

CS FOR HOUSE BILL NO. 105(EDC)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE EDUCATION COMMITTEE

Offered: 4/28/23

Referred: Judiciary

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to parental rights in a child's education; relating to a child's names and**
2 **pronouns; relating to access to school records; relating to school funding; relating to**
3 **charter schools; relating to state boarding schools; relating to school disciplinary and**
4 **safety programs; and providing for an effective date."**

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

6 * **Section 1.** AS 14.03.016(a) is amended to read:

7 (a) A local school board shall, in consultation with parents, teachers, and
8 school administrators, adopt policies to promote the involvement of parents in the
9 school district's education program. The policies must include procedures

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

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

1 (3) **requiring that**, [PROVIDING FOR PARENT NOTIFICATION
 2 NOT LESS THAN TWO WEEKS] before any activity, class, or program [THAT
 3 INCLUDES CONTENT INVOLVING HUMAN REPRODUCTION OR SEXUAL
 4 MATTERS] is provided to a child, **the child's parent**

5 **(A) receive notification not less than two weeks before the**
 6 **activity, class, or program;**

7 **(B) provide written permission for the child to participate**
 8 **in the activity, class, or program;**

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

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

14 (6) ensuring that, when a child is absent from an activity, class,
 15 program, or standards-based assessment or test required by the state under this section,
 16 the absence is not considered an unlawful absence under AS 14.30.020 if the child's
 17 parent withdrew the child from the activity, class, program, or standards-based
 18 assessment or test or gave permission for the child's absence;

19 **(7) requiring**

20 **(A) a parent of a child enrolled in the school district to**
 21 **provide to the school district, at the beginning of each semester of the**
 22 **school term, a list of all the names and pronouns that may be used to**
 23 **address or refer to the child;**

24 **(B) a school district to**

25 **(i) develop a procedure for a parent to update the**
 26 **list of names and pronouns provided under (A) of this paragraph;**

27 **(ii) address and refer to the child in person, on**
 28 **school identification, and in school records by the names and**
 29 **pronouns provided under (A) of this paragraph.**

30 * **Sec. 2.** AS 14.03.016 is amended by adding a new subsection to read:

31 (e) The requirements of AS 14.03.016(a)(3) 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. 3.** AS 14.03.115 is amended to read:

6 **Sec. 14.03.115. Access to school records by parent, foster parent, or**
7 **guardian.** Upon request of a parent, foster parent, or guardian of a child under 18
8 years of age who is currently or was previously enrolled in a municipal school district
9 or a school district that is a regional educational attendance area, the school district
10 shall provide a copy of the child's **entire** record. This section does not apply to

11 (1) a record of a child who is an emancipated minor; or

12 (2) record information that consists of the child's address if the school
13 district determines that the release of the child's address poses a threat to the health or
14 safety of the child.

15 * **Sec. 4.** AS 14.03.260(a) is amended to read:

16 (a) A local school board shall provide an approved charter school with an
17 annual program budget. The budget shall be not less than the amount generated by the
18 students enrolled in the charter school less administrative costs retained by the local
19 school district, determined by applying the indirect cost rate approved by the
20 department up to four percent. Costs directly related to charter school facilities,
21 including rent, utilities, and maintenance, may not be included in an annual program
22 budget for the purposes of calculating the four percent cap on administrative costs
23 under this subsection. A local school board shall provide a charter school with a report
24 itemizing the administrative costs retained by the local school board under this section.
25 The "amount generated by students enrolled in the charter school" is to be determined
26 in the same manner as it would be for a student enrolled in another public school in
27 that school district and includes funds generated by grants, appropriations, federal
28 impact aid, the required local contribution, the local contribution under
29 AS 14.17.410(c), special needs under AS 14.17.420(a)(1), [AND] secondary school
30 vocational and technical instruction under AS 14.17.420(a)(3), **and parental**
31 **involvement initiatives under AS 14.17.420(a)(4)**. A school district shall direct state

1 aid under AS 14.11 for the construction or major maintenance of a charter school
 2 facility to the charter school that generated the state aid, subject to the same terms and
 3 conditions that apply to state aid under AS 14.11 for construction or major
 4 maintenance of a school facility that is not a charter school.

5 * **Sec. 5.** AS 14.17.410(b) is amended to read:

6 (b) Public school funding consists of state aid, a required local contribution,
 7 and eligible federal impact aid determined as follows:

8 (1) state aid equals basic need minus a required local contribution and
 9 90 percent of eligible federal impact aid for that fiscal year; basic need equals the sum
 10 obtained under (D) of this paragraph, multiplied by the base student allocation set out
 11 in AS 14.17.470; district adjusted ADM is calculated as follows:

12 (A) the ADM of each school in the district is calculated by
 13 applying the school size factor to the student count as set out in AS 14.17.450;

14 (B) the number obtained under (A) of this paragraph is
 15 multiplied by the district cost factor described in AS 14.17.460;

16 (C) the ADMs of each school in a district, as adjusted
 17 according to (A) and (B) of this paragraph, are added; the sum is then
 18 multiplied by the special needs factor set out in AS 14.17.420(a)(1), [AND] the
 19 secondary school vocational and technical instruction funding factor set out in
 20 AS 14.17.420(a)(3), **and the parental involvement initiatives funding factor**
 21 **set out in AS 14.17.420(a)(4)**;

22 (D) the number obtained for intensive services under
 23 AS 14.17.420(a)(2) and the number obtained for correspondence study under
 24 AS 14.17.430 are added to the number obtained under (C) of this paragraph or
 25 under (H) and (I) of this paragraph;

26 (E) notwithstanding (A) - (C) of this paragraph, if a school
 27 district's ADM adjusted for school size under (A) of this paragraph decreases
 28 by five percent or more from one fiscal year to the next fiscal year, the school
 29 district may use the last fiscal year before the decrease as a base fiscal year to
 30 offset the decrease, according to the following method:

31 (i) for the first fiscal year after the base fiscal year

1 determined under this subparagraph, the school district's ADM adjusted
2 for school size determined under (A) of this paragraph is calculated as
3 the district's ADM adjusted for school size, plus 75 percent of the
4 difference in the district's ADM adjusted for school size between the
5 base fiscal year and the first fiscal year after the base fiscal year;

6 (ii) for the second fiscal year after the base fiscal year
7 determined under this subparagraph, the school district's ADM adjusted
8 for school size determined under (A) of this paragraph is calculated as
9 the district's ADM adjusted for school size, plus 50 percent of the
10 difference in the district's ADM adjusted for school size between the
11 base fiscal year and the second fiscal year after the base fiscal year;

12 (iii) for the third fiscal year after the base fiscal year
13 determined under this subparagraph, the school district's ADM adjusted
14 for school size determined under (A) of this paragraph is calculated as
15 the district's ADM adjusted for school size, plus 25 percent of the
16 difference in the district's ADM adjusted for school size between the
17 base fiscal year and the third fiscal year after the base fiscal year;

18 (F) the method established in (E) of this paragraph is available
19 to a school district for the three fiscal years following the base fiscal year
20 determined under (E) of this paragraph only if the district's ADM adjusted for
21 school size determined under (A) of this paragraph for each fiscal year is less
22 than the district's ADM adjusted for school size in the base fiscal year;

23 (G) the method established in (E) of this paragraph does not
24 apply to a decrease in the district's ADM adjusted for school size resulting
25 from a loss of enrollment that occurs as a result of a boundary change under
26 AS 29;

27 (H) notwithstanding (A) - (C) of this paragraph, if one or more
28 schools close and consolidate with one or more other schools in the same
29 community and district and, as a result of the consolidation, basic need
30 generated by the district's ADM of the consolidated schools as adjusted under
31 (A) - (C) of this paragraph decreases, the district may use the last fiscal year

1 before the consolidation as the base fiscal year to offset that decrease for the
2 first four fiscal years following consolidation according to the following
3 method:

4 (i) for the first two fiscal years after the base fiscal year,
5 the district's ADM of the consolidated schools as adjusted under (A) -
6 (C) of this paragraph is calculated by dividing the sum of the district's
7 ADM of the consolidated schools as adjusted under (A) - (C) of this
8 paragraph for the base fiscal year by the sum of the district's ADM of
9 the consolidated schools for the base fiscal year without adjustment,
10 and subtracting the quotient obtained by dividing the district's ADM of
11 the consolidated schools for the current fiscal year as adjusted under
12 (A) - (C) of this paragraph by the sum of the district's ADM of the
13 consolidated schools for the current fiscal year without adjustment,
14 multiplying that number by the sum of the district's ADM of the
15 consolidated schools for the current fiscal year without adjustment, and
16 adding that number to the sum of the district's ADM of the consolidated
17 schools for the current fiscal year as adjusted under (A) - (C) of this
18 paragraph;

19 (ii) for the third fiscal year after the base fiscal year, the
20 district's ADM of the consolidated schools as adjusted under (A) - (C)
21 of this paragraph is calculated by dividing the sum of the district's
22 ADM of the consolidated schools as adjusted under (A) - (C) of this
23 paragraph for the base fiscal year by the sum of the district's ADM of
24 the consolidated schools for the base fiscal year without adjustment,
25 and subtracting the quotient obtained by dividing the sum of the
26 district's ADM of the consolidated schools for the current fiscal year as
27 adjusted under (A) - (C) of this paragraph by the sum of the district's
28 ADM of the consolidated schools for the current fiscal year,
29 multiplying that number by the sum of the district's ADM of the
30 consolidated schools for the current fiscal year without adjustment,
31 multiplying that number by 66 percent, and adding that number to the

1 sum of the district's ADM of the consolidated schools for the current
2 fiscal year as adjusted under (A) - (C) of this paragraph;

3 (iii) for the fourth fiscal year after the base fiscal year,
4 the district's ADM of the consolidated schools as adjusted under (A) -
5 (C) of this paragraph is calculated by dividing the sum of the district's
6 ADM of the consolidated schools as adjusted under (A) - (C) of this
7 paragraph for the base fiscal year by the sum of the district's ADM of
8 the consolidated schools for the base fiscal year without adjustment,
9 and subtracting the quotient obtained by dividing the sum of the
10 district's ADM of the consolidated schools for the current fiscal year as
11 adjusted under (A) - (C) of this paragraph by the sum of the district's
12 ADM of the consolidated schools for the current fiscal year,
13 multiplying that number by the sum of the district's ADM of the
14 consolidated schools for the current fiscal year without adjustment,
15 multiplying that number by 33 percent, and adding that number to the
16 sum of the district's ADM of the consolidated schools for the current
17 fiscal year as adjusted under (A) - (C) of this paragraph;

18 (iv) to calculate the district's basic need for each fiscal
19 year, the number obtained through the calculation in (i), (ii), or (iii) of
20 this subparagraph is added to the number obtained under (C) of this
21 paragraph for the remainder of the district;

22 (I) if the basic need calculated under (H)(i) - (iii) of this
23 paragraph for one of the first four fiscal years after consolidation is less than
24 the basic need calculated under (A) - (C) of this paragraph for that fiscal year,
25 the basic need may not be adjusted under (H) of this paragraph for that fiscal
26 year;

27 (J) a district may not offset a decrease under (H) of this
28 paragraph if

29 (i) a new facility is constructed in the district for the
30 consolidation; or

31 (ii) the district offset a decrease under (E) of this

1 paragraph in the same fiscal year;

2 (K) a district that offsets a decrease under (H) of this paragraph
3 may not reopen a school that was closed for consolidation in the district until

4 (i) seven or more years have passed since the school
5 closure; and

6 (ii) the district provides evidence satisfactory to the
7 department that the schools affected by the consolidation are over
8 capacity;

9 (L) a district may not reopen and reconsolidate a school that
10 was consolidated in the district more than once every seven years for purposes
11 of the calculations made under (H) of this paragraph;

12 (M) a district offsetting a decrease under (H) of this paragraph
13 shall provide the department with the list of schools participating in the
14 consolidation and the corresponding ADM;

15 (2) the required local contribution of a city or borough school district is
16 the equivalent of a 2.65 mill tax levy on the full and true value of the taxable real and
17 personal property in the district as of January 1 of the second preceding fiscal year, as
18 determined by the Department of Commerce, Community, and Economic
19 Development under AS 14.17.510 and AS 29.45.110, not to exceed 45 percent of a
20 district's basic need for the preceding fiscal year as determined under (1) of this
21 subsection.

22 * **Sec. 6.** AS 14.17.420(a) is amended to read:

23 (a) As a component of public school funding, a district is eligible for special
24 needs, [AND] secondary school vocational and technical instruction, **and parental**
25 **involvement initiatives** funding and may be eligible for intensive services funding as
26 follows:

27 (1) special needs funding is available to a district to assist the district
28 in providing special education, gifted and talented education, vocational education,
29 and bilingual education services to its students; a special needs funding factor of 1.20
30 shall be applied as set out in AS 14.17.410(b)(1);

31 (2) in addition to the special needs funding for which a district is

1 eligible under (1) of this subsection, a district is eligible for intensive services funding
 2 for each special education student who needs and receives intensive services and is
 3 enrolled on the last day of the count period; for each such student, intensive services
 4 funding is equal to the intensive student count multiplied by 13;

5 (3) in addition to the special needs and intensive services funding
 6 available under (1) and (2) of this subsection, secondary school vocational and
 7 technical instruction funding is available to assist districts in providing vocational and
 8 technical instruction to students who are enrolled in a secondary school; a secondary
 9 school vocational and technical instruction funding factor of 1.015 shall be applied as
 10 set out in AS 14.17.410(b)(1); in this paragraph, "vocational and technical instruction"
 11 excludes costs associated with

12 (A) administrative expenses; and

13 (B) instruction in general literacy, mathematics, and job
 14 readiness skills;

15 **(4) in addition to the special needs, intensive services, and**
 16 **secondary school vocational and technical instruction funding available under (1)**
 17 **- (3) of this subsection, parental involvement initiatives funding is available to**
 18 **assist districts in the district's implementation of the requirements of**
 19 **AS 14.03.016(a)(3), (a)(7), and (a)(8), AS 14.03.115, AS 14.30.361(e) and (f), and**
 20 **AS 14.33.120(a)(10), including the costs of additional administrative and**
 21 **educational support personnel and modification of locker rooms and restroom**
 22 **facilities; a parental involvement initiatives funding factor of 1.005 shall be**
 23 **applied as set out in AS 14.17.410(b)(1).**

24 * Sec. 7. AS 14.17.440(a) is amended to read:

25 (a) Except as provided in AS 14.17.400(b), funding for state boarding schools
 26 established under AS 14.16.010 includes an allocation from the public education fund
 27 in an amount calculated by

28 (1) determining the ADM of state boarding schools by applying the
 29 school size factor to the student count as described in AS 14.17.450;

30 (2) multiplying the number obtained under (1) of this subsection by the
 31 special needs factor in AS 14.17.420(a)(1), [AND] the secondary school vocational

1 and technical instruction funding factor set out in AS 14.17.420(a)(3), and the
 2 parental involvement initiatives funding factor set out in AS 14.17.420(a)(4) and
 3 multiplying that product by the base student allocation; and

4 (3) multiplying the product determined under (2) of this subsection by
 5 the district cost factor that is applicable to calculation of the state aid for the adjacent
 6 school district under AS 14.17.460.

7 * **Sec. 8.** AS 14.33.120(a) is amended to read:

8 (a) Each governing body shall adopt a written school disciplinary and safety
 9 program. The program required under this subsection must be made available to
 10 students, parents, legal guardians, and the public and include written

11 (1) standards for student behavior and safety that reflect community
 12 standards and that include, at a minimum, basic requirements for respect and honesty;
 13 standards required under this paragraph must be developed and periodically reviewed
 14 with the collaboration of members of each school, parents, legal guardians, teachers,
 15 and other persons responsible for the students at a school; a governing body may
 16 require that standards developed under this paragraph be consistent for all schools in
 17 an attendance area or the district;

18 (2) standards relating to when a teacher is authorized to remove a
 19 student from the classroom for

20 (A) failure to follow student behavior and safety standards; or

21 (B) behavior described under AS 14.30.045(1) or (2);

22 (3) procedures for notifying teachers of dangerous students consistent
 23 with AS 47.12.310(b);

24 (4) standards relating to when a teacher, teacher's assistant, or other
 25 person responsible for students is authorized to use reasonable and appropriate force to
 26 maintain classroom safety and discipline as described under AS 11.81.430(a)(2);

27 (5) policies necessary to comply with provisions of state and federal
 28 law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);

29 (6) standards to address needs of students for whom mental health or
 30 substance abuse may be a contributing factor to noncompliance with the school
 31 disciplinary and safety program;

1 (7) policies for implementing a student conflict resolution strategy,
2 including the nonviolent resolution or mediation of conflicts and procedures for
3 reporting and resolving conflicts;

4 (8) procedures for periodic review and revision of the school
5 disciplinary and safety program;

6 (9) policies and procedures consistent with standards for use of
7 restraint and seclusion of students as described in AS 14.33.125;

8 **(10) procedures to address the physical safety and privacy of**
9 **students in locker rooms and restrooms by providing access to single-occupant**
10 **facilities or other safety and privacy protocols consistent with AS 14.18.040.**

11 * **Sec. 9.** AS 14.03.016(d)(2) is repealed.

12 * **Sec. 10.** This Act takes effect July 1, 2023.