

HOUSE BILL NO. 333

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GARA, Kerttula

Introduced: 1/9/06

Referred: House Special Committee on Education, Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the regulation and funding of pre-elementary schools; and**
2 **establishing a supplemental income tax on oil to support pre-elementary schools."**

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 SHORT TITLE. This Act may be known as the Alaska Universal Voluntary Preschool
7 Act.

8 * **Sec. 2.** AS 14.07.020(a) is amended to read:

9 (a) The department shall

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

12 (2) study the conditions and needs of the public schools of the state,
13 adopt or recommend plans, administer and evaluate grants to improve school
14 performance awarded under AS 14.03.125, and adopt regulations for the improvement

1 of the public schools;

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

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

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

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

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

21 (8) exercise general supervision over pre-elementary schools that
22 receive direct state or federal funding **and prescribe by regulation standards for**
23 **early childhood education in publicly funded pre-elementary schools; the**
24 **standards must set, at a minimum,**

25 **(A) a class size of not more than 10 students for each pre-**
26 **elementary certified teacher; and**

27 **(B) pre-elementary teacher certification requirements;**

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

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

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

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

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

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

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

20 * **Sec. 3.** AS 14.07.020(c) is amended to read:

21 (c) In this section, "pre-elementary school" means a school for children ages
22 four [THREE] through five years if the school's primary function is educational.

23 * **Sec. 4.** AS 14.38 is amended by adding new sections to read:

24 **Article 2. Pre-elementary Schools.**

25 **Sec. 14.38.200. District approval of pre-elementary schools.** (a) A school
26 district may approve the establishment and operation of a pre-elementary school for
27 the early education of children if

28 (1) the school is certified by the state Board of Education and Early
29 Development;

30 (2) the district has available sufficient classroom space in existing
31 buildings that meet standards for the operation of a school;

1 (3) enrollment in the school is available to all children who are four or
2 five years of age at the start of the school year, regardless of social or economic status;

3 (4) the school offers a daily minimum of four hours of instructional
4 time;

5 (5) the early childhood education program is based on an age-
6 appropriate curriculum that is aligned with the department's early childhood education
7 standards for literacy, writing, math, and science skills and that address the cognitive,
8 physical, emotional, social, and communication areas of child development; and

9 (6) a sufficient number of certified pre-elementary teachers are
10 employed to maintain the maximum class size requirement established under
11 AS 14.07.020(a)(8).

12 (b) A pre-elementary school approved under this section may be funded under
13 AS 14.38.210.

14 (c) A program funded by the department as a head start program for students
15 who are four or five years of age may be approved as a pre-elementary school under
16 this section.

17 (d) A school district may enter into a collaborative agreement with another
18 school district or with a secular nonprofit agency with demonstrable experience and
19 expertise in early childhood education for the operation of a pre-elementary school.

20 **Sec. 14.38.210. Pre-elementary school fund.** (a) The pre-elementary school
21 fund is established. The fund consists of appropriations for distribution to school
22 districts to support public pre-elementary schools approved by school districts under
23 AS 14.38.200. A school district is eligible for funding from the pre-elementary school
24 fund equal to the base student allocation specified in AS 14.17.470 for each student
25 enrolled in a district-approved pre-elementary school.

26 (b) Money appropriated to the fund may be expended without further
27 appropriation. Money appropriated to the fund does not lapse. The money in the fund
28 may be expended only for the benefit of public pre-elementary schools approved
29 under AS 14.38.200 - 14.38.230. Interest earned on money held in the fund before
30 expenditure may be appropriated to the fund by the legislature.

31 (c) If the amount appropriated to the fund for purposes of AS 14.38.200 -

1 14.38.230 is insufficient to meet the amounts authorized under (a) of this section for a
 2 fiscal year, the department shall allocate available funds to each school district on the
 3 basis of need. The department shall prioritize funding needs of school districts by
 4 identifying districts

5 (1) with a high percentage of children from families with incomes that
 6 meet the eligibility requirements for free and reduced lunch under 42 U.S.C. 1771 -
 7 1784;

8 (2) with a current lack of access to early childhood education and pre-
 9 elementary education programs; and

10 (3) in which schools have received a low achievement designation
 11 under AS 14.03.123(d).

12 **Sec. 14.38.220. No student fees.** State funding of a pre-elementary school
 13 under AS 14.38.200 - 14.38.230 is subject to appropriation. A district may not assess
 14 fees for payment of enrollment or tuition costs of a student.

15 **Sec. 14.38.230. Definition.** In AS 14.38.200 - 14.38.230, "district" has the
 16 meaning given in AS 14.17.990.

17 * **Sec. 5.** AS 43.20.011 is amended by adding a new subsection to read:

18 (g) In addition to the tax imposed under (e) of this section, during any taxable
 19 year in which the average West Coast prevailing value for oil is equal to or exceeds
 20 \$25 a barrel, a taxpayer engaged in the production of oil from a lease or property in
 21 this state whose business income is subject to AS 43.20.072 shall pay a tax of 2.5
 22 percent of the taxpayer's taxable income. The department shall separately account for
 23 the revenue obtained from the tax levied by this subsection. The legislature may
 24 appropriate the revenue from the tax imposed in this subsection to the pre-elementary
 25 school fund established under AS 14.38.210 for distribution under AS 14.38.210 to
 26 school districts for pre-elementary schools approved under AS 14.38.200.