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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Janell Andrews, Department of Education and Early Development

**FROM:** April Simpson, Office of the Lieutenant Governor 465.4081 

**DATE:** June 1, 2023

**RE:** Filed Permanent Regulations: Department of Education and Early Development

Department of Education and Early Development regulations re: Alaska Reads Act (Part 1) implementing Chapter 40 SLA 2022 (4 AAC 06)

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Attorney General File:	2022200409.001
Regulation Filed:	6/1/2023
Effective Date:	7/1/2023
Print:	247, October 2023

cc with enclosures: Colleen Bailey, Department of Law  
Judy Herndon, LexisNexis



THE STATE  
of ALASKA  
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300  
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May 31, 2023

The Honorable Nancy Dahlstrom  
Lieutenant Governor  
State of Alaska  
P.O. Box 110015  
Juneau, AK 99811-0015

Re: 4 AAC 06: 2022200409.001 *Department of Education and Early  
Development - Regulations Implementing Ch. 40, SLA 22 (Alaska Reads  
Act)(Part 1)*  
Our file: 2022200409

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Education and Early Development against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Education and Early Development after the close of the public comment period.

The regulations concern the Alaska Reads Act, also known as Chapter 40 SLA 2022 (House Bill (HB) 114).

The February 1, 2023 public notice and the April 19, 2023 order certifying the changes both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR  
ATTORNEY GENERAL

By: Rebecca C. Polizzotto  
Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

Digitally signed by  
Rebecca C. Polizzotto  
Date: 2023.05.31  
11:41:34 -08'00'

RCP/fcb

CC w/enclosure: Janell Andrews, Executive Secretary  
Department of Education and Early Development

Susan Sonneborn, Assistant Attorney General  
Department of Law

Amy H. Robinson, Assistant Attorney General  
Department of Law

APPENDIX J: Certification Order

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

The attached <sup>30</sup>~~49~~ pages of regulations, dealing with amendments to 4 AAC 05; 4 AAC 06; 4 AAC 12; 4 AAC 60 of the Alaska Administrative Code, dealing with the Alaska Reads Act, also known as Chapter 40, SLA 2022 (House Bill (HB) 114) is certified to be a correct copy of the regulation changes that the State Board of Education and Early Development adopted at its April 19, 2023, meeting, under the authority of AS 14.07.020, AS 14.07.060 and 14.07.165, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increase appropriation.

On the record, considering public comments, the State Board of Education and Early Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 4/19/2023

Lacey Sanders  
Lacey Sanders, Deputy Commissioner  
Department of Education and Early Development

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

June 1, 2023 at 8:35 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson  
for Lieutenant Governor Nancy Dahlstrom

Effective: July 1, 2023.

Register: 247, October 2023.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.**



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

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4 AAC 05 is amended by adding a new section to read:

**4 AAC 05.100. Kindergarten day in session.** (a) A school that offers kindergarten shall provide a kindergarten day in session that consists of at least two hours of instructional time. A kindergarten student who attends school for less than four hours per day, exclusive of intermissions, will be counted for funding purposes under 4 AAC 09.040.

(b) In this section, "instructional time" means time devoted to structured learning activities for the instruction of kindergarten students. (Eff. 7 / 1 / 2023, Register 247)

**Authority:** AS 14.03.040 AS 14.07.060 AS 14.07.165

## **Chapter 06. Government of Schools.**

### **Article**

1. General Administration (4 AAC 06.010 - 4 AAC 06.177).

2. Safe Schools (4 AAC 06.200 - 4 AAC 06.290).

**3. Department Reading Program (4 AAC 06.300 - 4 AAC 06.390).**

**4. District Reading Intervention Services and Strategies (4 AAC 06.400 - 4 AAC 06.490).**

5 [3]. Prohibition of Sex Discrimination (4 AAC 06.500 - 4 AAC 06.600).

6 [4]. Statewide Student Assessment (4 AAC 06.700 - 4 AAC 06.790).

7 [5]. School and District Accountability (4 AAC 06.800 - 4 AAC 06.899).

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4 AAC 06 is amended by adding new sections to read:

**Section**

300. Applicability

305. Eligibility

310. Application and selection

315. Program requirements

320. Reading specialists

325. K - 3 intensive school reading improvement plan

330. Reporting and communication

390. Definitions

**4 AAC 06.300. Applicability.** (a) The department reading program provides direct support for and intervention in intensive reading intervention services to participating schools as provided in AS 14.30.765 and 14.30.770.

(b) The department will provide to eligible schools

(1) support from a reading specialist employed by the department; and

(2) funding to implement the reading improvement goals identified in the K - 3 intensive school reading improvement plan, including intervention materials. (Eff. 7 / 1 / 2025,

Register 247 )

**Authority:** AS 14.07.020                      AS 14.30.765                      AS 14.30.770  
AS 14.07.060

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**4 AAC 06.305. Eligibility.** A school serving students in kindergarten through third grade is eligible to apply for the department reading program if the school has been assigned a performance designation that is in the lowest performing 25 percent of schools, as determined by the department based on the state accountability system in AS 14.03.123. The department will determine how many schools will be selected each year based on available resources and school district needs. (Eff. 7 / 1 / 2013, Register 247 )

**Authority:** AS 14.03.123                      AS 14.07.060                      AS 14.30.770  
AS 14.07.020

**4 AAC 06.310. Application and selection.** (a) The department will notify a school that it is eligible to apply for the reading program in fall of each year.

(b) An eligible school may apply to the department as provided in AS 14.30.770 by submitting a complete application on or before February 15 of each year on a form provided by the department.

(c) A complete application must include

- (1) the school and school district name;
- (2) the signature of the school principal, school district superintendent, and school board chair;
- (3) a completed K - 3 MTSS reading plan;
- (4) school summative assessment scores for the past two years;
- (5) school statewide screening tool or other approved screening tool results for students in kindergarten through grade three over the past year; for applications submitted in



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2024 an eligible school shall submit screening tool results available as of February 15; and

(6) a statement describing the school's commitment to reading improvement through participation in the department reading program and implementation of reading improvement goals.

(d) The department will notify schools of acceptance in the department reading program not later than April 1 of each year for support in the following year.

(e) In selecting schools the department will prioritize complete applications providing evidence of a school's ability to implement direct support for and intervention in intensive reading intervention services. (Eff. 7 / 1 / 2023, Register 247 )

**Authority:** AS 14.07.020 AS 14.07.060 AS 14.30.770

**4 AAC 06.315. Program requirements.** A school selected to participate in the department reading program established in AS 14.30.770 shall

(1) submit a K - 3 intensive school reading improvement plan as provided under 4 AAC 06.325;

(2) work with state reading specialists to structure the school day to accommodate effective core instruction and intensive reading interventions to best suit the needs of the school;

(3) present an update on the reading program and intervention services as provided in AS 14.30.770; and

(4) comply with all requirements in this chapter and AS 14.30.770.

(Eff. 7 / 1 / 2023, Register 247 )

**Authority:** AS 14.07.020 AS 14.07.060 AS 14.30.770

**4 AAC 06.320. Reading specialists.** (a) The department will employ reading specialists and assign them to eligible schools. An individual employed by the department as a reading specialist shall

(1) hold a teacher certificate issued under 4 AAC 12.305 or 4 AAC 12.306;

(2) meet the requirements of AS 14.30.770(d)(2) - (3); and

(3) complete, not later than one year after the person's date of hire, a total of three semester hours of indigenous language learning and culturally responsive education, in any combination.

(b) A reading specialist may deliver support in a distance-delivery model, except that a reading specialist shall conduct a minimum of two in-person site visits each year. A reading specialist may provide more than two in-person site visits each year as determined by the reading specialist and the department.

(c) In addition to the duties outlined in 14.30.770 a reading specialist shall

(1) in partnership with school staff, create specific improvement goals with measures of interim progress for each school;

(2) purchase intervention materials to support the improvement goals;

(3) review staff development plans in reading for effectiveness and provide feedback; and

(4) help design the school's daily schedule for reading, modeled after a response to intervention or multi-tiered system of support.

(d) A reading specialist shall provide progress reports to the department on a quarterly basis, including progress on specific improvement goals under (c)(1) of this section.

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(e) Beginning July 1, 2023 and ending June 30, 2024, a reading specialist shall satisfy the requirements of (a)(3) of this section by completing three semester hours of multicultural education or cross-cultural communications as provided under AS 14.20.020(h).

(Eff. 7 / 1 / 2023, Register 247 )

**Authority:** AS 14.07.020 AS 14.07.060 AS 14.30.770

**4 AAC 06.325. K - 3 intensive school reading improvement plan.** (a) Not later than May 1 of each year, a school participating in the department reading program shall submit to the department a K - 3 intensive school reading improvement plan.

(b) The department will make a K -3 intensive school reading improvement plan template available on its website.

(c) The participating school shall complete the plan in partnership with the assigned reading specialist. The plan must include

(1) a description of the reading program and reading intervention services to be provided to students;

(2) goals for reading improvement with measures of interim progress;

(3) a description of the roles and responsibilities of the school, the reading specialist, and the department;

(4) a description of professional development plans for district staff involved in implementing the plan;

(5) a description of reading improvement home supports; and

(6) a description of the daily school schedule, redesigned as provided under

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AS 14.30.770(b)(2).

(d) Submission of the K - 3 intensive school reading improvement plan satisfies the requirement that a district enter into a written agreement with the department as provided under AS 14.30.770(b)(2). (Eff. 7 / 1 / 2023, Register 247 )

**Authority:** AS 14.07.020 AS 14.07.060 AS 14.30.770

**4 AAC 06.330. Reporting and communication.** (a) A school selected to participate in the reading program shall present on the reading program established under AS 14.30.770 and present an annual update to the public in accordance with AS 14.30.770(b)(3) - (5).

(b) A selected school shall report to the department the information to be reported to the public under (a) of this section and any additional update as requested by the department. (Eff. 7 / 1 / 2023, Register 247 )

**Authority:** AS 14.07.020 AS 14.07.060 AS 14.30.770

**4 AAC 06.390. Definitions.** In 4 AAC 06.300 - 4 AAC 06.390,

(1) "culturally responsive" has the meaning given in AS 14.60.010;

(2) "K - 3 MTSS reading plan" means the multi-tiered system of support (MTSS) model described in 4 AAC 06.405;

(3) "multi-tiered system of support" has the meaning given in 4 AAC 06.490(a);

(4) "reading specialist" means an educator

(A) employed by the department, specialized in the science of reading, and assigned annually as a support for K - 3 Tier III students in schools participating in the

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department reading program;

(B) provided to improve and accelerate student progress toward reaching reading competency utilizing the state-approved program plan, as stated in AS 14.30.770.

(Eff. 7 / 1 / 2023, Register 247 )

**Authority:** AS 14.07.020 AS 14.07.060 AS 14.30.770

#### **Article 4. District Reading Intervention Services and Strategies.**

##### **Section**

400. Statewide literacy screening and support

405. Reading intervention services and strategies

410. Individual reading improvement plan

415. Student progression

490. Definitions

**4 AAC 06.400. Statewide literacy screening and support.** (a) The department will provide a statewide screening tool and associated training to all school districts to assess student reading skills. The department will provide to school districts

(1) training on evidence-based instruction based on student needs, assistance in interpreting screening results, and training in the science of reading;

(2) training on using the statewide screening tool to identify students who will need an assessment for dyslexia; and

(3) assistance in developing an alternative standardized reading screening tool as provided in AS 14.30.760, if requested by a school district.

(b) Except as provided in (d) of this section, each school district shall assess all students in kindergarten through grade three each fall using the statewide screening tool as provided under AS 14.30.760 and shall

(1) identify students with reading deficiencies and require these students to take a winter and spring assessment; and

(2) identify students with sufficient reading skills, who are not required to take a winter or spring assessment.

(c) Annually, after the completion of the school year but not later than July 15, each school district shall provide a report to the department that includes all data required under AS 14.30.760(a)(4).

(d) A school district may request a waiver from the requirement that it use the department-provided statewide literacy screening tool. The department will make available to all school districts a K - 3 literacy screener waiver form. The commissioner will grant the K - 3 literacy screener waiver if the district-selected screening tool is an evidence-based screening tool consistent with AS 14.30.760 and meets the requirements of this subsection. A K - 3 literacy screener waiver granted by the commissioner to a school district becomes void if the school district selects a new screening tool. An application for a K - 3 literacy screener waiver must be submitted in writing not later than April 15 to be considered for use in the following school year and must include

(1) a description of the district selected screening tool and how it meets the

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requirements of AS 14.30.760;

(2) a dyslexia screener;

(3) the reason for seeking the waiver; and

(4) any additional information supporting the district's request for a waiver. (Eff.

7 / 1 / 2023, Register 247)

**Authority:** AS 14.07.020 AS 14.07.060 AS 14.30.765

**4 AAC 06.405. Reading intervention services and strategies.** (a) A school district shall offer intensive reading intervention services to students in kindergarten through grade three who exhibit a reading deficiency under AS 14.30.765.

(b) Each school district must submit to the department not later than September 1 of each year a reading plan to provide services described in (a) of this section based on a response to intervention or multi-tiered system of support (MTSS) model. A school district may resubmit a department-approved K - 3 MTSS reading plan from the prior school year, if the district reading plan and intervention services have not changed.

(c) The department will provide a K - 3 MTSS reading plan template to school districts.

(d) Each school district's K - 3 MTSS reading plan must comply with AS 14.30.765(b) and must include

(1) identification of the literacy screening tool to be used and the proposed schedule that is in alignment with statewide assessment schedules;

(2) a description of the adopted core and intervention reading programs for students in kindergarten through grade three.

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- (3) a description of the district's progress monitoring tool and the proposed schedule;
- (4) a parent notification of student reading deficiency letter template;
- (5) an individual reading improvement plan template;
- (6) a description of home supports for early literacy development; and
- (7) description of reading-related professional development for staff working with students in kindergarten through grade three. (Eff. 7 / 1 / 2023, Register 247 )

**Authority:** AS 14.07.020 AS 14.07.060 AS 14.30.765

**4 AAC 06.410. Individual reading improvement plan.** (a) A school district shall provide a culturally responsive individual reading improvement plan for each student in kindergarten through grade three who is determined to have a reading deficiency based on the statewide screening tool in AS 14.30.765 or a district selected alternative screening tool based on an approved K - 3 literacy screener waiver form under 4 AAC 06.400.

(b) The individual reading improvement plan must meet the requirements of AS 14.30.765(b) and must include a description of individual reading intervention services to be provided in the summer for students progressing to grade four through submission of a waiver under 4 AAC 06.415(c).

(c) The department will make available to school districts an individual reading improvement plan template. (Eff. 7 / 1 / 2023, Register 247 )

**Authority:** AS 14.07.020 AS 14.07.060 AS 14.30.765



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**4 AAC 06.415. Student progression.** (a) If a student demonstrates a reading deficiency, the district shall follow the student progression requirements set out in AS 14.30.765(d) - (f).

(b) A student may demonstrate mastery of reading standards sufficient to progress from grade three to grade four as provided in AS 14.30.765(e), including by submission of a complete reading portfolio. A complete reading portfolio must

(1) be submitted by a classroom teacher on a department-provided reading portfolio form;

(2) provide measurable evidence of proficiency on each English/Language Arts foundational skill grade standard through the student's current grade level, set out in *Alaska English/Language Arts and Mathematics Standards*, adopted by reference in 4 AAC 04.140.

(c) Each school district shall make available a department waiver of non-progression form for a parent or guardian who elects to submit a waiver under AS 14.30.765(f). The parent or guardian shall submit to the school district a completed and signed waiver of non-progression request not later than 30 days after meeting with school and district staff as required in AS 14.30.765(f) or not later than the end of the school year, whichever is earlier.

(d) Students may only have their progression delayed one time between kindergarten and grade three. (Eff. 7 / 1 / 2023, Register 247 )

**Authority:** AS 14.07.020 AS 14.07.060 AS 14.30.765

**4 AAC 06.490. Definitions.** (a) In 4 AAC 06.400 - 4 AAC 06.490,

(1) "culturally responsive" has the meaning given in AS 14.60.010;

(2) "measurable evidence of proficiency"

(A) means direct proof of student proficiency, including audio or video of a student performing a skill and data from a free online literacy assessment based on the science of reading;

(B) does not include worksheets, parent testimonials, or anecdotal notes and observations;

(3) "multi-tiered system of support" means the practice of providing high-quality tiered instruction and interventions that

(A) are based on the science of reading;

(B) are matched to student need;

(C) include monitoring student progress frequently to make decisions about changes in instruction or goals; and

(D) include applying student response data to important educational decisions;

(4) "parent" or "guardian" has the meaning given in AS 14.60.010.

(b) In AS 14.30.760 - 14.30.780 and 4 AAC 06.400 - 4 AAC 06.490, "dyslexia" means a specific learning disability that

(1) is neurobiological in origin;

(2) is characterized by difficulties

(A) with accurate or fluent word recognition and by poor spelling and decoding abilities; and

(B) that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision

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of effective classroom instruction; and

(3) may have secondary consequences that include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. (Eff. 7 / 1 / 2023, Register 247)

**Authority:** AS 14.07.020                      AS 14.30.765                      AS 14.30.775  
AS 14.07.060

4 AAC 12.300(g) is amended to read:

(g) Unless otherwise provided in this section, fees must be paid at the time of application and are nonrefundable. The fee for

(1) initial issuance of a teacher certificate, including all endorsements, is \$200, plus the cost of a criminal history background check required under (b)(4) of this section;

(2) renewal of a teacher certificate, including all endorsements, is \$200, plus the cost of a criminal history background check required under 4 AAC 12.405(b);

(3) addition or deletion of endorsements, other than at the time of initial issuance of the certificate is \$100;

(4) a certified copy of a teacher certificate is \$25; [AND]

(5) each nonacademic credit is \$50 payable at the time supporting documentation required by 4 AAC 12.410(a) is submitted to the department; **and**

**(6) a holder of a current teacher certificate to apply for an endorsement issued under 4 AAC 12.392 or 4 AAC 12.393, notwithstanding (3) of this subsection, is \$50 from July 1, 2023 through December 30, 2028.**

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(Eff. 9/29/2005, Register 175; am 9/30/2005, Register 175; am 12/20/2005, Register 176; am 9/20/2006, Register 179; am 6/7/2015, Register 214; am 4/24/2016, Register 218; am 10/20/2018; Register 228; am 10/26/2022; Register 244; am 7 / 1 / 2023, Register 247 )

**Authority:** AS 14.07.060                      AS 14.20.010                      AS 14.20.020  
AS 14.20.030

4 AAC 12.305(a) is amended to read:

**4 AAC 12.305. Teacher certificate (initial, professional, master).** (a) Except as provided in AS 14.20, the department will issue an initial teacher certificate, valid for up to five years from the issue date or for a period described under (d) of this section, to an applicant who

(1) has satisfied a baccalaureate degree requirement under AS 14.20;

(2) for purposes of competency examination requirements under AS 14.20.020 or 14.20.022, meets or exceeds the qualifying scores for this state on one of the competency examinations designated in 4 AAC 12.310;

(3) has met or will meet within two years the requirements of AS 14.20.020(h);

(4) meets the certification requirements of AS 14.20.017, 14.20.020, or 14.20.022;

(5) if the applicant seeks to qualify for certification under AS 14.20.020 or 14.20.022, provides

(A) a recommendation or proof of program enrollment from an approved preparation program accepted under 4 AAC 12.307(a); and

(B) for each endorsement area listed on the recommendation or proof of program enrollment provided under (A) of this paragraph, a score that meets or exceeds

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the required score on a content area examination for any endorsement area designated in 4 AAC 12.407 or each equivalent content area examination required by a certifying state agency for an endorsement on a comparable certificate held by the applicant;

(6) if the applicant has completed an approved program accepted under 4 AAC 12.307(a)(2), provides evidence of a comparable certificate issued by the certifying state agency with jurisdiction over the program or an assurance by the certifying state agency or preparing institution that all requirements, including testing required by the jurisdiction, have been satisfied by the applicant and that the applicant is eligible to gain the comparable certification in the state where the preparing institution is located;

(7) has met the requirements of 4 AAC 12.397(a); [AND]

(8) satisfies the requirements for an initial teacher certificate under AS 14.20.020;

**and**

**(9) if the applicant seeks to qualify for certification under AS 14.20.020 to teach students in grades K - 3, has met the requirements of 4 AAC 12.393(a).**

(Eff. 9/29/2005, Register 175; am 9/30/2005, Register 175; am 8/15/2008, Register 187; am 10/31/2008, Register 188; am 9/17/2011, Register 199; am 9/7/2012, Register 203; am 6/27/2014, Register 210; am 4/24/2016, Register 218; am 2/5/2017, Register 221; am 10/26/2022, Register 244; am 7 / 1 / 2023, Register 247)

**Authority:** AS 14.07.060 AS 14.20.017 AS 14.20.022  
**AS 14.20.015** AS 14.20.020

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4 AAC 12.306(a) is amended by adding a new paragraph to read:

(5) if the applicant seeks certification to teach students in grades K - 3, has met the requirements of 4 AAC 12.393(a).

(Eff. 6/18/2023, Register 246; am 7 / 1 / 2023, Register 247)

Authority: AS 14.07.060 AS 14.20.015 AS 14.20.020

4 AAC 12.310(a)(3) is amended to read:

(3) for the Academic Skills for Educators Test,

(A) reading (5712): 156;

(B) writing [:] (5722): 162; and

(C) mathematics [:] (5732): 150.

4 AAC 12.310(e) is amended by adding a new paragraph to read:

(4) "qualifying score" means a passing score representing the minimum acceptable level of performance for a teacher competency examination.

4 AAC 12.310(f) is amended to read:

(f) An applicant who has qualified for certification with the certifying agency of another **jurisdiction** [STATE] may satisfy the requirement of AS 14.20.020(i) by providing to the department the applicant's qualifying scores on each competency examination required by the certifying agency of the other **jurisdiction** [STATE].

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4 AAC 12.310 is amended by adding new subsections to read:

(g) The department will reevaluate a qualifying score for a competency examination identified in this section at least once every five years under 4 AAC 12.409.

(h) The department will review a competency examination identified in this section at least once every three years under 4 AAC 12.409. (Eff. 9/29/2005, Register 175; am 9/30/2005, Register 175; am 12/21/2007, Register 184; am 6/27/2014, Register 210; am 4/24/2016, Register 218; am 6/1/2018, Register 226; 11/28/2019, Register 232; am 7 / 1 / 2023, Register 247)

**Authority:** AS 14.07.060 AS 14.20.020 AS 14.20.030  
AS 14.20.010

4 AAC 12.345 is amended by adding a new subsection to read:

(j) In addition to the requirements of (a) of this section, a school administrator who supervises teachers of kindergarten through grade 3 shall obtain a K - 3 educator endorsement under 4 AAC 12.393(a) within the time period required under 4 AAC 12.393(c). (Eff. 9/29/2005, Register 175; am 8/31/2008, Register 187; am 9/17/2011, Register 199; am 9/7/2012, Register 203; am 4/24/2016, Register 218; am 10/26/2022; Register 244; am 7 / 1 / 2023, Register 247)

**Authority:** AS 14.07.060 AS 14.20.020 AS 14.30.255

4 AAC 12 is amended by adding new sections to read:

**4 AAC 12.392. Early education lead teacher endorsement requirements.** (a) A person employed by a school district as a teacher in charge of an early education program

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provided by a school district for children who are four and five years of age under AS

14.07.165(a)(5) shall obtain an early education lead teacher endorsement under this section.

(b) To qualify for an early education lead teacher endorsement, an applicant shall

(1) hold a valid teacher certificate issued under 4 AAC 12.305 or 4 AAC 12.306;

and

(2) submit documentation to the department that the applicant has

(A) completed, or will complete not later than two years after the applicant's date of hire by the school district, a minimum of six credit hours in early childhood education that includes three credit hours, or the equivalent, of an evidence-based reading training course that

(i) is approved by the department; and

(ii) includes a summative assessment; or

(B) two or more years of experience teaching kindergarten or an early education program and has completed three credit hours, or the equivalent, of an evidence-based reading training course that

(i) is approved by the department; and

(ii) includes a summative assessment.

(c) In this section, "evidence-based reading training course" means a course with instruction in the areas of an "evidence-based reading intervention" within the meaning given in

AS 14.30.780. (Eff. 7 / 1 / 2023, Register 247)

<b>Authority:</b>	AS 14.07.020	AS 14.07.165	AS 14.20.020
	AS 14.07.060	AS 14.20.015	AS 14.30.780



**4 AAC 12.393. Endorsement requirements for K - 3 teachers and district reading teachers.** (a) A person employed by a school district to teach kindergarten through grade three shall obtain a K - 3 educator endorsement under this subsection. To qualify for a K - 3 educator endorsement, an applicant shall

(1) hold a teacher certificate issued under 4 AAC 12.305 or 4 AAC 12.306; and

(2) submit documentation to the department that the applicant has

(A) completed three semester hours or the equivalent of an evidence-based reading training that includes a summative assessment and is approved by the department; or

(B) achieved or exceeded the required score under 4 AAC 12.407(a) for

(i) the ETS Praxis II Teaching Reading examination, test code 5204;

(ii) the ETS Praxis II Teaching Reading: Elementary examination, test code 5205;

(iii) the ETS Praxis II Teaching Reading: Elementary examination, test code 5206; or

(iv) the Pearson Foundation of Reading examination.

(b) A person employed by a district as a reading teacher shall obtain a district reading teacher endorsement not later than two years after the person's date of hire as a reading teacher.

To qualify for a district reading teacher endorsement, an applicant shall

(1) hold a teacher certificate issued under 4 AAC 12.305 or 4 AAC 12.306;

(2) submit a completed reading instruction effectiveness evaluation form certified

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by a school principal or district representative with knowledge of the teacher's performance to the department; and

(3) submit documentation to the department that the applicant has

(A) completed an evidence-based reading training course approved by the department that includes a summative assessment; or

(B) achieved or exceeded the required score under 4 AAC 12.407(a) for

(i) the ETS Praxis II Teaching Reading examination, test code 5204;

(ii) the ETA Praxis II Teaching Reading: Elementary examination, test code 5205;

(iii) the ETA Praxis III Teaching Reading: Elementary examination, test code 5206; or

(iv) the Pearson Foundation of Reading examination.

(c) The requirements of (a) of this section apply on or after July 1, 2024 to teachers who began teaching students in in grades kindergarten through three before July 1, 2023.

(d) In this section, "evidence-based reading training course" means a course with instruction in the areas of an "evidence-based reading intervention" within the meaning given in AS 14.30.780. (Eff. 7 / 1 / 2023, Register 247)

<b>Authority:</b>	AS 14.07.020	AS 14.20.020	AS 14.30.780
	AS 14.07.060	AS 14.30.765	
	AS 14.20.015	AS 14.30.770	

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4 AAC 12.407(a) is amended to read:

**4 AAC 12.407. Content area examinations.** (a) A teacher may satisfy the content area testing requirements of [4 AAC 04.210(b)(5),] 4 AAC 12.305(a), (b), and (c), **4 AAC 12.393,** and 4 AAC 12.395 by achieving the required score or higher on one of the following:

(1) a Praxis II examination described in the following table:

<b>Praxis II Examination</b>	<b>Required Score</b>
Early Childhood Education - 5025	156
Elementary Education Content Knowledge - 5014 or 0014	143
Elementary Education: Curriculum, Instruction, and Assessment - 5011 or 0011	156
Multiple Subject Assessments for Teachers Content Knowledge - 0140	146
Elementary Education: Curriculum, Instruction, and Assessment - 5017	153
Elementary Education: Content Knowledge - 5018	163
English to Speakers of Other Languages - 5362	155
Special Education: Core Knowledge and Applications - 5354	151
Special Education: Preschool/Early Childhood - 5691	159
Teaching Reading: Elementary Education - 5203	162
Teaching Reading - 5204	159
<b><u>Teaching Reading: Elementary - 5205</u></b>	<b><u>159</u></b>
<b><u>Teaching Reading: Elementary - 5206</u></b>	<b><u>156</u></b>

(2) the Praxis II examination in Elementary Education: Multiple Subjects - 5001

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with the required scores or higher on each of the subtests described in the following table:

<b>Elementary Education: Multiple Subjects Subtests</b>	<b>Required Scores</b>
Elementary Education: Reading and Language Arts Subtest - 5002	157
Elementary Education: Mathematics Subtest - 5003	157
Elementary Education: Social Studies Subtest - 5004	155
Elementary Education: Science Subtest - 5005	159

**(3) the Pearson Foundation of Reading content examination with a required score of 240.**

4 AAC 12.407 is amended by adding new subsections to read:

(g) The department will review a content area examination identified in this section at least once every three years under 4 AAC 12.409(a).

(h) The department will reevaluate a required score for a content area examination identified in this section at least once every five years under 4 AAC 12.409(b).

(i) In this section, "required score" means a passing score representing the minimum acceptable level of performance on an examination. (Eff. 4/24/2016, Register 218; am 6/1/2018, Register 226; am 7 / 1 / 2023, Register 247 )

<b>Authority:</b>	AS 14.07.020	AS 14.20.010	AS 14.20.022
	AS 14.07.060	AS 14.20.020	AS 14.50.080

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4 AAC 12 is amended by adding new section to read:

**4 AAC 12.409. Department review of competency and content area examinations; reevaluation of minimum passing scores; report.** (a) The department will conduct an annual review of at least one-third of the teacher competency examinations designated in 4 AAC 12.310 and at least one-third of the content area examinations designated in 4 AAC 12.407. The department's annual review will vary the examinations under consideration so that all designated teacher competency and content area examinations are reviewed at least once every three years.

(b) The department will conduct an annual reevaluation under AS 14.20.020(i) of at least one-fifth of the minimum passing scores for teacher competency examinations designated in 4 AAC 12.310 and content area examinations designated in 4 AAC 12.407. The department's annual reevaluation of minimum passing scores will vary the scores under consideration so that all minimum passing scores for competency and content area examinations are reevaluated at least once every five years.

(c) The department may combine the annual review of teacher competency and content area examinations required under (a) of this section with the annual reevaluation of passing scores under (b) of this section.

(d) The department will provide the results of each annual review of examinations and annual reevaluation of passing scores in a report to the board at a regularly scheduled December board meeting. The report must contain

(1) a list of all teacher competency examinations, content area examinations, and minimum passing scores considered by the report;

(2) any recommended changes to designated teacher competency examinations;

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(3) any recommended changes to designated content area examinations;

(4) for a minimum passing score under evaluation,

(A) an assessment of the historical effect of the established passing score and the potential effect of changing the passing score; and

(B) the passing score currently used for the examination by other jurisdictions; and

(5) any information relied upon by department staff in development of the report.

(e) A recommended change to a designated teacher competency examination, content area examination, or minimum passing score that is approved by the board does not take effect without adoption of or amendment to a regulation under the Administrative Procedure Act (AS 44.62). (Eff. 7 / 1 / 2023; Register 247)

**Authority:** AS 14.07.060 AS 14.20.010 AS 14.20.020

4 AAC 12.900(a) is amended by adding a new paragraph to read:

(18) "reading teacher" has the meaning provided in AS 14.30.765(n).

4 AAC 12.900(b) is repealed:

(b) Repealed 7 / 1 / 2023.

(Eff. 5/30/71, Register 38; am 10/4/73, Register 47; am 8/12/82, Register 83; am 6/9/85, Register 94; am 4/9/87, Register 102; am 7/1/90, Register 114; am 8/8/91, Register 119; am 7/2/93, Register 126; am 6/9/95, Register 134; am 4/4/96, Register 138; am 6/28/98, Register 146; am 3/31/2002, Register 161; am 9/29/2005, Register 175; am 10/21/2007, Register 184; am

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4/24/2016, Register 218; am 10/26/2022, Register 244; am 7 / 1 / 2023, Register 247)

**Authority:** AS 14.07.060 AS 14.20.010 AS 14.20.020

4 AAC 60.037 is repealed:

**4 AAC 60.037. Transition.** Repealed. (Eff. 9/16/2017, Register 223; repealed 7 / 1 / 2023, Register 247)

4 AAC 60.180 is repealed:

**4 AAC 60.180. Definitions.** Repealed. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; am 2/5/2010, Register 193; am 9/16/2017, Register 223; repealed 7 / 1 / 2023, Register 247)

**Editor's note: As of Register 247 (October 2023), this section was repealed and the definitions were incorporated, as amended, as part of new section 4 AAC 60.990. The history note for 4 AAC 60.990 does not reflect the history of the repealed section.**

[AS OF REGISTER 151 (OCTOBER 1999), THE REGULATIONS ATTORNEY MADE TECHNICAL REVISIONS UNDER AS 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.]

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

**4 AAC 60.190. High quality early education program standards.** (a) A district-wide early education program must

(1) adopt an evidence-based program of learning that complies with the standards of (b) of this section;

(2) have a certificated teacher in charge of the program who meets the criteria of AS 14.07.165(a)(5)(B);

(3) implement the guidelines for an early education program described in the department's *State of Alaska Early Learning Guidelines*, adopted by reference in 4 AAC 60.170;

(4) have a minimum day in session of two hours a day, five days a week; and

(5) accommodate the early education needs of district children and their families, regardless of socioeconomic circumstances.

(b) The standards for a high quality early education program provided by a district-wide early education program, as set out in the department's publication *Alaska Early Education Program Standards*, dated April 2023, are adopted by reference.

(c) A school district that complies with (a) and (b) of this section may adapt its early learning program to align with the cultural values and customs of the district community. (Eff.

7 / 1 / 2023, Register 247)

**Authority:** AS 14.07.020 AS 14.07.165 AS 14.17.180  
AS 14.07.060



**4 AAC 60.195. District accountability; revocation of approval of district-wide early education program.** (a) Annually, a district providing a district-wide early education program shall submit an average daily membership (ADM) assurances report in a format prescribed by the department. The ADM assurances report must be submitted to the department not later than two weeks after the end of the student count period under 4 AAC 09.015. In the report, the district shall certify that its district-wide early education program complies with the high quality early education program standards under 4 AAC 60.190.

(b) An individual may submit a complaint to the department concerning a district's compliance with the high quality early education program standards under 4 AAC 60.190. The complaint must include

- (1) a statement describing the alleged violation;
- (2) a statement of facts;
- (3) the name and address of the complainant; and
- (4) documentation that the complainant presented the complaint to the school

district.

(c) Upon receipt of a complaint, the department will conduct a scheduled review of the district-wide early education program. The department will provide a minimum of 30 days' notice to the district of the date and purpose of the review.

(d) Not later than 30 days after conclusion of a scheduled program review, the department will submit written results of the program review to the district. The written results must include a statement of substantiated or unsubstantiated non-compliance.

(e) If a scheduled review indicates substantiated non-compliance, the district has 90 days

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to submit evidence of correction of the substantiated non-compliance on a form and in a manner prescribed by the department. The department will review the evidence of correction and provide the district with a written determination not later than 30 days after receipt of the district's evidence of corrective action under (d) of this section.

(f) If a district fails to provide the department with evidence of corrective action, or the department's review under (e) of this section indicates that a district is substantially non-compliant with the high quality early education program standards under 4 AAC 60.190, the district is ineligible to claim its early education program students in the ADM.

(g) The department will provide a notice of ADM ineligibility under (f) of this section not later than 30 days after receipt of the district's documentation of corrective action completion.

(h) A district may appeal a determination by the department under (g) or (k) of this section under 4 AAC 40.

(i) The department's revocation of a district's eligibility for 0.5 ADM for purposes of AS 14.17.500(d) takes effect the following school year.

(j) The department will review approved district-wide early education programs to ensure that compliance with the *Alaska Early Education Program Standards*, adopted by reference in 4 AAC 60.190(b), is maintained.

(k) The department may revoke approval of a district-wide early education program if the department determines that the district has not maintained compliance with the *Alaska Early Education Program Standards*, adopted by reference in 4 AAC 60.190(b). (Eff. 7 / 1 / 2023, Register 247)

**Authority:** AS 14.03.410 AS 14.07.060 AS 14.17.500

**4 AAC 60.200. District-wide early education program grants; applications;**

**duration; award determinations.** (a) A school district identified by the department as eligible for a district-wide early education program grant under AS 14.03.410(c) may submit a grant application on a form prescribed by the department not later than May 15 of the application year. In addition to the application, an applicant school district shall submit, in a format prescribed by the department,

(1) a one-page program summary;

(2) an application narrative;

(3) a budget narrative form;

(4) written documentation of outreach efforts conducted by the district;

(5) written documentation that the school district consulted with all local and tribal Head Start programs within the district;

(6) for each program that the school district consulted with under (5) of this subsection, an acknowledgment signed by a person with authority to act on behalf of the program stating that the district-wide early education program is not, or would not be, duplicative of an existing program and that eligible students would not be negatively affected by developing and improving a district-wide early education program;

(7) certification that the applicant is not presently debarred, suspended, ineligible, or voluntarily excluded from participation in primary covered transactions by any federal department or agency; and

(8) a district-wide early education program consultation form.

(b) The department may award a district-wide early education program grant to a district that meets the criteria of AS 14.03.410 and this section. When making an award determination, the department will consider whether an applicant school district

(1) has previously received a district-wide early education program grant;

(2) is the current recipient of a district-wide early education program grant under this section;

(3) has an insufficient number of children in the district attending high-quality child care programs; and

(4) has conducted outreach within the district to ensure that the proposed district-wide early education program is not duplicative of existing programs.

(c) The department will prioritize grant applications from eligible school districts that rank lowest on district accountability system and performance designations under AS 14.03.123 and 4 AAC 06.812.

(d) A district-wide early education program grant award has a three-year duration.

(e) A non-school district agency is not eligible for a grant award under this section.

(f) In this section, "high quality child care program" includes any of the following, if the program meets the *Alaska Early Education Program Standards*, adopted by reference in 4 AAC 60.190(b):

(1) a Head Start program;

(2) an early education program provided by a local government; and

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(3) an early education program provided by a child development agency. (Eff.

7 / 1 / 2023, Register 247)

**Authority:** AS 14.03.410 AS 14.07.020 AS 14.07.060

**4 AAC 60.205. District-wide early education program grant recipient obligations.**

(a) During the grant period, a school district that receives a grant award under 4 AAC 60.200 shall demonstrate progress towards meeting or exceeding the standards for a high-quality early education program under AS 14.07.165(a)(5) and 4 AAC 60.190 by complying with the department's grant reporting requirements and submitting a year-end report to the department.

(b) After expiration of the grant period, a school district grant recipient that has demonstrated progress toward meeting or exceeding high-quality early education program standards under (a) of this section may apply for inclusion of the early education program's students in the district's student count under AS 14.17.600 and 4 AAC 60.210.

(c) A school district early education program grant award recipient shall comply with the department's fiscal and program requirements. To comply, an award recipient must

(1) implement the high-quality early education program standards under 4 AAC 60.190, in accordance with the grant application with the goal of meeting all of the standards by the end of the three-year grant period;

(2) submit, within the department's grants management system (GMS), quarterly reports and budget reimbursement requests on a quarterly basis in a format prescribed by the department;

(3) submit an annual application under 4 AAC 60.036 to operate;

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(4) assess each child to determine individual progress or status on all domain areas in the *State of Alaska Early Learning Guidelines*, adopted by reference in 4 AAC 60.170;

(5) assign a student identification number to all students enrolled in the district early education program;

(6) secure adequate personnel to perform services under the grant;

(7) accommodate program attendance by homeless children in accordance with 42 U.S.C. 11432(g)(1)(F)(i) and (6)(A)(iii); and

(8) submit an annual report on a form prescribed by the department describing progress towards meeting the high-quality early education program standards under 4 AAC 60.190. (Eff. 7 / 1 / 2023, Register 247)

**Authority:** AS 14.03.410                      AS 14.07.060                      AS 14.60.010  
AS 14.07.020

**4 AAC 60.210. Criteria for inclusion of district-wide early education program students within a district's ADM.** (a) A school district that meets the requirements of (b) of this section may apply to the department for inclusion of district-wide early education program students in the district's student count under AS 14.17.600 as one-half of a full-time equivalent student for purposes of AS 14.17.500(d).

(b) For early education program students to be included in a district's student count, the district-wide early education program

(1) must be approved by the department;

(2) must meet the *Alaska Early Education Program Standards*, adopted by

reference in 4 AAC 60.190(b), or successfully complete a three-year grant program under 4 AAC 60.200 - 4 AAC 60.205; and

(3) may not receive state or federal funding for the early education program.

(c) An application for inclusion of district-wide early education program students in a district's student count must be submitted to the department not later than May 15 of the year before the school year the students would be counted in.

(d) A district must receive written approval from the department before the district-wide early education program students may be counted as one-half of a full-time equivalent student in the district's average daily membership count.

(e) If a district does not receive written approval from the department by September 1 of the year the students would be counted in, the district may not include the students in their average daily membership count. The district may apply again for the following year.

(f) To receive the 0.5 ADM for an enrolled student, a district-wide early education program must

(1) have a certificated teacher in charge of the program who meets the criteria of AS 14.07.165(a)(5)(B); and

(2) meet the criteria of 4 AAC 60.190(a).

(g) If a school district partners with a local or tribal Head Start program and the program is operated by the local or tribal Head Start, the district may not apply to the department for inclusion in the district's student count.

(h) If a school district partners with a local or tribal Head Start program and the program is operated by the district, then the district may apply to the department for inclusion in the

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district's student count.

(i) The department's approval to include district-wide early education program students as one-half of a full-time equivalent student is valid for a three-year period. After expiration of the three-year period, a district must re-apply in accordance with this section. (Eff. 7 / 1 / 2023,

Register 247)

**Authority:** AS 14.03.410 AS 14.07.060 AS 14.17.500  
AS 14.07.020

**4 AAC 60.990. Definitions.** In this chapter,

(1) "average daily membership" or "ADM" has the meaning given in  
AS 14.17.990;

(2) "commissioner" means the commissioner of education and early development;

(3) "culturally responsive" has the meaning given in AS 14.60.010;

(4) "department" means the Department of Education and Early Development;

(5) "district-wide early education program" means a program, the primary  
function of which is educational, provided by a school district

(A) for children who are four and five years of age and who have not  
attended a public school kindergarten; and

(B) that receives a grant under 4 AAC 60.200 or 0.5 ADM funding under  
4 AAC 60.210;

(5) "Head Start agency" means an agency that operates in the state as a Head Start  
program under 42 U.S.C. 9831 - 9852c;



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(6) "parent" or "guardian" has the meaning given in AS 14.60.010;

(7) "pre-elementary school" means a program or school, the primary function of which is educational, for children ages three through five years; in this paragraph, "pre-elementary school" includes a district-wide early education program. (Eff. 7 / 1 / 2023,

Register 247)

<b>Authority:</b>	AS 14.03.060	AS 14.07.060	AS 14.17.290
	AS 14.03.410	AS 14.07.165	AS 14.60.010
	AS 14.07.020		

**Editor's note:** Definitions for 4 AAC 60 were previously located at 4 AAC 60.180. The history of 4 AAC 60.990 does not reflect the history of the earlier section.