evaluate its effectiveness. My organization's analysis of NAEP results, however, shows that overall student achievement was rising faster before NCLB went into effect. The rate of score gains for African-Americans, English-language learners, and students with disabilities generally slowed under NCLB.

These results refute claims by defenders of the test-every-kid-every-year status quo, who **argue that NCLB's annual-exam mandate helps public schools.**

NCLB's failure to raise scores on independent standardized exams is significant in light of widespread curriculum-narrowing resulting from the need for classroom time for test preparation. Other serious problems, such as pushing low scorers out of school and widespread cheating, are also part of NCLB's legacy.

Annual testing has flunked out based on its own standards. Congress must limit federal testing requirements to one grade each in elementary, middle, and high school, as in the pre-No Child Left Behind era. There is no justification for continuing to shackle schools with every-grade testing.

Robert A. Schaeffer
Public Education Director
National Center for Fair & Open Testing
Boston, Mass.

Don't Become a Teacher, Advises Award-Winner Nancie Atwell

By Jordan Moeny on March 23, 2015 3:57 PM

An influential language arts teacher who recently won a \$1 million international teaching prize has some surprising advice for young people considering joining the profession: Don't.

On March 15, Nancie Atwell, who has been teaching reading and writing for 42 years and has written several prominent books on language arts instruction, was **awarded** the first annual \$1 million Global Teacher Prize by the Varkey Foundation, based in Dubai, United Arab Emirates. The prize, which has been lauded by the likes of **Bill Gates** and Bill Clinton, who is the honorary chairman of the Varkey Foundation, aims to improve the public image of the teaching profession by highlighting the work of excellent educators.

Upon receiving the award, Atwell, who teaches at the Center for Teaching and Learning, a nonprofit demonstration school she helped found in Edgecomb, Maine, in 1990, said she was honored to represent her profession and that she felt "validated every day just by the experiences I have with children in the classroom."

But she doesn't seem keen on encouraging others to follow in her footsteps.

Following the award ceremony, Atwell **appeared on CNN's New Day** to talk about the award and the state of education. When asked what she would tell a student considering a career in teaching, she said that she would discourage them unless they could find a job in a private school.

"Public school teachers are so constrained right now by the common core standards and the tests that are developed to monitor what teachers are doing with them," she said. "If you're a creative, smart young person, I don't think this is the time to go into teaching unless an independent school would suit you."

In an interview with HuffPost Live Atwell reiterated her reservations about the Common Core State Standards, which Gates' own foundation has played a central role in supporting. "The new

common core curriculum and the tests that accompany it are tending to treat teachers as mere technicians," she said. "They open the box and they read the script, and that's not what good teaching is about. It's an intellectual enterprise, and that's been stripped from it by the current climate."

The Maine educator also agreed with HuffPost Live host Marc Lamont Hill's suggestion that the common core and the "hyper-testing, hyper-accountability climate" teachers face could be contributing to high attrition rates. She compared the demands on teachers to "straitjackets when it comes to how [teachers] interact with kids, what they ask of kids, what they bring to the classroom."

With respect to language arts in particular, Atwell said that schools' emphasis on test preparation leaves little room to emphasize the benefits of reading and writing. "It's just become a series of rig—not even rigorous, almost *ridiculous* exercises that don't have any connection with the enjoyment of stories or the exercise of self-expression," she said.

Atwell suggested that she would like to see a greater emphasis on performance assessments in schools. "We really need to be looking at what individual kids are achieving in the disciplines, authentically and personally," she said, citing her school's evaluation method, which involves students creating portfolios and reflecting on their own work, as an alternative to standardized assessment.

At the time this was posted, the Varkey Foundation and the Bill & Melinda Gates Foundation had not responded to requests for comments on Atwell's statements about the state of teaching today.

Juneau Youth Services, Inc.

907.789.7610
907.789.2106 Fax

P.O. Box 32839
Juneau, AK 99803

April 15, 2016

Re: Opposition to Sexual Educator Amendment to HB 156

Dear Senate Finance Committee Members,

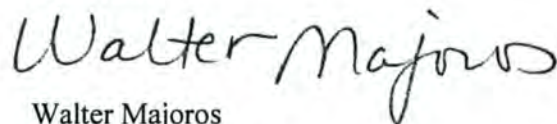
I am writing in opposition to the recently proposed amendment to AS 14.30.361 in HB 156, concerning sex education, human reproduction education, and human sexuality education. This amendment would require an individual who provides student education on these issues to be a certified teacher under contract with the school and for the curriculum to be approved by the school board.

The proposed change would have a detrimental impact on adolescent students and impose a standard for sex education which is different than for other subjects within our state educational system. The most qualified persons to teach aspects of sex education and reproductive health are community educators and health care professionals including public health nurses, community health workers, peer educators, pharmacists and even doctors. Under the proposed amendment, these individuals would be disallowed from providing education to students on sex education, human sexuality and human reproduction due to lack of a teaching certificate. This will be especially problematic in rural communities where resources are scarce; public health nurses and community health workers are often the only qualified individuals to provide this type of instruction in rural Alaska.

It is well recognized that community professionals can provide important educational information in classroom presentations to students in Alaska. These professionals have been used throughout the state to provide education on such issues as suicide prevention, alcoholism and drug abuse, child sexual assault and interpersonal violence, to name a few. None of these professionals are required to possess a teaching certificate to provide educational information to students. There is no sound rationale for singling out sex education and reproductive health to require a teacher certification, versus all the other subject areas where community professionals are welcomed into the classroom.

Please eliminate the proposed sexual educator amendment to HB 156 as it will do a disservice to our youth, their families, and the community professionals who give their time to help educate students on these important issues.

Sincerely,



Walter Majoros
Executive Director

Doniece Gott

From: Sen. Anna MacKinnon
Sent: Thursday, April 14, 2016 12:47 PM
To: Senate Finance Committee
Subject: FW: Please oppose HB156

Kristen Pratt

Legislative Aide
Office of Senator Anna MacKinnon
Alaska State Legislature
Alaska State Capitol | Room 516
(907) 694-8944

From: Korbyn Powers [mailto:korbyn3@gmail.com]
Sent: Thursday, April 14, 2016 12:18 PM
To: Sen. Pete Kelly <Sen.Pete.Kelly@akleg.gov>; Sen. Anna MacKinnon <Sen.Anna.MacKinnon@akleg.gov>; Sen. Peter Micciche <Sen.Peter.Micciche@akleg.gov>; Sen. Click Bishop <Sen.Click.Bishop@akleg.gov>; Sen. Mike Dunleavy <Sen.Mike.Dunleavy@akleg.gov>; Sen. Lyman Hoffman <Sen.Lyman.Hoffman@akleg.gov>; Sen. Donny Olson <Sen.Donny.Olson@akleg.gov>
Subject: Please oppose HB156

Hello,

My name is Korbyn and I'm a Junior in high school, as well as a Freshman at the University of Alaska Southeast (Juneau). As a homeschooler I did not receive any sex education, because the only things I learned were from my parents, and it was too awkward for me to ask questions and get information from them. I joined a peer education group with Planned Parenthood, and not only was I able to get the needed information I desired on relationships, consent, boundaries, and anatomy and physiology, I was also able to teach students my age in my community after I learned the material. My volunteer work with Planned Parenthood has made me go from a shy person, to who I am today. I would not be here today without the leadership I learned in the group. I would not have had the courage to speak in front of hundreds of people. I would not be a 17 year old in college.

Many people believe Planned Parenthood forces values on people. That is not true. I have the same values that I came into the group with. We are able to openly talk about different points of views and share different opinions on various topics.

As of today, I have two friends who gave birth to babies this week. Both 18 years old, unmarried, and no father in sight. I've asked them both if they had any sex education in school, and either it didn't make a strong enough impression on them to remember it, or they didn't receive any at all.

Instead of having this bill pass and make it even more difficult for youth today to receive unbiased, medically accurate sex education, I believe we need to help make this a bigger part of education. Consent and relationships is a big part of everyday life, not just in romantic relationships, but also in everyday friendships. Communication is essential, and youth today need to learn these tools to succeed in life.

Thank you,
Korbyn Powers

Doniece Gott

From: ljbbonner@acsalaska.net
Sent: Friday, April 15, 2016 11:40 AM
To: Senate Finance Committee
Subject: Written testimony HB156

Senate Finance Committee

Senate Finance Committee
Written testimony HB156
April 15, 2016

My name is Laura Bonner and I live in Anchorage. I moved to Alaska in 1972 and I have a 12th grader in a public school.

I basically support CS for HB156 (EDU) as passed by the House. I have a concern with Section 1, new item 2 regarding the "comparison of the state public school system to public schools in other states..." because the tests administered may be different and/or administered under different conditions. Standardized tests offer only a glimpse of progress and should not be the only or the best tool to measure accountability.

I oppose the Senate CS for CS HB156 (EDU). Changing the title of the bill and the new Section 18 are especially troubling as those issues have been considered in other bills this session and basically have hijacked HB156. I support only the changes to Section 19 of this version of HB156.

Thank you

Doniece Gott

From: Mary Gregory <mary.gregory82@gmail.com>
Sent: Friday, April 15, 2016 12:27 PM
To: Senate Finance Committee
Subject: Changes to HB 156

Legislators,

Senator Dunleavy has added language to HB 156 to reduce the strength and thoroughness of sex Ed in Alaska' schools. He wants to keep experts on the subject out of the classrooms, and make it harder for kids to get this information to keep themselves safe as kids and adults.

He tried to do this with SB 89, but it was voted down days ago. There was no opportunity for public testimony on that bill, which is wrong as there are many parents who would weigh in on this subject. Now he's quickly added his language to HB156, with little to no time for public comment. Parents care about this matter and would testify that we don't want him inserting his fear and ignorance between our students and the information they need as future healthy adults.

Please do what you can to scrub Senator Dunleavy's attempts to weaken Sex Ed in our state from HB 156. By doing so, you will help keep Alaskan kids safe. I ask this as a parent of two children, and as a child sex abuse survivor. Please retain my comments for public record on the matter.

Thank you,

Mary Gregory

Sent from my iPhone

Doniece Gott

From: Sen. Anna MacKinnon
Sent: Friday, April 15, 2016 11:24 AM
To: Senate Finance Committee
Subject: FW: Stop Attacks on Qualified Health Professionals! Let Nurses Into Our Schools!

-----Original Message-----

From: Mark Schwartz [mailto:ram40@mtaonline.net]
Sent: Thursday, April 14, 2016 8:08 PM
To: Sen. Pete Kelly <Sen.Pete.Kelly@akleg.gov>; Sen. Anna MacKinnon <Sen.Anna.MacKinnon@akleg.gov>; Sen. Click Bishop <Sen.Click.Bishop@akleg.gov>; seantor.mike.dunleavy@akleg.gov; Sen. Peter Micciche <Sen.Peter.Micciche@akleg.gov>; Sen. Lyman Hoffman <Sen.Lyman.Hoffman@akleg.gov>; Sen. Donny Olson <Sen.Donny.Olson@akleg.gov>
Subject: Stop Attacks on Qualified Health Professionals! Let Nurses Into Our Schools!

Dear Senators,

I am an Alaskan Nurse, and I am writing to urge you to OPPOSE House Bill 156. Amendment #1 offered in the Senate by Senator Dunleavy is dangerous to the health of Alaska's children. This amendment has even more far-reaching consequences: Community health nurses, pharmacist, peer educators, and even a doctor giving a guest presentation could no longer teach human sexuality or sex education in Alaska public schools. Our schools rely on all of the community resources we have available – whether that is a nurse, a visiting doctor, or pharmacist - to provide as much information to our youth as possible. The legislature should not be making decisions on what resources school districts can use to offer comprehensive, evidence based programs that fits a local community's needs. In many communities across the state, school nurses and public health nurses provide much needed sexual health education to our schools. Alaska already battles some of the highest rates of STDs and STIs in the country. This bill would have impacts across the state, but rural communities would be hit hardest. Rural Alaskans rely on public health nurses and school nurses to provide this important education. Banning qualified health professionals from our schools will only make things worse. I urge you to stop the attacks on qualified sexual health educators and strongly oppose House Bill 156.

Sincerely,
Mark Schwartz BSN RN CNOR

Sent from my iPhone

Doniece Gott

From: Sen. Anna MacKinnon
Sent: Friday, April 15, 2016 11:12 AM
To: Senate Finance Committee
Subject: FW: HB 156

-----Original Message-----

From: Pam Groves [mailto:pgroves@alaska.edu]
Sent: Friday, April 15, 2016 10:36 AM
To: Sen. Anna MacKinnon <Sen.Anna.MacKinnon@akleg.gov>; Sen. Anna MacKinnon <Sen.Anna.MacKinnon@akleg.gov>
Subject: HB 156

Dear Senate Finance Committee Members,

In the rush to end the session, I hope you will not rush HB 156 with its harmful sex education amendment through. This is a harmful amendment, obviously targeted against Planned Parenthood that will harm many children in Alaska. With its high rates of sexual abuse and STI's all Alaskans deserve easy access to medically accurate, age-appropriate sex education. Planned Parenthood has a well-deserved national reputation for providing such sex education and there are no readily available alternatives within Alaska. Please remove this amendment from the bill and concentrate on solving the state's budget problems instead.

Sincerely,
Pam Groves

--

Pamela Groves, University of Alaska, Fairbanks, AK 99775 (907)474-7165

Doniece Gott

From: Mary Schallert <mschallert@acsalaska.net>
Sent: Friday, April 15, 2016 10:19 AM
To: finance.committee@ak.leg.gov; Senate Finance Committee
Subject: HB 156

To the finance Committee:

Some of the best teachers in this state are very learned on the subject of human reproduction. They are doctors, nurses, health care providers that have other kinds of degrees instead of a teaching degree. Do you realize that? Why do you deprive young people of this very basic information on human reproduction and the risks of STDs? Do you really think that will decrease the need for abortions? Every human you see on the planet is a product of someone, somewhere having sex. Kids are not stupid. They figure it out. IT is better if they figure it out with the guidance of people who have accurate, science based information. If you really want to decrease the need in this state for abortions, let planned parenthood do its job. They have specialized in reproductive health longer than many of you have walked the earth. Where planned parenthood is present, the abortion rate goes down. Check the facts. Base your decision on facts. That is what YOUR job is. That is the only job you are being hired by the citizens of Alaska to do.

Mary Schallert,

Alaskan Voter since 1977

South Anchorage Alaska

Doniece Gott

From: Sen. Anna MacKinnon
Sent: Friday, April 15, 2016 10:15 AM
To: Senate Finance Committee
Subject: FW: HB 156

From: Paige Hodson [mailto:paigeh@alaska.net]
Sent: Friday, April 15, 2016 10:07 AM
To: Sen. Anna MacKinnon <Sen.Anna.MacKinnon@akleg.gov>
Cc: Sen. Pete Kelly <Sen.Pete.Kelly@akleg.gov>; Sen. Peter Micciche <Sen.Peter.Micciche@akleg.gov>; Sen. Click Bishop <Sen.Click.Bishop@akleg.gov>; Sen. Mike Dunleavy <Sen.Mike.Dunleavy@akleg.gov>; Sen. Lyman Hoffman <Sen.Lyman.Hoffman@akleg.gov>; Sen. Donny Olson <Sen.Donny.Olson@akleg.gov>; Rep. Craig Johnson <Rep.Craig.Johnson@akleg.gov>; Sen. Lesil McGuire <Sen.Lesil.McGuire@akleg.gov>
Subject: HB 156

Dear Senator MacKinnon and Committee Members:

I am unable to call in during my work hours, but wanted to strongly assert my opposition to HB 156.

If your goal is truly to prevent abortion, it makes no sense to keep kids uninformed. Parents rights should not trump children's rights to knowledge to keep themselves healthy and safe.

Parents can freely teach their religion and morals at home. But school is for facts and science. In that regard, medically accurate sex education is an appropriate part of science.

You know full well that abortion will exist whether or not Planned Parenthood is the one providing it. The continued demonization of this organization in fact works against minimizing the incidence of abortion.

Planned Parenthoods presentations in school do not mention abortion at all and stress healthy relationships and pregnancy prevention.

And this bill goes way too far in banning all medical professionals from teaching the very subject that they have years of specialized education and training in.

No other subjects are treated this way. This is a fear based, politically driven bill that does nothing to help our states childrens.

This is an end-run against failed bill SB 89 is very transparent to the voters. Public testimony has been overwhelmingly in support of Planned Parenthood and in opposition of all of Sen. Dunleavy's bills—SB 89 and 191.

This is not good policy and the majority of your constituents are opposed to this and its companion bills.

As a former head of STAR, you should know more than anyone how important it is that everyone has access to information about healthy relationships, body autonomy and reproductive health.

Here are some several additional reasons to oppose this bill:

- 1) The freedom of association is an individual and a collective right afforded us through the Bill of Rights and the Constitution. This bill and the related bills thwarts that.
- 2) Parents already have the right to opt out of sex ed, but these bills require opting in which is much more difficult for schools to navigate which will prevent kids from getting accurate information to keep themselves healthy and safe.
- 3) You know full well that Planned Parenthood does more to prevent unintended pregnancies than any other organization in the world, yet you keep demonizing them because you don't like a small percentage of what they do
- 4) Teenagers should come to their parents about reproductive issues, but they often don't. Wouldn't you rather they have medically accurate information about STDs and preventing pregnancy?
- 5) Our state has some of the highest rates of sexual abuse, STDs and teen pregnancy. Wouldn't you rather kids know how to keep themselves safe?

- 6) The second half of the Establishment Clause includes the Free Exercise Clause, which guarantees freedom from governmental interference in both private and public religious affairs of all kinds – Your insertion of your religious beliefs interferes with mine and many others. You are supposed to be upholding the constitution.

- 7) If these bills are passed, they will be challenged and will fail on the grounds of Constitutionality. With a huge budget deficit, you are costing the taxpayer hundreds of thousands of more dollars we don't have.

- 8) You are putting federal education funding at risk

- 9) As a finance committee, this fails to acknowledge that if you eliminate medical professionals who provide this education for free, there is no funding to provide comprehensive, medically accurate sex ed training to certified teachers. The legislature has failed for years to fund comprehensive sex ed in the schools.

- 10) We are one of the few states in the nation that provides no comprehensive medically accurate sex ed in schools, but we top the scales in terms of STDs, teen pregnancies, child abuse and sexual assault. This is irresponsible and self-defeating.

Thank you for your time.

Paige R. Hodson, SRA

903 W. Northern Lights Blvd., Suite 220

Anchorage, AK 99503

(907) 274-8258 phone; (907) 274-8259 fax

paigeh@alaska.net

http://paigehodsonappraisal.appraiserxsites.com/

Doniece Gott

From: Michele Vasquez <michele.s.simmons@gmail.com>
Sent: Friday, April 15, 2016 10:01 AM
To: Senate Finance Committee
Subject: re: Oppose HB 156

I would like my comments to be part of the public comments.

Dear Senate Finance Committee:

I oppose in the strongest terms HB 156. The language from SB 89 that was rolled into this bill by Senator Dunleavy is not only wrong, but flatly against the will of the people who called in and testified against the SB 89. Alaskans are smart people, and we recognize this for what it is; a slick way to force SB 89 into law. Allow our children to receive accurate information from professionals who are willing to teach our children for free. Oppose HB 156.

Thank you,
Michele Vasquez
Soldotna, AK

Doniece Gott

From: Suzanne <smplafrance@hotmail.com>
Sent: Friday, April 15, 2016 8:59 AM
To: Senate Finance Committee
Cc: Sen. Cathy Giessel
Subject: FW: Please vote down HB 156

Dear Honorable Members of the Senate Finance Committee:

As a citizen and parent of three school-aged children I'm asking you to vote "no" on HB 156. There is no good reason to keep subject matter experts such as doctors, nurses and counsellors out of the classroom. Parents already have authority to opt their children out of curriculum such as sex education.

I would also like to register my concern over the troubling lack of public testimony on this bill.

Sincerely,
Suzanne M. LaFrance
13414 Mainsail Drive
Anchorage, AK
98516

> Sent from my iPhone

Doniece Gott

From: Sen. Anna MacKinnon
Sent: Thursday, April 14, 2016 11:51 AM
To: Senate Finance Committee
Subject: FW: HB 156 in Senate Finance Committee

Kristen Pratt

Legislative Aide
Office of Senator Anna MacKinnon
Alaska State Legislature
Alaska State Capitol | Room 516
(907) 694-8944

From: Sue Schrader [mailto:schrader@gci.net]
Sent: Thursday, April 14, 2016 11:07 AM
To: Sen. Pete Kelly <Sen.Pete.Kelly@akleg.gov>; Sen. Anna MacKinnon <Sen.Anna.MacKinnon@akleg.gov>; Sen. Peter Micciche <Sen.Peter.Micciche@akleg.gov>; Sen. Click Bishop <Sen.Click.Bishop@akleg.gov>; Sen. Mike Dunleavy <Sen.Mike.Dunleavy@akleg.gov>; Sen. Lyman Hoffman <Sen.Lyman.Hoffman@akleg.gov>; Sen. Donny Olson <Sen.Donny.Olson@akleg.gov>
Subject: HB 156 in Senate Finance Committee

Good morning Committee Members,

Who might the “right people” be who should be certified to teach sex/sexuality education in our schools? I understand Sen. Dunleavy only wants the “right people” teaching this topic, as he introduced his amendment to HB 156 in the Senate Education Committee.

Given Alaska’s leadership in domestic violence, child sexual abuse, and incidence of STD’s, evidently the Legislature hasn’t found the “right people” yet.

LISTEN please to all the testimony on SB 89 – while I appreciate that some of you never let facts stand in the way of your ideology, to let this amendment, which was tacked on to another bill at the 11th hour, pass without proper vetting by the public in a move to satisfy the extreme views of a handful of legislators, is shameful.

It’s a rather disturbing thought that sexuality could be taught in our schools (which I am heavily-taxed to support) by the same “right people” who try to teach Intelligent Design.

Dr. Susan E. Schrader

Sue Schrader

PO Box 240325

Douglas, AK 99824

Home: 907-789-1269

Cell: 907-209-5761

April 15, 2016

Honorable Members of the Senate Finance committee:

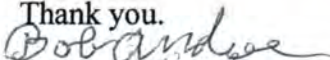
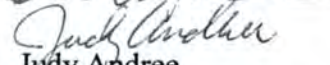
Last week I sat in on three hearings on bills that offered various forms of banning Planned Parenthood. I listened to many people testify in support of this ban. Some folks based their support on suspect videos that made questionable claims; others on material from a website that I couldn't find; the final testimony from a hearing last Tuesday was a man who vilified women for being enticers and entrappers of men. I also heard support from parents who were truly concerned that their children might be exposed to education that would be uncomfortable for them and their belief system; these folks have the right to opt-out and with the recent amendment to HB 156 would receive a two-week notice for this purpose.

In contrast, I also listened to five times as many parents, teenagers, medical professionals, religious leaders, and teaching professionals who support Planned Parenthood and their role in the education of school children in the area of human reproduction. When all is said and done, Planned Parenthood's main purpose is the prevention of unintended pregnancies and the support of reproductive health and healthy choices. With private funding they also provide safe abortions, a legal procedure supported by the civil law of this land.

Planned Parenthood provides non-judgemental, medically-sound information on all aspects of human reproduction. The information ranges from birth control including abstinence to healthy relationships to STD's. Education providers use the latest techniques for teaching age appropriate lessons on human reproduction and use the most current information in the field of human reproduction. To ban such an organization is a slap in the face of women and their health and a step backwards, a step that will increase unintended pregnancies and undoubtedly the need for abortions.

The issue of abortion is indeed a difficult issue. None of us can know what is in the heart of a woman who is faced with the sometimes painful realization of an unintended pregnancy. We cannot know what forces have resulted in this pregnancy—an abusive husband demanding his due, a party ending in a date rape drug, a young girl without the skills to say no, an abused girl mistaking sex for love. Because there is no way to know what leads a pregnant woman to consider abortion, we have no right to ban an organization that gives solace and understanding to this woman in a non-judgemental way that provides her with options ranging from parenting, adoption, and abortion. Because this is a private, painful situation for women, and because it is one that is between her and her healthcare provider, we should be treating this woman with compassion while at the same time providing all young women with the tools to avoid such a painful situation. I believe that this is the only truly humane way to approach this issue. Having said this, I strongly urge you to oppose any ban on the use of Planned Parenthood in the public schools.

Thank you.



Judy Andree
Juneau, Alaska 99801

Doniece Gott

From: Irene Saxton-Opatz <irenesaxtonopatz@gmail.com>
Sent: Friday, April 15, 2016 9:48 AM
To: Senate Finance Committee; Sen. Pete Kelly; Sen. Anna MacKinnon; Sen. Peter Micciche
Subject: Please Oppose HB 156!!!!

To Whom it May Concern,

Please oppose HB 156, which Senator Mike Dunleavy has amended to include language that would effectively bar nearly all nurses, doctors, pharmacists, and peer educators from teaching sexual health in Alaska schools.

HB 156 would now require all sexual health educators in Alaska public schools to be licensed as a teacher, that the teacher have a contract with the school, and that the curriculum be publicly vetted and approved by the school board. The licensure language is meant by Dunleavy to block Planned Parenthood's educators from classrooms, it would bar anyone who isn't a teacher from instructing on sexual health. That includes public health nurses, rural family physicians, and teenage peer educators.

By restricting Planned Parenthood's educators, along with nearly all medical providers and peer educators, Dunleavy is once again trying to take away the resources that local communities have across the state. HB 156 would restrict the options available to parents, teachers, and local communities throughout Alaska, putting students at greater risk for unintended pregnancy and sexually transmitted diseases.

This bill not only restricts Planned Parenthood's educators, but the local educators in our home town. This will be a restriction on free thought, education and public health.

Dunleavy's last attempt to restrict sex ed, SB 89, failed in the House Health and Social Services Committee on Tuesday night. He added this language just 24 hours later to continue his efforts in the final days of session.

Please oppose HB 156 and allow our students to access the information they need. Thank you for your consideration.

Sincerely,

Ms. Irene Saxton-Opatz
PO Box 15256
Fritz Creek, AK 99603-6256
(971) 678-1676
irenesaxtonopatz@gmail.com

Doniece Gott

From: Sen. Pete Kelly
Sent: Friday, April 15, 2016 9:36 AM
To: Doniece Gott
Subject: FW: HB 156 Testimony

From: William Deaton [mailto:mysteryclubhousepress@gmail.com]
Sent: Thursday, April 14, 2016 9:53 PM
To: Rep. Wes Keller <Rep.Wes.Keller@akleg.gov>; Sen. Pete Kelly <Sen.Pete.Kelly@akleg.gov>; Sen. Anna MacKinnon <Sen.Anna.MacKinnon@akleg.gov>; Sen. Peter Micciche <Sen.Peter.Micciche@akleg.gov>
Subject: HB 156 Testimony

Please include this as official testimony on HB 156.

Senate CS For CS for House Bill No. 156(EDC)

Hello! My name is William Deaton and I am testifying on behalf of myself and my family and we live in Cordova. We are in support of HB 156 because it allows parents to take control of their students education. It allows the parent's to look over all sex education material before it is taught in the schools and it allows the parent's to pull their children from any class or test. This is very important. Without the parent's involvement in their children's education, the schools could teach anything they want. The parent's must ultimately be the person responsible for their child's education. If they don't want their child to take any state mandated test or class then they should be able to take their child out of that class or test. I highly encourage you to support this bill and pass this as soon as possible. Thank you for the opportunity to give you my testimony.

Thank you,
William G. Deaton