SENATE BILL NO. 99

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY SENATOR BEGICH

Introduced: 3/29/17
Referred: Education, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to early education programs provided by school districts; relating to funding for early education programs; and relating to the duties of the state Board of Education and Early Development."

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

*** Section 1.** AS 14.03.060(e) is amended to read:

(e) In addition to the grades enumerated in (a) of this section, an elementary school consists of **an early education** [A PRE-ELEMENTARY] program **approved** [SUPERVISED] by the department under AS 14.07.020(a)(8), **or** operated by **a head start agency** [THE DEPARTMENT] as a head start program under **42 U.S.C. 9831 - 9852c** [AS 14.38.010, OR LOCATED IN A PUBLIC SCHOOL FOR FEDERAL FUNDING PURPOSES. EXCEPT FOR A CHILD WITH A DISABILITY WHO IS RECEIVING SPECIAL EDUCATION OR RELATED SERVICES UNDER AS 14.30.180 - 14.30.350, PRE-ELEMENTARY STUDENTS MAY NOT BE COUNTED IN A SCHOOL'S AVERAGE DAILY MEMBERSHIP UNDER

AS 14.17].

*** Sec. 2.** AS 14.03.080 is amended by adding a new subsection to read:

(g) A child who is at least four, but not more than five, years of age on or before September 1 following the beginning of the school year and who has not attended a public school kindergarten may enter a public school early education program.

*** Sec. 3.** AS 14.03 is amended by adding a new section to read:

Sec. 14.03.135. Early education programs; grants. (a) The department shall provide training and assist districts in the development of early education programs, and shall approve early education programs that meet the standards adopted by the board under AS 14.07.165(a)(5). If the department determines that the district's early education program complies with the standards, the department shall approve the early education program. If the department determines that the district's early education program does not comply with the standards, the department shall provide assistance to the district to improve the early education program to meet the standards.

(b) The department may award a grant to an eligible district to provide funding for a three-year period for the development of a district-wide early education program. At the end of the three-year grant period, the department shall assess the district's early education program and determine whether the program complies with the standards adopted under AS 14.07.165(a)(5).

(c) Before awarding a three-year grant under (b) of this section, in the fiscal year beginning July 1, 2017, the department shall rank the performance of all districts in the state in accordance with the accountability system and performance designations required under AS 14.03.123. The department shall identify five groups of districts by performance ranking, with 20 percent of the districts in each group. The following groups of districts are eligible for a three-year grant in the identified fiscal years:

(1) for the fiscal year beginning July 1, 2017, the lowest performing 20 percent of districts;

(2) for the fiscal year beginning July 1, 2018, the second lowest performing 20 percent of districts;

(3) for the fiscal year beginning July 1, 2019, the third lowest

performing 20 percent of districts;

(4) for the fiscal year beginning July 1, 2020, the second highest performing 20 percent of districts;

(5) for the fiscal year beginning July 1, 2021, the highest performing 20 percent of districts.

(d) In each fiscal year, the department may award a three-year grant to a district that applies in a format prescribed by the department and that is in a group of districts that

(1) is eligible for a grant during that fiscal year under (c) of this section; or

(2) was eligible for a grant in a previous fiscal year under (c) of this section, but did not receive a grant under this section in a previous fiscal year.

(e) If the department does not approve a district's early education program at the end of the three-year grant period, the department may provide a one-year remediation grant to allow the district one additional fiscal year to meet the early education program standards established by the board. If the district is unable to meet the early education program standards at the end of the fiscal year, the department may, in the discretion of the commissioner, provide an additional remediation grant to allow the district not more than one additional fiscal year to meet the standards.

(f) A student in an early education program may not be counted in the district ADM under AS 14.17.500 or 14.17.905 until after the department determines that the early education program complies with the standards adopted by the board under AS 14.07.165(a)(5) and approves the program. The department may not approve an early education program developed with a grant awarded under (b) of this section until the end of the three-year grant period under (b) of this section or the additional remediation period under (e) of this section. The department may approve a district's early education program that does not receive a grant under this section at any time if the early education program complies with the standards adopted by the board under AS 14.07.165(a)(5).

(g) A grant under this section is subject to appropriation, but may not supplant other early education funding available to districts.

(h) In this section,

(1) "ADM" has the meaning given in AS 14.17.990;

(2) "district" has the meaning given in AS 14.17.990;

(3) "early education program" means a program for children who are four and five years of age and who have not attended a public school kindergarten if the program's primary function is educational.

*** Sec. 4.** AS 14.07.020(a) is amended to read:

(a) The department shall

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

(2) study the conditions and needs of the public schools of the state, adopt or recommend plans, administer and evaluate grants to improve school performance awarded under AS 14.03.125, and adopt regulations for the improvement of the public schools; the department may consult with the University of Alaska to develop secondary education requirements to improve student achievement in college preparatory courses;

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

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

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

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

(7) prescribe by regulation, after consultation with the state fire

marshal and the state sanitarian, standards that will ensure healthful and safe conditions in the public and private schools of the state, including a requirement of physical examinations and immunizations in pre-elementary schools; the standards for private schools may not be more stringent than those for public schools;

(8) exercise general supervision over **early education programs** [PRE-ELEMENTARY SCHOOLS] that receive direct state or federal funding**, including an early education program provided by a school district for students four and five years of age, and approve early education programs that meet the standards adopted by the board under AS 14.07.165(a)(5)**;

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

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

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

(12) provide educational opportunities in the areas of vocational education and training, and basic education to individuals over 16 years of age who are no longer attending school; the department may consult with businesses and labor unions to develop a program to prepare students for apprenticeships or internships that will lead to employment opportunities;

(13) administer the grants awarded under AS 14.11;

(14) establish, in coordination with the Department of Public Safety, a

school bus driver training course;

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

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

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

(B) an end date for departmental intervention, as described in AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three consecutive years of improvement consisting of not less than two percent increases in student proficiency on standards-based assessments in language arts and mathematics, as provided in AS 14.03.123(f)(1)(A); and

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

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

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

(c) In this section, **"early education program"** ["PRE-ELEMENTARY SCHOOL"] means a school for children ages three through five years if the school's primary function is educational.

*** Sec. 6.** AS 14.07.165(a) is amended to read:

(a) The board shall adopt

(1) statewide goals and require each governing body to adopt written goals that are consistent with local needs;

(2) regulations regarding the application for and award of grants under AS 14.03.125;

(3) regulations implementing provisions of AS 14.11.014(b);

(4) regulations requiring approval by the board before a charter school,

state boarding school, or a public school may provide domiciliary services;

(5) regulations establishing standards for an early education program provided by a school district for children who are four and five years of age; the regulations must include

(A) standards for a

(i) half-day program consisting of not less than two and one-half hours;

(ii) full-day program consisting of six hours; and

(iii) locally designed, evidence-based program that is less than half a day that meets early education program standards;

(B) a requirement that the lead teacher of a program hold a valid teacher certificate issued under AS 14.20 and have satisfactorily completed a minimum of six credit hours in early childhood education or completes the minimum credit hours within one year of the date the teacher's employment with the early education program begins;

(C) developmentally appropriate objectives for children four and five years of age rather than academic standards appropriate for older children; the objectives must allow school districts to adapt the content of an early education program to be culturally appropriate to local communities; and

(D) accommodations for the needs of all early education children and their families regardless of socioeconomic circumstances [REPEALED].

*** Sec. 7.** AS 14.17.500 is amended by adding a new subsection to read:

(d) Except as provided in AS 14.17.905(c), a student in an early education program approved by the department under AS 14.07.020(a)(8) is counted as one-half of a full-time equivalent student.

*** Sec. 8.** AS 14.17.905(a) is amended to read:

(a) For purposes of this chapter, the determination of the number of schools in a district is subject to the following:

(1) a community with an ADM of at least 10, but not more than 100,

shall be counted as one school;

(2) a community with an ADM of at least 101, but not more than 425, shall be counted as

(A) one elementary school, which includes those students in grades kindergarten through six**, and, except as provided in (c) of this section, in an early education program provided by a school district and approved by the department under AS 14.07.020(a)(8)**; and

(B) one secondary school, which includes students in grades seven through 12;

(3) in a community with an ADM of greater than 425, each facility that is administered as a separate school shall be counted as one school, except that each alternative school with an ADM of less than 175 shall be counted as a part of the school in the district with the highest ADM.

*** Sec. 9.** AS 14.17.905 is amended by adding a new subsection to read:

(c) A school district may not include in the average daily membership of a school students who are four and five years of age if the students are enrolled in an early education program that receives state or federal funding other than funding under this chapter.

*** Sec. 10.** AS 47.17.290(12) is amended to read:

(12) "organization" means a group or entity that provides care and supervision for compensation to a child not related to the caregiver, and includes a child care facility, pre-elementary school, **early education program,** head start center, child foster home, residential child care facility, recreation program, children's camp, and children's club;

*** Sec. 11.** AS 14.03.135 is repealed July 1, 2027.