

**HOUSE BILL NO. 128**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KAWASAKI, Kerttula, Tuck, Gara, Kito III

Introduced: 2/18/13

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; providing for the establishment of a  
3 statewide early childhood education plan; and providing for an effective date."

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

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

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

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

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

1 FUNDING PURPOSES. EXCEPT FOR A CHILD WITH A DISABILITY WHO IS  
2 RECEIVING SPECIAL EDUCATION OR RELATED SERVICES UNDER  
3 AS 14.30.180 - 14.30.350, PRE-ELEMENTARY STUDENTS MAY NOT BE  
4 COUNTED IN A SCHOOL'S AVERAGE DAILY MEMBERSHIP UNDER  
5 AS 14.17].

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

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

11 (1) optional for a student;

12 (2) supervised by the department under AS 14.07.020(a)(8); and

13 (3) consistent with regulations adopted by the board under  
14 AS 14.07.165.

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

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

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

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

23 (a) The department shall

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

26 (2) study the conditions and needs of the public schools of the state,  
27 adopt or recommend plans, administer and evaluate grants to improve school  
28 performance awarded under AS 14.03.125, and adopt regulations for the improvement  
29 of the public schools;

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

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

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

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

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

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

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

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

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

1 construction or major maintenance project; for the purposes of this paragraph, "plans"  
 2 include educational specifications, schematic designs, projected energy consumption  
 3 and costs, and final contract documents;

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

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

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

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

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

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

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

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

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

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

30 **(19) devise a statewide early childhood education plan for students**

31 **that**

1 (A) incorporates the model curriculum developed by the  
 2 department under AS 14.07.030(13);

3 (B) provides for effective and efficient coordination with or  
 4 expansion of optional prekindergarten programs operating in the state,  
 5 including Head Start, to the extent permitted by law.

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

7 (c) In this section, "pre-elementary school" means a school for children  
 8 [AGES] three through five years of age, if the school's primary function is  
 9 educational, and a prekindergarten program for children four years of age that is  
 10 provided by a school district.

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

12 **Sec. 14.07.165. Duties.** The board shall adopt

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

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

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

18 (4) regulations requiring approval by the board before a charter school,  
 19 state boarding school, or a public school may provide domiciliary services;

20 (5) regulations implementing the secondary school student competency  
 21 examination provisions of AS 14.03.075, including the criteria and procedure under  
 22 which a governing body uses a waiver to grant a diploma to a student; criteria  
 23 regarding granting a waiver must include provisions that a waiver may only be granted  
 24 for students who enter the system late or have rare or unusual circumstances meriting  
 25 a waiver;

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

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

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

1 (1) a community with an ADM of at least 10, but not more than 100,  
2 shall be counted as one school;

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

5 (A) one elementary school, which includes those students in  
6 grades kindergarten through six, **and, except as provided in (c) of this**  
7 **section, a prekindergarten program provided by a school district for**  
8 **students four years of age**; and

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

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

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

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

19 \* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to  
20 read:

21 REPORT: EARLY CHILDHOOD EDUCATION PLAN. On or before January 15,  
22 2015, the Department of Education and Early Development shall prepare and submit a report  
23 to the legislature on the early childhood education plan devised under AS 14.07.020(a)(19),  
24 added by sec. 5 of this Act.

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