

LEGAL SERVICES

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MEMORANDUM

February 7, 2011

SUBJECT: Explanation of secs. 6 and 7 (SB 6)
(Work Order No. 27-LS0058\M)

TO: Senator Bettye Davis
Attn: Tom Obermeyer

FROM: Jean M. Mischel
Legislative Counsel



You have asked about the effect of secs. 6 and 7 in the above bill. Those sections amend AS 14.17.905, pertaining to facilities constituting a school, by including prekindergarten students in the student count for school size purposes. A school size factor is applied under the funding formula under AS 14.17.450. For communities with an average daily membership of at least 101 but not more than 425, only one elementary school and one secondary school may be counted, but the size of the elementary school is affected by public prekindergarten students under sec. 6. That section clarifies the age of students who should be counted as elementary school students to include 4 and 5 year olds who are prekindergarten students at a district school. Since the smaller and larger districts do not differentiate between elementary and secondary students, the same change is not necessary, but the prekindergarten students are also counted in the average daily membership. Sec. 7 provides that no district, of whatever size, may include 4 or 5 year olds in the average daily membership count if the program in which the child is enrolled receives funding that is not provided for in the funding formula for the school under that section.

The context of bill sections 6 and 7 makes them more clear. In each section of the statutes where a description of a public elementary or pre-elementary school appears, the bill amends the description to include the optional district-based prekindergarten program students. Although the bill does not explicitly state that the students will be included in the average daily membership count (consistent with the structure of AS 14.17), if the prekindergarten students are enrolled in a public school, they are counted as such unless they are funded by another source. In other words, if the prekindergarten student is enrolled in a public school district program, by implication, the student is counted along with all other enrolled students. If the program is half day, then the 4 and 5 year olds will be counted as part-time students.

If I may be of further assistance, please advise.

JMM:ljw
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