

4 AAC 33.090(c) is amended to read:

(c) The department will **open a period of application annually on May 1. The application period will close on June 30.** [ESTABLISH A PERIOD OF OPEN APPLICATIONS AND SOLICIT PROPOSALS FROM DISTRICTS TO ESTABLISH ADDITIONAL STATEWIDE OR DISTRICT-WIDE RESIDENTIAL SCHOOLS WHEN THE DEPARTMENT DETERMINES THAT ESTABLISHMENT OF ADDITIONAL SCHOOLS IS WARRANTED]. The department may require that applications be targeted to provide a particular program to meet specific needs of students in the state. A period of open application and solicitation does not imply that the department will approve the establishment of any new schools. [IN DETERMINING WHETHER TO ESTABLISH A PERIOD OF OPEN APPLICATIONS, THE DEPARTMENT WILL CONSIDER THE

(1) DEMAND FOR RESIDENTIAL SCHOOLS, INCLUDING THE DEMAND AND NEEDS IN DIFFERENT REGIONS OF THE STATE;

(2) CAPACITY OF EXISTING SCHOOLS; AND

(3) PUBLIC INTEREST.]

4 AAC 33.090(h) is amended to read:

(h) A district may apply during a period of open application under (c) of this section for approval to operate a variable-term statewide or district-wide residential school that will house students for the entire school calendar. The minimum term for each student must be at least two weeks. A variable-term school is eligible for reimbursement for a monthly stipend for up to nine months of the school year under (f) of this section for the number of students that it housed on the last day of the student count period under AS 14.17.600 if the district will continue to house at least the same number of students throughout the entire school term. **Upon the written**

**request of a school district, the commissioner may permit a district to report the number of students it housed on a date other than the last day of the student count period if the date is within the count period set out in AS 14.17.600 and the date more accurately reflects the numbers of students the district will house throughout the school term.** A variable-term

school is eligible for a one-time air fare reimbursement under AS 14.16.200(b)(1) for the number of students housed by the school on the last day of the student count period, based on the average cost of round-trip air fare for all statewide or district-wide residential schools. A district may not include students housed by a variable-term school in the school's student count submitted to the department for foundation funding under AS 14.17; a student being housed by a variable-term school during the student count period may be included in the count of the student's district of residence. In this subsection, "variable-term statewide or district-wide residential school" means a statewide or district-wide residential school that rotates students in and out of the school during the school year for the entire school term as defined under AS 14.03.030. (Eff. 10/22/2006, Register 180; am 6/8/2013, Register 206; am 10/16/2013, Register 208; am 2/21/2014, Register 209; am 3/6/2015, Register 213)

**Authority:**            AS 14.07.020            AS 14.07.165            AS 14.16.200  
                         AS 14.07.060            **AS 14.16.100**