

CS FOR SENATE BILL NO. 107(EDC)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE EDUCATION COMMITTEE

Offered: 3/26/14

Referred: Finance

Sponsor(s): SENATORS STEVENS, Gardner

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to school and school district accountability; relating to the duties of the**
2 **Department of Education and Early Development; establishing a reading program for**
3 **public school students enrolled in grades kindergarten through three; and providing for**
4 **an effective date."**

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

6 * **Section 1.** AS 14.03.123(d) is amended to read:

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

1 **identify strategies to be used in addressing the needs of students enrolled who are**
 2 **identified under AS 14.30.760 as having a significant reading deficiency and set,**
 3 **reaffirm, or revise, as appropriate, ambitious but reachable targets that the**
 4 **school or district shall meet to reduce the number of students who have a**
 5 **significant reading deficiency and to ensure that each student achieves grade**
 6 **level standards in reading.**

7 * **Sec. 2.** 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 Secondary
 11 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 reading, writing, and mathematics, and including competency
 16 tests required under AS 14.03.075;

17 (B) measures of student improvement; [AND]

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

20 **(D) approved reading assessments, instructional practices,**
 21 **and staff development programs required under AS 14.30.760 - 14.30.790;**
 22 **and**

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

25 * **Sec. 3.** AS 14.03.255(a) is amended to read:

26 (a) A charter school operates as a school in the local school district except that
 27 the charter school (1) is exempt from the local school district's textbook, program,
 28 **other than the reading program under AS 14.30.760 - 14.30.790,** curriculum, and
 29 scheduling requirements; (2) is exempt from AS 14.14.130(c); the principal of the
 30 charter school shall be selected by the academic policy committee and shall select,
 31 appoint, or otherwise supervise employees of the charter school; and (3) operates

1 under the charter school's annual program budget as set out in the contract between the
 2 local school board and the charter school under (c) of this section. **Except as provided**
 3 **in (e) of this section, a** [A] local school board may exempt a charter school from other
 4 local school district requirements if the exemption is set out in the contract. A charter
 5 school is subject to secondary school competency testing as provided in AS 14.03.075
 6 and other competency tests required by the department.

7 * **Sec. 4.** AS 14.03.255 is amended by adding a new subsection to read:

8 (e) A charter school shall comply with school accountability measures
 9 required under AS 14.03.123 and the district reading program established under
 10 AS 14.30.760 - 14.30.790.

11 * **Sec. 5.** AS 14.07.020(a) is amended to read:

12 (a) The department shall

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

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

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

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

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

27 (6) accredit those public schools that meet accreditation standards
 28 prescribed by regulation by the department; these regulations shall be adopted by the
 29 department and presented to the legislature during the first 10 days of any regular
 30 session [,] and become effective 45 days after presentation or at the end of the session,
 31 whichever is earlier, unless disapproved by a resolution concurred in by a majority of

1 the members of each house;

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

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

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

13 (10) accredit private schools that request accreditation and that meet
14 accreditation standards prescribed by regulation by the department; nothing in this
15 paragraph authorizes the department to require religious or other private schools to be
16 licensed;

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

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

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

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

30 (15) require the reporting of information relating to school disciplinary
31 and safety programs under AS 14.33.120 and of incidents of disruptive or violent

1 behavior;

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

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

7 (B) an end date for departmental intervention, as described in
8 AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three
9 consecutive years of improvement consisting of not less than two percent
10 increases in student proficiency on standards-based assessments in
11 mathematics, reading, and writing as provided in AS 14.03.123(f)(2)(A); and

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

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

17 (18) assist the Department of Natural Resources in developing and
18 implementing the farm-to-school program established under AS 03.20.100;

19 **(19) periodically review assessments, instructional practices, and**
20 **staff development programs for their effectiveness in developing reading skills**
21 **and, after consultation with school districts and experts, recommend to the board**
22 **for approval assessments, instructional practices, and staff development**
23 **programs that**

24 **(A) have been proven to assess and accelerate student**
25 **progress toward reaching reading competency;**

26 **(B) provide explicit and systematic skill development in the**
27 **areas of phonemic awareness, phonics, vocabulary development, and**
28 **reading fluency, including verbal skills and reading comprehension;**

29 **(C) are scientifically based and reliable; and**

30 **(D) provide initial and ongoing analysis of student progress**
31 **toward reaching reading competency;**

1 **(20) publish on the department's Internet website and annually**
 2 **update a list of approved assessments, instructional practices, and staff**
 3 **development programs recommended under this subsection;**

4 **(21) provide technical assistance and coaching services or**
 5 **strategies to school districts as necessary to improve implementation of approved**
 6 **reading assessments, instructional practices, and staff development programs.**

7 * **Sec. 6.** AS 14.07.165 is amended by adding new subsections to read:

8 (b) For use in the program established under AS 14.30.760 - 14.30.790, the
 9 board shall adopt and periodically review a list of reading assessments that

10 (1) are recommended by the department for use by districts to assess
 11 students in grades kindergarten through three;

12 (2) are based on evidence that is reliable, trustworthy, and valid; and

13 (3) have a demonstrated record of success in adequately assessing a
 14 student's reading competency in the areas of phonemic awareness, phonics, vocabulary
 15 development, and reading fluency, including verbal skills and reading comprehension.

16 (c) The board shall adopt and annually update a list of evidenced-based
 17 instructional practices and staff development programs recommended by the
 18 department to address reading deficiencies of students in grades kindergarten through
 19 three.

20 * **Sec. 7.** AS 14.30 is amended by adding new sections to read:

21 **Article 14. District Reading Program.**

22 **Sec. 14.30.760. District reading program.** (a) Each school district shall
 23 establish a reading program for students in grades kindergarten through three
 24 consistent with AS 14.30.760 - 14.30.790.

25 (b) A district reading program established under (a) of this section shall
 26 provide for

27 (1) periodic assessment of students, including annual assessments
 28 approved by the board, to identify students with significant reading deficiencies and to
 29 determine specific reading skill deficiencies;

30 (2) participation of students in statewide assessments;

31 (3) a meeting with the parent or guardian of the student as soon as

1 practicable after a student has been identified as having a significant reading
2 deficiency, followed by regular written notifications, to describe, in language
3 understandable to the parent or guardian,

4 (A) the nature of the student's reading deficiency;

5 (B) the educational services currently being provided to the
6 student;

7 (C) supplemental instructional services and remedial support
8 required by law to alleviate the reading deficiency and proposed to be provided
9 to the student through a reading plan;

10 (D) strategies for the parent or guardian to use to help the child
11 succeed;

12 (E) the goal for the student, including acquisition of all of the
13 skill levels necessary to graduate from high school with adequate preparation
14 for postsecondary and career options;

15 (F) the importance of early reading competency to academic
16 success and the result of significant reading deficiencies that increase the
17 likelihood of falling behind in school beginning in the fourth grade and
18 continuing in later grades and the likelihood of a student with a significant
19 reading deficiency failing to possess the skills necessary to complete
20 coursework required for high school graduation;

21 (4) implementation of student reading plans under AS 14.30.765 and
22 school monitoring plans under AS 14.30.775 for remediation of significant reading
23 deficiencies;

24 (5) reading instruction and staff development programs determined by
25 the board to have demonstrated success in increasing students' reading competency in
26 the areas of phonemic awareness, phonics, vocabulary development, and reading
27 fluency, including verbal skills and reading comprehension;

28 (6) annual reporting of student progress under the program to the
29 department using student identification numbers assigned to students who are
30 identified as having a significant reading deficiency;

31 (7) strategies designed to supplement the program that a parent or

1 guardian may be encouraged to use to assist a student in achieving reading
2 competency; and

3 (8) additional services a teacher determines are available and
4 appropriate to accelerate development of the student's reading skills.

5 (c) A school district may exempt a student from participation in the reading
6 program established under this section if the student

7 (1) has limited English proficiency and is enrolled in a limited English
8 proficiency program;

9 (2) has a disability and is the subject of an individualized education
10 plan under AS 14.30.278 that integrates intervention instruction and strategies to
11 address the student's reading deficiency, exempts the student from participation in
12 statewide standards-based assessments, and meets other requirements established by
13 law; or

14 (3) has been identified as a student with a significant reading
15 deficiency after at least two years of intensive remediation in reading consistent with
16 this section and the student has completed the second year of the same grade level.

17 **Sec. 14.30.765. Student reading plans.** (a) Except as provided in
18 AS 14.30.760(c), a school district shall provide a reading plan for each student who
19 has a significant reading deficiency. The student's teacher, in collaboration with other
20 school personnel and the student's parent or guardian, shall develop and implement an
21 individualized reading plan for the student as soon as practicable after identifying a
22 student's significant reading deficiency.

23 (b) A reading plan developed under this section must

24 (1) be reviewed and revised at least annually for appropriate
25 instructional intervention in the student's progress under the plan;

26 (2) remain in effect, as revised, until the student achieves demonstrated
27 reading competency;

28 (3) apply reliable, trustworthy, and valid evidence-based methods that
29 have a demonstrated record of success in advancing students' reading competency in
30 the areas of phonemic awareness, phonics, vocabulary development, and reading
31 fluency, including verbal skills and reading comprehension;

1 (4) include

2 (A) the specifically diagnosed reading skill deficiencies that
3 need to be remediated for the student to acquire reading competency;

4 (B) goals and benchmarks for tracking the student's progress;

5 (C) a description of the additional reading instructional services
6 and interventions the student will receive; the instructional services and
7 interventions must be evidence-based reading strategies and instruction that the
8 teacher will use daily to advance, at a minimum, the student's phonemic
9 awareness, phonics, vocabulary development, and reading fluency, including
10 verbal skills and reading comprehension.

11 (c) All versions of a student's reading plan, including supporting
12 documentation, shall be placed in the student's permanent academic record and
13 transferred with the student if the student transfers to another school while in grades
14 kindergarten through three.

15 (d) If a student is identified as having a significant reading deficiency for two
16 or more consecutive school years, the district in which the student is enrolled shall
17 ensure that, in the second or subsequent consecutive school year,

18 (1) the student's teacher revises the student's reading plan to include
19 additional, more rigorous instruction and intervention strategies to assist the student in
20 reaching reading competency, including increased daily time in school for reading
21 instruction;

22 (2) the principal of the school in which the student is enrolled ensures
23 that the student receives reading instruction in conjunction with and supported through
24 the other subjects in which the student receives instruction during the school day;

25 (3) whenever practicable, the student receives reading instruction from
26 a teacher who has a high rating on the teacher's most recent performance evaluation
27 and who possesses expertise in reading instruction; and

28 (4) whenever practicable, and with the approval of the student's parent,
29 the student receives mental health support from a school psychologist, school social
30 worker, or school counselor.

31 **Sec. 14.30.770. Student advancement through fourth grade; parental**

1 **involvement.** (a) If, within 45 days before the end of a school year in grades
2 kindergarten through three, a teacher determines that a student has a significant
3 reading deficiency, the school district in which the student is enrolled shall provide to
4 the student's parents or guardians a written notice stating, at a minimum, that

5 (1) because there are serious implications for a student who enters
6 fourth grade with a significant reading deficiency, the student's parents or guardians
7 and the student's teacher and other employees of the school district are required under
8 state law to meet and determine whether the student, despite having a significant
9 reading deficiency, will be able to maintain adequate academic progress at the next
10 grade level;

11 (2) school staff members will work with the parents or guardians to
12 schedule a date, time, and place for the meeting; and

13 (3) if no parent or guardian attends the meeting, the teacher and
14 employees of the district will determine whether the student will advance to the next
15 grade level in the next school year.

16 (b) After sending a written notice under (a) of this section, a school staff
17 member shall contact the parents or guardians to schedule the meeting to determine
18 whether the student will advance to the next grade level. If, after making three or more
19 documented attempts to schedule the meeting with a parent or guardian, the staff
20 member is unable to schedule the meeting, or if the parent or guardian does not attend
21 a scheduled meeting, the teacher and staff members selected by the district shall
22 determine, based on the student's records and teacher recommendations, whether the
23 student will advance to the next grade level for the next school year.

24 (c) At the meeting required under this section, the teacher and any other staff
25 members selected by the school district shall, at a minimum, present to the student's
26 parents or guardians

27 (1) information regarding the importance of a student's achieving
28 reading competency by the end of third grade;

29 (2) a summary of the student's reading progress to date and an
30 assessment of the likelihood that the student, despite having a significant reading
31 deficiency, will be able to maintain adequate academic performance at the next grade

1 level;

2 (3) an explanation of the increased level of intervention instruction the
3 student will receive in the next school year whether or not the student advances to the
4 next grade level; and

5 (4) an evaluation of potential effects on the student if the student does
6 not advance to the next grade level.

7 (d) At the meeting described in (c) of this section, the parents or guardians, the
8 teacher, and the participating staff members shall decide whether the student will
9 advance to the next grade level in the next school year. If the parents or guardians, the
10 teacher, and the participating staff members are not in agreement, the parents or
11 guardians shall decide whether the student will advance to the next grade level unless
12 circumstances exist as specified in the policy adopted by the district that would
13 prevent advancement.

14 (e) As soon as practicable after a decision has been made to advance or not
15 advance a student with a significant reading deficiency to the next grade level, the
16 district shall provide to the parents or guardians a written statement of the decision and
17 the basis for the decision. A copy of the statement shall be provided to the principal of
18 the school and included in the student's permanent academic record. The statement
19 shall be removed from the student's permanent academic record when the student
20 achieves reading competency.

21 **Sec. 14.30.775. School monitoring plans.** The department shall adopt
22 regulations establishing standards and time frames for school monitoring plans to
23 ensure compliance with the reading program established in AS 14.30.760 - 14.30.790.

24 **Sec. 14.30.790. Definition.** In AS 14.30.760 - 14.30.790, "significant reading
25 deficiency" means that a student does not meet the minimum skill levels for reading
26 competency in the areas of phonemic awareness, phonics, vocabulary development,
27 and reading fluency, including verbal skills and reading comprehension, under
28 standards established by the state board for the student's grade level.

29 * **Sec. 8.** This Act takes effect July 1, 2016.