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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 *CS*  
465.4081

**DATE:** May 2, 2018

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

State Board of Education and Early Development regulations re: update to Participation Guidelines for Inclusion of Alaska Students in State Assessments and repeal of regulations that addressed the former college and career readiness assessment (4 AAC 06.710; 4 AAC 06.717 - 4 AAC 06.724; 4 AAC 06.765(a); 4 AAC 06.775; 4 AAC 06.776(b); 4 AAC 06.790)

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Attorney General File:	JU2017200694
Regulation Filed:	5/2/2018
Effective Date:	6/1/2018
Print:	226, July 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 seven pages of regulations, regarding revisions to the *Participation Guidelines* and the repeal of the college and career ready assessment graduation requirement, is certified to be a correct copy of the regulation changes that the State Board of Education and Early Development adopted at its December 8, 2017, meeting, under the authority of AS 14.07.020, AS 14.07.060, AS 14.03.123, AS 14.03.060, AS 14.03.075, AS 14.07.030, AS 14.07.165, and AS 14.50.080 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:

2/20/18

  
\_\_\_\_\_  
Sana Efird, Deputy Commissioner

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

May 2, 2018 at 11 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
\_\_\_\_\_  
Lieutenant Governor

Effective: June 1, 2018.

Register: 226, July 2018

# DELEGATION OF AUTHORITY

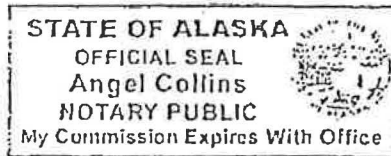
Under AS 44.17.010, the authority and responsibility for adopting regulations of the Department of Education & Early Development under the Alaska Administrative Procedure Act are delegated to Sana Efir, Deputy Commissioner.

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



Register 226, July 2018 EDUCATION AND EARLY DEV.

4 AAC 06.710 is amended to read:

**4 AAC 06.710. Statewide student assessment system.** The commissioner will develop a statewide student assessment system composed of multiple indicators that include

(1) a standards-based test to measure student attainment of the state's standards as described in 4 AAC 06.737(a);

(2) an alternate assessment under 4 AAC 06.775(b);

(3) biennial participation in the national assessment of educational progress in mathematics and reading in grades four and eight; **and**

(4) the assessment described in 4 AAC 34.055 to identify English language proficiency [;

(5) THE ASSESSMENT DESCRIBED IN 4 AAC 06.717 TO MEASURE A STUDENT'S LEVEL OF PREPAREDNESS TO MAKE THE TRANSITION TO WORK OR COLLEGE; AND

(6) REPEALED 3/30/2016]. (Eff. 3/15/89, Register 109; am 8/7/92, Register 123; am 12/16/94, Register 132; am 10/21/99, Register 152; am 3/3/2000, Register 153; am 11/30/2001, Register 160; am 12/19/2002, Register 164; am 9/11/2004, Register 171; am 10/3/2011, Register 200; am 10/16/2012, Register 204; am 6/30/2013, Register 206; am 12/26/2014, Register 212; am 3/30/2016, Register 217; am 6 / 1 / 2018, Register 226)

**Authority:** [AS 14.03.075] AS 14.07.020 AS 14.07.060

4 AAC 06.717 is repealed:



Register 226, July 2018 EDUCATION AND EARLY DEV.

**4 AAC 06.717. College and career readiness assessments.** Repealed. (Eff. 2/23/2008, Register 185; am 7/19/2009, Register 191; am 6/8/2011, Register 198; am 12/26/2014, Register 212; am 5/15/2015, Register 214; repealed 6/1/2018 (3, Register 226))

4 AAC 06.718(a) is amended to read:

(a) A district shall provide a secondary school diploma to a person who

(1) holds a certificate of achievement issued by the district on or after July 1, 2014 and before June 30, 2016 [UNDER AS 14.03.075(b)]; [AND]

(2) takes a college and career readiness assessment; and

(3) pays applicable fees charged by the district or the test vendor.

4 AAC 06.718(c)(1) is amended to read:

(1) holds a certificate of achievement issued on or after July 1, 2014 and before June 30, 2016 [UNDER AS 14.03.075(b)] by the district or provides evidence to the district that the person holds a certificate of achievement issued on or after July 1, 2014 and before June 30, 2016 [UNDER AS 14.03.075(b)] by another school district in the state;

4 AAC 06.718 is amended by adding a new subsection to read:

(h) In this section,

(1) "certificate of achievement" means a certificate earned by a student on or after July 1, 2014 and before June 30, 2016 who met all local graduation requirements but did

Register 226, July 2018 EDUCATION AND EARLY DEV.

not take one of the college and career readiness assessments and is therefore ineligible for a diploma;

(2) "college and career readiness assessment"

(A) means the SAT or ACT within the meaning given in

AS 14.03.075(e)(1) as that provision read before June 30, 2016;

(B) with respect to the WorkKeys assessment, within the meaning given in AS 14.03.075(e)(1) as that provision read before June 30, 2016, means the following sections of that assessment:

(i) applied mathematics;

(ii) reading for information; and

(iii) locating information;

(3) "takes a college and career readiness assessment" means receives a valid score on the assessment as reported by the vendor of the assessment. (Eff. 12/25/2015, Register 216; am 6/1/2018, Register 226)

<b>Authority:</b>	AS 14.03.060	AS 14.07.020	AS 14.07.060
	AS 14.03.075	AS 14.07.030	AS 14.07.165

4 AAC 06.721 is repealed:

**4 AAC 06.721. College and career readiness assessment waivers.** Repealed. (Eff. 3/4/2015, Register 213; repealed 6/1/2018, Register 226)

4 AAC 06.722 is repealed:

Register 226, July 2018 EDUCATION AND EARLY DEV.

**4 AAC 06.722. Waiver for entering the public school system late.** Repealed. (Eff.

3/4/2015, Register 213; repealed 6 / 1 / 2018, Register 226)

4 AAC 06.723 is repealed:

**4 AAC 06.723. Rare or unusual circumstances.** Repealed. (Eff. 3/4/2015, Register 213;

am 12/25/2015, Register 216; repealed 6 / 1 / 2018, Register 226)

4 AAC 06.724 is repealed:

**4 AAC 06.724. Procedures for appeal from a denial of a waiver from the college and**

**career readiness assessments.** Repealed. (Eff. 3/4/2015, Register 213; repealed 6 / 1 / 2018,

Register 226)

4 AAC 06.765(a) is amended to read:

(a) All test questions on standards-based tests provided for in 4 AAC 06.737, [THE] college and career readiness assessments taken under 4 AAC 06.718 [PROVIDED FOR IN 4 AAC 06.717], and the English language proficiency assessment provided for in 4 AAC 34.055, are confidential, and may be disclosed only as provided in this section.

(Eff. 3/3/2000, Register 153; am 2/18/2007, Register 181; am 10/3/2011, Register 200; am

6/30/2013, Register 206; am 12/26/2014, Register 212; am 6 / 1 / 2018, Register 226)

**Authority:** AS 14.07.020 AS 14.07.060

4 AAC 06.775(a) is amended to read:

Register 226, July 2018 EDUCATION AND EARLY DEV.

(a) When administering to students with disabilities the statewide assessments under 4 AAC 06.710 [AND 4 AAC 06.717], a district shall follow the requirements of this section and the department's Participation Guidelines for Inclusion of Alaska Students in State Assessments, dated December 2017 [PARTICIPATION GUIDELINES FOR ALASKA STUDENTS IN STATE ASSESSMENTS, DATED DECEMBER 2015], adopted by reference.

4 AAC 06.775(c) is amended to read:

(c) A student with a disability who is on a diploma track must take all regular statewide assessments required under 4 AAC 06.710, with or without accommodations, at the appropriate grade level. [A DISTRICT AND A STUDENT'S IEP OR SECTION 504 TEAM SHALL FOLLOW THE PARTICIPATION GUIDELINES OR THE ALASKA SUPPLEMENT FOR WORKKEYS ASSESSMENT, ADOPTED BY REFERENCE IN (a) OF THIS SECTION, FOR THE COLLEGE AND CAREER READINESS ASSESSMENTS DESCRIBED IN 4 AAC 06.717, WHEN MAKING DECISIONS REGARDING ACCOMMODATIONS FOR A STUDENT, AND A DISTRICT SHALL PROVIDE THE ACCOMMODATIONS REQUESTED BY THE STUDENT'S IEP OR SECTION 504 TEAM.]

(Eff. 12/19/2002, Register 164; am 9/17/2004, Register 171; am 11/10/2005, Register 176; am 10/18/2007, Register 184; am 11/10/2007, Register 184; am 9/27/2008, Register 187; am 6/11/2010, Register 194; am 10/3/2011, Register 200; am 4/20/2012, Register 202; am 12/26/2014, Register 212; am 3/4/2015, Register 213; am 5/15/2015, Register 214; am am 2/16/2018, Register 225; 3/30/2016, Register 217; am 4/6/2016, Register 218; am 6/1/2018 Register 226)

Authority: [AS 14.03.075] AS 14.07.060 AS 14.07.165

Register 226, July 2018 EDUCATION AND EARLY DEV.  
AS 14.07.020

4 AAC 06.776(b) is amended to read:

(b) A district shall appoint a team that includes, if practicable, a teacher with experience in teaching students with limited English proficiency to determine the necessary accommodations for students with limited English proficiency under the department's *Participation Guidelines for Inclusion of Alaska Students in State Assessments* [*PARTICIPATION GUIDELINES FOR ALASKA STUDENTS IN STATE ASSESSMENTS*], adopted by reference in 4 AAC 06.775(a). The team shall document the accommodation decision and may not provide a modification.

(Eff. 11/23/2003, Register 168; am 10/3/2011, Register 200; am 6/1/2018 Register 226)

**Authority:** AS 14.03.123      AS 14.07.060      AS 14.50.080  
AS 14.07.020

4 AAC 06.790(a) is repealed:

(a) Repealed 6/1/2018.

#>

4 AAC 06.790(b)(4) is repealed:

(4) repealed 6/1/2018;

#>

4 AAC 06.790(b)(12) is amended to read:

(12) "*Participation Guidelines*" means the department's *Participation Guidelines*



Register 226, July 2018 EDUCATION AND EARLY DEV.

for Inclusion of Alaska Students in State Assessments [PARTICIPATION GUIDELINES FOR

ALASKA STUDENTS IN STATE ASSESSMENTS], adopted by reference in 4 AAC 06.775;

*by  
("do not italicize the comma")*

(Eff. 12/16/94, Register 132; am 3/3/2000, Register 153; am 12/19/2002, Register 164; am

9/17/2004, Register 171; am 8/15/2008, Register 187; am 6/30/2013, Register 206; am

12/26/2014, Register 212; am 5/15/2015, Register 214; am 12/25/2015, Register 216; am

6 / 1 / 2018, Register 226)

**Authority:** [AS 14.03.075]

AS 14.07.020

AS 14.07.060



# MEMORANDUM


## State of Alaska Department of Law

To: Hon. Byron Mallott  
Lieutenant Governor

Date: May 1, 2018

File No.: JU2017200694

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: update to  
*Participation Guidelines for Inclusion  
of Alaska Students in State  
Assessments* and repeal of regulations  
that addressed the former college and  
career readiness assessment (4 AAC  
06.710; 4 AAC 06.717 - 4 AAC  
06.724; 4 AAC 06.765(a); 4 AAC  
06.775; 4 AAC 06.776(b); 4 AAC  
06.790)

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 May 1, 2018 from the Regulations Attorney. The regulations update the adopted-by-reference *Participation Guidelines for Inclusion of Alaska Students in State Assessments*; and also, to reflect the repeal of AS 14.03.075(a), (b), (c), and (e)(1) under secs. 25 and 29, ch. 2, SSSLA 2015, repeal related provisions of regulations addressing the former college and career readiness assessment.

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 October 13, 2017 public notice, the November 19, 2017 supplemental public notice, and the February 20, 2018 certification of adoption order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Byron Mallott, Lieutenant Governor  
Our file: JU2017200694

May 1, 2018  
Page 2

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:** May 1, 2018

**FILE NO.:** JU2017200694

**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: update to *Participation  
Guidelines for Inclusion of Alaska  
Students in State Assessments* and  
repeal of regulations that  
addressed the former college and  
career readiness assessment  
(4 AAC 06.710; 4 AAC 06.717 -  
4 AAC 06.724; 4 AAC 06.765(a);  
4 AAC 06.775; 4 AAC 06.776(b);  
4 AAC 06.790)

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

NOTICE OF PROPOSED CHANGES TO  
PARTICIPATION GUIDELINES AND  
COLLEGE AND CAREER READINESS ASSESSMENTS  
IN THE REGULATIONS OF  
THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

BRIEF DESCRIPTION: 1) Revises the *Participation Guidelines for Alaska Students in State Assessments*, 2) repeals regulations that mandated college and career readiness assessments, and 3) clarifies which holders of a certificate of achievement are eligible for a high school diploma.

The Department of Education and Early Development proposes to adopt regulation changes to Title 4 of the Alaska Administrative Code dealing with participation guidelines for inclusion of students with disabilities and English learners in state assessments and college and career readiness assessments, including the following:

4 AAC 06.710 (5) is proposed to be repealed. The effect of the repeal is to no longer require the commissioner of education to develop an assessment to measure a student's level of preparedness to make the transition to work or college.

4 AAC 06.717 is proposed to be repealed. The effect of the repeal is to no longer mandate that school districts require students to take college and career readiness assessments.

4 AAC 06.718 (a) is proposed to be amended to clarify that students who received a certificate of achievement on or after July 1, 2014, and before June 30, 2016, may take a college and career readiness assessment and receive a high school diploma.

4 AAC 06.718 (c) (1) is proposed to be amended to clarify that school districts shall allow students who received a certificate of achievement on or after July 1, 2014, and before June 30, 2016, to take a college and career readiness assessment and receive a high school diploma, if the student meets other requirements as well.

4 AAC 06.718 (h) (1) is proposed to be amended to clarify the definition of a certificate of achievement that was earned on or after July 1, 2014, and before June 30, 2016.

4 AAC 06.721-.724 are proposed to be repealed. The effect of the repeal is to remove regulations related to waivers from college and career readiness assessments.

4 AAC 06.765 (a) is proposed to be amended to change a reference to college and career readiness assessments and test security to the definition as amended in 4 AAC 06.718 (h) (1).

4 AAC 06.775 (a) is proposed to be amended to revise the document adopted by reference to *Participation Guidelines for Alaska Students in State Assessments*, to provide for an adoption date of the revised document, and to change the name of the document to reflect that it refers to inclusion of students with disabilities and English learners in state assessments.

4 AAC 06.775 (a) is proposed to be amended to remove a reference to college and career readiness assessments and administering statewide assessments to students with disabilities.



4 AAC 06.775 (c) is proposed to be amended to remove a reference to college and career readiness assessments and administering statewide assessments to students with disabilities.

4 AAC 06.776 (b) is proposed to be amended to reflect a change in the title of the referenced document to *Participation Guidelines for Inclusion of Alaska Students in State Assessments*.

4 AAC 06.790 (a) is proposed to be repealed.

4 AAC 06.790 (b) (4) is proposed to be repealed. The effect of the repeal is to remove a definition of certificate of achievement that relates to college and career readiness assessments and eligibility for a high school diploma.

4 AAC 06.790 (b) (12) is proposed to be amended to reflect a change in the title of the referenced document to *Participation Guidelines for Inclusion of Alaska Students in State Assessments*.

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 November 13, 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 [marcy.herman@alaska.gov](mailto:marcy.herman@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 November 13, 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 December 7, 2017, by audio-conference.** The hearing will be held from 9:15 a.m. to 10:15 a.m. but may be extended to accommodate those present before 9:00 a.m. who have not had an opportunity to comment before 10:15 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 or Anchorage. For participation from Juneau, call 586-9085. For participation from Anchorage, call 563-9085.

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. December 7, 2017 (audio only). You may submit written questions relevant to the proposed action to Marcy Herman at [marcy.herman@alaska.gov](mailto:marcy.herman@alaska.gov) or the Department of Education and Early Development, Attn: Marcy Herman, 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 November 3, 2017, which is ten 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 Marcy Herman at 907-465-2803 or [marcy.herman@alaska.gov](mailto:marcy.herman@alaska.gov) not later than December 1, 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 Marcy Herman at [marcy.herman@alaska.gov](mailto:marcy.herman@alaska.gov) or 907-465-2803.

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 14.03.123, AS 14.03.060, AS 14.03.075, AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.07.165, AS 14.50.080

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

**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: statewide student assessment
3. Citation of regulation (may be grouped): 4 AAC 06.710-.790
4. Department of Law file number, if any: To be assigned.

5. Reason for the proposed action:

- ( ) Compliance with federal law or action (identify):  
(X) 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 18	Subsequent 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: Margaret MacKinnon  
Title: Federal Programs Coordinator  
Address: 801 W. 10<sup>th</sup> Street, Suite 200, Juneau, Alaska  
Telephone: 907-465-2970  
E-mail address: margaret.mackinnon@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: October 13, 2017      Prepared by: \_\_\_\_\_

Name: Erin Hardin  
Title: Information Officer  
Telephone: 907-465-6535

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES TO  
PARTICIPATION GUIDELINES AND  
COLLEGE AND CAREER READINESS ASSESSMENTS  
IN THE REGULATIONS OF  
THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

This supplemental notice is being issued due to a time change for oral public comment. **You may submit oral comments to the State Board of Education and Early Development at a hearing to be held by the board on December 7, 2017, by audio-conference.** The hearing will be held from 2:10 p.m. to 3:00 p.m. but may be extended to accommodate those present before 1:55 p.m. who have not had an opportunity to comment before 3:00 p.m.

BRIEF DESCRIPTION: 1) Revises the *Participation Guidelines for Alaska Students in State Assessments*, 2) repeals regulations that mandated college and career readiness assessments, and 3) clarifies which holders of a certificate of achievement are eligible for a high school diploma.

The Department of Education and Early Development proposes to adopt regulation changes to Title 4 of the Alaska Administrative Code dealing with participation guidelines for inclusion of students with disabilities and English learners in state assessments and college and career readiness assessments, including the following:

4 AAC 06.710 (5) is proposed to be repealed. The effect of the repeal is to no longer require the commissioner of education to develop an assessment to measure a student's level of preparedness to make the transition to work or college.

4 AAC 06.717 is proposed to be repealed. The effect of the repeal is to no longer mandate that school districts require students to take college and career readiness assessments.

4 AAC 06.718 (a) is proposed to be amended to clarify that students who received a certificate of achievement on or after July 1, 2014, and before June 30, 2016, may take a college and career readiness assessment and receive a high school diploma.

4 AAC 06.718 (c) (1) is proposed to be amended to clarify that school districts shall allow students who received a certificate of achievement on or after July 1, 2014, and before June 30, 2016, to take a college and career readiness assessment and receive a high school diploma, if the student meets other requirements as well.

4 AAC 06.718 (h) (1) is proposed to be amended to clarify the definition of a certificate of achievement that was earned on or after July 1, 2014, and before June 30, 2016.

4 AAC 06.721-.724 are proposed to be repealed. The effect of the repeal is to remove regulations related to waivers from college and career readiness assessments.

4 AAC 06.765 (a) is proposed to be amended to change a reference to college and career readiness assessments and test security to the definition as amended in 4 AAC 06.718 (h) (1).

4 AAC 06.775 (a) is proposed to be amended to revise the document adopted by reference to *Participation Guidelines for Alaska Students in State Assessments*, to provide for an adoption

date of the revised document, and to change the name of the document to reflect that it refers to inclusion of students with disabilities and English learners in state assessments.

4 AAC 06.775 (a) is proposed to be amended to remove a reference to college and career readiness assessments and administering statewide assessments to students with disabilities.

4 AAC 06.775 (c) is proposed to be amended to remove a reference to college and career readiness assessments and administering statewide assessments to students with disabilities.

4 AAC 06.776 (b) is proposed to be amended to reflect a change in the title of the referenced document to *Participation Guidelines for Inclusion of Alaska Students in State Assessments*.

4 AAC 06.790 (a) is proposed to be repealed.

4 AAC 06.790 (b) (4) is proposed to be repealed. The effect of the repeal is to remove a definition of certificate of achievement that relates to college and career readiness assessments and eligibility for a high school diploma.

4 AAC 06.790 (b) (12) is proposed to be amended to reflect a change in the title of the referenced document to *Participation Guidelines for Inclusion of Alaska Students in State Assessments*.

**You may submit oral comments to the State Board of Education and Early Development at a hearing to be held by the board on December 7, 2017, by audio-conference.** The hearing will be held from 2:10 p.m. to 3:00 p.m. but may be extended to accommodate those present before 1:55 p.m. who have not had an opportunity to comment before 3:00 p.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 or Anchorage. For participation from Juneau, call 586-9085. For participation from Anchorage, call 563-9085.

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 2:00 p.m. December 7, 2017 (audio only). You may submit written questions relevant to the proposed action to Marcy Herman at [marcy.herman@alaska.gov](mailto:marcy.herman@alaska.gov) or the Department of Education and Early Development, Attn: Marcy Herman, 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 November 3, 2017, which is ten 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 Marcy Herman at 907-465-2803 or [marcy.herman@alaska.gov](mailto:marcy.herman@alaska.gov) not later than December 1, 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 Marcy Herman at [marcy.herman@alaska.gov](mailto:marcy.herman@alaska.gov) or 907-465-2803.

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 14.03.123, AS 14.03.060, AS 14.03.075, AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.07.165, AS 14.50.080

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

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



AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Melissa McCormick, Executive Secretary 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 06.775 regarding revisions to the *Participation Guidelines* and the repeal of the college and career ready assessment graduation requirement 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.

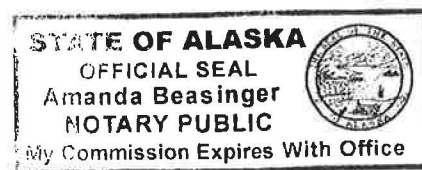
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the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

Date: 3/16/18

  
Melissa McCormick, Executive Secretary

Subscribed and sworn to before me at Seward, Alaska on 3/16/18.

  
Notary Public in and for the State of Alaska





AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Melissa McCormick, Executive Secretary for the Department of Education and Early Development, being sworn, state the following:

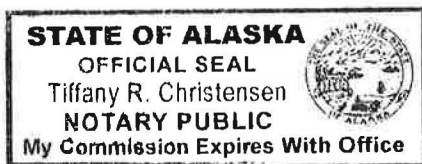
In compliance with AS 44.62.215, the Department of Education and Early Development has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Education and Early Development regulations regarding revisions to the *Participation Guidelines* and the repeal of the college and career ready assessment graduation requirement. 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 regulations regarding revisions to the *Participation Guidelines* and the repeal of the college and career ready assessment graduation requirement.

Date: 3/7/18

Melissa Mcc  
Melissa McCormick, Executive Secretary

Subscribed and sworn to before me at Juneau on  
March 7, 2018

T. R. Christensen  
Notary Public in and for the State of Alaska



AFFIDAVIT OF ORAL HEARING

I, Melissa McCormick, Executive Secretary for the Department of Education and Early Development, being sworn, state the following:

On December 7, 2017, at 2:10 p.m. by audio conference and 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 regulations regarding revisions to the *Participation Guidelines* and the repeal of the college and career ready assessment graduation requirement, and via telephone by 1-844-586-9085, 907-563-9085, and 907-586-9085, and through the following LIO sites: Anchorage, 716 W 4<sup>th</sup> 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: \_\_\_\_\_

3/7/18

Melissa McCormick

Melissa McCormick, Executive Secretary

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

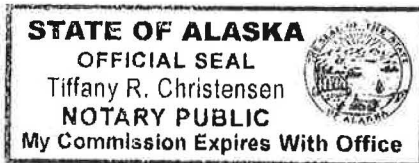
Juneau

on \_\_\_\_\_

March 7, 2018

Tiffany R. Christensen

Notary Public in and for the State of Alaska





268969  
0001413148  
\$692.24

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisa Hartlieb  
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

November 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 Lisa Hartlieb

Subscribed and sworn to before me  
this 20th day of November, 2017

Britney Thompson

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

Notary Public  
BRITNEY L. THOMPSON  
State of Alaska  
My Commission Expires Feb 23, 2019

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES TO  
PARTICIPATION GUIDELINES AND  
COLLEGE AND CAREER READINESS ASSESSMENTS  
IN THE REGULATIONS OF  
THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

This supplemental notice is being issued due to a time change for oral public comment. **You may submit oral comments to the State Board of Education and Early Development at a hearing to be held by the board on December 7, 2017, by audio-conference.** The hearing will be held from 2:10 p.m. to 3:00 p.m. but may be extended to accommodate those present before 1:55 p.m. who have not had an opportunity to comment before 3:00 p.m.

BRIEF DESCRIPTION: 1) Revises the Participation Guidelines for Alaska Students in State Assessments, 2) repeals regulations that mandated college and career readiness assessments, and 3) clarifies which holders of a certificate of achievement are eligible for a high school diploma.

The Department of Education and Early Development proposes to adopt regulation changes to Title 4 of the Alaska Administrative Code dealing with participation guidelines for inclusion of students with disabilities and English learners in state assessments and college and career readiness assessments, including the following:

4 AAC 06.710 (5) is proposed to be repealed. The effect of the repeal is to no longer require the commissioner of education to develop an assessment to measure a student's level of preparedness to make the transition to work or college.

4 AAC 06.717 is proposed to be repealed. The effect of the repeal is to

Find a Matter search box.  
Website at: <http://rca.alaska.gov> by typing Docket No. "U-17-096" in the  
99501; phone: (907) 276-6222, or may be viewed at the Commission's  
Commission's office at 701 West 8th Avenue, Suite 300, Anchorage, AK  
5545. The complete filing is also available for inspection at the  
2550 Denali Street, Suite 1000, Anchorage, AK 99503; phone: (907) 868-  
phone: (425) 580-8112; or James Jackson, Regulatory Attorney for GCI, at  
Alaska, at 16331 NE 72nd Way, Room 1164B, Redmond, WA 98052-7827.  
phone: (907) 258-2000; Cynthia Mannheim, General Attorney for A181,  
Attorney for AECOA, at 810 N Street, Suite 100, Anchorage, AK 99501.  
You may obtain information about this filing by contacting Robin Brena,  
Attorney for AECOA, at 810 N Street, Suite 100, Anchorage, AK 99501.  
Please reference Docket No. U-17-096 and include a statement that you  
have filed a copy of the comments with AECOA, A181 Alaska, and GCI at  
their respective addresses given above.  
Individuals or groups of people with disabilities, who require special  
accommodations, auxiliary aids or service, or alternative communication  
formats, please contact Valerie Fletcher-Mitchell at (907) 276-6222 toll-  
free at 1-800-390-2782, TTY (907) 276-4533 or send a request via  
email at [valerie.fletcher-mitchell@alaska.gov](mailto:valerie.fletcher-mitchell@alaska.gov)

To comment on this filing, please file your comments by 5:00 p.m.,  
December 18, 2017 at the Commission's address given above or via our  
website at:  
<https://rca.alaska.gov/RCAWeb/WhatNew/PublicNoticesComments.aspx>

In conjunction with its petition, the parties requested a one-time waiver  
of Sections 003(a), 701, 702 and 703 of the Alaska IntraState  
Interchange Access Manual ("AIACM"), which specifies certain  
annual filing requirements for AECOA and its pooled local exchange  
carriers, and that such annual filings are effective April 1. In addition, the  
parties requested a waiver of Sections 106, 111, 112 and 118 of the  
AIACM, which address the methodology for computing specific  
intrastate access charge rate elements. The Commission may approve,  
deny or modify, in whole or in part the stipulation and waiver requests  
proposed by the parties. The Commission may impose conditions on  
approval or take other actions to protect the public interest.

opened to address this matter.  
period from July 1, 2018 through June 30, 2019. Docket No. U-17-096 was  
petition requesting acceptance of a stipulation resolving all issues related  
to the establishment of Alaska intrastate access charge rates for the  
Communication, Inc. ("GCI") (collectively "the parties") filed a  
Alaska), and General Communication Corp. ("GCI") (collectively "the  
carriers (collectively "AECOA"), Alascom, Inc. ("Alascom"), and A181  
that on November 15, 2017, the Alaska Exchange Carriers Association,  
Inc., on its own behalf and on behalf of its member local exchange  
carriers (collectively "AECOA"), Alascom, Inc. ("Alascom"), and A181  
Alaska), and General Communication Corp. ("GCI") (collectively "the  
parties") filed a petition requesting acceptance of a stipulation resolving all issues related  
to the establishment of Alaska intrastate access charge rates for the  
period from July 1, 2018 through June 30, 2019. Docket No. U-17-096 was  
opened to address this matter.

14.20.020  
Statutes being implemented, interpreted, or made specific: AS  
Fiscal Information: The proposed regulation changes are not  
expected to require an increased appropriation.  
Published: November 19, 2017

NOTICE OF UTILITY PETITION AND STIPULATION



268969  
#1411792  
\$761.94

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin  
being first duly sworn on oath  
deposes and says that she is  
a representative of the  
Anchorage Daily 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

October 13, 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

*Joleesa Stepetin*

Subscribed and sworn to before

me this 27 day of Feb

20 18

*[Signature]*

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

4/14/2

## NOTICE OF PROPOSED CHANGES TO PARTICIPATION GUIDELINES AND COLLEGE AND CAREER READINESS ASSESSMENTS IN THE REGULATIONS OF THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

BRIEF DESCRIPTION: 1) Revises the Participation Guidelines for Alaska Students in State Assessments, 2) repeals regulations that mandated college and career readiness assessments, and 3) clarifies which holders of a certificate of achievement are eligible for a high school diploma.

The Department of Education and Early Development proposes to adopt regulation changes to Title 4 of the Alaska Administrative Code dealing with participation guidelines for inclusion of students with disabilities and English learners in state assessments and college and career readiness assessments, including the following:

4 AAC 06.710 (5) is proposed to be repealed. The effect of the repeal is to no longer require the commissioner of education to develop an assessment to measure a student's level of preparedness to make the transition to work or college.

4 AAC 06.717 is proposed to be repealed. The effect of the repeal is to no longer mandate that school districts require students to take college and career readiness assessments.

4 AAC 06.718 (a) is proposed to be amended to clarify that students who received a certificate of achievement on or after July 1, 2014, and before June 30, 2016, may take a college and career readiness assessment and receive a high school diploma.

4 AAC 06.718 (c) (1) is proposed to be amended to clarify that school districts shall allow students who received a certificate of achievement on or after July 1, 2014, and before June 30, 2016, to take a college and career readiness assessment and receive a high school diploma, if the student meets other requirements as well.

4 AAC 06.718 (h) (1) is proposed to be amended to clarify the definition of a certificate of achievement that was earned on or after July 1, 2014, and before June 30, 2016.

4 AAC 06.721-724 are proposed to be repealed. The effect of the repeal is to remove regulations related to waivers from college and career readiness assessments.

4 AAC 06.765 (a) is proposed to be amended to change a reference to college and career readiness assessments and test security to the definition as amended in 4 AAC 06.718 (h) (1).

4 AAC 06.775 (a) is proposed to be amended to revise the document adopted by reference to Participation Guidelines for Alaska Students in State Assessments, to provide for an adoption date of the revised document, and to change the name of the document to reflect that it refers to inclusion of students with disabilities and English learners in state assessments.

proposed change in the regulations and the question is received by November 3, 2017, which is ten 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 Marcy Herman at 907-465-2803 or [marcy.herman@alaska.gov](mailto:marcy.herman@alaska.gov) not later than December 1, 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 Marcy Herman at [marcy.herman@alaska.gov](mailto:marcy.herman@alaska.gov) or 907-465-2803. 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 14.03.123, AS 14.03.060, AS 14.03.075, AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.07.165, AS 14.50.080

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

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

Published: October 13, 2017

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

AFFIDAVIT OF BOARD ACTION

I, Melissa McCormick, Executive Secretary for the Department of Education and Early Development, being sworn, state the following:

The attached motion regarding revisions to the *Participation Guidelines* and the repeal of the college and career ready assessment graduation requirement, was passed by the State Board of Education and Early Development during its December 8, 2017, meeting.

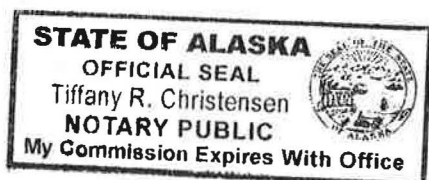
Date: 3/7/18

Melissa McCormick  
Melissa McCormick, Executive Secretary

Subscribed and sworn to before me at Juneau on

March 7, 2018

J. R. Christensen  
Notary Public in and for the State of Alaska





# State Board of Education and Early Development Meeting

December 8, 2017

## Excerpt from Approved Minutes

First Vice-Chair Hull moved, and Member Thompson seconded the following motion: After considering all public comment, I move the State Board of Education & Early Development adopt the proposed amendments to 4 AAC 06.710 Statewide student assessment system, 4 AAC 06.717, College and career readiness assessments, 4 AAC 06.718 College and career readiness assessment after student receives a certificate of achievement, 4 AAC 06.721 College and career readiness assessment waivers, 4 AAC 06.722 Waiver for entering the public school system late, 4 AAC 06.723 Rare or unusual circumstances, 4 AAC 06.724 Procedures for appeal from a denial of a waiver from the college and career readiness assessments, 4 AAC 06.765 Test security; consequences of breach, 4 AAC 06.775 Statewide assessment program for students with disabilities, 4 AAC 06.776 Assessment of a Student with limited English proficiency, and 4 AAC 06.790 Definitions. The motion passed 8-1 with 2nd Vice Chair Harmon voting no.