

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2860 SCOMM 125: HOUSE SPECIAL COMMITTEE ON EDUCATION 2001-02

IDEA

Galena City School District ~ Interior Distance Education of Alaska

With Field Offices in Anchorage (562-4332), Fairbanks (374-2200),
Wasilla (357-4850), Kenai (260-7555), and Juneau (789-6106)

PROPOSED	SUGGESTED
4 AAC 33.420(a) A district that proposes to enroll out-of-district students in a state-wide correspondence study program, including a correspondence study program operated by a charter school, must first file an annual application and receive written approval from the department to operate a statewide correspondence study program. (b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program complies with the requirements in 4 AAC 33.421.	4 AAC 33.420(a) A district that proposes to enroll out-of-district students in a state-wide correspondence study program, including a correspondence study program operated by a charter school, must file an initial application and receive written approval from the department to operate a statewide correspondence study program. (b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program complies with the requirements in 4 AAC 33.421. (c) Once the initial application is approved, the district's program will be reviewed every ten years.
4 AAC 33.421(a) A statewide correspondence study program offered by a district must meet the requirements of this section before its application will be approved by the department.	4 AAC 33.421(a) A statewide correspondence study program offered by a district must meet the requirements of this section before its initial application will be approved by the department.
4 AAC 33.421(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC	4 AAC 33.421(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC

Rep James' bill



04.010 – 4 AAC 04.200	04.010 – 4 AAC 04.200
4 AAC 33.421(c) The program must use curriculum materials, including textbooks and other instructional aids, that have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060. <i>no religious materials</i> <i>no discriminatory materials</i>	4 AAC 33.421(c) The district school board must establish procedures for the review and selection of all textbooks and instructional materials that are used within the statewide correspondence program to meet the standards. These materials must be of the same quality as those materials that the district offers in the district's other programs, and are in compliance with state law.
4 AAC 33.421(d) <i>The program staff, including certified teachers, shall not provide instruction using religious, partisan, sectarian, or denominational curricula purchased privately by the parent, guardian of the student, or by the student if the curricula teach particular religious beliefs, or a particular religion, as true.</i>	Delete this section because this is already covered in law. <i>State statute says, "Partisan, sectarian or denominational doctrines may not be advocated in a public school during the hours school is in session. A teacher or school board violating this section may not receive public money."</i> <i>(AS 14.03.090)</i>
4 AAC 33.421(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; assessment must include: (1) monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly review of the student's work and documentation of the	4 AAC 33.421(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; this assessment plan will include: (1) assistance and approval by the districts certified contact teacher in the development of an Individual

<i>certified teacher's review;</i> <i>(2) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents.;</i> <i>(3) a transcript that denotes curricula material origin for any course other than a district developed course.</i>	Learner Plan for each student. (2) monthly contact by the districts certified contact teacher reviewing the parent/ student progress with the Individual Learner Plan. The district certified contact teacher will maintain a record of the contact. (3) the district certified contact teacher will review all grades submitted by the parent for all courses delineated in the student's Individual Learner Plan. (4) the district certified contact teacher will review the required student progress reports submitted by the parent. (5) a transcript that denotes curricula material origin for any course other than a district developed course.
4 AAC 33.421(f) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790; <i>the program must</i> <i>(1) have staff inform parents of state testing requirements and the consequences of non-compliance under 4 AAC 33.450; and</i> <i>(2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer</i>	4 AAC 33.421(f) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790 Delete (1) <i>Deletes parental notification of testing requirements & consequences for not testing.</i> Delete (2)

"contact" is an awfully loose concept.

"review" all grades - district approval of easy "A"

<i>all state mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow statewide correspondence program students to participate in state required testing;</i> <i>(3) have available to the department, data documenting student participation rates in state required assessments within 10% points of the state average for the prior year's spring test administration.</i>	Delete (3) <i>Deletes documentation of participation & basis for student consequences.</i>
4 AAC 33.421(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators; <i>the plan must include a signed agreement between the statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement (1) must verify that the curriculum materials and course of study are aligned to state standards and comply with AS 14.03.090, and appropriate for the student;</i> <i>(2) must document the process used to ensure curriculum materials are aligned to state standards and in compliance with</i>	4 AAC 33.421(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators; the plan must include a signed agreement between the statewide correspondence program the district certified contact teacher and the parent, or parents, of each student; the agreement must include the planned course of study and a plan for evaluating student progress, as agreed upon by the parent and the district certified contact teacher.

typo?

Deletes requirement for program to be aligned w/ standards & non-denominational.

Deletes proof curr. materials are aligned.

<i>AS 14.03.090, including a certified teacher review of all curriculum materials for each student.</i>	<i>Deleted.</i>
<i>4 AAC 33.421(h) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:</i> <i>(1) expenditures from statewide correspondence fund accounts must be for the student's instructional needs only;</i> <i>(2) materials purchased with state funding are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;</i> <i>(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds;</i> <i>(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts;</i> <i>(5) all expenditures from the fund account must be approved by the certified teacher signing the student's plan; and</i> <i>(6) the fund account may not be used</i>	4 AAC 33.421(h) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account: (1) expenditures from statewide correspondence fund accounts must be for the student's instructional needs; as referenced on the learning plan agreed upon by the parent and the district certified contact teacher. (2) materials purchased with state funding are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason; (3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds; (4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts; (5) each district must develop a process by which approval for expenditures from the fund account is given

Developing a process doesn't mean approving expenditures.



<i>either by the district or the parent to supplant district funds or obligations for IEP services.</i>	(6) Drop; already law. I'm not sure where to verify that it's law.
4 AAC 33.450. FAILURE TO PARTICIPATE IN STATE MANDATED ASSESSMENT TESTS. (a) <i>If a student fails to participate in a state mandated assessment test the student will be ineligible for enrollment in the statewide correspondence program and denied enrollment in any other statewide correspondence program, for the following year, unless the district of enrollment has excused the student from the state mandated assessment.</i>	Delete this section or treat correspondence or state supported home school students the same as you do all other public school students attending traditional schools. This is really nonsense, considering they advocate little or no oversight or accountability.



GALENA CITY SCHOOL DISTRICT

GALENA, ALASKA 99741
PHONE (907) 656-1205

SUPERINTENDENT
OFFICE

February 22, 2002

Ed McLain, PhD
Deputy Commissioner of Education
801 W 10th Ste 200
Juneau, AK 99801-1894

Dear Dr. McLain:

I want to thank you for the opportunity to meet with you on February 21, 2002. The discussion that we had concerning the proposed state board regulations governing the operation of correspondence and state supported home school programs was informational.

John Billings, Galena School Board President, Tom Johnson, Galena School Trustee, Jim Smith, Assistant Superintendent, and Carl Knudsen, Superintendent also want to convey their gratitude for their attendance and participation in the meeting.

We felt that there was certainly common ground between you and the Galena City School as we discussed our home school program (Interior Distance Education of Alaska).

Attached is a copy of our official positions as they relate to the current proposed regulations. We remain willing to discuss our positions with you at any time you request.

Further, we are requesting an opportunity to present to the State Board a comprehensive overview of our home schooling program prior to the board's final decision concerning the proposed regulations. We are inviting all board members, the commissioner, and any of your staff members to visit any of our field offices and our two programs in Galena: Project Education Residential School and the Galena City School.

Again, thank you for meeting with us and the opportunity to present to you the attached document.

Sincerely,

Jim Foster
Assistant Superintendent

IDEA

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March 1, 2002

To Whom It May Concern,

I am a homeschooling parent in a statewide correspondence program, writing to you with grave concerns about the Department of Education & Early Development's proposed regulations affecting homeschooling in Alaska. *Please do not approve the regulations as written*, which would greatly restrict my ability to responsibly educate my children.

My children are currently enrolled in the I.D.E.A. Program. I have a number of valid reasons to homeschool, the most important being safety. We reside in Willow, Alaska which has no middle (or high) school nearby. I am aware that there are schools available for my children to attend but we do not wish to place them on a bus, under the care of a total stranger, traveling nearly 30 miles (one way) on the ice & snow covered, construction-riddled, roads in the cold, dark Alaskan Winter to attend school. We have considered other alternatives as well; I've spent 4 years driving my children to a private Christian school in Wasilla. In that time we became weary of the drive; not to mention the hours commuting that could have been spent more productively. Programs like I.D.E.A., provide an opportunity for families such as ours, to educate our children with a quality (Christian-based is our preference) education without the hazardous commute.

I.D.E.A. is very important to our family! The proposed regulation changes will seriously restrict or eliminate our families enrollment with I.D.E.A. Without IDEA we will be left with two choices, 1.) up-root our family and move to Anchorage or Wasilla to place my children in school, either Public or (most-likely) Christian, 2.) commute from Willow to Wasilla or Anchorage, daily, as I have in the past to ensure the safe transport of my children where valuable time will be lost in the commute.

Although I personally disagree with the majority of the proposed regulations, I will keep my comments to the topics which are of most concern to us. Which are the regulations that change the way state-programs like I.D.E.A. operate.

The proposed changes to reg. 4 AAC 33.421(d), 4 AAC 33.421(e)(1), 4AAC 33.421(g)(2) and 4AAC 33.421 (e), places restrictions on the use of curricular materials *privately purchased*. Meaning that we parents will no longer be able to educate our children with privately purchased, Christian-based material. Furthermore, I do not understand how DEED, believes it has the right to mandate what we spend our own, personal money on. Is it necessary to repeat 4 times in the proposed regulations that religious, partisan, sectarian, or denominational materials may not be purchased....? The point was made in it's first appearance in the regulations. Why flog a dead horse?

I believe this going way beyond what is necessary. The proposed changes reflect a state law that already exists; where by public-funded schools cannot purchase doctrinal material, which is fine. However, I see no educational advantage in barring Christian

curricular materials and resources from these programs or further mandating that the contact teacher shall not discuss or review the curriculum simply because it is faith-based! What is there to gain by making these changes to the law? These students have to reach a state standard to in order to do well on state tests. Why is it even an issue what curricula, when privately purchased, is used to meet these standards?

4 AAC 33.421(h)(5) requires contact teacher approval for all expenditures. Again this has been covered in another law that already exists. This is cumbersome and unnecessary if the proper guidelines (already in place) are followed. The contact teachers already have a massive workload. If DEED continues to add to their duties, the quality of teacher-student relationship will decline. Or more teachers will need to be hired. And where would that funding come from? I suspect, the students allotment would decline as a result.

4 ACC 33.421(a) requires "state-wide" correspondence programs to submit an application each year. "Districts" don't have to apply, and "charter schools" apply every 10 years. Why not trust the "state-wide" programs and have them apply equal to their counterparts?

4 ACC 33.421(f)(1) again applies to only "state-wide" correspondence programs like I.D.E.A. Restated, it says that teachers must inform parents of state-testing, the requirements and consequences of non-compliance. Which is fine, but I am concerned that the proposed regulation does not clearly define what is an "excused" absence. I feel that is important and should be specified and clearly stated.

I commend DEED on their effort and understand that the proposed regulations are being made to clarify already-existing regulations. However, instead of feeling more informed, I am actually left with more questions. I urge you *not to approve these regulations as written.*

Thank You in advance for consideration and for your efforts on behalf of our children. I am confident that a more appropriate re-write of the regulations can be accomplished with more thought and input from homeschoolers and successful programs like I.D.E.A.

Sincerely,
Kelly R. Larson

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Fax: (907) 495-6245 Day phone: (907) 495-6244

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
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Sen. Lyda Green
Sen. Georgianna Lincoln
Rep. Jeannette James
Rep. Joe Hayes



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Administrative Regulation Review Committee

Memo

TO: Rep. McGuire

FM: Jim Pound

A handwritten signature in black ink, appearing to be "JP" or "Jim Pound".

Date: February 8, 2002

RE: 04 AAC 33. Special Schools

There are several concerns that you have asked me to look into regarding the proposed regulations governing special/correspondence schools.

These regulations clearly overstep the bounds of authority of the central board. They are designed to micro-manage new programs and do not provide a grandfather clause. Additionally, they broadly interpret the Establishment Clause.

4 AAC 33.420 requires a district wishing to create a correspondence study program to first apply and receive written approval from the Department. This is in conflict with AS 14.07.20 **General Duties of the Department (1) exercise general supervision over the public schools of the state. And (3) provide advisory and consultative services to all public school governing bodies.**

The religious controversy comes up in 04 AAC 33.421- It too oversteps the bounds in paragraph (c) specifying curriculum materials that comply with AS 14.30.90.

The parent must now sign an agreement that allows the Department to dictate what the parent will or will not teach.

AS 14.03.90 Partisan, sectarian, or denominational doctrines prohibited.

Partisan, sectarian, or denominational doctrines may not be advocated in a public school during the hours the school is in session. A teacher or school board violating this section may not receive public money.

This statute is more than likely not a legal. In researching court decisions there are at least two U.S. Supreme Court decisions, Board of Education v. Allen, 392 U.S. 236 (1968) and Witters v. Wash. Dept. of Services For the Blind, 474 U.S. 481 (1986). Both of these cases refer to religion and the use of state funds. The first is a New York case in which state statute required the state to provide free books for students to use in grades 7-12. That statute applied to parochial schools as well as public ones. The court ruled that those funds did not violate the Establishment Clause because the books were used for the betterment of the student and that the books purchased were ultimately property of the state. The proposed regs. **Paragraph (h)(2)** requires that material be returned to the state after usage. Therefore BOE v. Allen applies. The ruling also puts into question **Paragraph (h)(3)** where the state refuses to pay for religious material.

In the second case Witters v. Wash., A blind individual was denied vocational rehab funds because he wished to attend a Christian College. The court ruled that because the money was given directly to Witters who in turn handed it to the college that again the Establishment Clause had not been violated. Paragraph (h) appears to violate this ruling because **...program may provide a fund account to parents for the purpose of meeting instructional expenses....**

Further in this area, curriculum, which falls into two areas: The End Result i.e. Graduation and How you get there.

Current Reg. and Statute

4 AAC 04.020. SKILLS FOR GRADUATING STUDENTS

A goal of the state public school system is to graduate students who will

(1) communicate effectively; (2) think logically and critically; (3) discover and nurture their own creative talents; (4) master essential vocational and technological skills; (5) be responsible citizens; (6) be committed to their own health and fitness; and (7) accept personal responsibility for sustaining themselves economically.

A goal of the state public school system is to provide a working knowledge of

(1) English; (2) mathematics; (3) science; (4) geography; (5) history; (6) skills for a healthy life; (7) government and citizenship; (8) fine arts; (9) technology; and (10) world languages.

4 AAC 05.080. SCHOOL CURRICULUM AND PERSONNEL

(a) The curriculum of a local school may be supplemented through the use of correspondence course materials approved by the commissioner. This use is not grounds for shortening the day in session, as prescribed by AS 14.03.040 , for any student.

(b) The governing body of a district shall comply with the statutes and regulations of the state in providing the educational program described in the plan developed under 4 AAC 05.070(a) .

The Proposal has left curriculum somewhat open, however there is language that through the purse strings places strict requirements on the local departments.

Under the enrollment requirements the regulations appear to violate the Departments statutes.

Current

AS 14.17.430. State funding for correspondence study.

Except as provided in AS 14.17.400 (b), funding for the state centralized correspondence study program or a district correspondence program, including a district that offers a statewide correspondence study program, includes an allocation from the public school account in an amount calculated by multiplying the ADM of the correspondence program by 80 percent.

Proposed

04 AAC 33.430 (h) A student may not be counted as a total of more than 1.0 full-time equivalent for state funding purposes. If a student is enrolled in both the student's district of residence and in a statewide correspondence program of another district, the district of residence shall count the student first under the provisions of 4 AAC 09.040(c) , based solely upon the student's enrollment in classes of the district of residence. Any remaining student count may be allocated to the enrolling district based on the student's enrollment in classes of the statewide.

Another point that could be of concern is the requirement that each District provide a social security number for Students.

There is also another requirement on the books regarding education regulations.

AS 14.07.020 (6) accredit those public schools that meet accreditation standards prescribed by regulation by the department; these regulations shall be adopted by the department and presented to the legislature during the first 10 days of any regular session, and become effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house;

CHAPTER 33 SPECIAL SCHOOLS.

4 AAC 33.420 is amended to read:

4 AAC 33.420. DEPARTMENT APPROVAL. (a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an annual application and receive written approval from the department to operate a statewide correspondence study program.

(b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program complies with the requirements in 4 AAC 33.421. [MEETS THE FOLLOWING CRITERIA:

(1) THE PROGRAM CONFORMS WITH STATEWIDE GOALS AND PERFORMANCE STANDARDS, AS SET OUT IN 4 AAC 04.010 - 4 AAC 04.200;

(2) CURRICULUM MATERIALS, INCLUDING TEXTBOOKS AND OTHER INSTRUCTIONAL AIDS, HAVE BEEN REVIEWED AND SELECTED BY THE DISTRICT SCHOOL BOARD, ARE OF THE SAME QUALITY AS THOSE MATERIALS THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS, AND ARE IN COMPLIANCE WITH AS 14.03.090 AND AS 14.18.060 ;

(3) THE PROGRAM INCLUDES AN ASSESSMENT PLAN OF THE SAME QUALITY AS AN ASSESSMENT PLAN THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS;

(4) THE DISTRICT REQUIRES ENROLLED STUDENTS TO PARTICIPATE IN THE STATEWIDE STUDENT ASSESSMENT PROGRAM AS REQUIRED BY 4 AAC 06.710 - 4 AAC 06.790;

(5) THE PROGRAM INCLUDES A PLAN FOR RECEIVING PARENTAL

ADVICE AND INVOLVEMENT IN PLANNING, DEVELOPMENT, AND
EVALUATION OF THE CORRESPONDENCE STUDY PROGRAM, INCLUDING]
THE SELECTION AND EVALUATION OF CURRICULUM, TEACHERS, AND
ADMINISTRATORS;

(6) THE PROGRAM IS IN THE BEST INTERESTS OF THE STATE.] (Eff.

5/1/99, Register 150; am 6/15/2000, Register 154; am ____/____/____, Register ____)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.050
	AS 14.07.060	AS 14.14.110	AS 14.17.430
	AS 14.30.010		

4 AAC 33 is amended by adding a new section to read

4 AAC 33.421. STATEWIDE CORRESPONDENCE STUDY PROGRAM

REQUIREMENTS. (a) A statewide correspondence study program offered by a district must meet the requirements of this section before its application will be approved by the department.

(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC 04.010 – 4 AAC 04.200;

(c) The program must use curriculum materials, including textbooks and other instructional aids, that have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060 .

(d) The program staff, including certified teachers, shall not provide instruction using religious, partisan, sectarian, or denominational curricula purchased privately by the parent, guardian of the student, or by the student if the curricula teach particular religious beliefs, or a particular religion, as true.

(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; assessment must include:

(1) monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly review of the student's work and documentation of the certified teacher's review;

(2) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents.;

(3) a transcript that denotes curricula material origin for any course other than a district developed course.

(f) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790; the program must

(1) have staff inform parents of state testing requirements and the consequences of non-compliance under 4 AAC 33.450; and

(2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer all state mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow statewide correspondence program students to participate in state required testing;

(3) have available to the department, data documenting student participation rates in state required assessments within 10% points of the state average for the prior year's spring test administration.

(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the

selection and evaluation of curriculum, teachers, and administrators; the plan must include a signed agreement between the statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement

(1) must verify that the curriculum materials and course of study are aligned to state standards and comply with AS 14.03.090, and appropriate for the student;

(2) must document the process used to ensure curriculum materials are aligned to state standards and in compliance with AS 14.03.090, including a certified teacher review of all curriculum materials for each student.

(h) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:

(1) expenditures from statewide correspondence fund accounts must be for the student's instructional needs only;

(2) materials purchased with state funding are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;

(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds;

(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts;

(5) all expenditures from the fund account must be approved by the certified teacher signing the student's plan; and

(6) the fund account may not be used either by the district or the parent to supplant

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district funds or obligations for IEP services.(Eff. ___/___/___, Register ___)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.050
	AS 14.07.060	AS 14.14.110	AS 14.17.430
	AS 14.30.010	AS 14.03.090	AS 14.08.111
	AS 14.14.090		

4 AAC 33.430 is amended to read:

4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS. (a) To enroll out-of-district students in a statewide correspondence program, the enrolling district must provide to the department a report listing enrolled students and the percentage of time they are enrolled to the district [BEFORE ENROLLING AN OUT-OF-DISTRICT STUDENT IN A STATEWIDE CORRESPONDENCE STUDY PROGRAM, A DISTRICT SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE STUDENT'S DISTRICT OF RESIDENCE,] either before enrolling an out-of-district student in a statewide correspondence study program, or by the time that the student count period information is required by AS 14.17.600.

(b) Repealed 6/15/2000.

(c) For the purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE TO COVER ALL STUDENTS FROM THAT DISTRICT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.]

This section does not apply to students who enroll in Alyeska Summer School Program.

(d) **Repealed** / / . [COOPERATIVE AGREEMENTS MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION AND PROVISIONS:

(1) THE NAMES, ADDRESSES, TELEPHONE NUMBERS, AND SOCIAL

SECURITY NUMBERS OF OUT-OF-DISTRICT STUDENTS ENROLLED IN THE
STATEWIDE CORRESPONDENCE STUDY PROGRAM;

(2) AN ALLOCATION OF EACH STUDENT'S STATE FUNDING
ALLOCATION.]

(e) **Repealed** / / . [THE ENROLLING DISTRICT SHALL PREPARE AND ENTER
INTO A SEPARATE INDIVIDUAL COOPERATIVE AGREEMENT FOR EACH OUT-OF-
DISTRICT STUDENT WHO IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES.]

(f) Repealed 6/15/2000.

(g) Repealed 6/15/2000.

(h) A student may not be counted as a total of more than 1.0 full-time equivalent for state
funding purposes. If a student is enrolled in both the student's district of residence and in a
statewide correspondence program of another district, the district of residence shall count the
student first under the provisions of 4 AAC 09.040(c) , based solely upon the student's
enrollment in classes of the district of residence. Any remaining student count may be allocated
to the enrolling district based on the student's enrollment in classes of the statewide
correspondence study program. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am
___/___/___, Register ___)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.060
	AS 14.08.101	AS 14.14.110	AS 14.17.430
	AS 14.30.010		

4 AAC 33.432 is amended and new paragraphs are added, and a new subsection is added to read:

4 AAC 33.432. ENROLLMENT OF SPECIAL EDUCATION STUDENTS. (a) **For a**

[A]district **that** [MAY] enrolls an out-of-district student who is entitled to special education and related services under 4 AAC 52.090 in the district's statewide correspondence study program, **an individualized cooperative agreement is required with the district of residence if the student is enrolling at less than 100 percent full-time-equivalent-count;** if the district enrolls **a** [EACH] special education student through an individualized cooperative agreement with the district of residence, [.] **the** [THE] cooperative agreement must provide that the district that receives the larger share of the student's full-time equivalent count for state funding purposes under 4 AAC 33.430(h) and 4 AAC 09.040(c) shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's individualized education program (IEP), and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 – 4 AAC 06.790. If the student's full-time equivalent count for each district in which the student is enrolled is equal, the cooperative agreement must provide that the student's district of residence shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's IEP, and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 – 4 AAC 06.790.

(b) An enrolling district shall ensure that all special education students [ENROLLED IN THE DISTRICT'S STATEWIDE CORRESPONDENCE STUDY PROGRAM] are identified and located for the purpose of establishing their need for special education and related services **and that all provisions of 4 AAC 52 are met.** **For a special education student enrolled in the district's statewide correspondence study program, and for whom an individualized cooperative agreement is not required under 4 AAC 33.432(a), the enrolling district shall ensure that the**

requirements of 4 AAC 33.432(c)(5) are met.

(c) **When an** [AN] individualized cooperative agreement for **a** [EACH] special education student **is required by (a) of this section, the agreement** must include, at a minimum, the following information:

- (1) the name, address, telephone number, and social security number of the student;
- (2) an allocation of each student's state funding calculated in accordance with the provisions of 4 AAC 33.430(h) ;
- (3) the name, address, and telephone number of the private provider or school district designated by the enrolling district to provide special education and related services to the student, if applicable, and the signature of a person authorized by the designated provider to agree to the provision of those services;
- (4) the plan for receipt and disbursement of funds for the benefit of a student receiving special education and related services;
- (5) the plan of services to be provided to the student, the identification of the members of the IEP team from each district in which the student is enrolled, if applicable under 4 AC 52.140, and a description of the manner in which each teacher who works with the student in the enrolling district will participate as a member of the IEP team for each student; the plan and the cooperative agreement must include the identification of each student in a manner that complies with the confidentiality requirements of 4 AAC 52.220.

(d) Repealed 6/15/2000.

(e) Repealed 6/15/2000.

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(f) For purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO AN INDIVIDUALIZED COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE FOR EACH STUDENT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.]

(g) Students for whom the statewide correspondence program will provide a portion or all of the special education and related services may provide the services to the student prior to the individualized cooperative agreement being finalized. (Eff. 5/1/99, Register 150;

am 6/15/2000, Register 154; am ___/___/___, Register ___)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.060
	AS 14.08.101	AS 14.14.110	AS 14.17.430
	AS 14.30.010	AS 14.30.186	

4 AAC 33.440 is amended to read

4 AAC 33.440. REPORTING REQUIREMENTS: CORRESPONDENCE AND PART-

TIME STUDENTS. (a) Each enrolling district shall transmit a report containing the following information to the department along with the student count period information required by AS 14.17.600 :

(1) the number of out-of-district students enrolled in the district's statewide correspondence study program, by district of residence;

(2) the name, address, telephone number, and social security number of each student enrolled part-time in the district's statewide correspondence study program, and the percentage of full-time equivalency assigned to that student.

(b) Districts of residence shall report the following information to the department at the same time that the student count period information is required by AS 14.17.600 :

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(1) the name, address, telephone number, and social security number of each student enrolled part time in the district, and the percentage of full-time equivalency assigned to that student;

(2) the name of each enrolling district with which the district of residence has entered into a cooperative agreement [, AND THE NUMBER OF STUDENTS COVERED BY THAT COOPERATIVE AGREEMENT];

(3) the amount of funds received as reimbursement or payment from each enrolling district with which the district of residence has entered into a cooperative agreement.

(c) A district shall make a report required under this section in an electronic or other format, as required by the department. The department will use the reported information to ensure that no student is counted as more than one full-time equivalent. (Eff. 5/1/99, Register 150)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.060
	AS 14.30.010	<u>AS 14.07.170</u>	

4 AAC 33 is amended by adding a new section to read:

4 AAC 33.450. FAILURE TO PARTICIPATE IN STATE MANDATED ASSESSMENT TESTS. (a) If a student fails to participate in a state mandated assessment test the student will be ineligible for enrollment in the statewide correspondence program and denied enrollment in any other statewide correspondence program, for the following year, unless the district of enrollment has excused the student from the state mandated assessment. (Eff. __/__/__, Register __)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.060
	AS 14.17.430		

4 AAC 33 is amended by adding a new section to read:

4 AAC 33.460. PROGRAM REVIEW. (a) The department will monitor school district statewide correspondence programs to insure compliance with the requirements of this chapter and with assurances given upon application for program approval.

(b) Upon request by the department, the district shall provide

(1) a list of all students enrolled in the statewide correspondence program, including each student's name, age, entry date, exit date, whether the student has a disability category, whether the student receives intensive services, or related services;

(2) a list of all administrators, teachers, teachers aides, and related services personnel who provide special education services in the district, including, for certificated staff, the teacher certificate numbers; and

(3) any other information required by the department. (Eff. __/__/__, Register __)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.060
	AS 14.07.170	AS 14.17.430	

4 AAC 33.490 is amended to read

4 AAC 33.490. DEFINITIONS. In 4 AAC 33.410 – 4 AAC 33.490,

(1) "Alyeska Central School" means the centralized correspondence study program operated by the department;

(2) "board" means the state Board of Education;

(3) "cooperative agreement" means a contract that is entered into by an enrolling district and a district of residence in conformance with [4 AAC 33.430 OR]

4 AAC 33.432;

(4) "department" means the Department of Education and Early Development;

(5) "district" means a city or borough school district or a regional educational attendance area;

(6) "district of residence" means the school district in which a student is a resident;

(7) "enrolling district" means the school district that is operating an approved statewide correspondence study program, including a program established under AS 14.03.250 – AS 14.03.290 , and that seeks or intends to enroll out-of-district students in that district's program;

(8) "IEP" means in individualized education program established under the provisions of 4 AAC 52.140 that meets the requirements of AS 14.30.186 and 14.30.278;

(9) "out-of-district student" means a student who seeks to enroll in a district in which they do not reside;

(10) "special education student" means a student who is entitled to special education and related services under AS 14.30.180 - 14.30.350 and 4 AAC 52.010 – 4 AAC 52.990;

(11) "statewide correspondence study program" means any educational program, including a charter school program or a state supported home-schooling program, that provides

(A) for each secondary course, less than three hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and the class;

(B) for elementary students, less than 15 hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under

Register _____, _____ 2002 EDUCATION AND EARLY DEV.

AS 14.20.020 and each full-time equivalent elementary student. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am 12/2/2000, Register 156)

Authority:	AS 14.03.040	AS 14.07.020	AS 14.07.030
	AS 14.07.060	AS 14.14.110	AS 14.17.430
	AS 14.20.010	AS 14.30.010	AS 14.30.186

Editor's note: As of Register 151 (October 1999), the regulations attorney made technical revisions under AS44.62.125(b)(6) to reflect the name change of the Department of Education to the Department of Education and Early Development made by ch. 58, SLA 1999, and the corresponding title change of the commissioner of education.



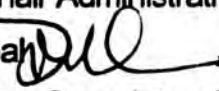
CyberLynx Correspondence Program

Nenana CyberLynx Correspondence School
P.O. Box 599
Nenana, Alaska 99760
Telephone: 907.832.1070 Fax: 907.832.5468

"Providing Professional Educational Support for Home School Parents"

RECEIVED
JAN 11 2002

Ans'd.....

To: Senator Robin Taylor, Chair Administrative Regulation Review Committee
From: Thomas Klever, Principal 
cc: Dr. Ken Eggleston, Acting Superintendent
Date: December 27, 2001
Re: Proposed Regulation Changes Statewide Correspondence Programs

I send this information to you for your information. The Alaska Department of Education is requiring our program to submit to an application with requirements tied to regulatory changes that have yet to be approved and/or adopted?

The State Board of Education proposes to adopt regulation changes in the Alaska Administrative Code that will directly impact statewide correspondence programs in a profound fashion. It appears that the Alaska Department of Education has decided to circumvent the regulatory process and by doing so has placed unapproved language into the SY2003 Statewide Correspondence School Application. The department circulated their statewide application on December 4, 2001 with a due date of January 31, 2002. The proposed regulations were presented at the regular session of the State Board of Education on November 27. This opened a period public comment that will end on March 28, 2002. The Department of Education assumes that their regulatory changes will be approved as they are presently written. I feel that what they have done mocks what seems to me to be a very good process. Please let me know who or where I can go to get this dilemma worked out.

Thank you so much for your attention to this concern.

Attachments

Notice to Districts Application
Deadline

Application 1/3

STATE OF ALASKA

Department of Education & Early Development

Teaching & Learning Support

TONY KNOWLES, GOVERNOR

Goldbelt Place
801 West 10th Street, Suite 200
Juneau, Alaska 99801-1894
(907) 465-8727
(907) 465-6780 Fax
Barbara_Thompson@eed.state.ak.us



To: Superintendents

From: Barbara Thompson, Deputy Director *Bat*

Date: December 4, 2001

Subject: FY2003 Statewide Correspondence Program Application

RECEIVED
Nonana

DEC 11 2001

CyberLynx Office



School districts intending to operate a correspondence program to students outside their district boundaries in school year 2002-2003 must submit an application to the Alaska Department of Education & Early Development by January 31, 2002 that includes the information below in items 1-14.

Applications will not be accepted after the January 31, 2002 due date.

1. School district and statewide correspondence program names.
2. The expected enrollment, the number of certified staff and FTE, the number of support staff and FTE.
3. Evidence documenting that the program conforms with statewide goals and performance standards, as set out in 4 AAC 04.010-200.
4. Evidence documenting that the program is using, or will use, curriculum materials, including textbooks and other instructional aids that: a) have been reviewed and selected by the district school board; b) are of the same quality offered by the district in its other programs; and c) are in compliance with AS 14.18.060 and AS 14.03.090. Documentation that clearly explains how the curricula review occurred, which curricula are used in district programs and how the program is in compliance with AS 14.18.060 and AS 14.03.090 must be submitted.
5. Evidence documenting that the statewide correspondence program staff, including certified teachers, have not or shall not provide instruction using religious, partisan, sectarian, or denominational curricula and materials purchased privately by the parent, guardian of the students, or by the student if the curricula or materials teach particular religious beliefs, or a particular religion, as true. The process that is in place for guaranteeing this provision must be submitted.
6. Evidence documenting that the program includes an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs is in place to ensure the academic progress of enrolled students. Documentation submitted must address a) monitoring of the enrolled student by a certified teacher, including at least monthly review of the student's work and documentation of the



certified teacher's review; (b) grades that are determined and assigned by a certified teacher after review and consideration of any recommendations submitted by the student and parents; and (c) a report card that denotes curricula material origin for any course other than a district developed course.

7. Evidence documenting that the district requires all enrolled correspondence students participate in state required assessments. Documentation with regard to this item must (a) show how program staff inform parents of the state testing requirements and the consequences of non-compliance; (b) demonstrate how a secure testing facility is provided, in compliance with 4 AAC 06.765, to administer all state required assessments – or how the district has entered into agreements with local school districts and site-based schools to allow statewide correspondence program students to participate in state required testing; and (3) that the program will have data available documenting participation rates of statewide correspondence students in state required assessments.
8. Evidence documenting that a certified teacher or staff member, trained in test security, will administer the High school Graduation Qualifying Examination.
9. Evidence documenting that the district intends to apply the same state achievement measures to correspondence students as the district applies to students enrolled in other district programs.
10. A copy of the plan for receiving parental advice and involvement in planning, development and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers and administrators. The plan must also include a process for securing a signed agreement between the statewide correspondence study certified teacher and the parent, or parents, of each student. The agreement (a) must verify that curriculum materials and course of study are aligned to state standards and comply with AS 14.03.090 and appropriate for the student; and (b) document the process used to ensure curriculum materials are aligned to state standards and comply with AS 14.03.090, including a certified teacher review of all curriculum materials for each student.
11. A copy of the program's policies and procedures if the program provides a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program. Areas that must be address in the fund account policies and procedures include (a) ensuring that expenditures from the fund account is used only for the student's instructional needs; (b) materials purchased with state funding are property of the program and that non consumable materials must be returned to the program when the student exits the program for any reason; (c) religious, partisan, sectarian, or denominational materials may not be purchased with account funds; (d) written guidance on what constitutes appropriate and allowable expenditures of the fund account; (e) a process detailing how all expenditures from the fund account must be approved by the certified teacher signing the student's plan; and (f) that the fund account may not be used either by the district or the parent to supplant district funds or obligations for IEP services.
12. A copy of the plan, specific to the statewide correspondence program, to identify and locate all children with disabilities for the purpose of establishing needs for special education and related services (Child Find).
13. For each special education student enrolled in the correspondence program, a plan of service must be provided to the student. The program must provide evidence

documenting how these student plans will be created and implemented and include (a) the identification of the members of the IEP team from each district in which the student is enrolled, if applicable under 4 AAC 52.140; (b) a description of the manner in which each teacher who works with the student in the enrolling district will participate as a member of the IEP team for each student; and (c) identification of each student in a manner that complies with the confidentiality requirements of 4 AAC 52.220.

- ✓ 14. List the steps the correspondence program will take to ensure that a signed cooperative agreement with the student's district of residence is in place prior to enrolling a student who is eligible for special education and/or related services. An individual cooperative agreement is required with the district of residence if the student is enrolling at less than 100 percent full-time-equivalent count. Students for whom the statewide correspondence program will provide a portion or all of the special education and related services to the student may provide the services to the student prior to the individualized cooperative agreement being finalized.

The department will review district applications to:

1. Ensure that the applications are in compliance with state statute and regulation.
2. Issue written approval or disapproval by March 31, 2002, for the operation of statewide correspondence study programs, if any and all negotiations are completed in a timely fashion, based on the district's responsiveness to submitting additional information.

Please submit the application, due on January 31, 2002, to:

Barbara Thompson, Deputy Director
Department of Education & Early Development
Division of Teaching and Learning Support
801 West Tenth Street, Suite 200
Juneau, Alaska 99801

If you have any questions, please call me at (907) 465-8727 or contact me at Barbara_Thompson@eed.state.ak.us.

Ms. Susanne D Badilla
Juneau AK,

SUBJECT: EDUCATION

MESSAGE: R.E. Proposed changes by the Department of Education to the regulations governing the statewide correspondence programs. I am a homeschooling parent with the IDEA program. The program (as is) is proving to be a good educational choice for many families. Please support a rewrite with more input from the correspondence programs and the homeschool families.

Mrs. Lori J Stenberg
Douglas, AK

SUBJECT: EDUCATION

MESSAGE: Dear Legislators I am concerned about proposed regulation changes by the Board of Education regarding Statewide Correspondence Programs. We appreciate the support and guidance of the IDEA program. Success is validated by test scores seen on the DOE's website. The new regs over-regulate and restrict freedom for private religious curriculum. Help.

Mrs. Betty M Phillips
Fairbanks AK

SUBJECT: EDUCATION

MESSAGE: Reg. 4 AAC 33.420-.490 Statewide Correspondence Programs are burdensome and unnecessary. We already abide by law take state tests submit learning plans and progress reports. Our results are also outstanding.

Mrs. Shirley M Johnsrud
Soldotna AK,

SUBJECT: EDUCATION

MESSAGE: Dear Legislatures; My comments address the regulations proposed for correspondence programs. After 30 years teaching and counseling the best teacher our children can have is the parent. Homeschoolers win State contests and have strong family values. Compare the cost of one homeschooler to one student flying to play one ball game. Thank you.

Mrs. Helen F Buckwalter
Homer AK,

SUBJECT: EDUCATION

MESSAGE: I am very concerned about the newest proposals from the DEED that regulate statewide correspondence programs in Alaska. IDEA is an excellent program which my son has been enrolled in from its beginning and should not be stymied by unnecessary and overly intrusive rules. Please do not approve these regulations as currently written.

Linda E Sisson
Soldotna AK

SUBJECT: EDUCATION

MESSAGE: The proposed regulations by D.E.E.D. regarding restrictions on the use of privately purchased curricular material[4AAC33.421(d) 4AAC33.421(e)(1)and 4AAC33.421(g)(2)] NEED TO BE RE-WRITTEN! We have a constitutional right to use Christian curriculum purchased with private funds. This regulation would prohibit this freedom.

Jeffrey A Sisson

Soldotna AK,

SUBJECT: EDUCATION

MESSAGE: I oppose the D.E.E.D proposed regulations affecting homeschooling in Alaska.

These regulations if allowed to pass would devastate I.D.E.A. and other homeschooling programs in Alaska. THESE REGULATIONS NEED TO BE RECONSIDERED.

Homeschooling is a wonderful alternative educational system and it would be too bad to loose it.

Mr. Michael D Dammeyer

Wasilla AK

SUBJECT: EDUCATION

MESSAGE: Thank you for your support of homeschooling legislation. It is appreciated.

However these excellent laws are being radically manipulated by the Department of Education and Early Development (DEED) to destroy popular homeschooling correspondence programs like IDEA. Please consider legislation stopping DEED from manipulating statutes we work so hard to pass.

Ms. Cheryl Chelsea Cowan

Homer AK,

SUBJECT: EDUCATION

MESSAGE: Please consider that existing and proposed regulations regarding statewide correspondence programs are unfairly biased against statewide programs as opposed to districtwide programs. Statewide programs have to apply annually whereas charter schools only apply per ten years and districtwide do not need to apply at all. Thank-you

Ms. Justine B Emerson

Juneau AK

SUBJECT: EDUCATION

MESSAGE: The proposed changes in DEED regulations concerning Statewide Correspondence Programs if approved as written will greatly restrict the ability to responsibly educate children at home. Please encourage the State Board of Education to rewrite these (4 AAC 33.421) to protect and not diminish the freedom we have to home school in Alaska.

Ms. Cheryl Chelsea Cowan

Homer AK

SUBJECT: EDUCATION

MESSAGE: Please do not support proposed regulations regarding statewide correspondence study programs. The proposed regulations will siphon money away from my childrens" education. 4AAC 33.421 and 4 AAC 33.421 proposals mandate monthly meetings with a contact teacher. We already have teacher oversight in place. Monthly meetings will sipon money away from student allotments.

Mrs. Farrah K Collver

Soldotna AK,

SUBJECT: EDUCATION

MESSAGE: The proposed regulations affecting homeschooling in Alaska will not only greatly restrict the ability of parents to responsibly educate their children but they will also infringe on our personal rights. They make correspondence programs cumbersome inefficient and ineffective. They should not be approved as written.

Mr. Brett J Collver

Soldotna AK

SUBJECT: EDUCATION

MESSAGE: The regulations effecting homeschooling in Alaska should not be approved as written. They will restrict the ability of homeschooling parents to tailor education for their children and inflict unnecessary and unfair burdens on the correspondence programs. This will greatly hinder the programs as well as parents in educating children.

John M Rathbun

Fairbanks AK,

SUBJECT: REGULATIONS

MESSAGE: Constitutional liberties are under attack. Revisions to 4AAC.33.420 Chapter 33 will effectively destroy private and home schools by removing the reason for their existence. If congress shall make no law establishing religion or free exercise thereof then why should we allow any lesser government authority to do so. Please help keep home and private schools independent.

Cheryl K Beckley

North Pole AK,

SUBJECT: REGULATIONS

MESSAGE: I am concerned about the proposed regulations affecting home schooling in Alaska. The main regulation I must protest is 4AAC 334.31 (d)(e)(g). Together these will eliminate my choice to use a faith based curriculum. I ask you to help see that these regulations are not approved as presently written.

Ann C Ward

Salcha AK

SUBJECT: REGULATIONS

MESSAGE: Please do not approve the proposed regulations for state correspondence programs. These proposals would create unnecessary bureaucracy. Parents and correspondence teachers would spend more time with DEED paperwork and less time educating children.

Harry A Eaton

Nikiski AK,

SUBJECT: REGULATIONS

MESSAGE: Please disapprove proposed changes to 4AAC 33.420-.490 Statewide Correspondence Programs. I am offended by the proposed reduction in my freedom. The proposed changes do not add value nor prove to be cost/benefit justified. The changes do no clarify the regulations but only add burdensome details to program staff and parents.

James D Frey Sr

Gakona AK

SUBJECT: REGULATIONS

MESSAGE: I am happy you are doing well in school with arithmetic reading and the Golden Rule. I want you to study politics I know it is a sham for it can destroy everything from Prudhoe Bay to Ketchikan. I guess I will close that old arthritis is crimping my fingers and toes.
DISTRIBUTION: 60

Subject: 4AAC 33.421 Statewide Correspondence Study Program Requirements

Date: Sun, 13 Jan 2002 16:19:52 -0900

From: "Terri Terreault"

To: <Representative_Lesil_McGuire@legis.state.ak.us>

Dear Representative Lesil McGuire,

I am a parent involved in the Cyberlynx Correspondence Program and I write to you in opposition of the proposed regulations presently out for public comment that directly relate to the operation of Statewide Correspondence Study Program Requirements.

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

The proposed regulations are written by the Department of Education with little or no input from the home school population. The proposed regulations will severely limit parental choice and have a devastating impact on student opportunity.

A small percentage of children learn in "the box." Our public school system has failed the rest of our children miserably, which shows clearly in the AK Standards Bench Mark and High School Qualifying exam results. Classes are overcrowded, teachers have neither the time nor the resources to help these children, no matter how many regulations the school board institutes.

My daughter was one of these children. She began her public school career as an open, self-confident child, willing and excited about the prospect of learning. By the time she was in the 5th grade, she was convinced she was "stupid" because she continued to fall farther and farther behind. Her grades were acceptable; the teachers loved her because she was a manageable student. She was quiet, sat at her desk as she had been taught and didn't disrupt the class. By the time she was in the 6th grade she had become invisible. Although still very well behaved, she no longer attempted to participate or learn because she was convinced she wasn't capable of learning.

Public Comment

When the state and federal mandated testing results came in, they showed that she was at a 2-percentile level nationwide. I still believed in the school system and felt as though all my daughters' problems could be resolved. I approached Colony Middle School with my concerns and due to her grades being average, they attempted to assure me that she was doing "fine". I insisted on additional testing and by the middle of 6th grade she was placed in the special education program at 4th grade level. She was devastated, now not only did she know she was "stupid" but so did the rest of her peers. Her social life began following her academic life down the drain. As parents, we felt this was a small price to pay to insure her academic success, as we were confident that she would finally start making progress with the extra assistance. Life at home was greatly affected; our daughter who started out being self-confident and open had become a stranger who we could barely recognize. She was sullen, overly emotional and although she worked on her studies and maintained average grades by doing homework from the time she got off the bus until she went to bed, she didn't appear to us to be making much progress.

My frustration level now matched hers. I began exploring other educational possibilities and was told about the home schooling options available. I felt amazed that I lived in a state that cared so much about their children that they were given opportunities to succeed when they would fail if forced to learn the same as all other children. As both my husband and I worked full time, I couldn't see a way to participate and felt that I would be an inadequate teacher because I only had a high school education myself. Surely the teachers who had a degree in education were much more capable of teaching my child. I postponed making a decision until my daughters annual I.E.P. at the end of the 1st semester in 7th grade.

At the meeting, my daughters "team" proudly announced to me that she had progressed to the 4th grade level. When I pointed out that she started the program at the 4th grade level, they still attempted to assure me that she was still doing well. I decided to pull her out of the public school to home school her. They attempted to dissuade me by telling me that it would be detrimental to her education. My response at that point was a question. "How can I possibly do any worse than you have, when you haven't made any progress at all with her for the last year?"

For the rest of the 7th grade, we did little more than build her confidence and work on basics. In the meantime, I did a lot of research on home schooling and discussed our options with both my husband and daughter. My daughter was able to take part in her life by picking out curriculums that she believed would be geared towards her learning style. She had started smiling again and once more was looking forward to a positive learning experience. My fears receded as well and by the end of 8th grade, she not only tested out of the special education program, she had gained 5 grade levels in one year. If this seems to be unusual, compare it to Sylvan Learning Centers who can bring a child up 1 to 3 grade levels in one summer, with the children attending 1 to 2 hours a week. My daughter isn't an exception to the rule; it can be accomplished with all children unless they have severe mental handicaps.

My daughter participated in the Alaska Benchmark exams in the 8th grade. She tested above the proficiency level in all three tests. An example would be: Reading; a proficient score is 265 and my daughter scored a 409. Not bad for a child that 1 ½ year's prior was in the special educational program

and at a 4th grade level. We were able to accomplish this by using different curriculums, based upon my child's needs, not a curriculum "approved" by a school board that suits mainstream children. If she were mainstream, she would be in public school! My daughter is now in the 9th grade and loves learning. She developed a four year plan based on her career choice and will have a minimum of 29 high school credits as well as 18 college credits by the time she graduates. The cost to the state will be minimal compared to her public school counterparts.

This has all been accomplished by the very things the school board is determined to change. Cyberlynx has told us that the Alaska Department of Education has not acted in good faith. Please do not pass regulations until we know that the regulations are written in an open, constructive and inclusive fashion.

The proposed regulations listed under 4 AAC 33.421 Statewide Correspondence Study Program Requirements should be shelved in their entirety until we can be certain that they are not unfairly biased against those of us that choose to take responsibility for educating our children.

Sincerely,

Terri L Terreault

Wasilla, AK. 99654-3625

HOUSE BILL NO. 464

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES JAMES, Dyson

Introduced: 2/19/02

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to statewide school district correspondence study programs."**

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

3 *** Section 1.** AS 14.07 is amended by adding a new section to read:

4 **Sec. 14.07.175. Powers relating to statewide school district**
5 **correspondence study.** (a) The board may adopt regulations regarding statewide
6 school district correspondence study programs. A regulation applicable to a statewide
7 school district correspondence study program

8 (1) may not require that the correspondence study program be
9 approved by the department more than once every 10 years; this paragraph does not
10 apply to a statewide school district correspondence study program if the average
11 student assessment in reading, writing, and mathematics for all students in the
12 statewide school district correspondence study program falls below the corresponding
13 statewide average student assessment for two consecutive school years;

14 (2) must provide that an enrolled student shall be monitored at periodic
15 intervals as established by the school district;

1 (3) that implements AS 14.03.090 may not impose limits on the use of
2 teaching materials if the limits are more stringent than limits imposed by this section
3 on teaching materials used by public school students; and

4 (4) may not be imposed if the regulation is not imposed on public
5 school students.

6 (b) In this section, "statewide school district correspondence study program"
7 includes a state supported home-schooling program.

**To: Members of the State Board of
Education & Early Development**

March 28, 2002

From: Shirley J. Holloway, Commissioner

Agenda Item: 23

◆ **ISSUE**

The board is being asked to extend public comment on regulations 4 AAC 33.420-490 regarding Statewide Correspondence Programs.

◆ **BACKGROUND**

The amended Statewide Correspondence Program regulations were posted for public comment after the State Board meeting, in November 2001. Since then, the department received hundreds of public comment messages, mostly from parents whose students are enrolled in a statewide correspondence program. Many of the comments reflected misunderstandings of the proposed regulations, a lack of awareness of any previous Statewide Correspondence Regulations, and the opinion that the state was trying to interfere with parents and the home schooling their children.

After reviewing all comments, including those submitted by school districts, department staff have amended language in some sections of 4 AAC 33.420-490. Amended language for the State Board to consider at its April meeting is found in column three of the Side by Side Comparison of Old and New Chapter 33 Special Schools.

Highlights of the amended language are listed below:

- Of great concern to many parents was the belief that the proposed regulations would prohibit parents from purchasing their own curriculum and materials and providing instruction with their own personal funds. Amended language in several places [for example see 4 AAC 33.421(d) and (h)(3)] clarifies that parents are allowed to purchase their own materials with their own funds and provide instruction using those materials.
- Another concern raised by parents was the requirement of an annual application approval process for Statewide Correspondence Programs. Amended language in 4 AAC 33.420 (a), (b), and (c) allows for an application approval process every five years, instead of annually, if the program is designated as distinguished or successful, under AS 14.03.123(a). Further, if the successful or distinguished program is also accredited by the Northwest Accreditation Association, the application period may be extended to ten years.
- Many parents objected to the consequences for a student who did not participate in state mandated assessments (the student would not be allowed to enroll in a Statewide Correspondence Program in the coming year.) In the amended

*Con-let
me know if you
have problems
w/ accountability in
revised reg.
these highlights
look ok to me.*

proposed regulations, the penalty for individual students not participating has been deleted as the placement of correspondence programs in the school designator process contains incentives for programs to encourage participation and contains consequences for the program for student non-participation.

- Many respondents objected to the department requiring Statewide Correspondence Programs to have student participation rates in state required assessments within 10% points of the state average for the prior year's spring test administration. Based on public comment and the inclusion of correspondence programs in the school designation program, this language in 4 AAC 33.421(f)(3) has been deleted.
- Many parents objected to monthly teacher review of student work. The amended regulations restate the requirement to be a minimum of monthly teacher-student or teacher-parent contact and quarterly review of work and progress. The monthly contact may be as brief or as detailed as appropriate or needed for each student. Quarterly review of work and progress is analogous to standard report card or progress report requirements. The monthly contact and quarterly review provide documentation that the student is involved in an ongoing instructional or educational program. This documentation will be helpful in ensuring acceptance of coursework and credits by other institutions.
- Some respondents expressed concern regarding the identification of curriculum and material source for courses. The amended regulations require identification of curriculum or materials for those courses that are NOT district courses. This is consistent with standard practice for districts and accredited schools that accept and award credit for courses or learning acquired from other than district sources.
- Many letters stated that requiring the certified teacher to sign off on purchases would be too burdensome. The amended regulations allow for pre-approval for purchases to be provided by district personnel following procedures established by the district.
- Many parents objected to certified teachers providing or approving the student's final grades. To remove this role from the certified teacher in a public Statewide Correspondence Program would jeopardize the ability to receive or maintain school accreditation status and would jeopardize acceptance of student transcripts and credits by other schools and institutions. To address these issues, the amended regulations do require certified teachers employed by the district approve or provide final grades.

Deputy Commissioner Ed McLain will be present to brief the board.

♦ **OPTIONS**

Extend public comment on the proposed regulation.
Amend the proposed regulation and extend public comment.
Adopt the regulation
Seek more information.

♦ **ADMINISTRATION'S RECOMMENDATION**

Extend public comment.

♦ **SUGGESTED MOTION**

I move the State Board of Education & Early Development extend public comment on
4 AAC 33.420-490 regarding Statewide Correspondence Programs, as printed.

CHAPTER 33 SPECIAL SCHOOLS.

*The devil's
in the details.
Any concerns?*

4 AAC 33 is amended by adding a new section to read

4 AAC 33.405. Scope, findings and purpose. (a) 4 AAC 33.405—4 AAC 33.990 apply only to district correspondence programs that enroll out-of-district students; thus, they apply to students only when a student enrolls in a public school course and do not apply to students when a student enrolls in courses from a private school, a home school under AS 14.30.010(12), or a non-public correspondence study program.

strong language.

(b) The Board finds that

- (1) district provided statewide correspondence study programs are a viable alternative to site-based public school programs
- (2) students enrolled in such programs are public school students;
- (3) the state has approximately 9,000 school age children enrolled in district run statewide correspondence programs;
- (4) the state expends over 30 million dollars annually supporting these programs;
- (5) by law district board members are only bound to provide an education to students that reside within the school district;
- (6) under current law, parents of out-of-district correspondence students have no statutory mechanism to affect the governance of the enrolling district;
- (7) there is currently no accountability for the delivery of educational services offered by district run statewide correspondence programs; and
- (8) some statewide correspondence students have received no academic support from their enrolling districts and as a result the quality of their education has fallen below

PERFORMANCE STANDARDS, AS SET OUT IN 4 AAC 04.010 - 4 AAC 04.200;

(2) CURRICULUM MATERIALS, INCLUDING TEXTBOOKS AND OTHER INSTRUCTIONAL AIDS, HAVE BEEN REVIEWED AND SELECTED BY THE DISTRICT SCHOOL BOARD, ARE OF THE SAME QUALITY AS THOSE MATERIALS THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS, AND ARE IN COMPLIANCE WITH AS 14.03.090 AND AS 14.18.060 ;

(3) THE PROGRAM INCLUDES AN ASSESSMENT PLAN OF THE SAME QUALITY AS AN ASSESSMENT PLAN THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS;

(4) THE DISTRICT REQUIRES ENROLLED STUDENTS TO PARTICIPATE IN THE STATEWIDE STUDENT ASSESSMENT PROGRAM AS REQUIRED BY

4 AAC 06.710 - 4 AAC 06.790;

(5) THE PROGRAM INCLUDES A PLAN FOR RECEIVING PARENTAL ADVICE AND INVOLVEMENT IN PLANNING, DEVELOPMENT, AND EVALUATION OF THE CORRESPONDENCE STUDY PROGRAM, INCLUDING] THE SELECTION AND EVALUATION OF CURRICULUM, TEACHERS, AND ADMINISTRATORS;

(6) THE PROGRAM IS IN THE BEST INTERESTS OF THE STATE.] (Eff.

5/1/99, Register 150; am 6/15/2000, Register 154; am ____/____/____, Register ____)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.050 |
| | AS 14.07.060 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | | |

CORRECTION

**THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION**



Central Microfilm Services
Department of Education & Early Development
State of Alaska

CHAPTER 33 SPECIAL SCHOOLS.

*The devil's
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Any concerns?*

4 AAC 33 is amended by adding a new section to read

4 AAC 33.405. Scope, findings and purpose. (a) 4 AAC 33.405—4 AAC 33.990 apply only to district correspondence programs that enroll out-of-district students; thus, they apply to students only when a student enrolls in a public school course and do not apply to students when a student enrolls in courses from a private school, a home school under AS 14.30.010(12), or a non-public correspondence study program.

Strong language.

(b) The Board finds that

- (1) district provided statewide correspondence study programs are a viable alternative to site-based public school programs
- (2) students enrolled in such programs are public school students;
- (3) the state has approximately 9,000 school age children enrolled in district run statewide correspondence programs;
- (4) the state expends over 30 million dollars annually supporting these programs;
- (5) by law district board members are only bound to provide an education to students that reside within the school district;
- (6) under current law, parents of out-of-district correspondence students have no statutory mechanism to affect the governance of the enrolling district;
- (7) there is currently no accountability for the delivery of educational services offered by district run statewide correspondence programs; and
- (8) some statewide correspondence students have received no academic support from their enrolling districts and as a result the quality of their education has fallen below

acceptable standards.

(c) The purpose of 4 AAC 33.405 — 4 AAC 33.990 is to regulate the delivery of statewide correspondence programs to assure

(1) that students enrolled in statewide correspondence programs operated by public school districts receive a quality education;

(2) that students meet state standards in reading, writing and math, and

(3) that students obtain an education comparable to students enrolled in regular public school programs. (Eff. __/__/__, Register __)

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|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.050 |
| | AS 14.07.060 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | AS 14.03.090 | AS 14.08.111 |
| | AS 14.14.090 | | |

4 AAC 33.420 is amended and a new subsection is added to read:

4 AAC 33.420. DEPARTMENT APPROVAL. (a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an initial [ANNUAL] application and receive written approval from the department to operate a statewide correspondence study program.

(b) The department will approve a district's initial application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program complies with the requirements in 4 AAC 33.421, [MEETS THE FOLLOWING CRITERIA:

(1) THE PROGRAM CONFORMS WITH STATEWIDE GOALS AND

PERFORMANCE STANDARDS, AS SET OUT IN 4 AAC 04.010 - 4 AAC 04.200;

(2) CURRICULUM MATERIALS, INCLUDING TEXTBOOKS AND OTHER INSTRUCTIONAL AIDS, HAVE BEEN REVIEWED AND SELECTED BY THE DISTRICT SCHOOL BOARD, ARE OF THE SAME QUALITY AS THOSE MATERIALS THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS, AND ARE IN COMPLIANCE WITH AS 14.03.090 AND AS 14.18.060 ;

(3) THE PROGRAM INCLUDES AN ASSESSMENT PLAN OF THE SAME QUALITY AS AN ASSESSMENT PLAN THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS;

(4) THE DISTRICT REQUIRES ENROLLED STUDENTS TO PARTICIPATE IN THE STATEWIDE STUDENT ASSESSMENT PROGRAM AS REQUIRED BY

4 AAC 06.710 - 4 AAC 06.790;

(5) THE PROGRAM INCLUDES A PLAN FOR RECEIVING PARENTAL ADVICE AND INVOLVEMENT IN PLANNING, DEVELOPMENT, AND EVALUATION OF THE CORRESPONDENCE STUDY PROGRAM, INCLUDING] THE SELECTION AND EVALUATION OF CURRICULUM, TEACHERS, AND ADMINISTRATORS;

(6) THE PROGRAM IS IN THE BEST INTERESTS OF THE STATE.] (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ___/___/___, Register ___)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.050 |
| | AS 14.07.060 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | | |

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(c) Once the initial application is approved, the district will not be required to submit a new application

(1) more frequently than every five years if the program is designated as distinguished or successful under AS 14.03.123(a); or

(2) more frequently than every ten years if the program is designated as distinguished or successful under AS 14.03.123(a), and the program is accredited by the Northwest Association of Schools and Colleges. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ___/___/___, Register ___)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.050 |
| | AS 14.07.060 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | | |

4 AAC 33 is amended by adding a new section to read

4 AAC 33.421. STATEWIDE CORRESPONDENCE STUDY PROGRAM

REQUIREMENTS. (a) A district that proposes to offer a statewide correspondence study program must demonstrate that the program meets the requirements of this section before the department will approve the application.

(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC 04.010 – 4 AAC 04.200;

(c) The program must use curriculum materials, including textbooks and other instructional aids, that have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060 .

(d) Certified staff shall not advocate partisan, sectarian, or denominational doctrine as

part of their instruction or duties as certificated staff in the correspondence program. Nothing in this section prevents a parent from providing instruction to their child using materials of their choice, provided such material was not purchased with program funds.

(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; this assessment plan will include:

(1) assistance and approval by the district's certified contact teacher in the development of an Individual Learning Plan for each student;

(2) monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly teacher-student or teacher-parent contact, and quarterly review of the student's work or progress in the Individual Learning Plan; the district will maintain a record of this contact;

(3) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents;

(4) a transcript that denotes curricula or material origin for any non-district course.

(f) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790; the program must

(1) require parents to sign an affidavit indicating that they understand the state testing requirements and that they will abide by them; and

(2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer all state mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow statewide correspondence program students to participate in state required testing.

religious

contact of student

grades

testing requirements

parental involvement

(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators; the plan must include a signed agreement between the statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement

(1) must verify that the curriculum materials and course of study are appropriate for the student, aligned to state standards, and comply with AS 14.03.090; and

(2) must document the process used to ensure curriculum materials are aligned to state standards and in compliance with AS 14.03.090, including a certified teacher review of all curriculum materials for each student.

(h) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:

funding

(1) expenditures from fund accounts must be for the student's instructional needs as referenced on the learning plan agreed upon by the parents and the district certified contact teacher;

(2) materials purchased with state funds are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;

(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds; nothing in this paragraph, or section, prevents a parent, or child, from purchasing such materials with their own money;

(4) the program must provide written guidance, consistent with this chapter, on

what constitutes appropriate and allowable expenditures of the fund accounts; the district must include this policy with its application;

(5) all expenditures from the fund account must be approved by the district according to a written process established by the district; the district's process may include pre-authorization for items identified by the district in its written process; and

(6) the fund account may not be used either by the district or the parent to supplant district funds or obligations for IEP services. (Eff. ___/___/___, Register ___)

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| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.050 |
| | AS 14.07.060 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | AS 14.03.090 | AS 14.08.111 |
| | AS 14.14.090 | | |

4 AAC 33.425 is repealed:

4 AAC 33.425 APPLICATIONS. Repealed.

4 AAC 33.430 is amended to read:

4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS. (a) To enroll out-of-district students in a statewide correspondence program, the enrolling district must provide to the department a report listing enrolled students and the percentage of time they are enrolled to the district [BEFORE ENROLLING AN OUT-OF-DISTRICT STUDENT IN A STATEWIDE CORRESPONDENCE STUDY PROGRAM, A DISTRICT SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE STUDENT'S DISTRICT OF RESIDENCE,] either before enrolling an out-of-district student in a statewide correspondence study program, or by the time that the student count period information is required by AS 14.17.600.

student count

(b) Repealed 6/15/2000.

(c) For the purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE TO COVER ALL STUDENTS FROM THAT DISTRICT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.]

This section does not apply to students who enroll in Alyeska Summer School Program.

(d) Repealed / / . [COOPERATIVE AGREEMENTS MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION AND PROVISIONS:

(1) THE NAMES, ADDRESSES, TELEPHONE NUMBERS, AND SOCIAL SECURITY NUMBERS OF OUT-OF-DISTRICT STUDENTS ENROLLED IN THE STATEWIDE CORRESPONDENCE STUDY PROGRAM;

(2) AN ALLOCATION OF EACH STUDENT'S STATE FUNDING ALLOCATION.]

(e) Repealed / / . [THE ENROLLING DISTRICT SHALL PREPARE AND ENTER INTO A SEPARATE INDIVIDUAL COOPERATIVE AGREEMENT FOR EACH OUT-OF-DISTRICT STUDENT WHO IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES.]

(f) Repealed 6/15/2000.

(g) Repealed 6/15/2000.

(h) A student may not be counted as a total of more than 1.0 full-time equivalent for state funding purposes. If a student is enrolled in both the student's district of residence and in a statewide correspondence program of another district, the district of residence shall count the student first under the provisions of 4 AAC 09.040(c) , based solely upon the student's enrollment in classes of the district of residence. Any remaining student count may be allocated

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to the enrolling district based on the student's enrollment in classes of the statewide correspondence study program. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ____/____/____, Register ____)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.060 |
| | AS 14.08.101 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | | |

4 AAC 33.432 is amended, and a new subsection is added to read:

4 AAC 33.432. ENROLLMENT OF SPECIAL EDUCATION STUDENTS. (a) **For a**
[A]district that enrolls [MAY ENROLL] an out-of-district student who is entitled to special
education and related services under 4 AAC 52.090 in the district's statewide correspondence
study program, an individualized cooperative agreement is required with the district of
residence if the student is enrolling at less than 100 percent full-time-equivalent-count; if
the district enrolls a [EACH] special education student through an individualized cooperative
agreement with the district of residence, [.] the [THE] cooperative agreement must provide that
the district that receives the larger share of the student's full-time equivalent count for state
funding purposes under 4 AAC 33.430(h) and 4 AAC 09.040(c) shall be responsible for the
coordination of and payment for special education services, without respect to the cost of those
services, as required by the student's individualized education program (IEP), and for compliance
with applicable state testing and assessment requirements under 4 AAC 06.710 – 4 AAC 06.790.
If the student's full-time equivalent count for each district in which the student is enrolled is
equal, the cooperative agreement must provide that the student's district of residence shall be
responsible for the coordination of and payment for special education services, without respect to
the cost of those services, as required by the student's IEP, and for compliance with applicable

Special ed students

state testing and assessment requirements under 4 AAC 06.710 – 4 AAC 06.790.

(b) An enrolling district shall ensure that all special education students [ENROLLED IN THE DISTRICT'S STATEWIDE CORRESPONDENCE STUDY PROGRAM] are identified and located for the purpose of establishing their need for special education and related services **and that all provisions of 4 AAC 52 are met. For a special education student enrolled in the district's statewide correspondence study program, and for whom an individualized cooperative agreement is not required under 4 AAC 33.432(a), the enrolling district shall ensure that the requirements of 4 AAC 33.432(c)(5) are met.**

(c) **When an** [AN] individualized cooperative agreement for **a** [EACH] special education student **is required by (a) of this section, the agreement** must include, at a minimum, the following information:

(1) the name, address, telephone number, and social security number of the student;

(2) an allocation of each student's state funding calculated in accordance with the provisions of 4 AAC 33.430(h) ;

(3) the name, address, and telephone number of the private provider or school district designated by the enrolling district to provide special education and related services to the student, if applicable, and the signature of a person authorized by the designated provider to agree to the provision of those services;

(4) the plan for receipt and disbursement of funds for the benefit of a student receiving special education and related services;

(5) the plan of services to be provided to the student, the identification of the members of the IEP team from each district in which the student is enrolled, if applicable under 4

AAC 52.140, and a description of the manner in which each teacher who works with the student in the enrolling district will participate as a member of the IEP team for each student; the plan and the cooperative agreement must include the identification of each student in a manner that complies with the confidentiality requirements of 4 AAC 52.220.

(d) Repealed 6/15/2000.

(e) Repealed 6/15/2000.

(f) For purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO AN INDIVIDUALIZED COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE FOR EACH STUDENT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.]

(g) Students for whom the statewide correspondence program will provide a portion or all of the special education and related services may provide the services to the student prior to the individualized cooperative agreement being finalized. (Eff. 5/1/99, Register 150;

am 6/15/2000, Register 154; am ___/___/___, Register ___)

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|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.060 |
| | AS 14.08.101 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | AS 14.30.186 | |

4 AAC 33.440 is amended to read

4 AAC 33.440. REPORTING REQUIREMENTS: CORRESPONDENCE AND PART-TIME STUDENTS. (a) Each enrolling district shall transmit a report containing the following information to the department along with the student count period information required by AS 14.17.600 :

(1) the number of out-of-district students enrolled in the district's statewide

student counts

correspondence study program, by district of residence;

(2) the name, address, telephone number, and social security number of each student enrolled part-time in the district's statewide correspondence study program, and the percentage of full-time equivalency assigned to that student.

(b) Districts of residence shall report the following information to the department at the same time that the student count period information is required by AS 14.17.600 :

(1) the name, address, telephone number, and social security number of each student enrolled part time in the district, and the percentage of full-time equivalency assigned to that student;

(2) the name of each enrolling district with which the district of residence has entered into a cooperative agreement [, AND THE NUMBER OF STUDENTS COVERED BY THAT COOPERATIVE AGREEMENT];

(3) the amount of funds received as reimbursement or payment from each enrolling district with which the district of residence has entered into a cooperative agreement.

(c) A district shall make a report required under this section in an electronic or other format, as required by the department. The department will use the reported information to ensure that no student is counted as more than one full-time equivalent. (Eff. 5/1/99, Register 150)

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|------------|--------------|---------------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.060 |
| | AS 14.30.010 | <u>AS 14.07.170</u> | |

4 AAC 33 is amended by adding a new section to read:

4 AAC 33.460. PROGRAM REVIEW. (a) The department will monitor school district

statewide correspondence programs to insure compliance with the requirements of this chapter and with assurances given upon application for program approval.

(b) Upon request by the department, the district shall provide

(1) a list of all students enrolled in the statewide correspondence program, including each student's name, age, entry date, exit date, whether the student has a disability category, whether the student receives intensive services, or related services;

(2) a list of all administrators, teachers, teachers aides, and related services personnel who provide special education services in the district, including, for certificated staff, the teacher certificate numbers; and

(3) any other information required by the department. (Eff. __/__/__, Register ____)

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|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.060 |
| | AS 14.07.170 | AS 14.17.430 | |

4 AAC 33.490 is amended to read

4 AAC 33.490. DEFINITIONS. In 4 AAC 33.410 – 4 AAC 33.490,

(1) "Alyeska Central School" means the centralized correspondence study program operated by the department;

(2) "board" means the state Board of Education;

(3) "cooperative agreement" means a contract that is entered into by an enrolling district and a district of residence in conformance with [4 AAC 33.430 OR] 4 AAC 33.432;

(4) "department" means the Department of Education and Early Development;

(5) "district" means a city or borough school district or a regional educational attendance area;

(6) "district of residence" means the school district in which a student is a resident;

(7) "enrolling district" means the school district that is operating an approved statewide correspondence study program, including a program established under AS 14.03.250 – AS 14.03.290 , and that seeks or intends to enroll out-of-district students in that district's program;

(8) "IEP" means in individualized education program established under the provisions of 4 AAC 52.140 that meets the requirements of AS 14.30.186 and 14.30.278;

(9) "out-of-district student" means a student who seeks to enroll in a district in which they do not reside;

(10) "special education student" means a student who is entitled to special education and related services under AS 14.30.180 - 14.30.350 and 4 AAC 52.010 – 4 AAC 52.990;

(11) "statewide correspondence study program" means any educational program, including a charter school program[OR A STATE SUPPORTED HOME-SCHOOLING PROGRAM], that [PROVIDES]

(A) enrolls out-of-district students;

(B) [(A)] provides for each secondary course, less than three hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and the class; and

(C) [(B)] provides for elementary students, less than 15 hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and each full-time equivalent elementary student. (Eff. 5/1/99,

Register _____, _____ 2002 EDUCATION AND EARLY DEV.

Register 150; am 6/15/2000, Register 154; am 12/2/2000, Register 156)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.03.040 | AS 14.07.020 | AS 14.07.030 |
| | AS 14.07.060 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.20.010 | AS 14.30.010 | AS 14.30.186 |

Editor's note: As of Register 151 (October 1999), the regulations attorney made technical revisions under AS44.62.125(b)(6) to reflect the name change of the Department of Education to the Department of Education and Early Development made by ch. 58, SLA 1999, and the corresponding title change of the commissioner of education.

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|---|---|---|
| <p>CHAPTER 33. SPECIAL SCHOOLS</p> | <p>CHAPTER 33 SPECIAL SCHOOLS.</p> | <p>4 AAC 33 is amended by adding a new section to read:</p> <p>4 AAC 33.405. SCOPE, FINDINGS, AND PURPOSE. (a)
 4 AAC 33.405—4 AAC 33.990 apply only to district correspondence programs that enroll out-of-district students; thus, they apply to students only when a student enrolls in a public school course and do not apply to students when a student enrolls in courses from a private school, a home school under AS 14.30.010(12), or a non-public correspondence study program.</p> <p>(b) The Board finds that</p> <p>(1) district provided statewide correspondence study programs are a viable alternative to site-based public school programs</p> <p>(2) students enrolled in such programs are public school students;</p> <p>(3) the state has approximately 9,000 school age children enrolled in district run statewide correspondence programs;</p> <p>(4) the state expends over 30 million dollars annually supporting these programs;</p> <p>(5) by law district board members are only bound to provide an education to students that reside within the school district;</p> | <p>This new section was created in response to the comments received by the public about the proposed regulations. Opening language clarifies that these regulations apply only to district correspondence programs that enroll out-of-district students. This language also clarifies that the regulations apply to students only when the student enrolls in a public school course, and they apply only to that part of their program that is publicly funded.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|------------------------|--|------------------|
| | | <p>(6) under current law, parents of out-of-district correspondence students have no statutory mechanism to affect the governance of the enrolling district;</p> <p>(7) there is currently no accountability for the delivery of educational services offered by district run statewide correspondence programs; and</p> <p>(8) some statewide correspondence students have received no academic support from their enrolling districts and as a result the quality of their education has fallen below acceptable standards.</p> <p>(c) The purpose of 4 AAC 33.405 — 4 AAC 33.990 is to regulate the delivery of statewide correspondence programs to assure</p> <p>(1) that students enrolled in statewide correspondence programs operated by public school districts receive a quality education;</p> <p>(2) that students meet state standards in reading, writing and math, and</p> <p>(3) that students obtain an education comparable to students enrolled in regular public school programs.</p> <p>(Eff. __/__/__, Register __)</p> <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.050, AS 14.07.060, AS.14.110, AS</p> | |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--|--|---|--|
| <p>4 AAC 33.420. DEPARTMENT APPROVAL. a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an annual application and receive written approval from the department to operate a statewide correspondence study program.</p> <p>(b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program meets the following criteria:</p> <p>(1) The program conforms with statewide goals and performance standards, as set out in 4 AAC 04.010 - 4 AAC 04.200;</p> | <p>4 AAC 33.420 is amended to read:</p> <p>4 AAC 33.420. DEPARTMENT APPROVAL. (a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an annual application and receive written approval from the department to operate a statewide correspondence study program.</p> <p>(b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program <u>complies with the requirements in 4 AAC 33.421.</u> [MEETS THE FOLLOWING CRITERIA:
(1) THE PROGRAM CONFORMS WITH STATEWIDE GOALS AND PERFORMANCE STANDARDS, AS SET OUT IN 4 AAC 04.010 - 4 AAC 04.200;</p> | <p>14.17.430, AS 14.30.010, AS 14.03.090, AS 14.08.111 AS 14.14.090</p> <p>4 AAC 33.420 is amended <u>and a new subsection is added</u> to read:</p> <p>4 AAC 33.420. DEPARTMENT APPROVAL. a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an <u>initial</u> [ANNUAL] application and receive written approval from the department to operate a statewide correspondence study program.</p> <p>(b) The department will approve a district's <u>initial</u> application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program [MEETS THE FOLLOWING CRITERIA:] <u>complies with the requirements in 4 AAC 33.421.</u></p> | <p>Based on a review of the annual statewide correspondence program applications that have been submitted, the on-site program reviews conducted in 2001, and the 9/24/01 meeting in Anchorage with program representatives, it was determined that more detail and clarification related to the understandings and expectations related to statewide correspondence programs would be helpful</p> <p>The insertion of the word "initial" changes the application from an annual requirement to an initial requirement</p> <p>Subsection (b) was re-worded and refers to a new section that will more clearly line out program requirements. (b) (1)-(5) are repealed because the new section, 4 AAC 33.421 now addresses program requirements. While the proposed regulations move the requirements in 4 AAC 33.420 (b)</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|---|---------------------|--|
| <p>(2) curriculum materials, including textbooks and other instructional aids, have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060;</p> <p>(3) the program includes an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs;</p> <p>(4) the district requires enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790;</p> <p>(5) the program includes a plan for receiving parental advice and</p> | <p>(2) CURRICULUM MATERIALS, INCLUDING TEXTBOOKS AND OTHER INSTRUCTIONAL AIDS, HAVE BEEN REVIEWED AND SELECTED BY THE DISTRICT SCHOOL BOARD, ARE OF THE SAME QUALITY AS THOSE MATERIALS THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS, AND ARE IN COMPLIANCE WITH AS 14.03.090 AND AS 14.18.060 ;</p> <p>(3) THE PROGRAM INCLUDES AN ASSESSMENT PLAN OF THE SAME QUALITY AS AN ASSESSMENT PLAN THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS;</p> <p>(4) THE DISTRICT REQUIRES ENROLLED STUDENTS TO PARTICIPATE IN THE STATEWIDE STUDENT ASSESSMENT PROGRAM AS REQUIRED BY 4 AAC 06.710 - 4 AAC 06.790;</p> <p>(5) THE PROGRAM INCLUDES A PLAN FOR RECEIVING PARENTAL ADVICE AND INVOLVEMENT IN PLANNING,</p> | | <p>(1)-(5) to a new section, those requirements are contained in both the current as well as the proposed regulations.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|---|--|--|
| <p>involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators;</p> <p>(6) the program is in the best interests of the state.</p> <p>History: Eff. 5/1/99, Register 150; am 6/15/2000, Register 154</p> <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.050 ,AS 14.07.060 ,AS 14.14.110, AS 14.17.430, AS 14.30.010</p> | <p>DEVELOPMENT, AND EVALUATION OF THE CORRESPONDENCE STUDY PROGRAM, INCLUDING] THE SELECTION AND EVALUATION OF CURRICULUM, TEACHERS, AND ADMINISTRATORS;</p> <p>(6) THE PROGRAM IS IN THE BEST INTERESTS OF THE STATE.]</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ____/____/____, Register ____)</p> <p>Authority: AS 14.07.020 AS 14.07.030, AS 14.07.050, AS 14.07.060, AS 14.14.110, AS 14.17.430, S 14.30.010</p> | <p><u>(c) Once the initial application is approved, the district will not be required to submit a new application</u></p> <p><u>(1) more frequently than every five years if the program is designated as distinguished or successful under AS 14.03.123(a); or</u></p> <p><u>(2) more frequently than every ten years if the program is designated as distinguished or successful under AS 14.03.123(a), and the program is accredited by the Northwest Association of Schools and Colleges.</u></p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ____/____/____, Register ____)</p> | <p>(c) is a new subsection. Many of the public comments requested that program applications not be submitted annually. This new section ties the statewide correspondence programs into the state's school designation system.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|--|---|---|
| | <p>4 AAC 33 is amended by adding a new section to read</p> <p>4 AAC 33.421. STATEWIDE CORRESPONDENCE STUDY PROGRAM REQUIREMENTS.
 (a) A statewide correspondence study program offered by a district must meet the requirements of this section before its application will be approved by the department.</p> <p>(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC 04.010 – 4 AAC 04.200;</p> <p>(c) The program must use curriculum materials, including textbooks and other instructional aids, that have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060 .</p> | <p>Authority: AS 14.07.020 AS 14.07.030, AS 14.07.050, AS 14.07.060, AS 14.14.110, AS 14.17.430, S 14.30.010</p> <p>4 AAC 33.421. STATEWIDE CORRESPONDENCE STUDY PROGRAM REQUIREMENTS.
 (a) A district that proposes to offer a statewide correspondence study program must <u>demonstrate that the program</u> meets the requirements of this section before the department will approve the application.</p> <p>(b) remains the same.</p> <p>(c) remains the same.</p> | <p>This is the new section that more clearly lines out Statewide Correspondence Study Program requirements for those districts wishing to offer such a program. Previous language from 4 AAC 33.420 is incorporated into this new section along with new language. Items containing new language will have notations in this column.</p> <p>(b) was in current regulation. Its location was moved in the proposed regulations in November.</p> <p>(c) was in current regulation. Its location was moved in the proposed regulations in November. AS 14.07.050 requires that "textbooks... shall be selected by district boards for district</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|---|--|---|
| | <p>(d) The program staff, including certified teachers, shall not provide instruction using religious, partisan, sectarian, or denominational curricula purchased privately by the parent, guardian of the student, or by the student if the curricula teach particular religious beliefs, or a particular religion, as true.</p> <p>(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; assessment must include:</p> <p>(1) monitoring of the enrolled student by a certified teacher; the monitoring must include at least</p> | <p><u>(d) Certified staff shall not advocate partisan, sectarian, or denominational doctrine as part of their instruction or duties as certificated staff in the correspondence program. Nothing in this section prevents a parent from providing instruction to their child using materials of their choice, provided such material was not purchased with program funds.</u></p> <p>(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; <u>this assessment plan will include</u> [ASSESSMENT MUST INCLUDE]:</p> <p><u>(1) assistance and approval by the district's certified contact teacher in the development of an Individual Learning Plan for each student;</u></p> <p>(2) [(1)] monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly <u>teacher-student or teacher-</u></p> | <p>schools."</p> <p>(d) Provides clarification on the role and restrictions on certificated staff related to religious, partisan, sectarian and denominational curricula and materials. This is in compliance with AS 14.03.090.</p> <p>(e) was in current regulation. Its location is being moved.</p> <p>(1) This addition was recommended in public comment.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|--|---|---|
| | <p>monthly review of the student's work and documentation of the certified teacher's review;</p> <p>(2) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents;</p> <p>(3) a transcript that denotes curricula material origin for any course other than a district developed course.</p> <p>(f) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC</p> | <p><u>parent contact, and quarterly review of the student's work or progress in the Individual Learning Plan; the district will maintain a record of this contact [AND DOCUMENTATION OF THE CERTIFIED TEACHER'S REVIEW];</u></p> <p>(3) [(2)] grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents;</p> <p>(4) [(3)] a transcript that denotes curricula <u>or</u> material origin for any non-district course</p> <p>(f) remains the same.</p> | <p>(2) addresses certified teacher requirements related to reviewing student work. Change is in response to responses received in public comment. The monthly contact requirement is analogous to the requirement for attendance at least once every 10 days in site based school. The quarterly review of work or progress is analogous to standard report card / progress requirements. The monthly contact may be as brief or as detailed as appropriate or needed for the particular student.</p> <p>(3) addresses required grading by the certified teacher.</p> <p>(4) Identification of curriculum and material source are required only for those courses that are NOT district-developed courses. This allows for the identification, inclusion and granting of credit for non-district developed courses. This is consistent with standard practice for districts and accredited schools that accept and award credit for courses or learning</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|---|---|---|
| | <p>06.710 - 4 AAC 06.790; the program must</p> <p>(1) have staff inform parents of state testing requirements and the consequences of non-compliance under 4 AAC 33.450; and</p> <p>(2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer all state mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow statewide correspondence program students to participate in state required testing;</p> <p>(3) have available to the department, data documenting student participation rates in state required assessments within 10% points of the state average for the prior year's spring test administration.</p> <p>(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and</p> | <p><u>(1) require parents to sign an affidavit indicating that they understand the state testing requirements and that they will abide by them; and</u></p> <p>(2) remains the same.</p> <p>[(3) HAVE AVAILABLE TO THE DEPARTMENT, DATA DOCUMENTING STUDENT PARTICIPATION RATES IN STATE REQUIRED ASSESSMENTS WITHIN 10% POINTS OF THE STATE AVERAGE FOR THE PRIOR YEAR'S SPRING TEST ADMINISTRATION.]</p> <p>(g) remains the same.</p> | <p>acquired from other than district sources.</p> <p>(f)(1) and (2) provide new language related to student participation in state mandated assessments and the responsibility the district has for maintaining student participation rates in state mandated assessments. This is consistent with requirements in all public schools in the state and with the requirements for secure and comparable testing facilities and procedures.</p> <p>New language in (1) is from recommendations received in public comment.</p> <p>(3) is being deleted based on comments from the public.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|--|---|--|
| | <p>evaluation of curriculum, teachers, and administrators; the plan must include a signed agreement between the statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement</p> <p>(1) must verify that the curriculum materials and course of study are aligned to state standards and comply with AS 14.03.090, and appropriate for the student;</p> <p>(2) must document the process used to ensure curriculum materials are aligned to state standards and in compliance with AS 14.03.090, including a certified teacher review of all curriculum materials for each student.</p> <p>(h) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:</p> <p>(1) expenditures from statewide correspondence fund accounts must</p> | <p>(1) must verify that the curriculum materials and course of study are <u>appropriate for the student</u>, aligned to state standards, and comply with AS 14.03.090, and [APPROPRIATE FOR THE STUDENT;]</p> <p>(2) remains the same.</p> <p>(h) remains the same.</p> <p>(1) expenditures from [STATEWIDE CORRESPONDENCE] fund accounts</p> | <p>(g)(1) through (6) provide clear guidance to Statewide Correspondence Programs on the use of parent/student fund accounts.</p> <p>New wording reflects clarification based on public comment letters. The requirement for materials to be aligned to state standards is contained in current regulation.</p> <p>(h) clarifies that the fund account</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|---|---|---|
| | <p>be for the student's instructional needs only;</p> <p>(2) materials purchased with state funding are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;</p> <p>(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds;</p> <p>(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts;</p> <p>(5) all expenditures from the fund account must be approved by the certified teacher signing the student's plan; and</p> | <p>must be for the student's instructional needs; <u>[ONLY] as referenced on the learning plan agreed upon by the parents and the district certified contact teacher;</u></p> <p>(2) materials purchased with state <u>funds</u> [FUNDING] are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;</p> <p>(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds; <u>nothing in this paragraph, or section, prevents a parent, or child, from purchasing such materials with their own money;</u></p> <p>(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts; <u>the district must include this policy with its application;</u></p> <p>(5) all expenditures from the fund account must be approved by the <u>district according to a written process established by the district;</u></p> | <p>must be used for instructional expenses for the child enrolled in the program.</p> <p>Deleted words weren't needed.</p> <p>Wording added is from recommendations received in public comment.</p> <p>Word change does not change intent.</p> <p>New wording in (3) reflects clarification sought in public comment letters on the issue of purchasing curricula or materials with personal, family funds.</p> <p>New wording in (4) reflects clarification on what is to be included in the program</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--|---|---|--|
| <p>4 AAC 33.425. APPLICATIONS.</p> <p>(a) A district application for department approval of a statewide correspondence study program must be received by the department on or before the January 1 preceding the school year in which the program is to be initiated.</p> <p>(b) The department will review each application and issue a written approval or denial of the application before the July 1 preceding the school year in which the program is to be initiated.</p> <p>(Eff. 5/1/99, Register 150)
Authority: AS 14.07.020,AS</p> | <p>(6) the fund account may not be used either by the district or the parent to supplant district funds or obligations for IEP services.</p> <p>(Eff. __/__/__, Register __)</p> <p>Authority: AS 14.07.020 AS 14.07.030 AS 14.07.050 AS 14.07.060 AS 14.14.110 AS 14.17.430AS 14.30.010, AS 14.03.090AS 14.08.111AS 14.14.090</p> <p>4 AAC 33.425 APPLICATIONS
This remains the same.</p> | <p><u>the district's process may include pre-authorization for items identified by the district in its written process</u> [CERTIFIED TEACHER SIGNING THE STUDENT'S PLAN]; and</p> <p>(6) Remains the same.</p> <p>4 AAC 33.425 Repealed;</p> | <p>application.</p> <p>New wording in (5) reflects changes sought in public comment letters. Many letters stated that requiring the certified teacher to sign off on purchases would be too burdensome.</p> <p>(6) clarifies existing federal restrictions and requirements regarding district obligations related to IDEA / IEP plans and services.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|---|--|--|
| <p>14.07.030, AS 14.07.060 ,AS 14.17.430, AS 14.30.010</p> <p>4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS.
 (a) Before enrolling an out-of-district student in a statewide correspondence study program, a district shall enter into a cooperative agreement with the student's district of residence.</p> <p>(b) Repealed 6/15/2000.</p> <p>(c) For the purposes of this</p> | <p>4 AAC 33.430 is amended to read:</p> <p>4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS. (a) <u>To enroll out-of-district students in a statewide correspondence program, the enrolling district must provide to the department a report listing enrolled students and the percentage of time they are enrolled to the district</u> [BEFORE ENROLLING AN OUT-OF-DISTRICT STUDENT IN A STATEWIDE CORRESPONDENCE STUDY PROGRAM, A DISTRICT SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE STUDENT'S DISTRICT OF RESIDENCE,] <u>either before enrolling an out-of-district student in a statewide correspondence study program, or by the time that the student count period information is required by AS 14.17.600.</u></p> <p>(b) Repealed 6/15/2000.</p> <p>(c) For the purposes of this section, the department will consider</p> | <p>All sections of 4 AAC 33.430 remain the same.</p> <p>(b) remains the same.</p> <p>(c) remains the same.</p> | <p>Requirements of the program application are located in other sections of these regulations; therefore, this section was no longer needed. The amended proposed regulations change the timeframe for the application to a five-year timeframe versus an annual process.</p> <p>The revised language in (a) streamlines the enrollment process and removes the burdensome cooperative agreement process as it relates to Statewide Correspondence Programs.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|--|--|--|
| <p>section, the department will consider Alyeska Central School to be an enrolling district. Alyeska Central School shall enter into a cooperative agreement with the district of residence to cover all students from that district whom Alyeska Central School enrolls. This section does not apply to students who enroll in Alyeska Summer School Program.</p> <p>(d) Cooperative agreements must include, at a minimum, the following information and provisions:</p> <p>(1) the names, addresses, telephone numbers, and social security numbers of out-of-district students enrolled in the statewide correspondence study program;</p> <p>(2) an allocation of each student's state funding allocation.</p> | <p>Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE TO COVER ALL STUDENTS FROM THAT DISTRICT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.] This section does not apply to students who enroll in Alyeska Summer School Program.</p> <p>(d) Repealed / / .
[COOPERATIVE AGREEMENTS MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION AND PROVISIONS:</p> <p>(1) THE NAMES, ADDRESSES, SOCIAL SECURITY NUMBERS OF OUT-OF-DISTRICT STUDENTS ENROLLED IN THE STATEWIDE CORRESPONDENCE STUDY PROGRAM;</p> <p>(2) AN ALLOCATION OF EACH STUDENT'S STATE FUNDING ALLOCATION.]</p> | <p>(d) remains the same.</p> <p>(1) remains the same.</p> <p>(2) remains the same.</p> | <p>Deleted language in (c) removes the cooperative agreement language as it related to Alyeska Central School.</p> <p>This subsection is no longer needed.</p> |