

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
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Anchorage, Alaska 99501
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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: School Facility
Planning and Construction (4 AAC 31.01 - .900)

| | |
|------------------------|-------------------|
| Attorney General File: | 2018200922 |
| 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 four pages of regulations, dealing with school facility and construction commissioning, are certified to be a correct copy of the regulation changes that the State Board of Education and Early Development adopted at its September 19, 2019 meeting, under the authority of AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.07.170, and AS 14.11.132 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: 10/17/19




Heidi Teshner, Director of Finance and Support
Services

April Simpson for

FILING CERTIFICATION

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

October 29, 2019 at 10:43 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.

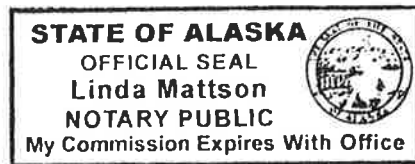
DELEGATION OF AUTHORITY

Under AS 44.17.010, the authority and responsibility for adopting regulations of the Department of Education and Early Development under the Alaska Administrative Procedure Act are delegated to Heidi Teshner, Director of Finance and Support Services.

Date: 6/3/19 
Dr. Michael Johnson, Commissioner

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


Notary Public in and for the State of Alaska



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 31.013(a) is amended to read:

(a) For a district to be eligible for state aid under AS 14.11.011 **or AS 14.11.100**, the district must have a facility management program that addresses the following five elements of facility and maintenance management:

(1) a formal maintenance management program that records maintenance activities on a work order basis, and tracks the timing and cost, including labor and materials, of maintenance activities in sufficient detail to produce reports of planned and completed work;

(2) an energy management plan that includes

(A) the recording of energy consumption for all utilities on a monthly basis for each building; for facilities constructed before December 15, 2004, a district may record energy consumption for utilities on a monthly basis when multiple buildings are served by one utility plant; **and**

(B) regular evaluation of the effectiveness of and need for commissioning existing buildings;

(3) a custodial program that includes a schedule of custodial activities for each building based on type of work and scope of effort;

(4) a maintenance training program that specifies training for custodial and maintenance staff and records training received by each person; and

(5) a renewal and replacement schedule that, for each school facility of permanent construction over 1,000 gross square feet, identifies the construction cost of major building systems, including electrical, mechanical, structural and other components; evaluates and

Register 232, January 2020

EDUCATION AND EARLY DEV.

establishes the life-expectancy of those systems; compares life-expectancy to the age and condition of the systems; and uses the data to forecast a renewal and replacement year and cost for each system.

(Eff. 5/24/2001, Register 158; am 12/19/2002, Register 164; am 12/15/2004, Register 172; am 6/17/2010, Register 194; am 11/28/2019, Register 232)

Authority: AS 14.07.020 AS 14.11.011 AS 14.11.132
AS 14.07.060 AS 14.11.100
Bold/U.L.

4 AAC 31.065(a) is amended to read:

(a) If a school district determines that it is necessary to engage the services of a private consultant to **provide** design, [OR PROVIDE] **commissioning, or** construction management **services** for an educational facility with money provided under AS 14.11.011 - AS 14.11.020, or for a project approved for reimbursement of costs under AS 14.11.100, and the estimated cost of the contract is more than \$50,000, the selection of the consultant shall be accomplished by soliciting written proposals by advertising in a newspaper of general circulation at least 21 days before the proposals are due. The contract shall be awarded to the most qualified offeror, after evaluating the proposals submitted.

(Eff. 12/2/83, Register 88; am 8/31/90, Register 115; am 11/28/2019, Register 232)

Authority: AS 14.11.017 AS 14.11.020 AS 14.11.132

4 AAC 31.080 is amended by adding a new subsection to read:

(i) A school district shall perform commissioning of the systems included in a school capital project if the school capital project is an addition of over 5,000 square feet or new construction of an education-related facility that is over 5,000 square feet. If the school capital project is a rehabilitation of an education-related facility over 10,000 square feet, a school district shall perform commissioning of each system substantially upgraded in the school capital project. A school district may perform commissioning for a rehabilitation of an education-related facility for each system impacted by the project but not substantially upgraded in the rehabilitation. Commissioning required under this subsection must include the services of a commissioning agent. Commissioning permitted under this subsection for a system that is impacted by a rehabilitation project but not substantially upgraded in the rehabilitation may use the services of a commissioning agent or may use a qualified facility professional, including a school district employee. The cost of commissioning, including the cost of a commissioning agent, required or permitted under this subsection is an allowable cost of school construction. (Eff. 12/2/83, Register 88; am 8/31/90, Register 115; am 4/17/98, Register 146; am 11/20/2005, Register 176; am 11/28/2019, Register 232)

Authority: AS 14.07.060

AS 14.11.020

AS 14.11.132

4 AAC 31.900 is amended by adding new paragraphs to read:

(31) “commissioning” means functional testing activities for a mechanical, electrical, fuel oil, controls, or building envelope system to ensure that a facility or a system operates as the owner and designers intended and that prepares an owner to efficiently operate its systems and equipment;

(32) “commissioning agent” means an individual who is certified with a recognized standards organization approved by the department to provide commissioning services, who may be an employee of the school district or an independent design consultant hired on behalf of the school district to

(A) create a commissioning plan, checklists, and functional performance tests for each commissioned system;

(B) coordinate the commissioning team for the mechanical, electrical, fuel oil, controls, and building envelope systems;

(C) coordinate the work of the construction contractor, school district, and design team as it pertains to the commissioning process;

(D) witness the functional performance testing;

(E) assist in resolution of issues found during commissioning; and

(F) verify the training of owner maintenance personnel on commissioned systems. (Eff. 3/1/78, Register 65; am 6/9/83, Register 86; am 12/2/83, Register 88; am 9/12/85, Register 96; am 8/31/90, Register 115; am 9/29/90, Register 115; am 10/7/95, Register 136; am 4/17/98, Register 146; am 2/18/99, Register 149; am 7/13/2000, Register 155; am 8/23/2001, Register 159; am 12/19/2002, Register 164; am 12/20/2002, Register 164; am 6/17/2010, Register 194; am 11 / 24 / 2019, Register 232)

| | | | |
|-------------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.11.020 | AS 14.11.102 |
| | AS 14.07.060 | AS 14.11.100 | AS 14.11.132 |
| | AS 14.11.011 | | |

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: October 25, 2019

File No.: 2018200922

Tel. No.: 465-3600

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

Re: Department of Education and Early
Development Regulation re: 4 AAC
31.013 -.900: School Facility
Planning and Construction

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 initial public comment period. The regulations implement requirements for facility commissioning on certain capital projects eligible for state aid.

The public notice was first given in November 2018 and the regulations were adopted in February 2019. However, the department was unable to confirm whether notice of proposed regulations had been furnished as required under AS 44.62.190 (in particular, the department was unable to confirm distribution to incumbent legislators). Therefore, the department issued a supplemental notice in August of 2019. The October 2019 certification order states that the regulations are 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:nlw

cc: Honorable Michael Johnson, Commissioner
Department of Education and Early Development
Linda Mattson, Executive Secretary
Department of Education and Early Development
Luann Weyhrauch, Assistant Attorney General
Department of Law

NOTICE OF PROPOSED CHANGES TO
SCHOOL FACILITY PLANNING AND CONSTRUCTION
THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

BRIEF DESCRIPTION: The proposed amendments implement requirements for facility commissioning on certain school capital projects eligible for state aid.

The Department of Education and Early Development proposes to adopt regulation changes in the Alaska Administrative Code dealing with the school facility planning and construction, including the following:

- 1) 4 AAC 31.013, providing criteria for a preventive maintenance program of a school district eligible for state aid for school construction and major maintenance, is proposed to add periodic evaluation of commissioning existing facilities to a qualifying energy management plan.
- 2) Proposed changes to 4 AAC 31.065 add commissioning as a professional service subject to requirements for open, competitive selection when above the \$50,000 threshold.
- 3) The proposed amendment to 4 AAC 31.080 specifies commissioning as an allowable school construction project cost and provides a requirement for commissioning based on the type, size, and complexity of the school capital project.
- 4) 4 AAC 31.900 provides necessary definitions of the terms “commissioning” and “commissioning agent”.

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 12, 2018, 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 melissa.mccormick@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 12, 2018.

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 6-7, 2018, by audio-conference or in person. The hearing will be held from 12:10 p.m. to 2:10 p.m. but may be extended to accommodate those present before 12:00 p.m. who have not had an opportunity to comment before 2:10 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.akl.tv/> beginning at 12:00 p.m. December 6, 2018 (audio only). You may submit written questions relevant to the proposed action to Melissa McCormick at melissa.mccormick@alaska.gov or the Department of Education and Early Development, Attn: Melissa McCormick, 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 2, 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 Melissa McCormick at 907-465-2802 or melissa.mccormick@alaska.gov not later than November 2, 2018 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 Melissa McCormick at melissa.mccormick@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 14.11.011, AS 14.11.013, AS 14.11.017, AS 14.11.020, AS 14.11.100, AS 14.11.102, AS 14.11.132.

Statutes being implemented, interpreted, or made specific: AS 14.11.011, AS 14.11.013, AS 14.11.015, AS 14.11.017, AS 14.11.020, AS 14.11.100, AS 14.11.102.

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

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES TO
SCHOOL FACILITY PLANNING AND CONSTRUCTION
THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

BRIEF DESCRIPTION: The proposed amendments implement requirements for facility commissioning on certain school capital projects eligible for state aid.

These amendments were previously noticed in October and November, 2018, but are re-noticed now to ensure compliance with AS 44.62.190. The proposed changes are the same as those previously noticed. Comments previously submitted will be considered before final adoption and do not need to be resubmitted.

The Department of Education and Early Development proposes to adopt regulation changes in the Alaska Administrative Code dealing with the school facility planning and construction, including the following:

- 1) 4 AAC 31.013, providing criteria for a preventive maintenance program of a school district eligible for state aid for school construction and major maintenance, is proposed to add periodic evaluation of the commissioning of existing facilities to a qualifying energy management plan.
- 2) Proposed changes to 4 AAC 31.065 add commissioning as a professional service subject to requirements for open, competitive selection when above the \$50,000 threshold.
- 3) The proposed amendment to 4 AAC 31.080 specifies commissioning as an allowable school construction project cost and provides a requirement for commissioning based on the type, size, and complexity of the school capital project.
- 4) 4 AAC 31.900 provides necessary definitions of the terms “commissioning” and “commissioning agent.”

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 September 9, 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 September 9, 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 September 19, 2019, by audio-conference or in person at the William Egan Room in the Atwood Conference Center, Room 106 located at 550 West Seventh Avenue, Anchorage, AK 99501. The hearing will be held from 8:40 a.m. to 9:40 a.m. but may be extended to accommodate those present before 8:30 a.m. who have not had an opportunity to comment before 9:40 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.akl.tv/> beginning at 8:30 a.m. September 19, 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 August 30, 2019, 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 August 30, 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 14.07.020, AS 14.07.060, AS 14.11.020, AS 14.11.100, AS 14.11.132

Statutes being implemented, interpreted, or made specific: AS 14.11.011, AS 14.11.013, AS 14.11.015, AS 14.11.017, AS 14.11.020, AS 14.11.100, AS 14.11.102.

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

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Education & Early Development
2. General subject of regulation: School Facility Planning and Construction Commissioning
3. Citation of regulation (may be grouped): 4 AAC 31.013 - .900,
4. Department of Law file number, if any: 2018200922
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
☒ 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 20 | 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: Tim Mearig
Title: School Facilities Manager
Address: Department of Education & Early Development
801 W. 10th Street, Suite 200, Juneau, AK 99811-0500
Telephone: (907) 465-6906
E-mail address: tim.mearig@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: August 5, 2019

Prepared by: 

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

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270220 Order #: W0011032 Cost: \$677.32

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Leilisi Misa
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 April 3

August 8, 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 *[Signature]*

Subscribed and sworn to before

me this 26 day of Sept.

20 19

[Signature]
Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES
7/1/2020

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES TO SCHOOL FACILITY PLANNING AND CONSTRUCTION THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

BRIEF DESCRIPTION: The proposed amendments implement requirements for facility commissioning on certain school capital projects eligible for state aid.

These amendments were previously noticed in October and November, 2018, but are re-noticed now to ensure compliance with AS 44.62.190. The proposed changes are the same as those previously noticed. Comments previously submitted will be considered before final adoption and do not need to be resubmitted.

The Department of Education and Early Development proposes to adopt regulation changes in the Alaska Administrative Code dealing with the school facility planning and construction, including the following:

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- 2) Proposed changes to 4 AAC 31.065 add commissioning as a professional service subject to requirements for open, competitive selection when above the \$50,000 threshold.
- 3) The proposed amendment to 4 AAC 31.080 specifies commissioning as an allowable school construction project cost and provides a requirement for commissioning based on the type, size, and complexity of the school capital project.

Alaska Children's Trust, speaks at a Save Our State rally Wednesday
Loren Holmes / ADL



White House insisted Trump
emulating. He did the right
comfort people," said Sen.
The White House did no
ers and photographers to w
ed with wounded victims, m
law enforcement officers t
quickly published its own p
media and released a video
There was discord in
Rep. Veronica Escobar, th
congresswoman who repre
at the site of the shooting.

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION

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 31.013 – 4 AAC 31.900 school facility planning and construction commissioning 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).

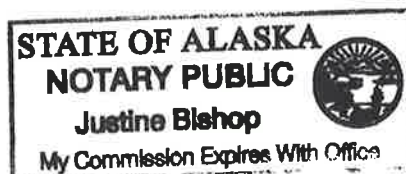
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to those in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public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

Date: 10/17/2019

Linda Mattson
Linda Mattson, Executive Secretary

Subscribed and sworn to before me at Juneau, Alaska on 10/17/19.

Justine Bishop
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:

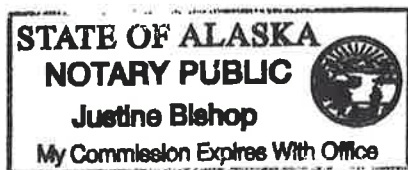
On September 19, 2019, at 8:40 a.m. in the William A Egan Room 104 at the Atwood Conference Center at 550 West Seventh Avenue, Anchorage, Alaska, and by teleconferencing at the following Legislative Information Office (LIO) sites: Anchorage, 716 W 4th Ave., Suite 100; Bethel, 301 Willow St.; Fairbanks, 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, a public hearing presided over by the State Board of Education and Early Development, was held under AS 44.62.210, for the purpose of taking oral testimony in connection with the adoption of changes to 4 AAC 31.013 - .900 regarding school facility planning and construction commissioning.

Date: 10/17/2019

Linda Mattson
Linda Mattson, Executive Secretary

Subscribed and sworn to before me at Juneau, Alaska on 10/17/2019.

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:

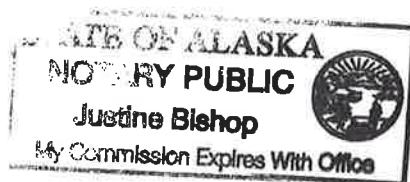
In compliance with AS 44.62.215, the Department of Education and Early Development has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of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

Date: 10/17/2019

Linda Mattson
Linda Mattson, Executive Secretary

Subscribed and sworn to before me at Juneau, Alaska on
10/17/19

Justine Bishop
Notary Public in and for the State of Alaska



State Board of Education and Early Development Meeting
September 19, 2019
Excerpt from Unapproved Minutes

Member Kowalski moved and Member Van Diest seconded the following motion: I move the State Board of Education & Early Development adopt the proposed amendments to 4 AAC 31 School Facility Planning and Construction to implement requirements for commissioning on certain school capital projects. The motion passed unanimously in a roll call vote.

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 dealing with school facility planning and construction commissioning was passed by the State Board of Education and Early Development during its September 19, 2019 meeting.

Date: 10/17/2019

Linda J Mattson
Linda Mattson, Executive Secretary

Subscribed and sworn to before me at Juneau, Alaska on
10/17/19

Justine Bishop
Notary Public in and for the State of Alaska

