

STATE OF ALASKA

Department of Education & Early Development *Teaching & Learning Support*

SEAN PARNELL, GOVERNOR

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December 31, 2009

To: All Pre-Elementary Schools

Re: Pre-Elementary School Regulation Changes

This letter is your notification that changes to the Pre-Elementary School regulations have been adopted by the Alaska State Board of Education & Early Development (EED).¹ These changes will affect the processes you use to obtain EED approval to operate a pre-elementary school.

PLEASE NOTE: UNDER THESE REGULATIONS, YOU MUST SUBMIT AN APPLICATION FORM ON OR BEFORE FEBRUARY 1, 2010.

PLEASE DO NOT LET THE FEBRUARY 1 DEADLINE PASS WITHOUT SUBMITTING YOUR APPLICATION. Under these regulations, you do not need approval by February 1, but you must have submitted your application, which includes the (1) Request for Criminal History Checks for all employees; and the (2) Request for the Health and Safety Inspection of your facility. This is explained below.

Attached you will find a set of Frequently Asked Questions and the revised Pre-Elementary School Application that includes the following sections: (I) application for approval to operate a pre-elementary school and instructions; (II) request forms for background checks and facility inspections; (III) newly adopted regulations; and (IV) miscellaneous forms & information. Please refer to Section III to review the adopted regulations as well as the Department of Health and Social Service (HSS) regulations that were adopted by reference. You will find that the State Board adopted by reference criminal background check and health and safety regulations that apply to child care facilities. Adoption by reference allows EED to employ the same core regulations that are necessary to ensure safety in all of our early childhood programs. The State Board did not adopt all child care regulations – just those core regulations that are necessary for safety in our pre-elementary facilities.

¹ Note that these regulations will not become law until 30 days after they are signed by the Lieutenant Governor. Formatting and technical edits to the regulations may change the numbering and wording of the final regulation. We are giving you advance notice of the requirements of these regulations.

Under these regulations, a school can obtain approval to operate a pre-elementary school by either of two routes:

1. **Approval by an appropriate governmental entity:** This route is designed for pre-schools operated by a school district, federal programs such as Head Start, or licensed child-care providers who are subject to a process of licensure or approval that includes a criminal background check and a health and safety inspection that is comparable to what is required under these regulations. These programs may submit their current documentation of approval or licensure with the Pre-Elementary School application to EED.
2. **Approval by EED:** This route is designed for programs that have not completed a comparable approval process and do not choose to seek a child-care license. These programs may apply for approval directly with EED by submitting the Pre-Elementary School Application including the completed (1) Criminal History Check application form (*for all adults that work directly with children*) and the (2) Request for Health and Safety Inspection form. EED will contract with a trained inspector who will determine whether your school meets the requirements of EED's regulations. If it does, you will receive approval from EED to operate a pre-elementary school.

As mentioned above, existing pre-elementary schools in good standing are granted a transition period to these new regulations, which provides as follows:

Any pre-elementary school that is in operation on January 31, 2010, and is in compliance with all statutes and regulations governing operation of pre-elementary schools at the time, may remain in operation if:

- (1) On or before February 1, 2010, the school submits a Criminal History Check application form to the EED for all persons for whom a criminal history check is required;
- (2) On or before February 1, 2010, the school submits to EED (or an appropriate governmental entity) an application for licensure or request for approval;
- (3) Upon receipt of the results of the criminal history check, the school either
 - a. is in compliance with the criminal history check requirements; or
 - b. achieves compliance within 12 hours after receipt of the criminal history report;
- (4) Upon receipt of the results of the health and safety inspection, the school either
 - a. is in compliance with the health and safety requirements; or

- b. acts, within 12 hours after receiving the report, to ensure that no immediate threats to the health and safety of the children at the school exist (which may include temporarily closing the school); and
- c. address any deficiencies that are not an immediate threat to the health and safety of the children at the school within 30 days;

(5) The department does not have substantial evidence that continued operation of the school would be a threat to the health and safety of the children at the school; and

(6) The school obtains final approval from EED by June 1, 2010.

If you have questions or need further assistance in your transition to these new standards concerning criminal history checks and health and safety, please contact Melora Gaber by calling (907) 465-8707 or by e-mail: Melora.Gaber@Alaska.gov

Sincerely,

A handwritten signature in black ink that reads "Cynthia Curran". The signature is written in a cursive style and is followed by a horizontal line.

Cynthia Curran, Director

Attachments:

- Frequently Asked Questions
- Pre-Elementary School Application Handbook