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**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: September 12, 2016

RE: Filed Permanent Regulations: Board of Education and Early Development

Update to regulations re: educator evaluations (4 AAC 04.205(e),(f); 4 AAC 19.010(e)-(g); 4 AAC 19.015; 4 AAC 19.030; 4 AAC 19.055; 4 AAC 19.099)

Attorney General File:	JU2016200209
Regulation Filed:	September 9, 2016
Effective Date:	October 9, 2016
Print:	220, January 2017

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

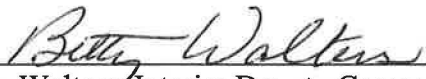
The attached seven pages of a regulation, dealing with educator evaluation requirements, are certified to be a correct copy of the regulation changes that the State Board of Education and Early Development adopted at its June 17, 2016, meeting, under the authority of AS 14.03.015, 14.07.020, 14.07.060, and AS 14.20.149 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: August 30, 2016



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 September 9, 2016, at 237 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: October 9, 2016

Register: 220, January 2017

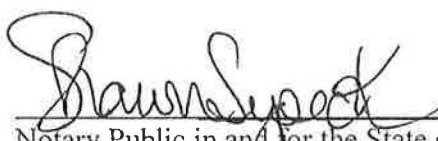
DELEGATION OF AUTHORITY

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: 7/16/16


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 Sypeck
NOTARY PUBLIC
My Commission Expires:



with office

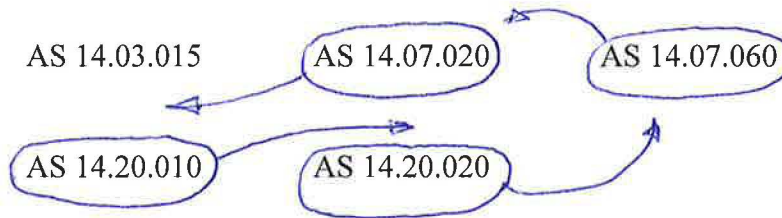
4 AAC 04.205 (e) ^{is} and (f) are repealed:

(e) Repealed 10/9/2016.

4 AAC 04.205(f) is repealed;

(f) Repealed 10/9/2016. (Eff. 4/20/97, Register 142; am 2/16/2013, Register 205; am 10/9/2015, Register 216; am 10/9/2016, Register 220)

Authority: AS 14.03.015



4 AAC 19.010 (e) ^{is} and (f) are repealed:

(e) Repealed 10/9/2016.

4 AAC 19.010(f) is repealed;

(f) Repealed 10/9/2016.

4 AAC 19.010 (g) is amended to read:

(g) A teacher, administrator, or special service provider who receives a performance evaluation rating of unsatisfactory on one or more of the content standards [OR IN THE CASE OF TEACHERS AND ADMINISTRATORS, THE DISTRICT'S STANDARD FOR STUDENT LEARNING DATA] has not met the district performance standards for purposes of AS

14.20.149 (b)(6), (e), or (f). (Eff. 8/30/75, Register 55; am 2/16/2013, Register 205; am 10/9/2015, Register 216; am 9/29/2016, Register 219)

Authority: AS 14.07.020

AS 14.07.060

AS 14.20.149

is am 10/9/2016, Register 220

4 AAC 19.015 is repealed and readopted to read:

4 AAC 19.015. Evaluation materials to be available. (a) A district shall make available to the public by posting on the district's website the following items that the district uses in the evaluation of certificated employees:

(1) forms used to gather information from students, parents, and community members as described in AS 14.20.149(b)(7);

(2) standards developed under 4 AAC 04.205;

(3) policy and procedures developed under AS 14.20.149 and this chapter.

(b) The information included on the website ^{must} ~~shall~~ make clear how the district has considered information from students, parents, community members, classroom teachers, affected collective bargaining units, and administrators in the design of the district's certificated employee evaluation system, as required under AS 14.20.149.

(c) If a district does not maintain a website, the district must make available at each school site the information described in (a) and (b) of this section. (Eff. 9/2/2011, Register 199; am 10/9/2016, Register 220)

Authority: AS 14.07.020

AS 14.07.060

AS 14.20.149

4 AAC 19.030 (a) (5) is amended to read:

(5) shall provide the teacher, administrator, or special service provider being evaluated with a copy of or access to the draft evaluation at least 24 hours before the evaluation becomes final;

4 AAC 19.030 (b) is amended to read:

(b) In evaluating a teacher, administrator, or special service provider, a district may

(1) consider information, including student learning data, in addition to the information described in (a) of this section, if the additional information is relevant to the performance of the teacher, administrator, or special service provider on the performance standard established by the district ^{under} per 4 AAC 04.205(b) [OR OTHER CRITERION UNDER EVALUATION];

(2) survey students, parents, community members, teachers, or administrators regarding the performance of a teacher, administrator, or special service provider;

(3) use a nationally recognized teacher, administrator, or special service provider evaluation framework approved by the department that aligns with the standards set out in 4 AAC 04.200;

(4) require a more experienced teacher to perform at a higher level than a teacher with less experience.

Publisher: Retain the period at the end of 4 AAC 19.040(b)(4).)))

4 AAC 19.030 (d) is amended to read:

(A) (d) [NOT LATER THAN JULY 1, 2016, A] ~~A~~ school district may [SHALL] adopt evaluation procedures that incorporate student learning data into the evaluation process. **If a district adopts** [IN ADOPTING] a process to incorporate student learning data, **the** [A] district shall confer with educators who teach a subject matter and grade level, or with groups of educators whose subject matters and grade levels are related, to identify appropriate student learning data for evaluating teachers in the subject matter and grade level. (Eff. 8/30/75, Register 55; am 1/12/83, Register 85; am 9/29/2005, Register 175; am 2/16/2013, Register 205; am 10/9/2015, Register 216; am 10/9/2016, Register 220)

Authority: AS 14.07.020 AS 14.07.060 AS 14.20.149

4 AAC 19.055 is amended to read:

Editor once > **4 AAC 19.055. Reporting of evaluation results.** Beginning July 1, 2016, a district shall report to the department not later than September 15 of each calendar year on a form prescribed by the department

[(1) THE NUMBER AND PERCENTAGE OF TENURED AND NON-TENURED TEACHERS, ADMINISTRATORS, AND SPECIAL SERVICE PROVIDERS IN THE DISTRICT AT EACH OF THE PERFORMANCE LEVELS DESCRIBED IN 4 AAC 19.010(E) ^{(("lowercase"))} (L) ^{(("lowercase"))} AT THE END OF THE PRECEDING SCHOOL YEAR; AND]

(2) the number and percentage of tenured and non-tenured teachers, administrators, and special service providers in the district during the preceding school year who

(1) [(A)] exceeded the district's performance standards under AS 14.20.149 (b)(4);

(2) [(B)] were on a plan of improvement under AS 14.20.149 (b)(6);

(3) [(C)] were receiving district support on a plan of professional growth under 4 AAC 19.010(h);

(4) [(D)] were non-retained under AS 14.20.175;

(5) [(E)] were dismissed under AS 14.20.170; or [(F)]

(6) [(F)] were notified that their continued employment in the district was contingent on the implementation of a plan of improvement under AS 14.20.149 (b)(6) but resigned before the plan of improvement could begin. (Eff. 2/16/2013, Register 205; am 10/9/2015, Register 216; am 10/9/2016, Register

220)

Authority: AS 14.07.020 AS 14.07.060 AS 14.20.149

4 AAC 19.099 (2) is amended to read:

(2) "measurement"

[(F)] WERE IDENTIFIED AS HAVING UNSATISFACTORY OR BASIC PERFORMANCE ON THEIR EVALUATION BY THE SCHOOL DISTRICT AND SUBSEQUENTLY RESIGNED

(A) means an assessment of student knowledge, understanding, or skill;

(B) includes an assessment that is not a standardized test; and

(C) does ~~may~~ not include the statewide assessments described in 4

AAC 06.737;

4 AAC 19.099 (3) is repealed:

((lowercase))

(3) Repealed 10/9/2016

4 AAC 19.099 (4) is repealed:

((lowercase))

(4) Repealed 10/9/2016

4 AAC 19.099 (6) is repealed:

((lowercase))

(6) Repealed 10/9/2016

4 AAC 19.099 (7) (A) is amended to read:

(7) "student learning data"

[(A)] means [OBJECTIVE, EMPIRICAL, AND VALID] measurements of a student's growth in knowledge, understanding, or skill in a subject that occurred during the time the student was taught that subject by a teacher;

[(B) FOR AN ADMINISTRATOR OR FOR A TEACHER ON SPECIAL ASSIGNMENT, INCLUDES DATA SHOWING ONE OR MORE OF THE

FOLLOWING CHANGES, IF RELATED TO THE EDUCATOR'S JOB
DUTIES OR RESPONSIBILITIES:

((lowercase)))

↓
(I) CHANGES IN PARTICIPATION RATES UNDER 4

AAC 06.820;

((lowercase)))

↓
(II) CHANGES IN GRADUATION RATES UNDER 4

AAC 06.825;

((lowercase)))

↓
(III) CHANGES IN STUDENT ATTENDANCE UNDER 4

((lowercase))

↓
AAC 06.895(I);]

4 AAC 19.099 (9) is repealed:

((lowercase)))

↓
(9) Repealed 10/9/2016. (Eff. 2/16/2013, Register 205; am 10/9/2015, Register

216; am 10/9/2016, Register 220)

Authority: AS 14.07.020

AS 14.07.060

AS 14.20.149

MEMORANDUM


State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: August 31, 2016

File No.: JU2016200209

Tel. No.: 465-3600

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

Re: Update to regulations re: educator evaluations (4 AAC 04.205(e), (f); 4 AAC 19.010(e) - (g); 4 AAC 19.015; 4 AAC 19.030; 4 AAC 19.055; 4 AAC 19.099)

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 31, 2016 from the Regulations Attorney. The regulations update requirements and procedures related to educator evaluations, in particular to make the use of student learning data an optional rather than required element of those evaluations, and to provide that student learning data measurements do not include statewide assessments under 4 AAC 06.737.

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 April 6, 2016 public notice and the August 30, 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 some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are 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

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

Date: August 31, 2016

File No.: JU2016200209

Tel. No.: 465-3600

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

Re: Update to regulations re: educator
evaluations (4 AAC 04.205(e), (f);
4 AAC 19.010(e) - (g); 4 AAC
19.015; 4 AAC 19.030; 4 AAC
19.055; 4 AAC 19.099)

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 31, 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.

The April 6, 2016 public notice and the August 30, 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 some technical corrections to the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

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

Rebecca E. Hattan, Assistant Attorney General
Labor and State Affairs Section

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 31, 2016

FILE NO.: JU2016200209

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: educator evaluations (4 AAC
04.205(e), (f); 4 AAC 19.010(e) -
(g); 4 AAC 19.015; 4 AAC
19.030; 4 AAC 19.055; 4 AAC
19.099)

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.

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

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 educator evaluation requirements was passed by the State Board of Education & Early Development during its June 17, 2016, meeting.

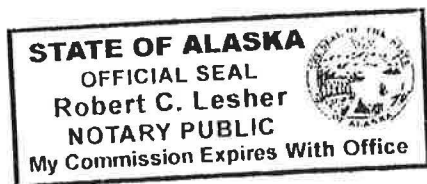
Date: 6/23/16

Shawn Sypeck
Shawn Sypeck, Executive Secretary

Subscribed and sworn to before me at Juneau, Alaska on

June 23, 2016

Robert C. Leshner
Notary Public in and for the State of Alaska



State Board of Education and Early Development Meeting

June 17, 2016

Excerpt from Unapproved Minutes

Board member Barbara Thompson moved and member Rebecca Himschoot 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 04.205. District performance standards, 4 AAC 19.010. Purpose and scope of evaluations, 4 AAC 19.015. Evaluation materials to be available, 4 AAC 19.030. Evaluation procedures. 4 AAC 19.055. Reporting of evaluation results, and 4 AAC 19.099. Definitions.

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 educator evaluation requirements 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:

6/23/16

Shawn Sypeck
Shawn Sypeck, Executive Secretary

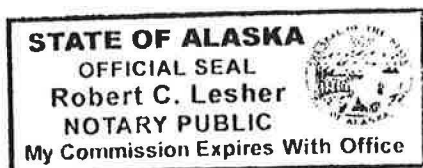
Subscribed and sworn to before me at

Juneau, Alaska

on

June 23, 2016

Robert C. Leshner



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:

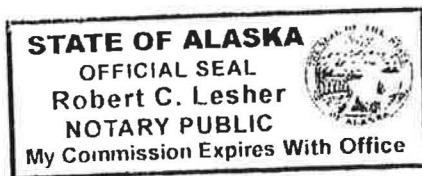
On June 16, 2016, at 1:15 p.m. in the state board room at 801 West 10th Street, Juneau, Alaska, a public hearing was held under AS 44.62.210 for the purpose of taking oral testimony in connection with the adoption of changes to educator evaluation requirements, and via telephone by 1-844-586-9085, and through the following LIO sites: Anchorage, 716 W 4th Ave., Suite 100; Bethel, 301 Willow Street; Fairbanks, 1292 Sadler Way, Suite 308; 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; Mat-Su, 600 East Railroad Ave.; Nome 103 Front Street; Seward, 302 Railway, Suite 107; and Sitka, 201 Katlian Street, Suite 103.

Date: 6/23/16

Shawn Sypeck
Shawn Sypeck, Executive Secretary

Subscribed and sworn to before me at Juneau, Alaska on
June 23, 2016

Robert C. Leshner
Notary Public in and for the State of Alaska



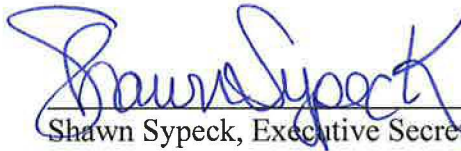
AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

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 as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Education & Early Development regulation on educator evaluation requirements. The Department of Education & Early Development did not receive any factual or other substantive information that was submitted orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Education & Early Development regulation on educator evaluation requirements.

Date:

6/23/16



Shawn Sypeck, Executive Secretary

Subscribed and sworn to before me at

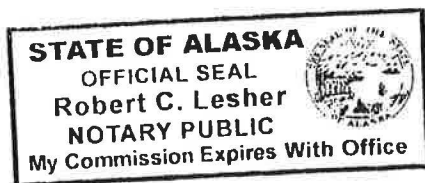
Juneau, Alaska

on

June 23, 2016



Notary Public in and for the State of Alaska



Department of Education & Early Development
Office of the Commissioner

Goldbelt Place
801 West Tenth Street, Suite 200
PO Box 110500
Juneau, Alaska 99811-0500
(907) 465-2800
(907) 465-4156 Fax

MEMORANDUM NUMBER 2016-11

To: All parties interested in the regulations of the Department of Education
& Early Development

From: Dr. Susan McCauley, Interim Commissioner



Date: April 6, 2016

Subject: Opening a period of public comment on proposed changes to 4 AAC 04.205,
4 AAC 19.010-.099 educator evaluation

NOTICE OF PROPOSED CHANGES REGARDING EDUCATOR EVALUATION
IN THE REGULATIONS OF THE DEPARTMENT
OF EDUCATION & EARLY DEVELOPMENT

BRIEF DESCRIPTION

The proposed regulations will repeal the requirement that districts adopt performance standards for educators based on student learning data and will make related changes.

The Department of Education & Early Development proposes to adopt regulation changes in Title 4 of the Alaska Administrative Code, dealing with educator evaluation, including the following:

- (1) 4 AAC 04.205(e) and (f) are proposed to be repealed. The intended effect of the repeal of subsection (e) is to no longer require school districts to adopt performance standards for educators based on student learning data. The proposed repeal of (f) will remove the permission language regarding the use of multiple years of student learning data, no longer relevant because of the repeal of subsection (e).
- (2) 4 AAC 19.010(e) and (f) are proposed to be repealed. The intended effect of this repeal is to no longer require school districts to evaluate whether an educator's overall performance or a teacher's or administrator's performance on the district's standards for student learning data is exemplary, proficient, basic, or unsatisfactory.
- (3) 4 AAC 19.010(g) is proposed to remove the requirement, for teachers and administrators, that an unsatisfactory rating on the district's standard for student

learning data would be considered a failure to meet district performance standards under AS 14.20.149(b)(6), (e), or (f).

- (4) 4 AAC 19.015, with proposed changes, would modify the information that school districts are required to make available to the public concerning the districts' educator evaluation systems. The change will require forms used to gather information from students, parents, and community members in evaluating educators; performance standards for educators; and policy and procedures in evaluating educators to be posted to the district's website – or at school sites if the district does not maintain a website. School districts will no longer be required to make available to the public other forms used in evaluating educators.
- (5) 4 AAC 19.030(a)(5) is proposed to be changed as follows: School districts may provide an educator with access to, rather than a copy of, the educator's draft evaluation.
- (6) 4 AAC 19.030(b) is proposed to be changed as follows: School districts may consider student learning data in evaluating educators.
- (7) 4 AAC 19.030(d) is proposed to be changed as follows: If a school district adopts procedures that incorporate student learning data into the evaluation process, it must confer with educators to identify appropriate student learning data.
- (8) 4 AAC 19.055 is proposed to be changed as follows: School districts will no longer be required to report to the department the number and percentage of educators in each of the performance levels exemplary, proficient, basic, or unsatisfactory.
- (9) 4 AAC 19.099(2)(C) is proposed to be changed as follows: The definition of "measurement" is modified to exclude statewide standards-based assessments. If a district elects to use student learning data in the evaluation of educators, this change will prohibit the use of data from statewide standards-based assessments as student learning data.
- (10) 4 AAC 19.099(3), (4), and (6) is proposed to be changed by repealing the definitions of "measurement of student growth," "objective, empirical, and valid measurement," and "student growth."
- (11) 4 AAC 19.099(7)(B) is proposed to be changed by modifying the definition of "student learning data," including the following: participation rates, graduation rates, and student attendance are no longer considered student learning data.
- (12) 4 AAC 19.099(9) is proposed to be changed by repealing the definition of "teacher on special assignment."

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 May 9, 2016, 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 also may submit written comments by facsimile at (907) 465-4156; by electronic mail to 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 May 9, 2016.

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 June 16, 2016, at the State Board of Education & Early Development's first floor board room at 801 West 10th 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. June 16, 2016, and 8:30 a.m. June 17, 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; Bethel, 301 Willow Street; Fairbanks, 1292 Sadler Way, Suite 308; 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; Mat-Su, 600 East Railroad Ave.; Nome 103 Front Street; Seward, 302 Railway, Suite 107; Sitka, 201 Katlian Street, Suite 103.

You may submit written questions relevant to the proposed action to Eric Fry at 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 by April 30, 2016, which is 10 days before the end of the public comment period, 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 not later than June 8, 2016, to ensure that any necessary accommodation can be provided.

Copies of the proposed regulation changes 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 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 14.07.060; AS 14.07.020

Statutes being implemented, interpreted, or made specific: AS 14.20.149

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

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DATE: April 6, 2016

Dr. Susan McCauley
Interim Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Education & Early Development
2. General subject of regulation: educator evaluation
3. Citation of regulation (may be grouped): 4 AAC 04.205, 4 AAC 19.010-.099
4. Department of Law file number, if any: JU2016200209

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: none.

Another state agency: none.

A municipality: The costs over 54 school districts are difficult to estimate. In the first year, districts would incur costs as they changed their educator evaluation system. In following years, the proposed action would reduce costs below current costs.

8. Cost of implementation to the state agency and available funding (in thousands of dollars): none

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

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

Name: Sondra Meredith

Title: Administrator, Teacher Quality and Certification

Address: 801 W. 10th Street, Suite 200, Juneau, Alaska
Telephone: 907-465-2803
E-mail address: Sondra.meredith@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: April 4, 2016

Prepared by: Eric Fry

Name: Eric Fry

Title: Information Officer/Regulations Contact

Telephone: 907-465-2851

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Commissioner's Office

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Signed Emma Dunlap

Subscribed and sworn to before me
this 6th day of April, 2016

Britney Thompson

Notary Public in and for
The State of Alaska
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES Feb 23, 2019

NOTICE OF PROPOSED CHANGES REGARDING EDUCATOR EVALUATION 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, dealing with educator evaluation, including the following:

- (1) 4 AAC 04.205(e) and (f) are proposed to be repealed. The intended effect of the repeal of subsection (e) is to no longer require school districts to adopt performance standards for educators based on student learning data. The proposed repeal of (f) will remove the permission language regarding the use of multiple years of student learning data, no longer relevant because of the repeal of subsection (e).
- (2) 4 AAC 19.010(e) and (f) are proposed to be repealed. The intended effect of this repeal is to no longer require school districts to evaluate whether an educator's overall performance or a teacher's or administrator's performance on the district's standards for student learning data is exemplary, proficient, basic, or unsatisfactory.
- (3) 4 AAC 19.010(g) is proposed to remove the requirement, for teachers and administrators, that an unsatisfactory rating on the district's standard for student learning data would be considered a failure to meet district performance standards under AS 14.20.149(b)(6), (e), or (f).
- (4) 4 AAC 19.015, with proposed changes, would modify the information that school districts are required to make available to the public concerning the districts' educator evaluation systems. The change will require forms used to gather information from students, parents, and community members in evaluating educators; performance standards for educators; and policy and procedures in evaluating educators to be posted to the district's website - or at school sites if the district does not maintain a website. School districts will no longer be required to make available to the public other forms used in evaluating educators.
- (5) 4 AAC 19.030(a)(5) is proposed to be changed as follows: School districts may provide an educator with access to, rather than a copy of, the educator's draft evaluation.
- (6) 4 AAC 19.030(b) is proposed to be changed as follows: School districts may consider student learning data in evaluating educators.
- (7) 4 AAC 19.030(d) is proposed to be changed as follows: If a school district adopts procedures that incorporate student learning data into the evaluation process, it must confer with educators to identify appropriate student learning data.
- (8) 4 AAC 19.055 is proposed to be changed as follows: School districts will no longer be required to report to the department the number and percentage of educators in each of the performance levels exemplary, proficient, basic, or unsatisfactory.
- (9) 4 AAC 19.099(2)(C) is proposed to be changed as follows: The definition of "measurement" is modified to exclude statewide standards-based assessments. If a district elects to use student learning data in the evaluation of educators, this change will prohibit the use of data from statewide standards-based assessments as student learning data.
- (10) 4 AAC 19.099(3), (4), and (6) is proposed to be changed by repealing the definitions of "measurement of student growth," "objective, empirical, and valid measurement," and "student growth."
- (11) 4 AAC 19.099(7)(B) is proposed to be changed by modifying the definition of "student learning data," including the following: participation rates, graduation rates, and student attendance are no longer considered student learning data.
- (12) 4 AAC 19.099(9) is proposed to be changed by repealing the definition of "teacher on special assignment."

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 May 9, 2016, 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 public input and to distribute any proposed changes to the board.

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