

State of Alaska  
Correspondence Program  
Regulations

4 AAC 09.040

4 AAC 09.160

4 AAC 33.405 – 490

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Chapter 9, Article 1  
**State Aid**

**4 AAC 09.040. Counting of correspondence students and part-time public school students**

- (a) Repealed 6/2/95.
- (b) Repealed 12/13/87.
- (c) A secondary student enrolled in an approved district correspondence study program, or as a part-time student under 4 AAC 05.035, shall be counted on a full-time equivalent basis as follows:
  - (1) a secondary student enrolled in one course in a semester equals 0.25 full-time equivalent;
  - (2) a secondary student enrolled in two courses in a semester equals 0.5 full-time equivalent;
  - (3) a secondary student enrolled in three courses in a semester equals 0.75 full-time equivalent;
  - (4) a secondary student enrolled in four or more courses in a semester equals 1.00 full-time equivalent.
- (d) An elementary student enrolled in an approved district correspondence study program or as a part-time student under 4 AAC 05.035, shall be counted on a full-time equivalent basis as follows:
  - (1) an elementary student enrolled in one hour or less per day equals 0.25 full-time equivalent;
  - (2) an elementary student enrolled in two hours per day equals 0.5 full-time equivalent;
  - (3) an elementary student enrolled in three hours per day equals 0.75 full-time equivalent;
  - (4) an elementary student enrolled in four hours per day equals 1.0 full-time equivalent.
- (e) A district enrolling a part-time student shall determine if the student is enrolled with another district. If a part-time student is enrolled in two districts, a written agreement must be entered by the enrolling districts to ensure that the student is not counted as a total of more than one full-time equivalent for purposes of the public school funding program under AS 14.17. The enrolling districts shall notify the department of the terms of the agreement.
- (f) For the purposes of the public school funding program under AS 14.17, a student who generates one full-time equivalent in one district will not be counted as a part-time student with another district.

Chapter 9, Article 2  
**School Operating Fund**

**4 AAC 09.160. Fund balance.**

- (a) All money in the year-end fund balance of a district's school operating fund are subject to the 10 percent limit described in AS 14.17.505(a), except for money in the following six [five] categories:

4 AAC 09.160(a) is amended by adding a new paragraph to read:

- (6) unexpended annual student allotment money as provided under

AS 14.03.320(c).

**History:** Eff. 12/13/87, Register 104; am 8/5/90, Register 115; am 6/19/2011, Register 198; am 3/6/2015, Register 213

**Authority:** AS 14.03.320 [AS 14.17.505 AS 14.17.920](#)

## **Article 4** **Correspondence Study Programs**

Section

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#### **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.

**History:** Eff. 12/25/2002, Register 164; am 9/19/2008, Register 187

**Authority:** [AS 14.03.090](#), [AS 14.07.020](#), [AS 14.07.030](#), [AS 14.07.050](#), [AS 14.07.060](#),  
[AS 14.08.111](#), [AS 14.14.090](#), [AS 14.14.110](#), [AS 14.17.430](#), [AS 14.30.010](#)

#### **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.

**History:** Eff. 5/1/99, Register 150; am 9/19/2008, Register 187

**Authority:** [AS 14.03.095](#), [AS 14.07.020](#), [AS 14.07.060](#), [AS 14.14.110](#), [AS 14.17.430](#),  
[AS 14.30.010](#)

#### **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.

**History:** Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am 12/25/2002, Register 164; am 2/20/2005, Register 173; am 9/19/2008; Register 187

**Authority:** [AS 14.07.020](#), [AS 14.07.030](#), [AS 14.07.050](#), [AS 14.07.060](#), [AS 14.14.110](#),  
[AS 14.17.430](#), [AS 14.30.010](#)

**4 AAC 33.421 is repealed and reenacted to read:**

#### **4 AAC 33.421. Correspondence study program requirements.**

(a) Each correspondence student's individual learning plan must provide for

(1) monitoring of each student by the assigned certificated teacher; the monitoring must include at least monthly teacher-student or teacher-parent contact for students who have obtained [an achievement level that did not meet standards](#) on the most recent administration of Alaska's statewide standards-based assessments under [4 AAC 06.710 - 4 AAC 06.790](#) and quarterly reviews of a student's work or progress in the individual learning plan; the district must maintain a record of the contact required under this paragraph;

(2) a grade, or other determination that the student has met the standards for a course, determined and assigned by the certificated, highly-qualified 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;

(3) 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

(4) 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 as outlined in the individual learning plan.

(b) In addition to the requirements set out in [AS 14.03.300](#) and this section, the individual learning plans for students who have obtained **an achievement level that did not meet standards** on the most recent administration of Alaska's statewide standards-based assessments under [4 AAC 06.710 - 4 AAC 06.790](#) must identify strategies to move the student toward proficiency in the related subject.

(c) For each course offered for credit by the program, the program must assign a certificated teacher who has the primary responsibility for the course.

(d) In accordance with [AS 14.07.050](#), [AS 14.08.111\(9\)](#), and [AS 14.14.090\(7\)](#), a correspondence study program that is not a charter school shall use curriculum materials, including textbooks and other instructional aids, that have been approved by 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 shall review and approve all curriculum materials for compliance with [AS 14.03.090](#) and [AS 14.18.060](#).

(e) 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.

(f) 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 for an ongoing assessment plan that includes statewide assessments required for public schools; 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.

(g) 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](#).

(h) A correspondence study program may not pay for or provide money for services or materials that do not reasonably relate to the delivery of the students' instructional needs. Textbooks, curriculum materials, school supplies, tutoring services, athletic equipment, and technology

expenses may be approved by the certificated teacher who has primary responsibility for the course. Funding for other materials or services requires the approval of the correspondence program director or the director's trained designee and the valid instructional purpose served by the expenditure must be noted in the student's individual learning plan. Business managers or other administrative personnel who are not certificated under [4 AAC 12.305](#) or [4 AAC 12.345](#) may process receipts, reimbursement requests, or other paperwork related to expenditures or fund account activity, but may not fulfill the responsibilities of certificated teachers, program directors, or trained designees as outlined in this subsection.

(i) 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 part of the student's individual learning plan under (d) of this section; and
- (2) the tutor is not vested with the primary responsibility to plan, instruct, or evaluate the learning of the student in the subject.

**History:** Eff. 12/25/2002, Register 164; am 8/6/2004, Register 171; am 2/20/2005, Register 173; am 9/19/2008, Register 187; am 3/6/2015, Register 213

**Authority:** [AS 14.03.090](#), [AS 14.03.300](#), AS 14.03.320 [AS 14.07.020](#), [AS 14.07.030](#), [AS 14.07.050](#), [AS 14.07.060](#) AS 14.08.111, [AS 14.14.090](#), [AS 14.17.430](#), [AS 14.30.010](#)

#### **4 AAC 33.422. Fund accounts**

(a) A 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 in the individual learning plan under [AS 14.03.300](#) and [4 AAC 33.421\(a\)](#)

(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\(h\)](#).

(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 a correspondence study program 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, shall establish written standards, consistent with [4 AAC 33.405](#) - [4 AAC 33.490](#), on what constitutes appropriate and allowable expenditures of a fund account.

(f) The district or charter school shall 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.

(g) The district or charter school may not permit the transfer of funds between student fund accounts except in the case of families with multiple students enrolled

**History:** Eff. 8/6/2004, Register 171; am 9/19/2008, Register 187; am 3/6/2015, Register 213

**Authority:** AS 14.03.320, [AS 14.07.020](#), [AS 14.07.030](#), [AS 14.07.060](#), [AS 14.08.101](#), [AS 14.17.430](#), [AS 14.30.010](#)

#### **4 AAC 33.425. Applications**

Repealed.

**History:** Eff. 5/1/99, Register 150; repealed 12/25/2002, Register 164

#### **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. A student enrolled in more than two correspondence classes must take core courses in at least two different subject areas.

(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. A district shall waive the requirement of (a) of this section if the student obtained [achievement levels that met standards](#) in English language arts and mathematics as set out in [4 AAC 06.739\(b\)](#) during the previous academic year

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

**History:** Eff. 8/6/2004, Register 171; am 9/19/2008, Register 187; am 2/16/2013, Register 205; am 3/6/2015, Register 213

**Authority:** AS 14.03.320. [AS 14.07.020](#), [AS 14.07.030](#), [AS 14.07.060](#), [AS 14.08.101](#), [AS 14.17.430](#), [AS 14.30.010](#)

#### **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.

**History:** 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 14.07.030](#), [AS 14.07.060](#), [AS 14.08.101](#), [AS 14.14.110](#)

[AS 14.17.430](#), [AS 14.30.010](#)

#### **4 AAC 33.432. 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.

**History:** 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 9/12/2008, Register 187

**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. 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.

**History:** Eff. 5/1/99, Register 150; am 12/25/2002, Register 164; am 9/19/2008, Register 187

**Authority:** [AS 14.07.020](#), [AS 14.07.030](#), [AS 14.07.060](#), [AS 14.07.170](#), [AS 14.30.010](#)

#### **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](#).
- (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, student identification issued by the department, entry date, exit date, whether the student has a disability category, and whether the student receives intensive services or related services;
- (2) a list of all administrators, teachers, teacher aides, and related services personnel who provide special education and related services in the district, including, for certificated staff members, the teacher certificate numbers; and
- (3) any other information required by the department to monitor programs as described in (a) of this section.
- (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.

(d) Repealed 9/19/2008.

**History:** Eff. 12/25/2002, Register 164; am 2/20/2005, Register 173; am 9/19/2008, Register 187

**Authority:** [AS 14.07.020](#), [AS 14.07.030](#), [AS 14.07.060](#), [AS 14.07.170](#), [AS 14.17.430](#)

#### **4 AAC 33.490. Definitions**

In [4 AAC 33.410 - 4 AAC 33.490](#),

- (1) repealed 8/6/2004;
- (2) "board" means the state Board of Education and Early Development;

- (3) "cooperative agreement" means a contract that is entered into by an enrolling district and a district of residence in conformance with [4 AAC 33.432](#);
- (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) repealed 9/19/2008;
- (8) "IEP" means an 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 the student does 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, that enrolls out-of-district students and 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 [AS 14.20.020](#) and each full-time equivalent elementary student;
- (12) "curriculum" means a written plan that sets out the scope and arrangement of the educational program planned for a district; "curriculum" includes the scope and sequence of objectives and activities for a given course;
- (13) "curriculum material" includes textbooks, software, multi-media materials, and other materials for which the primary purpose is for use in instructional activity; "curriculum material" does not include literary works;
- (14) "home school" means an educational program provided in the child's home by a parent or legal guardian under [AS 14.30.010 \(b\)\(12\)](#);
- (15) "parent" means a biological, adoptive, or foster parent, or an adult who acts as guardian of a child and makes decisions related to the child's safety, education, and welfare;

(16) "teacher" means a person employed by a district in a teaching, counseling, or administrative position and has the appropriate certificate issued by the department;

(17) "correspondence study program" has the meaning given in [4 AAC 09.990\(a\)](#).

**History:** 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 14.03.290](#), [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 AS\ln 44.62.125(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.