



**Contents**

Index of Legislation Passed, 2016 ..... 1  
    HB 27 – CINA; Foster Care; Adoption..... 1  
    HB 156 – School Accountability Measures; Federal Law..... 3  
    Sectional Analysis..... 4  
    Details on Some of the Provisions..... 6  
    SB 200 – Mandatory Physical Activity in Schools ..... 7  
    SCR 1 – Civics Education Task Force ..... 8

**Index of Legislation Passed, 2016**

**HB 27 – CINA; Foster Care; Adoption**

7/7/2016 – Transmitted to the governor

7/26/2016 – Will be signed at 1:00 p.m. at the University of Alaska Anchorage; exact location to be determined/confirmed

[HB 27](#) addresses a number of areas relating to children in need of aid, including school placement and transportation.

Section 6 on page 7 relates to school placement of foster children:

\* *Sec. 6. AS 47.10.080 is amended by adding new subsections to read:*

*(x) In any team-decision meeting the department holds to address the potential or actual transfer of a child from one placement setting to another, the department shall ask the participants for input regarding whether it is in the child's best interest for the child to remain in the child's current school for the remainder of the school term.*

*(y) If the department transfers a child from one placement setting to another and it is reasonable and in the child's best educational interests, the department shall immediately, and in advance of the transfer if possible, coordinate with the school the child is attending to ensure the child is permitted to attend that school through the end of the*

*school term if the child's new placement is in the same municipality and connected by road to the school. If federal funds and school district transportation funds are not available to pay for the cost of transportation for the child, the department [Dept. of Health & Social Services] shall pay the costs of transporting the child to school. The department shall work with the family or agency where the child is placed to arrange for transportation. The department shall consult with the school district regarding the child's best interests, but the school district may not override the department's decision to allow a child to remain in the current school through the end of the school term.*

The sponsor statement from Rep. Les Gara states, regarding the education provisions of HB 27, that:

*This bill revises the requirement under AS 47.18.320(a)(2) requiring the state to provide “basic” education and training. Instead, the statute will say the state should provide “educational and vocational training.”*

*This provision works to reduce the number of times a foster child moves from one school to another. Youth will be allowed to finish their school term in the same school when a family moves, and this is important to help youth avoid delay in their academic progress. This provision only applies if it is the “best interest” of the child.*

The [McKinney-Vento Act](#), which ensures that homeless students receive continuity in education, includes foster children awaiting placement and children in emergency foster care in the definition of homeless student, but it doesn't include foster children other than those two groups. McKinney Vento has been amended to remove foster children from the definition of homeless students, but that amendment has not yet taken effect.

Sponsor Rep. Gara said in a phone call on Friday, July 22 that in addition to McKinney Vento, the Every Student Succeeds Act addresses the needs of children in foster care. However, he said he doesn't think the federal law is very enforceable because the only penalty is loss of federal funding, and that HB 27 will help ensure that the education of foster children is as undisrupted as possible.

In the [report](#) “Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care,” the U.S. Dept. of Education states:

*“New requirements under Title I of the ESEA, as amended by the ESSA, highlight the need to provide educational stability for children in foster care, with particular emphasis on collaboration between SEAs, LEAs, and child welfare agencies to ensure that students in foster care have the opportunity to achieve at the same high levels as their peers. These provisions emphasize the importance of limiting educational disruption by keeping children who move in foster care (due to entering the foster care system or changing placements) in their schools of origin, unless it is determined to be in their best interest to change schools. These provisions also*

*ensure that, if it is not in their best interest to remain in their schools of origin, children in foster care are enrolled in their new schools without delay.”*

HB 27 states that the Dept. of Health & Social Services shall pay the cost of transportation for foster students to remain in their school of origin if federal funds and school district transportation funds are not available. [Fiscal Note 3](#) from the Office of Children’s Services, Dept. of Health & Social Services, is a zero fiscal note, but the analysis states that HB 27 “*requires the department to take more proactive measures to provide for education and safety measures, including underwriting of costs, associated with temporary placements.*”

### **HB 156 – School Accountability Measures; Federal Law**

7/5/2016 – Transmitted to the governor

7/28/2016 – Due back from the governor (must be signed or vetoed by this date, or it becomes law without signature)

In its original form and through most of its existence before passage, [HB 156](#) by Rep. Wes Keller related just to compliance with federal education laws, to public school accountability, and it temporarily suspended the requirement for administration of state standards-based assessments.

However, on April 12, 2016 the Senate Education Committee adopted six amendments to HB 156. Just half an hour after the death of [SB 89](#) in the House Health & Social Services Committee, the first amendment to HB 156 contained most of the provisions of SB 89, with the exception of the provision relating to abortion service providers.

The other amendments adopted on April 12 were:

- Amendment 2: Eliminating the requirement for school districts to pay for mandatory teacher health exams
- Amendment 3: Authorizing the administration of the Association of Alaska School Boards’ *School Climate & Connectedness Survey*
- Amendment 4: A change to the statute established by HB 44 (The Alaska Safe Children’s Act). The change tracks teacher training at the district level instead of the school level
- Amendment 5: Exemption of the state standards-based assessment from state procurement law
- Amendment 6: Repealing the 70 percent minimum expenditure for instruction law

At their next meeting on April 13 the Senate Education Committee adopted an amendment stating that only teachers with a Type A certificate and who are under

contract to the school can teach sex education, and that curriculum, literature, and materials must be approved by the school board and available for parents to review.

HB 156 then went to the Senate Finance Committee where the rules governing who can teach sex education were loosened somewhat, at the request of Sen. Donny Olson, a physician, who said health care providers are often called upon to teach sex education in rural schools.

### **Sectional Analysis**

Below is the [final sectional analysis](#) for HB 156 from Legislative Legal Services. The only difference between the version that passed the legislature, SCS CSHB 156(FIN), and the sectional analysis is that the effective date clauses of HB 156 failed.

- 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 Dept. of Education & 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 that 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: Subsection (a) prohibits 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, unless required under (d). Subsection (b) 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. Subsection (d) provides that the department shall require school districts or schools to administer statewide standards-based assessments if the U.S. Dept. of Education provides notice of its intention to withdraw federal education funding.
- Section 11: Amends AS 14.08.111 to remove the requirement to establish procedures for crisis intervention training under AS 14.33.127 from the duties of regional 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 regional school boards.
- Section 13: 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 14: 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 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 a certified teacher or a person supervised by a certified teacher, may teach a class in sex education, and that curriculum and materials for sex education classes must be approved by the school board and the person's credentials must be made available for parents to review.
- Section 19: Provides that the teacher certification and supervision requirements under AS 14.30.361(a) do not apply to sexual abuse and sexual assault awareness and prevention training on dating violence abuse awareness and prevention training.
- Section 20: 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 21: Amends AS 36.30.850(b) to exempt department contracts for student assessments from the state procurement code.
- Section 22: Repeals AS 14.17.520, which relates to minimum expenditure for instruction.
- Section 23: Repeals AS 14.07.175, added by sec. 10 of the bill, on July 1, 2020.
- Section 24: Repeals sec. 4, ch. 2, SSSLA 2015, which amended AS 14.03.110(a), relating to questionnaires or surveys administered in schools.
- Section 25: 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 26: Provides and immediate effective date for sec. 25 of the bill [**effective date failed**].
- Section 27: Provides that sections 12, 14, 16, and 19 of the bill take effect on the effective date of sec. 14, ch. 2, SSSLA 2015 [**effective date failed**].
- Section 28: Provides that Section 20 of the bill takes effective date of sec. 15, ch. 2, SSSLA 2015 [**effective date failed**].
- Section 29: Provides that the remainder of the bill takes effect July 1, 2017 [**effective date failed**].

### Details on Some of the Provisions

HB 156 removes the requirement that the Dept. of Education & Early Development State Board conform to federal law regarding assisting schools or districts in improving performance. Improvement plans for low-performing schools or districts must give

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

HB 156 also removes implementation of ESEA from the accountability system and, to the extent practicable, minimizes the administrative burden on school districts. It requires DEED to allow students and parents/guardians to opt out of student assessments used for accountability. Individually identifiable data shall be stored securely and shall only be accessible to the student, the student's parent/guardian, the student's teacher, and other individuals in the state with a legitimate need for the information.

The house voted to adopt the senate version of HB 156 on the fourth try, by a margin of just one vote after passage had failed the three previous attempts. In addition to barely passing in the house, there are two procedural issues with HB 156:

1. The effective date provisions failed in the house.
2. [SCR 25](#), the senate concurrent resolution authorizing a title change, failed in the house.

The effective date failure isn't complicated, procedurally. It just means that the effective dates won't be the specific ones in the bill, but will be the standard effective date of 90 days after it becomes law. A bill becomes law when it is signed by the governor or becomes law without being signed. The governor has until July 28 to act on HB 156.

Failure of the title change resolution, SCR 25, won't affect the bill.

## **SB 200 – Mandatory Physical Activity in Schools**

7/11/2016 – Transmitted to the governor

7/20/2016 – Signed into law by the governor

10/16/2016 – Effective date (becomes law)

The original version of [SB 200](#) required school districts to provide a minimum of 90 percent of the daily amount of physical activity recommended by the Centers for Disease Control and Prevention for children in grades K-8. Physical activity may include P.E. classes and unstructured physical activity, such as recess.

An amendment was made to SB 200 on the house floor, which turned the requirement for physical activity into a recommendation. There is still a requirement for school districts, though. SB 200 now requires school districts to:

*“establish guidelines for schools in the district to provide opportunities during each full school day for students in grades kindergarten through eight for a minimum of 90 percent of the daily amount of physical activity recommended for children and adolescents in the physical activity guidelines by the Centers for Disease Control and Prevention, United States Department of*

*Health and Human Services. The time provided for physical activity under this subsection ay include physical education classes and opportunities for unstructured physical activity, such as recess.”*

## **SCR 1 – Civics Education Task Force**

4/27/2016 – Legislative Resolve No. 34

6/17/2016 – House Members Appointed: Keller (vice chair), Pruitt, & Claman

6/18/2016 – House Member Replaced: Spohnholz replaced Claman

7/11/2016 – Senate Members Appointed: Stevens (chair), Costello, & Gardner

7/11/2016 – Public Members Appointed: Keith Hamilton, Pamela Orme, Norm Wooten, Emma Potter, Dana Fabe, & Forrest Nabors

SCR 1 establishes a Task Force on Civics Education for the purpose of studying the current state of civics education for students in the state. The task force shall:

1. Analyze the current state of civics education in the state
2. Analyze current civics education laws in other jurisdictions
3. Identify best practices in civics education in other jurisdictions
4. Study and make recommendations about how to increase and improve civics education in kindergarten through grade 12 in public schools in the state
5. Evaluate the merits of and implementation requirements for requiring high school seniors to take and pass the civics portion of the naturalization test used by the United States Citizenship and Immigration Services under 8 U.S.C. 1446(b) as a prerequisite for graduating from high school
6. Review the merits of and considering options for implementing the Every Student Succeeds Act, P.L. No. 114-95 (2015), as it pertains to civics education in the state
7. Make recommendations to the legislature relating to substantially increasing civics literacy and the capacity of youth to obtain the requisite knowledge and skills to be civically informed members of the public
8. Make funding recommendations related to the task force’s recommendations to the legislature
9. Submit a report to the secretary of the senate and the chief clerk of the house of representatives by January 19, 2017, summarizing the findings and recommendations of the task force and notifying the members of the legislature that the report is available

Task force members are:

- Sens. Gary Stevens (chair), Mia Costello, and Berta Gardner
- Reps. Wes Keller (vice chair), Lance Pruitt, and Ivy Spohnholz

- Public members Keith Hamilton, Pamela Orme, Norm Wooten, Emma Potter, Dana Fabe, and Forrest Nabors

The task force may request data and other information from the Dept. of Education & Early Development, school districts, and other state agencies.

The text of SCR 1 states that members of the task force will serve without compensation, but will be entitled to per diem and travel expenses authorized for boards and commissions. However, [Fiscal Note 2](#) states that travel and lodging costs will be kept to a minimum, and any members appointed to the task force who reside outside the Anchorage area can participate via teleconference. Those testifying to the task force can also participate via teleconference. Task force representatives from agencies other than the legislature are asked to use their own funds to participate on the task force. Teleconference, printing, and staffing costs will be absorbed within existing legislative budgets.

The task force expires on June 30, 2017.