

SENATE BILL NO. 102

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY SENATOR DUNLEAVY

Introduced: 4/9/15

Referred: Education, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the duties of the Department of Education and Early Development;
2 relating to the duties of school districts; relating to course mastery requirements;
3 relating to school funding; relating to training for school employees and mandatory
4 reporters of child abuse or neglect; relating to layoff of tenured teachers; relating to
5 fiscal notes prepared by the Department of Education and Early Development; relating
6 to notification of proposed agency actions; and repealing requirements for minimum
7 expenditures for instruction."

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

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

10 (a) A school district shall provide the opportunity for students enrolled in
11 grades nine through 12 [A SECONDARY SCHOOL] in the district to challenge one
12 or more courses [A COURSE] provided by the district by demonstrating mastery in
13 mathematics, language arts, science, social studies, and world languages at the level of

1 the course challenged. A school district shall give full credit for a course to a student
2 who successfully challenges that course as provided under this section.

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

4 (b) A school district shall establish, within a reasonable time, an assessment
5 tool and a standard for demonstrating mastery in [SECONDARY SCHOOL] courses
6 provided **for students in grades nine through 12** by the district under this section.
7 **This section does not require a school district to establish an assessment tool for**
8 **every course in mathematics, language arts, science, social studies, and world**
9 **languages that is offered to students in grades nine through 12 by the district.**

10 * **Sec. 3.** AS 14.03.073(c) is amended to read:

11 (c) The board shall adopt regulations to implement this section. **The**
12 **regulations must include a list of organizations approved by the department that**
13 **offer assessment tools a school district may use to meet the requirements under**
14 **(b) of this section.**

15 * **Sec. 4.** AS 14.03.120(b) is amended to read:

16 (b) The department shall summarize the reports submitted under (a) of this
17 section **as a statewide report, provide the report to the governor, publish the**
18 **report on the department's Internet website, and notify the legislature that the**
19 **report is available. The department shall provide the report in an easily sortable**
20 **format** and include **in the report**

21 **(1)** all revenue received by each school district organized in easily
22 sortable categories including ADM and district [, AS A STATEWIDE REPORT,
23 PROVIDE A COPY TO THE GOVERNOR, PUBLISH THE REPORT ON THE
24 DEPARTMENT'S INTERNET WEBSITE, AND NOTIFY THE LEGISLATURE
25 THAT THE REPORT IS AVAILABLE]; in this subsection, "revenue" means all
26 money reported to the department as receipts from any source, including state, federal,
27 local, special, and other funding;

28 **(2)** **a summary of the school funding formula and estimated**
29 **funding for each school district for the upcoming school year based on student**
30 **count data submitted under AS 14.17.500;**

31 **(3)** **all raw data and formulas the department used to determine**

1 **the estimated funding for each school district; the department may not lock the**
 2 **cells of the raw data or the formulas to prevent manipulation of the data.**

3 * **Sec. 5.** AS 14.07.060 is amended to read:

4 **Sec. 14.07.060. Regulations.** The board shall adopt regulations that are
 5 necessary to carry out the provisions of this title. All regulations shall be adopted
 6 under AS 44.62 (Administrative Procedure Act). **In addition to the fiscal notes**
 7 **required under AS 44.62.195, before the board may adopt, amend, or repeal a**
 8 **regulation, the department shall prepare an estimate of the effect, if any, on**
 9 **school district budgets for the fiscal year following the adoption, amendment, or**
 10 **repeal of the regulation.**

11 * **Sec. 6.** AS 14.08.111 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; [AND]

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 required**
12 **under AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.33.100, 14.33.127,**
13 **AS 18.66.310, and AS 47.17.022 at least once every five years or at intervals**
14 **required by the governing body of a school to ensure that a sufficient number of**
15 **school employees receive the training to meet the needs of the school population;**
16 **the training under this paragraph may be provided on a staggered schedule.**

17 * **Sec. 7.** AS 14.14.090 is amended to read:

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

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

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

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

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

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

31 (6) keep the records and files of the school board open to inspection by

1 the public at the principal administrative office of the district during reasonable
2 business hours;

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

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

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

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

23 **(11) establish procedures for providing the training required**
24 **under AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.33.100, 14.33.127,**
25 **AS 18.66.310, and AS 47.17.022 at least once every five years or at intervals**
26 **required by the governing body of a school to ensure that a sufficient number of**
27 **school employees receive the training to meet the needs of the school population;**
28 **the training under this paragraph may be provided on a staggered schedule.**

29 * **Sec. 8.** AS 14.16.020 is amended to read:

30 **Sec. 14.16.020. Operation of state boarding schools.** In the management of
31 state boarding schools, the board shall

- 1 (1) adopt a philosophy of education for state boarding schools;
- 2 (2) approve the employment of personnel necessary to operate state
3 boarding schools;
- 4 (3) establish the salaries and benefits to be paid teachers, excluding
5 administrators;
- 6 (4) designate the employees authorized to direct disbursements from
7 the money appropriated for the operation of state boarding schools and for the
8 construction of facilities;
- 9 (5) provide custodial services and routine maintenance of physical
10 facilities;
- 11 (6) establish procedures for the development and implementation of
12 curriculum and the selection and use of textbooks and instructional materials;
- 13 (7) prescribe health evaluation and placement screening programs for
14 newly admitted students;
- 15 (8) establish procedures for staff evaluation; and
- 16 (9) **establish procedures for providing the training required under**
17 **AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.33.100, 14.33.127, AS 18.66.310, and**
18 **AS 47.17.022 at least once every five years or at intervals required by the**
19 **governing body of a school to ensure that a sufficient number of school employees**
20 **receive the training to meet the needs of the school population; the training under**
21 **this paragraph may be provided on a staggered schedule** [PROVIDE STAFF
22 TRAINING].

23 * **Sec. 9.** AS 14.18.060(b) is amended to read:

24 (b) The board shall establish by regulation standards for nondiscriminatory
25 textbooks and educational materials. Each school board shall provide training for all
26 its certificated personnel **at intervals required by the governing body of a school to**
27 **ensure that a sufficient number of certificated personnel receive the training to**
28 **meet the needs of the school population** in the identification and recognition of sex-
29 biased materials.

30 * **Sec. 10.** AS 14.20.149(d) is amended to read:

31 (d) **At least once every five years or at intervals required by the governing**

1 body of a school to ensure that a sufficient number of certificated employees
 2 receive the training to meet the needs of the school population, and within 45
 3 days after the first day of employment for new certificated employees [ONCE
 4 EACH SCHOOL YEAR], a school district shall offer in-service training to the
 5 certificated employees who are subject to the evaluation system. The training must
 6 address the procedures of the evaluation system, the standards that the district uses in
 7 evaluating the performance of teachers and administrators, and other information that
 8 the district considers helpful.

9 * **Sec. 11.** AS 14.20.177(a) is amended to read:

10 (a) A school district may implement a layoff plan under this section if it is
 11 necessary for the district to reduce the number of tenured teachers [BECAUSE

12 (1) SCHOOL ATTENDANCE IN THE DISTRICT HAS
 13 DECREASED; OR

14 (2) THE BASIC NEED OF THE SCHOOL DISTRICT
 15 DETERMINED UNDER AS 14.17.410(b)(1) DECREASES BY THREE PERCENT
 16 OR MORE FROM THE PREVIOUS YEAR].

17 * **Sec. 12.** AS 14.20.680(b) is amended to read:

18 (b) A newly hired teacher, administrator, counselor, or specialist who has not
 19 previously received the training required under (a) of this section shall receive the
 20 required training within 45 days after the first day the teacher, administrator,
 21 counselor, or specialist begins to work and, thereafter, at intervals required by the
 22 governing body of a school to ensure that a sufficient number of school employees
 23 receive the training to meet the needs of the school population.

24 * **Sec. 13.** AS 14.33.100(d) is amended to read:

25 (d) Each district shall [ANNUALLY] provide to each district employee
 26 training in crisis response, including evacuation and lock down drills. New district
 27 employees who have not previously received the training required under this
 28 subsection shall receive the required training within 45 days after the first day of
 29 employment and, thereafter, at intervals required by the governing body of a
 30 school to ensure that a sufficient number of district employees receive the
 31 training to meet the needs of the school population.

1 * **Sec. 14.** AS 18.66.310(d) is amended to read:

2 (d) The continuing education required under (a) - (c) of this section must **be**
 3 **provided within 45 days after the first day of employment for new employees who**
 4 **have not previously received the training, and thereafter, at least once every five**
 5 **years, and must** include information on the following subjects:

6 (1) the nature, extent, and causes of domestic violence;

7 (2) procedures designed to promote the safety of the victim and other
 8 household members;

9 (3) resources available to victims and perpetrators of domestic
 10 violence; and

11 (4) the lethality of domestic violence.

12 * **Sec. 15.** AS 24.08.035 is amended by adding a new subsection to read:

13 (h) In addition to the information required under (c) of this section, if a bill or
 14 resolution will affect school districts, the Department of Education and Early
 15 Development shall prepare a fiscal note that contains information regarding the fiscal
 16 effects of the bill or resolution on each school district in the state.

17 * **Sec. 16.** AS 44.62.190(d) is amended to read:

18 (d) Along with a notice furnished under (a)(2), (4)(A), or (6) of this section,
 19 the state agency, except the Regulatory Commission of Alaska, the Board of Fisheries,
 20 the Board of Game, and the Alaska Oil and Gas Conservation Commission, shall
 21 include

22 (1) the reason for the proposed action, including, if applicable, an
 23 identification of the law, order, decision, or other action of the federal government or a
 24 federal or state court that is the basis for the proposed action; in this paragraph,
 25 "federal government" means a department, agency, corporation, or instrumentality of
 26 the United States government;

27 (2) the initial cost to the state agency of implementation;

28 (3) the estimated annual costs, based on a good faith effort to estimate
 29 the costs in the aggregate for each of the following categories using the information
 30 available to the state agency, to

31 (A) private persons to comply with the proposed action;

1 (B) the state agency for implementation and to other state
2 agencies to comply with the proposed action; [AND]

3 (C) municipalities to comply with the proposed action; **and**

4 **(D) each school district in the state, if the proposed action**
5 **will affect schools;**

6 (4) the name of the contact person for the state agency; and

7 (5) the origin of the proposed action.

8 * **Sec. 17.** AS 47.17.022(b) is amended to read:

9 (b) Each department of the state and school district that employs persons
10 required to report abuse or neglect of children shall provide

11 (1) initial training required by this section to each new employee
12 **within 45 days after the first day** [DURING THE EMPLOYEE'S FIRST SIX
13 MONTHS] of employment, and to any existing employee who has not received
14 equivalent training; and

15 (2) [AT LEAST ONCE EVERY FIVE YEARS,] appropriate in-
16 service training **at least once every five years thereafter, or at intervals required**
17 **by the governing body of a school to ensure that a sufficient number of school**
18 **employees receive the training to meet the needs of the school population**
19 [REQUIRED BY THIS SECTION AS DETERMINED BY THE DEPARTMENT OR
20 SCHOOL DISTRICT].

21 * **Sec. 18.** AS 14.17.520 is repealed.