

Byron Mallott
Lieutenant Governor
State Capitol
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907.465.3520
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Anchorage, Alaska 99501
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Melissa McCormick
Department of Education and Early Development

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081

DATE: January 11, 2018

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

State Board of Education and Early Development regulations re: the definition of "vocational education" to include grades seven through twelve (4 AAC 51.390)

Attorney General File:	JU2017200345
Regulation Filed:	1/11/2018
Effective Date:	2/10/2018
Print:	225, April 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

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

The attached one page of regulations, dealing with the definition of vocational education, is certified to be a correct copy of the regulation changes that the State Board of Education and Early Development adopted at its September 15, 2017, meeting, under the authority of AS 14.07.020, AS 14.07.060, and AS 14.35.020, 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:

11/16/17

Sana Efird
Sana Efird, Deputy Commissioner

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on January 11, 2018 at 8:45 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Byron Mallott
Lieutenant Governor

Effective: February 10, 2018

Register: 225, April 2018

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 Sana Efird, Deputy Commissioner.

Date: 12/13/16

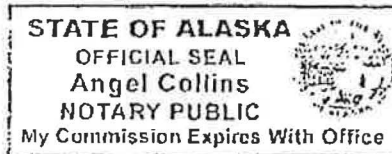


Dr. Michael Johnson, Commissioner

Subscribed and sworn to before me at Juneau, AK on
December 13, 2016.



Notary Public in and for the State of Alaska



4 AAC 51.390 is amended to read:

4 AAC 51.390. Definitions. In
[As used in] 4 AAC 51.200 - 4 AAC 51.390,

(1) "curriculum" means the instructional program content as approved by the

← department;

(2) [repealed 4/9/92;

(3) "program" means a logically sequenced set of instructional outcomes;

(3) (4) "vocational education" means organized programs, approved by the department,
← for grades seven [NINE] through twelve, that prepare individuals for paid or unpaid
employment, or for further education.

(5) [repealed 4/9/92.] (Eff. 12/4/85, Register 96; am 4/9/92, Register 122; am

← 2/10/2018, Register 225)

Authority: AS 14.07.020

AS 14.07.060

AS 14.35.020

MEMORANDUM


State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: January 10, 2018

File No.: JU2017200345

Tel. No.: 465-3600

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

Re: State Board of Education and Early
Development regulations re: the
definition of "vocational education" to
include grades seven through twelve
(4 AAC 51.390)

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 January 9, 2018 from the Regulations Attorney. The regulations update the definition of "vocational education" to mean organized programs for grades seven through twelve, rather than grades nine through twelve, to reflect that the state may use money received from the federal government to support career and technical education programs for students in grades seven through twelve.

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

The June 19, 2017 public notice and the November 16, 2017 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

Melissa McCormick, Regulations Contact
Department of Education and Early Development

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

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: January 9, 2018

FILE NO.: JU2017200345

TELEPHONE NO.: (907) 465-3600

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

SUBJECT: Specific delegation of authority
regarding regulations review on
State Board of Education and
Early Development regulations
re: the definition of "vocational
education" to include grades
seven through twelve (4 AAC
51.390)

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 and
Assistant Regulations Attorney
Legislation/Regulations Section

Register _____, _____ 2017 EDUCATION AND EARLY DEV.

4 AAC 51.390 is amended to read:

As used in 4 AAC 51.200 - 4 AAC 51.390,

(1) "curriculum" means the instructional program content as approved by the department;

(2) repealed 4/9/92;

(3) "program" means a logically sequenced set of instructional outcomes;

(4) "vocational education" means organized programs, approved by the department, for grades seven [NINE] through twelve, that prepare individuals for paid or unpaid employment, or for further education.

(5) repealed 4/9/92. (Eff. 12/4/85, Register 96; am 4/9/92, Register 122; am ___/___/____, Register ___)

Authority: AS 14.07.020 AS 14.07.060 AS 14.35.020

NOTICE OF PROPOSED CHANGES TO
VOCATIONAL EDUCATION IN THE REGULATIONS OF
THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

BRIEF DESCRIPTION: Defines vocational education to include grades seven through twelve.

The Department of Education and Early Development proposes to adopt regulation changes to Title 4 of the Alaska Administrative Code dealing with vocational education, including the following:

4 AAC 51.390 is proposed to be amended to define vocational education to include grades seven through twelve. Currently, the definition applies to grades nine through twelve.

The Department of Education and 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 August 7, 2017, 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 and 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 and 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 shawn.sypeck@alaska.gov and online at the website of the Department of Education and Early Development at <https://education.alaska.gov/regcomment.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. August 7, 2017.

After the written comment period has ended, you may submit oral comments to the State Board of Education and Early Development at a hearing to be held by the board on September 14, 2017. The hearing will be held from 9:10 a.m. to 10:10 a.m. but may be extended to accommodate those present before 9:00 a.m. who have not had an opportunity to comment before 10:10 a.m.

You 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.

You also may submit oral comment by visiting your local Legislative Information Office (LIO). The following LIO's will participate: Anchorage, 716 W 4th Ave., Suite 100; Bethel, 301 Willow

St.; Fairbanks, 1292 Sadler Way, Suite 308; Juneau, Room 111 Terry Miller Bldg.; Kenai, 145 Main St. Loop, Suite 217; Ketchikan, 1900 First Ave., Suite 310; Kodiak, 305 center Ave., Suite 1; Mat-Su, 600 E Railroad Ave.; Nome 103 Front St.; Seward, 302 Railway Suite 107; and Sitka, 201 Katlian St., Suite 103.

This meeting will be streamed through the Legislative Information Office over <http://www.alaskalegislature.tv/> beginning at 9:00 a.m. September 14 and 15, 2017. (audio only).

You may submit written questions relevant to the proposed action to Shawn Sypeck at shawn.sypeck@alaska.gov or the Department of Education and Early Development, Attn: Shawn Sypeck, 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 July 28, 2017, 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 and 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 Shawn Sypeck at 907-465-2802 or shawn.sypeck@alaska.gov not later than September 7, 2017, 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 Shawn Sypeck at shawn.sypeck@alaska.gov or 907-465-2802.

After the public comment period ends, the Department of Education and 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, AS 14.35.020

Statutes being implemented, interpreted, or made specific: AS 14.07.020, AS 14.07.060, AS 14.35.020

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

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Education and Early Development
2. General subject of regulation: vocational education
3. Citation of regulation (may be grouped): 4 AAC 51.390
4. Department of Law file number, if any: JU2017200345

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: none.

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

	Initial Year FY <u>18</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ _____
Capital Cost	\$ <u>0</u>	\$ _____
1002 Federal receipts	\$ <u>0</u>	\$ _____
1003 General fund match	\$ <u>0</u>	\$ _____
1004 General fund	\$ <u>0</u>	\$ _____
1005 General fund/ program	\$ <u>0</u>	\$ _____
Other (identify)	\$ <u>0</u>	\$ _____

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

Name: Paul Prussing
Title: Acting Director, Student Learning
Address: 801 W. 10th Street, Suite 200, Juneau, Alaska
Telephone: 907-465-2970
E-mail address: paul.prussing@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: June 16, 2017 Prepared by: _____

Name: Eric Fry
Title: Information Officer/Regulations Contact
Telephone: 907-465-2851

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Erin Hardin, Information Officer for the Department of Education and Early Development, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed regulation changes to 4 AAC 51.390 definition of vocational education has been given by being

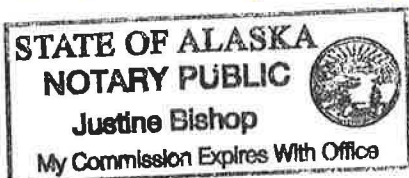
- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (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: 11/16/17


Erin Hardin, Information Officer

Subscribed and sworn to before me at Juneau Alaska on November 16, 2017.




Notary Public in and for the State of Alaska

AFFIDAVIT OF ORAL HEARING

I, Erin Hardin, Information Officer for the Department of Education and Early Development, being sworn, state the following:

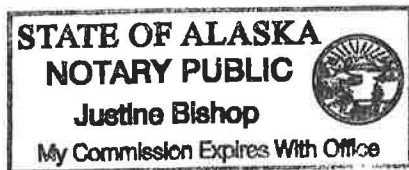
On September 14, 2017, at 1:35 p.m. by audio conference and in the state board room at 801 West 10th Street, Juneau, Alaska, a public hearing was held under AS 44.62.210 for the purpose of taking oral testimony in connection with the adoption of changes to the definition of vocational education, and 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: 11/16/17


Erin Hardin, Information Officer

Subscribed and sworn to before me at Juneau, Alaska on
November 16, 2017.


Notary Public in and for the State of Alaska



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

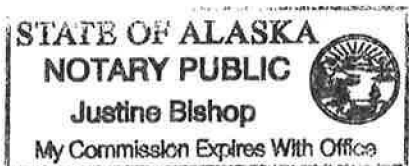
I, Erin Hardin, Information Officer for the Department of Education and Early Development, being sworn, state the following:

In compliance with AS 44.62.215, the Department of Education and 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 and Early Development regulation on the definition of vocational education. The Department of Education and 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 and Early Development regulation on the definition of vocational education.

Date: 12/6/17

Erin Hardin
Erin Hardin, Information Officer

Subscribed and sworn to before me at Juneau Alaska on
December 6, 2017.



Justine Bishop
Notary Public in and for the State of Alaska

268969
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\$483.08

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

June 19, 2017

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed



Subscribed and sworn to before me
this 19th day of June, 2017



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

4/14/21

ANGELA M SIMMONS
NOTARY PUBLIC
State of Alaska
My Commission Expires Apr. 14, 2021

NOTICE OF PROPOSED CHANGES TO VOCATIONAL EDUCATION IN THE REGULATIONS OF THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

BRIEF DESCRIPTION: Defines vocational education to include grades seven through twelve.

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The Department of Education and 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 August 7, 2017, 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 and 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 and 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 shawn.speck@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. August 7, 2017.

After the written comment period has ended, you may submit oral comments to the State Board of Education and Early Development at a hearing to be held by the board on September 14, 2017. The hearing will be held from 9:10 a.m. to 10:10 a.m. but may be extended to accommodate those present before 9:00 a.m. who have not had an opportunity to comment before 10:10 a.m.

You 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.

You also may submit oral comment by visiting your local Legislative Information Office (LIO). The following LIO's will participate: Anchorage, 716 W 4th Ave., Suite 100; Bethel, 301 Willow St.; Fairbanks, 1292 Sadler Way, Suite 308; Juneau, Room 111 Terry Miller Bldg.; Kenai, 145



AFFIDAVIT OF BOARD ACTION

I, Erin Hardin, Information Officer for the Department of Education and Early Development, being sworn, state the following:

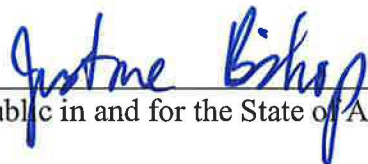
The attached motion dealing with the definition of vocational education, was passed by the State Board of Education and Early Development during its September 15, 2017, meeting.

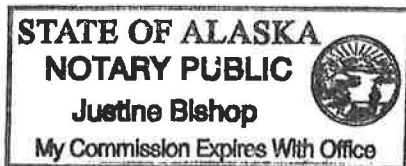
Date: 11/16/17


Erin Hardin, Information Officer

Subscribed and sworn to before me at Juneau, Alaska on

November 16, 2017.


Notary Public in and for the State of Alaska



State Board of Education and Early Development Meeting

September 15, 2017

Excerpt from Unapproved Minutes

John Harmon moved and Sue Hull seconded the following motion: After considering all public comment, I move the State Board of Education & Early development adopt the proposed amended regulations to 4 AAC 51.390 CTE/Vocational Education programs. The motion passed unanimously.

4 AAC 51.390 is amended to read:

Unedited and Unapproved
by the Department of Law
For Use by the Publisher Only

As used in 4 AAC 51.200 - 4 AAC 51.390,

(1) "curriculum" means the instructional program content as approved by the department;

(2) repealed 4/9/92;

(3) "program" means a logically sequenced set of instructional outcomes;

(4) "vocational education" means organized programs, approved by the department, for grades seven [NINE] through twelve, that prepare individuals for paid or unpaid employment, or for further education.

(5) repealed 4/9/92. (Eff. 12/4/85, Register 96; am 4/9/92, Register 122; am ___/___/_____, Register ___)

Authority: AS 14.07.020

AS 14.07.060

AS 14.35.020

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by the Department of Law
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