

The article heading for 4 AAC 33, Article 4 is changed to read:

Article 4. [STATEWIDE] Correspondence Study Programs.

4 AAC 33.405 is repealed and readopted to read:

4 AAC 33.405. Applicability. 4 AAC 33.405 - 4 AAC 33.490 apply to correspondence study programs offered by a school district, including statewide correspondence study programs. (Eff. 12/25/2002, Register 164; am 9/19/2008, Register 187)

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

4 AAC 33.410 is repealed and readopted to read:

4 AAC 33.410. Purpose. The purpose of 4 AAC 33.405 - 4 AAC 33.490 is to

- (1) ensure that standards for curriculum, instruction, and student assessment for correspondence study programs are consistent with state standards;
- (2) ensure that the spending of public money by the programs is consistent with the public interest; and
- (3) establish reporting requirements for districts enrolling out-of-district students and part-time students. (Eff. 5/1/99, Register 150; am 9/19/2008, Register 187)

Authority: AS 14.03.095 AS 14.07.060 AS 14.17.430
AS 14.07.020 AS 14.14.110 AS 14.30.010

4 AAC 33.420 is repealed and readopted to read:

4 AAC 33.420. Department approval. Each school district offering a correspondence study program must provide the department with a statement of assurance that it will comply with 4 AAC 33.405 – 4 AAC 33.490. The statement must declare whether the district intends to operate a statewide correspondence study program. Except as provided in 4 AAC 33.460(c), the department will approve a school district to operate a correspondence program after the receipt of the statement required under this section. Once approved, a district is not required to submit a new statement each year, except that a district must submit a new statement before implementing a change in its program. (Eff. 5/1/99, Register 150; 6/15/2000, Register 154; 12/25/2002, Register 164; am 2/20/2005, Register 173; am 9/19/2008, Register 187)

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

4 AAC 33.421 is repealed and readopted to read:

4 AAC 33.421. Correspondence study program requirements. (a) A correspondence study program must conform with statewide goals and standards, as set out in 4 AAC 04. For each student, the program must assign a certificated teacher who is responsible for the individual learning plan under (d) of this section. For each course offered for credit by the program, the program must assign a certificated teacher who has the primary responsibility for the course.

(b) In accordance with AS 14.07.050, AS 14.08.111(9), and AS 14.14.090(7), a program that is not a charter school must use curriculum materials, including textbooks and other instructional aids, that have been reviewed and selected by the governing body of the district, 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. A program that is a charter school must review and approve all curriculum materials for compliance with AS 14.03.090 and AS 14.18.060.

(c) An employee of the district, including a certificated staff member, may not advocate religious, partisan, sectarian, or denominational doctrine as part of the employee's instructional or other duties. Nothing in this subsection prevents a parent from providing supplemental instruction to the parent's own child using materials of the parent's choice, if the materials were not purchased with money provided by the department or district.

(d) The program must provide an individual learning plan for each student. The parent and the district must jointly develop the individual learning plan, with assistance from the student if appropriate. The plan must provide for

(1) assistance and approval by the certificated teacher assigned to each student by the district in the development of the individual learning plan for each student;

(2) an ongoing assessment plan that includes assessments that target instruction and measure student proficiency toward achievement of the standards adopted by reference in 4 AAC 04.140;

(3) monitoring of each student by the assigned certificated teacher; the monitoring must include at least monthly teacher-student or teacher-parent contact and

quarterly reviews of the student's work or progress in the individual learning plan; the district must maintain a record of the contact required under this paragraph;

(4) a grade, or other determination that the student has met the standards for a course, determined and assigned by the certificated teacher who is responsible for the course; the plan may provide for review and consideration of any recommendations submitted by the student or the student's parents;

(5) a transcript that includes the source of any course taken by the student that was not offered or approved by the governing body of the district, or, in the case of a program that is a charter school, by the charter school, and for which no public money was provided; the transcript must note whether the student's mastery of the content of the course was approved by the district as meeting a requirement for graduation; and

(6) a signed agreement between the certificated teacher assigned by the correspondence study program and at least one parent of each student that verifies that

(A) the student and parent have the same right to access the district appeal process as students and parents in the district's other programs;

(B) the textbooks or other curriculum materials and the course of study are appropriate for the student, aligned to state standards, and comply with AS 14.03.090 and AS 14.18.060; and

(C) curriculum materials are aligned to state standards, in compliance with AS 14.03.090 and AS 14.18.060, and a certificated teacher has reviewed all textbooks and other curriculum materials for each student.

(e) The district must require students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790. The correspondence study program must

(1) provide, and require parents to sign, a written statement that they understand, and will abide by, the requirements of the assessment program; and

(2) follow the requirements of 4 AAC 06.765 for test security, by

(A) providing a secure testing facility to administer all testing requirements of the assessment program; or

(B) entering into agreements with districts and schools where the testing is administered that allow correspondence program students to participate in testing at that location.

(f) A district that offers a correspondence program must have an open enrollment policy for the program for the entire school year. However, a program that is a charter school may limit its enrollment in accordance with AS 14.03.265.

(g) A correspondence study program may not pay for or provide money for

(1) family travel, including transportation, food, or lodging; or for expenses during or for any travel out-of-state unless a governing body or superintendent of the district approves expenses incurred in the out-of-state travel that are associated with direct instructional activities; in this paragraph, "family travel" does not include travel in which a student is accompanied by the student's family for assessments or other required activities initiated by the district;

(2) annual passes or family memberships to a sports or recreational facility; however, an annual pass or membership for the student may be purchased for

entry into a sports or recreational facility in which the student is provided lessons under the student's individual learning plan, if the cost of the pass or membership is prorated to include only the cost of the student's instructional time;

(3) fees that allow entrance to a facility in which no instruction directly connected to a student's individual learning plan under (d) of this section is given;

(4) religious, partisan, sectarian, or denominational textbooks or other curriculum materials;

(5) services provided to a student by a family member; in this paragraph, "family member" means the student's spouse, guardian, parent, step-parent, sibling, step-sibling, grandparent, step-grandparent, child, uncle, or aunt;

(6) clothing, uniforms, physical education equipment, or personal items;

(7) pets and other animals;

(8) furniture;

(9) taxes, testing other than educational assessments required by the district, or parking fees;

(10) entertainment;

(11) permanent items that adhere to or enhance the value of a non-school facility; or

(12) items that are considered excessive by the school administrator.

(h) A correspondence study program, or a parent through a fund account under 4 AAC 33.422, may contract with a private individual to provide tutoring to a student in a subject described in 4 AAC 04.140, fine arts, music, or physical education, if

(1) the instruction is not provided by a private or sectarian educational institution;

(2) the instruction is part of the student's individual learning plan under (d) of this section; and

(3) a certificated teacher who is highly qualified under 4 AAC 04.210 to teach the subject or the grade level, if applicable, and who is employed by the program, has the primary responsibility to plan, instruct, and evaluate the learning of the student in the subject. (Eff. 12/25/2002, Register 164; am 8/6/2004, Register 171; am 2/20/2005, Register 173; am 9/19/2008, Register 187)

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

4 AAC 33.422 is amended to read:

4 AAC 33.422. Fund accounts. (a) A [STATEWIDE] correspondence study program may provide a fund account to the student's parents for the purpose of meeting instructional expenses for the student enrolled in the program. Expenditures from a fund account must be for the student's instructional needs as described on the individual learning plan under **4 AAC 33.421(d)** [4 AAC 33.421(e)(1)].

(b) Textbooks, equipment, and other curriculum materials purchased with state money, including money provided to the parent through a fund account, are property of

the district. Materials that are not consumables must be returned to the district when the student leaves the program for any reason.

(c) A fund account may not be used to pay for any item or service excluded under **4 AAC 33.421(g)** [IN 4 AAC 33.421(k)].

(d) The fund account may not be used by the district or the parent to supplant district funds or obligations for IEP services.

(e) **If** [THE GOVERNING BODY OF A DISTRICT THAT OFFERS] a [STATEWIDE] correspondence **study** program [THAT] provides for a fund account, **the governing body of the district, or, in the case of a program that is a charter school, the charter school,** must establish written standards, consistent with 4 AAC 33.405 - 4 AAC 33.490, on what constitutes appropriate and allowable expenditures of a fund account. [THE DISTRICT MUST INCLUDE THE WRITTEN STANDARDS WITH ITS APPLICATION OR REAPPLICATION UNDER 4 AAC 33.420.]

(f) The district **or charter school** must approve all expenditures from the fund account under the written standards established by the district under (e) of this section. The district's **or charter school's** approval process may include pre-authorization for items identified by the district in its written standards. (Eff. 8/6/2004, Register 171; am 9/19/2008, Register 187)

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

4 AAC 33.426 is repealed and readopted to read:

4 AAC 33.426. Core course requirements. (a) A student enrolled in a correspondence study program, whether full-time or part-time, must take at least 50 percent of the student's coursework that the student takes through the correspondence study program in core courses.

(b) A district may waive the requirement of (a) of this section if the district determines that the student is a senior and needs less than 50 percent of the student's curriculum in core courses to qualify for high school graduation from the correspondence study program in which the student is enrolled.

(c) Core course work performed outside the student's correspondence study program may not count towards the requirements set out under (a) of this section.

(d) In this section, "core course" means

(1) a course of study in

- (A) English;
- (B) mathematics;
- (C) social studies;
- (D) science;
- (E) technology; or
- (F) world languages;

(2) a course required by a student's IEP if the student is receiving special education and related services under 4 AAC 52.

(Eff. 8/6/2004, Register 171; am 9/19/2008, Register 187)

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

4 AAC 33.430 is repealed and readopted to read:

4 AAC 33.430. Enrollment of students. A student may not be counted as more than 1.0 full-time equivalent for state funding purposes under 4 AAC 09.040. If a student is enrolled in both the student's district of residence and in a statewide correspondence study 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 a district that has enrolled the student in classes in the district's statewide correspondence study program, on a first-come, first-served basis. A student may not be counted as being enrolled in a course if the student is concurrently enrolled in a substantially similar course in a different educational institution, including a private school. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am 12/25/2002, Register 164; am **8/6/2004**

[8/06/2004], Register 171; am 9/19/2008, Register 187)

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

4 AAC 33.432 is repealed and readopted to read:

4 AAC 33.432. Enrollment of special education students. (a) A district that offers a correspondence study program shall enroll a special education student on the same basis as any other student. The district must ensure that the student's program meets all requirements of AS 14.30 and 4 AAC 52.100 – 4 AAC 52.790, including child find, provision of special education and related services, procedural safeguards, and the development of the student's IEP. The district must meet all requirements of applicable state testing and assessment under 4 AAC 06.710 - 4 AAC 06.790 for the student. If a special education student is enrolled in more than one district, the district with the responsibility under this section is

- (1) the district that receives the larger share of the student's full-time equivalent count for state funding purposes under 4 AAC 09.040(c) and 4 AAC 33.430;
- (2) if the student's full-time equivalent count for each district in which the student is enrolled is equal, the student's district of residence; or
- (3) if the student is enrolled in more than one statewide correspondence study program and the student's full-time equivalent count for each program is equal, the first statewide program that enrolled the student.

(b) A district may enter into individualized cooperative agreements with another school district to meet the requirements of this section. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am 12/25/2002, Register 164; am 8/6/2004, Register 171; am 9/19/2008, Register 187)

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

4 AAC 33.440 is repealed and readopted to read:

4 AAC 33.440. Reporting requirements: statewide correspondence and part-time students. Each district that operates a statewide correspondence study program shall submit a report to the department, along with the student count period information required by AS 14.17.600. The report must be in an electronic or other format, as required by the department, and must contain the

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

(2) name, address, telephone number, and student identification 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. (Eff. 5/1/99, Register 150; am 12/25/2002, Register 164; am 9/19/2008, Register 187)

Authority: AS 14.07.020 AS 14.07.060 AS 14.30.010
AS 14.07.030 AS 14.07.170

4 AAC 33.460(a) is repealed and readopted to read:

4 AAC 33.460. Program review. (a) The department may monitor correspondence study programs to ensure compliance with the requirements of 4 AAC 33.405 - 4 AAC 33.490.

4 AAC 33.460(c) is repealed and readopted to read:

(c) The department may place a district on a plan of correction for any violation of 4 AAC 33.405 – 4 AAC 33.490. A district may request reconsideration of the plan by

the commissioner. If a district is found to have knowingly violated a provision of 4 AAC 33.405 – 4 AAC 33.490, the department may withdraw approval for the district to operate a correspondence study program. If the department finds that public money was spent in violation of the requirements of 4 AAC 33.405 - 4 AAC 33.490, the department will require repayment of the misspent money, without regard to fault or intent. A district may appeal under 4 AAC 40 a decision by the department to withdraw approval to operate a correspondence program or require repayment of money.

4 AAC 33.460(d) is repealed:

(d) Repealed __/__/__. (Eff. 12/25/2002, Register 164; am 2/20/2005, Register 173; am 9/19/2008, Register 187)

Authority: AS 14.07.020 AS 14.07.060 AS 14.17.430
AS 14.07.030 AS 14.07.070

4 AAC 33.490(7) is repealed:

(7) repealed 9/19/2008;

4 AAC 33.490 is amended by adding a new paragraph to read:

(17) “correspondence study program” has the meaning given in 4 AAC 09.990(a). (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am 12/2/2000, Register 156; am 12/25/2002, Register 164; am 8/6/2004, Register 171; am 9/19/2008, Register 187)

Authority:	AS 14.03.040	AS 14.07.060	AS 14.20.010
	AS 14.03.290	AS 14.14.110	AS 14.30.010
	AS 14.07.020	AS 14.17.430	AS 14.30.186
	AS 14.07.030		