

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Linda Mattson
Department of Education and Early Development

FROM: April Simpson, Office of the Lieutenant Governor
465.4081

DATE: October 29, 2019

RE: Filed Permanent Regulations: Department of Education and Early Development
Department of Education and Early Development Regulation re: Teacher Certification
(4 AAC 12.310, .372)

Attorney General File:	2019200176
Regulation Filed:	10/29/2019
Effective Date:	11/28/2019
Print:	232, January 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

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

The attached three pages of regulations, dealing with teacher certification, are certified to be a correct copy of the regulation changes that the State Board of Education and Early Development adopted at its March 29, 2019, meeting, under the authority of AS 14.07.060 and AS 14.20.020, 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:

4/3/19



Michael Johnson, Commissioner

April Simpson for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

October 29, 2019 at 10:16 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for 

Lieutenant Governor *Kevin Meyer*

Effective: November 28, 2019.

Register: 232, January 2020.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

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

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.



K. Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

4 AAC 12.310(d) is amended by adding new paragraphs to read:

(14) the Pennsylvania Pre-service Academic Performance Assessment with qualifying scores of

(A) reading: 220;

(B) mathematics: 193;

(C) writing: 220;

(15) the Missouri Educator Gateway Assessments with qualifying scores of

(A) reading: 183;

(B) mathematics: 180;

(C) writing: 220;

(16) the Illinois Test of Academic Proficiency with qualifying score of 240 on ~~each of our subtests~~ ^{for} reading comprehension, language arts, mathematics, and writing.

4 AAC 12.310 is amended by adding a new subsection to read:

(f) An applicant who has qualified for certification with the certifying agency of another state may satisfy the requirement of AS 14.20.020(i) by providing to the department the applicant's qualifying scores on ^{each} ~~the~~ competency examination ~~or examinations~~ required by the certifying agency of the other state. (Eff. 9/29/2005, Register 175; am 9/30/2005, Register 175; am 12/21/2007, Register 184; am 6/27/2014, Register 210; am 4/24/2016, Register 218; am 6/1/2018, Register 226; 11 / 29 / 2019, Register 232)

Authority: AS 14.07.060 AS 14.20.020 AS 14.20.030
AS 14.20.010

The introductory language of 4 AAC 12.372(a) is amended to read:

(a) The commissioner may issue a limited career or technical education certificate (Type M), valid for **five years** [ONE YEAR], in a specialty area of a career or technical education course if the commissioner determines that

...

4 AAC 12.372(b)(2) is amended to read:

(2) possess an industry certification in the career or technical specialty, or have completed four or more years of full-time work experience in the specialty, for which not more than two years of formal training at a trade school, technical institute, or similar institution may be substituted; in this paragraph, "industry certification" means a **credential** [CREDENTIALING], **license** [licensing], or certification that permits a person to work in the career or technical specialty.

4 AAC 12.372(c) is repealed:

(c) Repealed 11 / 28 / 2019.

^{Not}
~~[Language to be repealed.]~~ (C) THE DEPARTMENT MAY EXTEND THE INITIAL ONE-YEAR LIMITED CAREER OR TECHNICAL CERTIFICATE ISSUED UNDER (A) OF THIS SECTION FOR AN ADDITIONAL FOUR YEARS IF THE APPLICANT DEMONSTRATES THAT THE APPLICANT HAS MET THE REQUIREMENTS OF 4 AAC 12.310 FOR BASIC SKILLS IN READING, WRITING, AND MATHEMATICS AND THE SCHOOL DISTRICT CERTIFIES ON A FORM PROVIDED BY THE DEPARTMENT THAT THE APPLICANT HAS DEMONSTRATED CLASSROOM INSTRUCTION, CURRICULUM, AND

ASSESSMENT SKILLS. A TEACHER WHO DOES NOT MEET THE REQUIREMENTS OF 4 AAC 12.310 IS NOT ELIGIBLE TO HAVE THE LIMITED CERTIFICATE EXTENDED OR RENEWED UNTIL THE REQUIREMENT IS MET.]

The introductory language of 4 AAC 12.372(d) is amended to read:

A limited career or technical education certificate issued under (a) [(c)] of this section may be renewed any number of times for five years upon submission to the department of

...

(Eff. 3/28/2012, Register 201; am 4/24/2016, Register 218; 11 / 28 / 2019, Register 232)

Authority: AS 14.07.060 AS 14.20.020 AS 14.20.025

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: October 16, 2019

File No.: 2019200176

Tel. No.: 465-3600

From: Susan R. Pollard *ATW for SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Department of Education and Early
Development Regulation re: 4 AAC
12.310, .372: Teacher Certification

The Department of Law has reviewed the attached regulations of the Department of Education and Early Development against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This 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 regulations were adopted by the Department of Education and Early Development after the close of the public comment period. The regulations concern teacher certification competency examinations.

The February 24, 2019, public notice and the June 3, 2019, 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.

SRP:sjw

cc: Honorable Michael Johnson, Commissioner
Department of Education and Early Development
Linda Mattson, Regulations Contact
Department of Education and Early Development
Luann Weyhruach, Assistant Attorney General
Department of Law

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

BRIEF DESCRIPTION: The proposed amendments would include additions to the list of approved basic competency exams and allow teachers who have completed a basic competency exam in the areas of reading, writing, or mathematics with qualifying scores approved by another certifying state agency to use that exam to satisfy the basic competency exam requirement of AS 14.20.020(i). The amendments would also eliminate the basic competency exam requirement for a Type-M limited career or technical education (CTE) certificate.

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

4 AAC 12.310, with proposed changes, would include additions to the list of approved basic competency exams and allow teachers who have completed a basic competency exam in the areas of reading, writing, or mathematics with qualifying scores approved by another certifying state agency to use that exam to satisfy the basic competency exam requirement of AS 14.20.020(i). 4 AAC 12.372, with proposed changes, would eliminate the basic competency requirement for a Type-M limited CTE certificate and allow that initial certificate to be issued for a five-year term.

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 March 25, 2019, 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 linda.mattson@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 March 25, 2019.

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 March 29, 2019, by audio-conference or in person. The oral hearing will be held from 8:00 a.m. to 9:00 a.m. but may be extended to accommodate those present before 8:00 a.m. who have not had an opportunity to comment before 9:00 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; Barrow, 119 Bank Bldg.; Bethel, 301 Willow St.; Cordova, 418 First St., Suite A; Delta Junction, Colombo Building, Suite 204, 1380 Richardson Hwy.; Dillingham, Kangiituaq Bldg.; Fairbanks, 1292 Sadler Way, Suite 308; Glennallen, 186 Glenn Hwy.; Homer, 270 West Pioneer Ave., Suite B; 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; Kotzebue, 373 2nd St., Pillautuq Centre; Mat-Su, 600 E Railroad Ave.; Nome 103 Front St.; Petersburg, 11B Gjoa St.; Seward, 302 Railway Suite 107; Sitka, 201 Katlian St., Suite 103; Tok, W 1st St., UAF-Tok Unit 1; Unalaska, 029 Airport Beach Rd. Space No. 03-01; Valdez, State Office Building, Room 13; and Wrangell, 223 Front St.

This meeting will be streamed through the Legislative Information Office over <http://www.akl.tv/> beginning at 8:00 a.m. March 29, 2019 (audio only).

You may submit written questions relevant to the proposed action to Linda Mattson at linda.mattson@alaska.gov or the Department of Education and Early Development, Attn: Linda Mattson, 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 March 15, 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 Linda Mattson at 907-465-2802 or linda.mattson@alaska.gov not later than March 15, 2019, 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 Linda Mattson at linda.mattson@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 14.07.060, AS 14.20.020.

Statutes being implemented, interpreted, or made specific: AS 14.20.020, AS 14.20.025

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

ANCHORAGE DAILY NEWS

Alaska Department of Education
& Early Development

MAR 13 2019

AFFIDAVIT OF PUBLICATION

Commissioner's Office

Account #: 270220

ST OF AK/EDUCATION AND EARLY DEV
OFFICE OF THE COMMISSIONER
PO BOX 110500
ANCHORAGE, AK 99511-0500

Order# 0001434942
Cost \$667.34

Product ADN-Anchorage Daily News
Placement 0300
Position 0301

STATE OF ALASKA THIRD JUDICIAL DISTRICT

Sarah Jennett

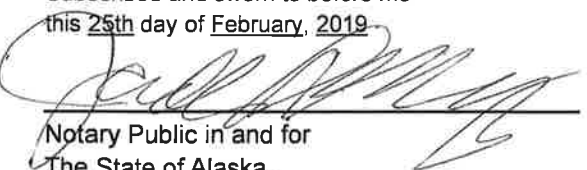
being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper 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

February 24, 2019

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 
Sarah Jennett

Subscribed and sworn to before me
this 25th day of February, 2019


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

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

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

BRIEF DESCRIPTION: The proposed amendments would include

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Published: February 10, 17, 24, March 3, 2019

The deadline for submission of sealed proposals is March 11, 2019 at 3:00 P.M. local time. Proposals must be submitted to the Borough Clerk at the Borough Office. Proposals must be submitted in a sealed envelope and marked clearly as "General Contractor Proposal - School Renovation Phase II" along with the name and address of the bidder. Fax submissions are not allowed.

The contract will be awarded to the firm that will provide the most cost effective project as determined by the Borough. The Bristol Bay Borough reserves the right to reject any and all bids, to waive informalties, and to reject non-conforming, non-responsive, or conditional bids.

proposers are advised to purchase tickets accordingly.

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Education & Early Development
2. General subject of regulation: Teacher certification – competency exams and career or technical education certificates
3. Citation of regulation (may be grouped): 4 AAC 12.310 and 4 AAC 12.372
4. Department of Law file number, if any: TBD
5. Reason for the proposed action:
 - () Compliance with federal law or action
 - () Compliance with new or changed state statute
 - () Compliance with federal or state court decision
 - (X) Development of program standards
 - () Other
6. Appropriation/Allocation: None
7. Estimated annual costs in the aggregate to comply with the proposed action to:
 - Private Persons: none.
 - Other State Agencies: none.
 - Municipalities: none.
8. Cost of implementation to the state agency and available funding (in thousands of dollars): none.

	Initial Year FY 19	Subsequent Years
Operating Cost	\$ 0	\$ 0
Capital Cost	\$ 0	\$ 0
1002 Federal receipts	\$ 0	\$ 0
1003 General fund match	\$ 0	\$ 0
1004 General fund	\$ 0	\$ 0
1005 General fund/ program	\$ 0	\$ 0
Other	\$ 0	\$ 0

9. The name of the contact person for the regulations:
Name: Sondra Meredith
Title: Administrator for Educator Education & Certification
Address: Department of Education & Early Development
801 W. 10th Street, Suite 200, Juneau, AK 99811-0500
Telephone: (907) 465-8663
E-mail address: Sondra.meredith@alaska.gov

10. The origin of the proposed action:
(X) Staff of state agency
Federal government
General public
Petition for regulation change
Other:

11. Date: February 21, 2019

Prepared by: _____

Linda J. Mattson

Name: Linda Mattson
Title: Regulations Contact
Telephone: (907) 465-2802

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Linda Mattson, 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 12.310 and 4 AAC 12.372 teacher certification has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

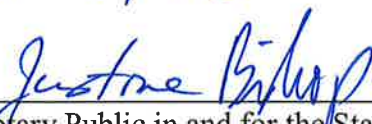
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to those in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 6/3/19

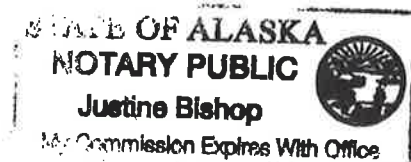


Linda Mattson, Executive Secretary

Subscribed and sworn to before me at Juneau, AK on
June 3, 2019.



Notary Public in and for the State of Alaska



AFFIDAVIT OF ORAL HEARING

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

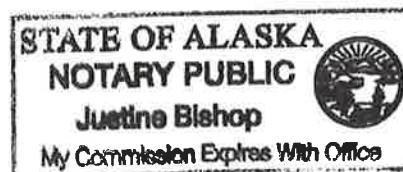
On March 29, 2019, at 8:10 a.m. by audio conference and in the state board room at 801 West 10th Street, Juneau, Alaska, a public hearing was held under AS 44.62.210 for the purpose of taking oral testimony in connection with the adoption of changes to regulations regarding teacher certification, and via telephone by 1-844-586-9085, and through the following Legislative Information Office (LIO) sites: Anchorage, 716 W 4th Ave., Suite 100; Barrow, 119 Bank Bldg.; Bethel, 301 Willow St.; Cordova, 418 First St., Suite A; Delta Junction, Colombo Building, Suite 204, 1380 Richardson Hwy.; Dillingham, Kangiituaq Bldg.; Fairbanks, 1292 Sadler Way, Suite 308; Glennallen, 186 Glenn Hwy.; Homer, 270 West Pioneer Ave., Suite B; 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; Kotzebue, 373 2nd St., Pillautuq Centre; Mat-Su, 600 E Railroad Ave.; Nome 103 Front St.; Petersburg, 11B Gjoa St.; Seward, 302 Railway Suite 107; Sitka, 201 Katlian St., Suite 103; Tok, W 1st St., UAF-Tok Unit 1; Unalaska, 029 Airport Beach Rd. Space No. 03-01; Valdez, State Office Building, Room 13; and Wrangell, 223 Front St.

Date: 6/3/19

Linda Mattson
Linda Mattson, Executive Secretary

Subscribed and sworn to before me at Juneau, Alaska on
June 3, 2019

Justine Bishop
Notary Public in and for the State of Alaska



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

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

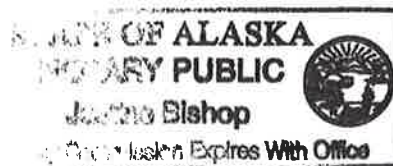
In compliance with AS 44.62.215, the Department of Education and Early Development has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of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

Date: 6/3/19

Linda J Mattson
Linda Mattson, Executive Secretary

Subscribed and sworn to before me at Juneau, Alaska on
June 3, 2019

Justin Bishop
Notary Public in and for the State of Alaska



AFFIDAVIT OF BOARD ACTION

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

The attached motion regarding the amendment of 4 AAC 12.310 and 4 AAC 12.372 dealing with teacher certification was passed by the State Board of Education and Early Development during its March 29, 2019, meeting.

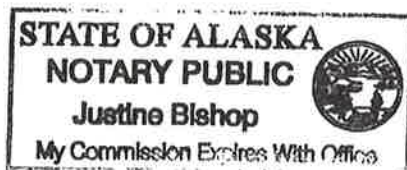
Date: 6/3/19

Linda Mattson
Linda Mattson, Executive Secretary

Subscribed and sworn to before me at Juneau, Alaska on

June 3, 2019

Justine Bishop
Notary Public in and for the State of Alaska



State Board of Education and Early Development Meeting

March 29, 2019

Excerpt from Unapproved Minutes

Member Kowalski moved and Member Scott 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 12.310 Designation and qualifying scores of teacher competency examination and 4 AAC 12.372 Limited career or technical education certificate (Type M). The motion passed unanimously in a roll call vote.