

4 AAC 60.010 is repealed and readopted to read:

4 AAC 60.010. Applicability. This chapter applies to a pre-elementary school in the state that is

(1) primarily designed to prepare children for elementary school;

(2) operated by

(A) a school district and regularly serves a group of five or more children ages three through five years in a classroom setting; or

(B) a Head Start agency as a Head Start program under 42 U.S.C. 9831 – 9852c; and

(3) not exempt under 4 AAC 60.020. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; am 2/5/2010, Register 193; am 9/16/2017, Register 223)

Authority: AS 14.07.020 AS 14.07.060

4 AAC 60.020 is amended to read:

4 AAC 60.020. Exemptions. The following are not pre-elementary schools under the jurisdiction of the department **and are exempt from the requirements of this chapter:**

(1) a facility located on a United States Department of Defense or United States Coast Guard installation that is located on federal property; [OR]

(2) a facility certified as a family child care provider by a branch of the United States Department of Defense or the United States Coast Guard;

(3)[2] **a child care facility licensed or required to be licensed under AS 47.32 and 7 AAC 57;**

(4) **a child care provider approved or required to be approved under AS 47.25 and 7 AAC 41;**

(5) a pre-elementary school that operates for less than five weeks in any 12-month period [(2) PROGRAMS THAT ARE NOT PRIMARILY DESIGNED TO PREPARE CHILDREN FOR ELEMENTARY SCHOOL, INCLUDING PROGRAMS PRIMARILY DESIGNED TO EXPOSE CHILDREN TO RELIGIOUS, ARTISTIC, SINGLE-SUBJECT IMMERSION OR RECREATIONAL CONTENT OR ACTIVITIES]. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; am 8/30/86, Register 99; am 2/5/2010, Register 193; am 9/16/2017, Register 223)

Authority: AS 14.07.020 AS 14.07.060

4 AAC 60.035 is repealed:

4 AAC 60.035. Background checks and health and safety standards. Repealed. (Eff. 2/5/2010, Register 193; repealed 9/16/2017, Register 223)

4 AAC 60 is amended by adding new sections to read:

4 AAC 60.036. Initial application, renewal of approval, and assurances regarding programmatic requirements. (a) At least 30 days before the student start-date for a new pre-elementary school, a school district or Head Start agency seeking to operate a pre-elementary school must submit to the department an application on a form prescribed by the department. The application must include the assurances and signatures required under (b) of this section.

(b) A school district or Head Start agency that seeks to operate a pre-elementary school under this chapter must submit assurances to the department indicating that the school district or Head Start agency has adopted written policies that ensure compliance with the programmatic

requirements of 4 AAC 60.170. The assurances must be signed by the superintendent for the district or by an authorized executive for the Head Start agency.

(c) Not later than 30 days after the receipt of an application for a new pre-elementary school, the department will grant or deny approval for the pre-elementary school to operate or will request more information. The applicant may begin operating the pre-elementary school only upon receipt of the written approval of the department.

(d) Annually, not later than September 15, an approved pre-elementary school must submit an application for renewal of department approval with a completed assurances form as described in (b) of this section. The assurances form must be signed by the superintendent for a district or by an authorized executive for a Head Start agency.

(e) Annually, not later than October 1, the department will grant or deny renewal of approval to operate the pre-elementary school or will request more information. The renewed approval is effective from the date of receipt by the applicant or October 1, whichever is later, through September 30 of the following school year. (Eff. 9/16/2017, Register 223)

Authority: AS 14.07.020 AS 14.07.060

4 AAC 60.037. Transition. A pre-elementary school approved by the department for operation before September 16, 2017 and required to be approved under this chapter may remain in operation until October 1, 2018. Not later than September 15, 2018, a school district or Head Start agency seeking to operate a pre-elementary school already approved as described in this section must submit to the department a completed application and assurances form as required under 4 AAC 60.036(a). Not later than October 1, 2018, the department will grant or deny approval under this chapter to the school district or Head Start agency to operate the pre-

elementary school or will request more information. If granted, the approval is effective from the date of receipt by the applicant or October 1, whichever is later, through September 30 of the following school year. (Eff. 9/16/2017; Register 223)

Authority: AS 14.07.020 AS 14.07.060

4 AAC 60.039. Monitoring, recordkeeping, and inspections. (a) The department may conduct onsite or remote monitoring of a pre-elementary school at any time and without notice to determine whether a pre-elementary school is operating in compliance with this chapter and the assurances it makes to the department.

(b) The school district or Head Start agency operating a pre-elementary school shall maintain all records required under this chapter for five years after the record is created and shall provide copies of those records to the department upon written request. (Eff. 9/16/2017; Register 223)

Authority: AS 14.07.020 AS 14.07.060

4 AAC 60.040 is amended to read:

4 AAC 60.040. Denial of approval; appeal. A **school district or Head Start agency** **that** [PERSON, INSTITUTION, OR AGENCY THIS] is denied an approval to operate a pre-elementary school under **this chapter** [4 AAC 60.035] may **file an appeal** [REQUEST A HEARING] under the procedures in 4 AAC 40 [IF A WRITTEN APPEAL IS RECEIVED BY THE COMMISSIONER WITHIN 15 DAYS OF THE DATE OF DENIAL OF APPROVAL. THE ELIGIBILITY OF THE SCHOOL FOR A LICENSE OR APPROVAL UNDER 4 AAC 60.035(b)(1) OR (2) IS NOT AN APPEALABLE ISSUE UNDER THIS SECTION]. (Eff.

4/20/73, Register 45; am 5/20/77, Register 62; am 2/5/2010, Register 193; am 9/16/2017);
Register 223)

Authority: AS 14.07.020 AS 14.07.060

4 AAC 60.170 is amended to read:

4 AAC 60.170. Programmatic requirements for pre-elementary schools. (a) A pre-elementary school that **is subject to this chapter** [RECEIVES DIRECT STATE OF FEDERAL FUNDING] must implement the guidelines for an early learning program described in the department's publication *State of Alaska, Early Learning Guidelines*, dated December 2007, and adopted by reference. The school must assess each child to determine the child's progress or status on all domain areas of development described in the guidelines.

(b) A pre-elementary school that **is subject to this chapter** [RECEIVES DIRECT STATE OR FEDERAL FUNDING] shall **submit to the department an annual** [PREPARE A] report **not later than June 30** [AT THE END OF EACH SCHOOL YEAR] on a form prescribed by the department. The school shall make the report available to parents and the public by August 1 of the next school year. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; am 2/5/2010, Register 193; am 9/16/2017; Register 223)

Authority: AS 14.07.020 AS 14.07.060

4 AAC 60.180 is amended by adding a new paragraph to read:

(10) "Head State agency" means an agency that operates a pre-elementary school in the state as a Head Start program under 42 U.S.C. 9831-9852c. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; am 2/5/2010, Register 193; am 9/16/2017, Register 223)

Authority: AS 14.07.020

AS 14.07.060