

**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**

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

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

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

6 (e) In addition to the grades enumerated in (a) of this section, an elementary  
7 school consists of **an early education** [A PRE-ELEMENTARY] program **approved**  
8 [SUPERVISED] by the department under AS 14.07.020(a)(8), **or** operated by **a head**  
9 **start agency** [THE DEPARTMENT] as a head start program under **42 U.S.C. 9831 -**  
10 **9852c** [AS 14.38.010, OR LOCATED IN A PUBLIC SCHOOL FOR FEDERAL  
11 FUNDING PURPOSES. EXCEPT FOR A CHILD WITH A DISABILITY WHO IS  
12 RECEIVING SPECIAL EDUCATION OR RELATED SERVICES UNDER  
13 AS 14.30.180 - 14.30.350, PRE-ELEMENTARY STUDENTS MAY NOT BE  
14 COUNTED IN A SCHOOL'S AVERAGE DAILY MEMBERSHIP UNDER

1 AS 14.17].

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

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

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

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

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

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

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

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

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

1 performing 20 percent of districts;

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

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

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

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

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

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

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

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

1 (h) In this section,

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

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

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

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

8 (a) The department shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 school bus driver training course;

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

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

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

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

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

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

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

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

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

25 (a) The board shall adopt

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

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

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

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

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

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

5 (A) standards for a

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

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

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

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

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

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

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

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

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

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

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

1 shall be counted as one school;

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

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

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

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

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

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

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

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

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