

**SENATE BILL NO. 15**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY SENATORS FRENCH, Ellis, Gardner

Introduced: 1/16/13

Referred: Education, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to prekindergarten programs within a school district; relating to pre-**  
2   **elementary students and pre-elementary schools; and providing for an effective date."**

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

4    \* **Section 1.** AS 14.03.060(a) is amended to read:

5           (a) Except as provided in (e) of this section, an elementary school consists of  
6           grades kindergarten through grade eight or any appropriate combination of grades  
7           within this range, **and a prekindergarten program provided by a school district**  
8           **under AS 14.03.065.**

9    \* **Sec. 2.** AS 14.03.060(e) is amended to read:

10           (e) In addition to the grades enumerated in (a) of this section, an elementary  
11           school consists of a **prekindergarten** [PRE-ELEMENTARY] program supervised by  
12           the department under AS 14.07.020(a)(8), operated by the department as a head start  
13           program under AS 14.38.010, or located in a public school [FOR FEDERAL  
14           FUNDING PURPOSES. EXCEPT FOR A CHILD WITH A DISABILITY WHO IS

1 RECEIVING SPECIAL EDUCATION OR RELATED SERVICES UNDER  
 2 AS 14.30.180 - 14.30.350, PRE-ELEMENTARY STUDENTS MAY NOT BE  
 3 COUNTED IN A SCHOOL'S AVERAGE DAILY MEMBERSHIP UNDER  
 4 AS 14.17].

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

6 **Sec. 14.03.065. Prekindergarten program.** (a) A school district may provide  
 7 a prekindergarten program for students who are four years of age on or before  
 8 September 1 following the beginning of the school year and who reside in the district  
 9 if the program is

- 10 (1) optional for a student;
- 11 (2) supervised by the department under AS 14.07.020(a)(8); and
- 12 (3) consistent with regulations adopted by the board under
- 13 AS 14.07.165.

14 (b) A student who is enrolled in and attends a prekindergarten program  
 15 provided by a district shall be counted as not more than a half-time student in the  
 16 district average daily membership count estimate under AS 14.17.500.

17 \* **Sec. 4.** AS 14.03.080 is amended by adding a new subsection to read:

18 (g) A child who is four years of age on or before September 1 following the  
 19 beginning of the school year and who is under school age may enter a public school  
 20 prekindergarten program.

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

- 22 (a) The department shall
- 23 (1) exercise general supervision over the public schools of the state
- 24 except the University of Alaska;
- 25 (2) study the conditions and needs of the public schools of the state,
- 26 adopt or recommend plans, administer and evaluate grants to improve school
- 27 performance awarded under AS 14.03.125, and adopt regulations for the improvement
- 28 of the public schools;
- 29 (3) provide advisory and consultative services to all public school
- 30 governing bodies and personnel;
- 31 (4) prescribe by regulation a minimum course of study for the public

1 schools; the regulations must provide that, if a course in American Sign Language is  
 2 given, the course shall be given credit as a course in a foreign language;

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

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

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

17 (8) exercise general supervision over pre-elementary schools **and**  
 18 **district prekindergarten programs** that receive direct state or federal funding;

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

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

27 (11) review plans for construction of new public elementary and  
 28 secondary schools and for additions to and major rehabilitation of existing public  
 29 elementary and secondary schools and, in accordance with regulations adopted by the  
 30 department, determine and approve the extent of eligibility for state aid of a school  
 31 construction or major maintenance project; for the purposes of this paragraph, "plans"

1 include educational specifications, schematic designs, projected energy consumption  
2 and costs, and final contract documents;

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

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

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

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

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

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

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

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

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

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

29 \* **Sec. 6.** AS 14.07.020(c) is amended to read:

30 (c) In this section, "pre-elementary school" means a school for children  
31 [AGES] three through five years of age, if the school's primary function is

educational, and a prekindergarten program for children four years of age that is provided by a school district.

\* **Sec. 7.** AS 14.07.165 is amended to read:

**Sec. 14.07.165. Duties.** 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 implementing the secondary school student competency examination provisions of AS 14.03.075, including the criteria and procedure under which a governing body uses a waiver to grant a diploma to a student; criteria regarding granting a waiver must include provisions that a waiver may only be granted for students who enter the system late or have rare or unusual circumstances meriting a waiver;

(6) regulations for the implementation of a prekindergarten program by a school district using the model curriculum developed by the department under AS 14.07.030(13).

\* **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, a prekindergarten program provided by a school district for students four years of age; and

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

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

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

8 (c) A school district may not include in the average daily membership of a  
9 school students who are four years of age if the students are enrolled in a program that  
10 receives state funding other than funding under this chapter.

11 \* **Sec. 10.** This Act takes effect July 1, 2014.