

SENATE BILL NO. 103

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY SENATOR GIESSEL

Introduced: 4/10/15

Referred: Education, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the duties of the Department of Education and Early Development;**
2 **relating to approval of educational programs at residential psychiatric treatment**
3 **centers; and providing for funding of educational services for students in residential**
4 **psychiatric treatment centers."**

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

6 *** Section 1.** AS 14.07.020(a) is amended to read:

7 (a) The department shall

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

10 (2) study the conditions and needs of the public schools of the state,
11 adopt or recommend plans, administer and evaluate grants to improve school
12 performance awarded under AS 14.03.125, and adopt regulations for the improvement
13 of the public schools;

14 (3) provide advisory and consultative services to all public school

1 governing bodies and personnel;

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

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

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

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

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

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

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

29 (11) review plans for construction of new public elementary and
30 secondary schools and for additions to and major rehabilitation of existing public
31 elementary and secondary schools and, in accordance with regulations adopted by the

1 department, determine and approve the extent of eligibility for state aid of a school
 2 construction or major maintenance project; for the purposes of this paragraph, "plans"
 3 include educational specifications, schematic designs, projected energy consumption
 4 and costs, and final contract documents;

5 (12) provide educational opportunities in the areas of vocational
 6 education and training, and basic education to individuals over 16 years of age who
 7 are no longer attending school;

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

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

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

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

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

19 (B) an end date for departmental intervention, as described in
 20 AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three
 21 consecutive years of improvement consisting of not less than two percent
 22 increases in student proficiency on standards-based assessments in language
 23 arts and mathematics, as provided in AS 14.03.123(f)(2)(A); and

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

26 (17) notify the legislative committees having jurisdiction over
 27 education before intervening in a school district under AS 14.07.030(14) or redirecting
 28 public school funding under AS 14.07.030(15);

29 (18) **establish, in coordination with the Department of Health and**
 30 **Social Services, a program for the continuing education of children who are**
 31 **admitted to residential psychiatric treatment centers in the state;**

1 **(19) approve educational programs provided at residential**
 2 **psychiatric treatment centers** [REPEALED].

3 * **Sec. 2.** AS 14.16 is amended by adding new sections to read:

4 **Article 3. Educational Programs Operated by Residential Psychiatric Treatment**
 5 **Centers.**

6 **Sec. 14.16.300. Approval process for educational programs at residential**
 7 **psychiatric treatment centers.** (a) The department shall adopt regulations
 8 establishing an application process for educational programs at residential psychiatric
 9 treatment centers. The application procedures must include requirements for an
 10 academic policy committee at a residential psychiatric treatment center and must
 11 require the residential psychiatric treatment center to provide, at a minimum, the
 12 following information:

13 (1) a list of the members of an academic policy committee and their
 14 qualifications;

15 (2) the bylaws of the educational program and a written administrative
 16 policy manual;

17 (3) the center's admission policies and procedures;

18 (4) the teacher-to-student ratio, including projected enrollment;

19 (5) a description of the educational program and how the program
 20 aligns with state content and performance standards;

21 (6) a description of student assessments provided in the educational
 22 program and an agreement that the center will administer student assessments required
 23 by the state;

24 (7) written objectives for student achievement;

25 (8) the center's plans for providing special education, vocational
 26 education, gifted education, and bilingual education for students, as applicable;

27 (9) an educational program schedule and calendar;

28 (10) a description of staff development activities;

29 (11) documentation that a teacher who possesses a valid teacher
 30 certificate and meets additional training requirements under AS 14.30.250 will provide
 31 the educational services;

1 (12) documentation that a person who possesses a valid administrative
2 certificate and meets other training requirements under AS 14.30.255 will administer
3 the special education services;

4 (13) assurances that the center has adopted a certificated employee
5 evaluation system based on professional performance standards for evaluation and
6 improvement of the performance of the center's teachers and educational services
7 administrators;

8 (14) assurances that the center will follow procedures established by
9 the department to comply with federal law, including 20 U.S.C. 1400 - 1482
10 (Individuals with Disabilities Education Act);

11 (15) a summary of the center's budget and financial plan;

12 (16) the method by which the center will account for receipts and
13 expenditures;

14 (17) assurances that the center will comply with all state and federal
15 requirements for receipt and use of public funds;

16 (18) proof that the center is approved by the Department of Health and
17 Social Services;

18 (19) a written plan to collaborate with a school district where a student
19 is enrolled to coordinate an individual course of study to allow a student to transition
20 successfully back to the school district where the student is enrolled;

21 (20) a commitment that, as a condition of funding, the center shall only
22 expend funds received under AS 14.16.310 for educational services provided at the
23 center;

24 (21) an agreement that, as a condition of funding, the center shall allow
25 audit and inspection of records by state and federal agencies and shall return
26 overpayments;

27 (22) other documents or information required by the department.

28 (b) A decision of the department to deny the application is appealable to the
29 state Board of Education and Early Development. The state Board of Education and
30 Early Development shall exercise independent judgment in evaluating the application,
31 but may not approve an application that contains insufficient information to determine

1 compliance with applicable law.

2 (c) A decision of the state Board of Education and Early Development to grant
3 or deny approval of an educational program at a residential psychiatric treatment
4 center constitutes final agency action that may be appealed to the superior court within
5 30 days after it is issued.

6 (d) An educational program at an approved residential psychiatric treatment
7 center is exempt from collective bargaining agreements applicable to teachers in
8 school districts.

9 **Sec. 14.16.310. Education funding for students in residential psychiatric**
10 **treatment centers.** (a) A school district shall provide funding under this section to a
11 residential psychiatric treatment center licensed under AS 47.32 for educational
12 services provided to a student admitted to the center if

13 (1) the student is enrolled in the school district;

14 (2) the student is admitted to the center

15 (A) under a court order;

16 (B) by the Department of Health and Social Services under
17 AS 47.10.087 or AS 47.12.255; or

18 (C) by private placement under the written orders of a licensed
19 physician or mental health professional finding that the placement is medically
20 necessary;

21 (3) the educational program at the center is approved by the
22 department under AS 14.16.300; and

23 (4) within five business days after admitting the student, the center
24 notifies the school district where the student is enrolled, in writing, that the center will
25 provide educational services to the student while the student resides at the center.

26 (b) For each student receiving educational services at a residential psychiatric
27 treatment center, the school district where the student is enrolled shall pay the center
28 an amount equal to the amount generated by the student less administrative costs
29 retained by the school district where the student is enrolled, determined by applying
30 the indirect cost rate approved by the department. The amount generated by the
31 student is to be determined in the same manner as it would be for a student attending a

1 public school in the school district where the student is enrolled, except that the
2 adjusted ADM shall be calculated using the district cost factor under AS 14.17.460
3 that is applicable to either the district where the student is enrolled or the district
4 where the center is located, whichever is less. The amount generated by the student
5 includes federal impact aid, the required local contribution under AS 14.17.410(b)(2),
6 the local contribution under AS 14.17.410(c), special needs funding under
7 AS 14.17.420(a)(1), intensive services funding under AS 14.17.420(a)(2), secondary
8 school vocational and technical instruction funding under AS 14.17.420(a)(3), and
9 other appropriations for the purpose.

10 (c) The school district where the student is enrolled shall prorate the total
11 amount calculated under (b) of this section for a student by the number of days the
12 student is admitted to the residential psychiatric treatment center and receives
13 educational services provided by the center.

14 (d) If the amount appropriated to the school district where the student is
15 enrolled is reduced under AS 14.17.400(b), the school district shall reduce the funding
16 provided to the residential psychiatric treatment facility as necessary.

17 (e) In this section, "residential psychiatric treatment center" or "center" means
18 a secure or semi-secure facility, or an inpatient program in another facility, that
19 provides, under the direction of a physician, psychiatric diagnostic, evaluation, and
20 treatment services on a 24-hour-a-day basis to an individual with severe emotional or
21 behavioral disorders.