

Byron Mallott  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520 465.5400 Fax  
WWW.LTGOV.ALASKA.GOV




530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460 269.0263  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Eric Fry, Department of Education and Early Development

**FROM:** Scott Meriwether, Office of the Lieutenant Governor   
465.4081

**DATE:** August 30, 2016

**RE:** Filed Permanent Regulations: Board of Education and Early Development  
  
Update to regulations re: content and performance standards, particularly arts standards  
(4 AAC 04.140(a))

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Attorney General File:	JU2015201015
Regulation Filed:	August 30, 2016
Effective Date:	September 29, 2016
Print:	219, October 2016

cc with enclosures: Linda Miller, Department of Law  
Dianne Blumer, Administrative Regulation Review Committee  
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO REGULATIONS OF  
THE STATE BOARD OF EDUCATION AND EARLY DEVELOPMENT

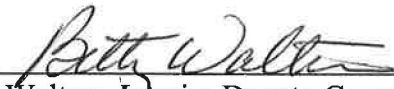
The attached one page of regulations, dealing with art content standards, is certified to be a correct copy of the regulation changes that the state Board of Education and Early Development adopted at its March 22, 2016, meeting, under the authority of AS 14.03.015, AS 14.07.020, 14.07.060, and 14.07.165 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 increased appropriation.

On the record, in 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: 8/23/16

  
\_\_\_\_\_  
Betty Walters, Interim Deputy Commissioner  
Department of Education and Early Development

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on August 30, 2016, at 1040 A .m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
\_\_\_\_\_  
Byron Mallott, Lieutenant Governor

Effective: September 29, 2016

Register: 219, October 2016

4 AAC 04.140(a) is amended to read:

(a) The content standards for English/language arts and mathematics, as set out in the department's publication *Alaska English/Language Arts and Mathematics Standards*, [AS] revised as of June 2012, are adopted by reference. The content standards for science, geography, government and citizenship, history, Alaska history, skills for a healthy life, arts, world languages, technology, and employability, as set out in the department's publication *Alaska Standards: Content and Performance Standards for Alaska Students*, [AS] revised as of **March 2016** [March 2006], are adopted by reference.

(((all copies)))  
(Eff. 3/2/2000, Register 153; am 11/10/2005, Register 176; am 5/18/2006, Register 178; am 8/18/2010, Register 195; am 10/16/2012, Register 204; am 9/29/2016, Register 219)

Authority:	AS 14.03.015	AS 14.07.020	AS 14.07.165
	AS 14.03.120	AS 14.07.060	

# MEMORANDUM

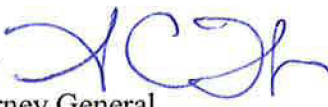
## State of Alaska Department of Law

To: Hon. Byron Mallott  
Lieutenant Governor

Date: August 26, 2016

File No.: JU2015201015

Tel. No.: 465-3600

From: Steven C. Weaver   
Sr. Assistant Attorney General  
and Assistant Regulations Attorney  
Legislation and Regulations Section

Re: **Corrected memorandum:**  
Update to regulations re: content and  
performance standards, particularly  
arts standards (4 AAC 04.140(a))

We have reviewed the attached regulations from the State Board of Education and Early Development against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated August 26, 2016 from the Regulations Attorney. The regulations adopt by reference an updated version of the *Alaska Standards: Content and Performance Standards for Alaska Students*, including an update to the arts standards.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The December 28, 2015 public notice and the August 23, 2016 certification of adoption order 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 a technical correction to conform the regulations in accordance with AS 44.62.125. The correction is shown on the attached copy of the regulations.

SCW

cc w/enc: (via email)

Hon. Dr. Michael Johnson, Commissioner  
Department of Education and Early Development

# MEMORANDUM


## State of Alaska Department of Law

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Under AS 44.62.060, we have reviewed the attached changes by the State Board of Education and Early Development and approve the changes for filing by the lieutenant governor. I have reviewed this project under a specific delegation dated August 26, 2016 from the Regulations Attorney.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulations changes.

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cc w/enc: (via email)

Eric Fry, Regulations Contact  
Department of Education and Early Development

Paul Prussing, Acting Director  
Division of Teaching and Learning Support  
Department of Education and Early Development

Luann E.B. Weyhrauch, Assistant Attorney General  
Labor and State Affairs Section



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Luann E.B. Weyhrauch, Assistant Attorney General  
Labor and State Affairs Section

# MEMORANDUM

## State of Alaska Department of Law

TO: Hon. Byron Mallott  
Lieutenant Governor

DATE: August 26, 2016

FILE NO.: JU2015201015

TELEPHONE NO.: 465-3600

FROM: Susan R. Pollard *SRP*  
Chief Assistant Attorney General  
& Regulations Attorney  
Legislation/Regulations Section—Juneau

SUBJECT: Specific delegation of authority  
regarding regulations review on  
State Board of Education and  
Early Development regulations  
re: update to content and  
performance standards,  
particularly arts standards  
(4 AAC 04.140(a))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SRP:SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator  
Office of the Lieutenant Governor  
  
Steven C. Weaver  
Sr. Assistant Attorney General  
Legislation/Regulations Section—Juneau



## DELEGATION OF AUTHORITY

Under as 44.17.010, the authority and responsibility for adopting regulations of the Department of Education & Early Development under the Alaska Administrative Procedure Act are delegated to Betty Walters, Interim Deputy Commissioner.

Date:

7/6/16

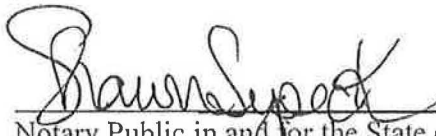
  
\_\_\_\_\_  
Dr. Michael Johnson, Commissioner

Subscribed and sworn to before me at

Juneau, AK

on

July 6, 2016

  
\_\_\_\_\_  
Notary Public in and for the State of Alaska

STATE OF ALASKA  
OFFICIAL SEAL

Shawn Sypek  
NOTARY PUBLIC

My Commission Expires:



with office

AFFIDAVIT OF BOARD ACTION

I, Shawn Sypeck, Executive Secretary to the State Board of Education & Early Development, being duly sworn, state the following:

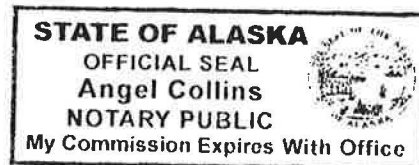
The attached motion dealing with art content standards was passed by the State Board of Education & Early Development during its March 22, 2016, meeting.

Date: 4/5/16

Shawn Sypeck  
Shawn Sypeck, Executive Secretary

Subscribed and sworn to before me at Juneau, AK on  
April 5, 2016.

Angel Collins  
Notary Public in and for the State of Alaska



# State Board of Education and Early Development Meeting

March 22, 2016

## Excerpt from Unapproved Minutes

Board member John Harmon moved and member Kenny Gallahorn seconded the following motion:

After considering all public comment, I move the State Board of Education & Early Development adopt the proposed amendments to regulations 4 AAC 04.140(a) Content standards.

The motion passed unanimously.

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Shawn Sypeck, Executive Secretary to the State Board of Education & Early Development, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed change to art content standards has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Education Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

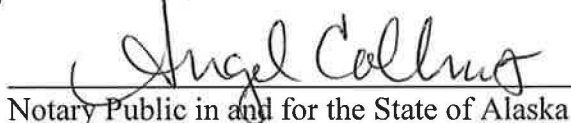
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

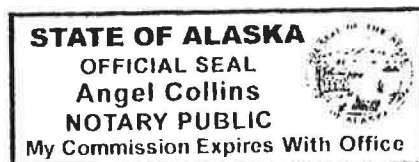
Date: 4/5/16

  
Shawn Sypeck, Executive Secretary

Subscribed and sworn to before me at Juneau, AK on

April 5, 2016

  
Notary Public in and for the State of Alaska



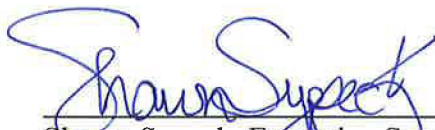
AFFIDAVIT OF ORAL HEARING

I, Shawn Sypeck, Executive Secretary to the State Board of Education & Early Development, being sworn, state the following:

On March 21, 2016, at 8:15 a.m. in the state board room at 801 West 10<sup>th</sup> Street, Juneau, Alaska, a public hearing was held under AS 44.62.210 for the purpose of taking oral testimony in connection with the adoption of changes to art content standards, and via telephone by 1-844-586-9085, and through the following LIO sites: Anchorage, 716 W 4<sup>th</sup> Ave., Suite 100; Barrow, 119 Bank Building.; Bethel, 301 Willow Street; Cordova, 418 First Street, Suite A; Delta Junction, Colombo Building, Suite 204, 1380 Richardson Highway; Dillingham, Kangliqutaq Building; Fairbanks, 1292 Sadler Way, Suite 308; Glennallen, 186 Glenn Highway; Homer, 270 West Pioneer Avenue, Suite B; Juneau, Suite 111, Terry Miller Building, State Capitol; Kenai, 145 Main Street Loop, Suite 217; Ketchikan, 1900 First Avenue, Suite 310; Kodiak, 305 Center Ave., Suite 1; Kotzebue, 373 2<sup>nd</sup> Street, Pillautuq Centre; Mat-Su, 600 East Railroad Ave.; Nome 103 Front Street; Petersburg, 11B Gjoa Street; Seward, 302 Railway, Suite 107; Sitka, 201 Katlian Street, Suite 103; Tok, West First Street, UAF-Tok Unit 1; Unalaska, 029 Airport Beach Road., No. 03-01; Valdez, State Office Building, Room 13; Wrangell, 223 Front Street.

Date: \_\_\_\_\_

4/5/16



Shawn Sypeck, Executive Secretary

Subscribed and sworn to before me at \_\_\_\_\_

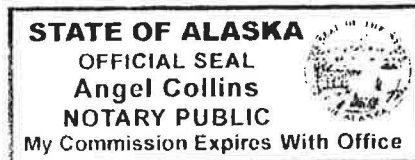
Juneau, AK

on

April 5, 2016



Notary Public in and for the State of Alaska





AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Shawn Sypeck, Executive Secretary to the State Board of Education & Early Development, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Education & Early Development has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Education & Early Development regulation on art content standards.

Date: 4/5/16

Shawn Sypeck

Shawn Sypeck, Executive Secretary

Subscribed and sworn to before me at

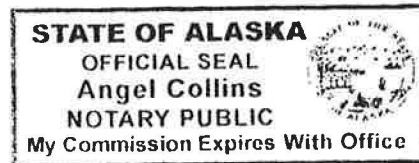
April 5, 2016

Juneau, AK

on

Angel Collins

Notary Public in and for the State of Alaska



NOTICE OF PROPOSED CHANGES TO ARTS STANDARDS IN THE REGULATIONS OF  
THE DEPARTMENT OF EDUCATION & EARLY DEVELOPMENT

The Department of Education & Early Development proposes to adopt regulation changes in Title 4 of the Alaska Administrative Code to update the arts content standards. Under 4 AAC 04.140(a), the department proposes to update its publication *Alaska Standards: Content and Performance Standards for Alaska Students*, dated March 2016, with revised arts content standards.

The Department of Education & Early Development invites the public to submit written comments during the written comment period which begins with the date of this notice and ends on February 12 at 4:30 p.m. The written comment period closes in advance of the meeting of the State Board of Education and Early Development at which the board will consider the adoption of the proposed regulations. This allows the Department of Education & Early Development an opportunity to prepare changes based on written comment and to distribute any proposed changes to the board for its consideration prior to the meeting.

You may comment in writing on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Commissioner's Office, Department of Education & Early Development, Attn: Regulations Review, 801 West Tenth Street, Suite 200, PO Box 110500, Juneau, Alaska 99811-0500.

You may also submit written comments by facsimile at (907) 465-4156; by electronic mail to [eric.fry@alaska.gov](mailto:eric.fry@alaska.gov); and online at the website of the Department of Education and Early Development at <https://education.alaska.gov/regs/comment.cfm>. Written comments also may be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link.

**All written comments must be received not later than 4:30 p.m. on February 12.**

**After the written comment period has ended, you may submit oral comments to the State Board of Education & Early Development at a hearing to be held by the board on March 21, 2016, at the State Board of Education & Early Development's first floor board room at 801 West 10<sup>th</sup> Street, Juneau, Alaska.** The hearing will be held from 8:15 a.m. to 9:00 a.m. but may be extended to accommodate those present before 7:55 a.m. who have not had an opportunity to comment before 9:00 a.m.

You also may submit oral comments at this hearing, during this time only, via the Legislative Information Office streaming by calling 1-844-586-9085 if you are outside of Juneau. For participation from Juneau, call 586-9085.

This meeting will be streamed through the Legislative Information Office over <http://www.alaskalegislature.tv/> beginning at 8:00 a.m. March 21, 2016, and 8:30 a.m. March 22, 2016 (audio only).

You also may submit oral comments at this hearing via the following Legislative Information Offices: Anchorage, 716 W 4<sup>th</sup> Ave., Suite 100; Barrow, 119 Bank Building.; Bethel, 301 Willow Street; Cordova, 418 First Street, Suite A; Delta Junction, Colombo Building, Suite 204, 1380 Richardson Highway; Dillingham, Kangliqutaq Building; Fairbanks, 1292 Sadler Way, Suite 308; Glennallen, 186 Glenn Highway; Homer, 270 West Pioneer Avenue, Suite B; Juneau, Suite 111, Terry Miller Building, State Capitol; Kenai, 145 Main Street Loop, Suite 217; Ketchikan, 1900 First Avenue, Suite 310; Kodiak, 305 Center Ave., Suite 1; Kotzebue, 373 2<sup>nd</sup> Street, Pillautuq Centre; Mat-Su, 600 East Railroad Ave.; Nome 103 Front Street; Petersburg, 11B Gjoa Street; Seward, 302 Railway, Suite 107; Sitka, 201 Katlian Street, Suite 103; Tok, West First Street, UAF-Tok Unit 1; Unalaska, 029 Airport Beach Road., No. 03-01; Valdez, State Office Building, Room 13; Wrangell, 223 Front Street.

You may submit written questions relevant to the proposed action to Eric Fry at [eric.fry@alaska.gov](mailto:eric.fry@alaska.gov) or the Department of Education & Early Development, Attn: Eric Fry, 801 West 10th Street, Suite 200, PO Box 110500, Juneau, Alaska 99811-0500. If a question is relevant to the proposed change in the regulations and the question is received at least 10 days before the end of the public comment period, which would be February 1, 2016, the department will make a good-faith effort to answer the question before the end of the public comment period. The Department of Education & Early Development will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the website of the Department of Education and Early Development at <https://education.alaska.gov/regs/comment.cfm>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Ms. Shawn Sypeck at (907) 465-2802 or [shawn.sypeck@alaska.gov](mailto:shawn.sypeck@alaska.gov) not later than March 11, 2016, to ensure that any necessary accommodation can be provided.

Copies of the proposed regulation changes and the proposed art standards are available on the Alaska Online Public Notice System, on the website of the Department of Education and Early Development at <https://education.alaska.gov/regs/comment.cfm>, and by contacting Eric Fry at [eric.fry@alaska.gov](mailto:eric.fry@alaska.gov) or 907-465-2851.

After the public comment period ends, the Department of Education & Early Development will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

**Statutory authority:** AS 14.07.020, AS 14.07.060

**Statutes being implemented, interpreted, or made specific:** AS 14.03.015, AS 14.03.120, AS 14.07.165.

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

Date: 12/22/15

  
Deputy Commissioner Les Morse

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Department of Education & Early Development
2. General subject of regulation: Arts content standards
3. Citation of regulation (may be grouped): 4 AAC 04.140(a)
4. Department of Law file number, if any: JU2015201015

5. Reason for the proposed action:

- ☐ Compliance with federal law or action (identify): \_\_\_\_\_
- ☐ Compliance with new or changed state statute
- ☐ Compliance with federal or state court decision (identify): \_\_\_\_\_
- ☒ Development of program standards
- ☐ Other (identify): \_\_\_\_\_

6. Appropriation/Allocation: None

7. Estimated annual cost to comply with the proposed action to:

A private person: No cost

Another state agency: No cost

A municipality: No cost to school districts. The proposed arts standards do not mandate courses or instructional materials.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year	Subsequent
	FY 17	Years
Operating Cost	\$ 0	\$
Capital Cost	\$ 0	\$
1002 Federal receipts	\$ 0	\$
1003 General fund match	\$ 0	\$
1004 General fund	\$ 0	\$
1005 General fund/ program	\$ 0	\$
Other (identify)	\$ 0	\$



9. The name of the contact person for the regulation:

Name: Dr. Susan McCauley  
Title: Director of Teaching & Learning Support  
Address: 801 W. 10<sup>th</sup> Street, Suite 200, Juneau, Alaska  
Telephone: 907-465-2857  
E-mail address: susan.mccauley@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency  
☐ Federal government  
☐ General public  
☐ Petition for regulation change  
☐ Other (identify): \_\_\_\_\_

11. Date: December 22, 2015 Prepared by: Eric Fry

Name: Eric Fry  
Title: Public Information Officer  
Telephone: 907-465-2851

AFFP

AO-560025

## **Affidavit of Publication**

UNITED STATES OF AMERICA  
STATE OF ALASKA } SS.  
FOURTH DISTRICT


Before me, the undersigned, a notary public, this day personally appeared Magdalena Ibarra, who, being first duly sworn, according to law, says that he/she is an Advertising Clerk of the Fairbanks Daily News-Miner, a newspaper (i) published in newspaper format, (ii) distributed daily more than 50 weeks per year, (iii) with a total circulation of more than 500 and more than 10% of the population of the Fourth Judicial District, (iv) holding a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, and (vi) not intended for a particular professional or occupational group. The advertisement which is attached is a true copy of the advertisement published in said paper on the following day(s):

December 28, 2015

and that the rate charged thereon is not excess of the rate charged private individuals, with the usual discounts.

  
Advertising Clerk

Subscribed to and sworn to me this 28th day of December 2015.

  
Samuel M. Crabtree, Notary Public in and for the State Alaska.

My commission expires: November 20, 2018

00003009 00032761 (907) 465-4156

ERIC FRY  
ST OF AK/DEPT. OF EDUCATION & EARLY DEV.  
801 W. 10TH ST, STE 200  
JUNEAU, AK 99801

32761

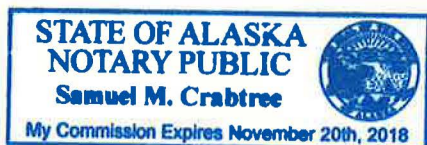
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You also may submit oral comments at this hearing, during this time only, via the Legislative Information Office streaming by calling 1-844-586-9085 if you are outside of Juneau. For participation from Juneau, call 586-9085.

This meeting will be streamed through the Legislative Information Office over <http://www.alaskalegislature.tv/> beginning at 8:00 a.m. March 21, 2016, and 8:30 a.m. March 22, 2016 (audio only).

You also may submit oral comments at this hearing via the following Legislative Information Offices: Anchorage, 716 W 4th Ave., Suite 100; Barrow, 119 Bank Building.; Bethel, 301 Willow Street; Cordova, 418 First Street, Suite A; Delta Junction, Colombo Building, Suite 204, 1380 Richardson Highway; Dillingham, Kangliqutaq Building; Fairbanks, 1292 Sadler Way, Suite 308; Glennallen, 186 Glenn Highway; Homer, 270 West Pioneer Avenue, Suite B; Juneau, Suite 111, Terry Miller Building, State Capitol; Kenai, 145 Main Street Loop, Suite 217; Ketchikan, 1900 First Avenue, Suite 310; Kodiak, 305 Center Ave., Suite 1; Kotzebue, 373 2nd Street, Pillautuq Centre; Mat-Su, 600 East Railroad Ave.; Nome 103 Front Street; Petersburg, 11B Gjoa Street; Seward, 302 Railway, Suite 107; Sitka, 201 Katlian Street, Suite 103; Tok, West First Street, UAF-Tok Unit 1; Unalaska, 029 Airport Beach Road., No. 03-01; Valdez, State Office Building, Room 13; Wrangell, 223 Front Street.

You may submit written questions relevant to the proposed action to Eric Fry at [eric.fry@alaska.gov](mailto:eric.fry@alaska.gov) or the Department of Education & Early Development, Attn: Eric Fry, 801 West 10th Street, Suite 200, PO Box 110500, Juneau, Alaska 99811-0500. If a question is relevant to the proposed change

in the regulations and the question is received at least 10 days before the end of the public comment period, which would be February 1, 2016, the department will make a good-faith effort to answer the question before the end of the public comment period. The Department of Education & Early Development will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the website of the Department of Education and Early Development at <https://education.alaska.gov/regs/comment.cfm>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Ms. Shawn Sypeck at (907) 465-2802 or [shawn.sypeck@alaska.gov](mailto:shawn.sypeck@alaska.gov) not later than March 11, 2016, to ensure that any necessary accommodation can be provided.

Copies of the proposed regulation changes and the proposed art standards are available on the Alaska Online Public Notice System, on the website of the Department of Education and Early Development at <https://education.alaska.gov/regs/comment.cfm>, and by contacting Eric Fry at [eric.fry@alaska.gov](mailto:eric.fry@alaska.gov) or 907-465-2851.

After the public comment period ends, the Department of Education & Early Development will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 14.07.020, AS 14.07.060

Statutes being implemented, interpreted, or made specific: AS 14.03.015, AS 14.03.120, AS 14.07.165.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Publish: December 28, 2015