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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**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 Regulations (4 AAC 31)

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Attorney General File:	2018200923
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 nineteen pages of regulations, dealing with school facility planning and construction, is 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



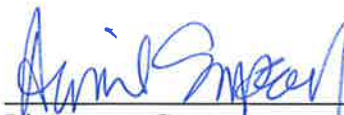
Heidi Teshner, Director of Finance and Support  
Services

FILING CERTIFICATION

April Simpson for

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

October 29, 2019 at 10:48 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Kevin Meyer

Effective:

November 28, 2019.

Register:

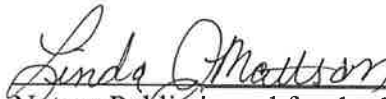
232, January 2020.

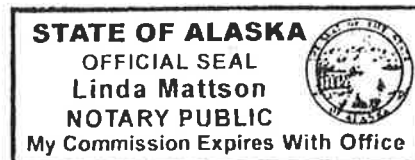
## DELEGATION OF AUTHORITY

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(e) is amended to read:

(e) [ON AN ANNUAL BASIS, THE] **The department will make a determination of a district's** [SHALL PROVIDE A PRELIMINARY NOTICE TO EACH DISTRICT REGARDING ITS] compliance with each element required in (a) of this section, based on evidence of a program [THAT WAS PREVIOUSLY PROVIDED TO] **acquired by** the department, [OR THAT WAS] **including information** gathered by the department during an on-site visit conducted under (f) of this section. **The department may change a determination at any time during the year based on new evidence. For purposes of eligibility for an application submitted under AS 14.11.011, on** [ON] or before June 1, the department will provide [ITS] preliminary notice **of its determination**. [THE DEPARTMENT MAY CHANGE A DETERMINATION OF NON-COMPLIANCE AT ANY TIME DURING THE YEAR BASED ON NEW EVIDENCE.] Districts that are not in full compliance must provide evidence of compliance to the department by August 1. On or before August 15, the department will notify districts of its final determination regarding compliance. The department will deny a grant application submitted under AS 14.11.011 by a district that has received a final determination from the department that the district is out of compliance with this section.

4 AAC 31.013(f) is amended to read:

(f) The department **will** [SHALL] conduct **an** on-site **inspection** [INSPECTIONS] of a school district preventive maintenance and facility management **program** [PROGRAMS] at least once every five years; **however, if the department issues a finding of noncompliance under (e) of this section and the district does not provide adequate evidence of compliance, the department may postpone an on-site visit beyond the five-year period.** The department

may make additional inspections as it determines [DEEMS] necessary. The department may change its determination of compliance based on information obtained during an [THE] on-site inspection [INSPECTIONS].

4 AAC 31.013 is amended by adding a new subsection to read:

(h) Notwithstanding (e) and (f) of this section, the department may make a determination of provisional compliance for a district that provides evidence of a plan that meets all required elements identified in (a) of this section but does not provide documentation of adherence to that plan. A determination of provisional compliance will allow a district to be eligible for state aid until a final determination of compliance or noncompliance is provided. (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

4 AAC 31.016 is amended by adding a new subsection to read:

(i) The enrollment calculated for students in leased space will be excluded from use in calculating eligibility for additional square footage for facilities unless

(1) that enrollment is in an attendance area comprised of a single school; or  
(2) the lease is due to terminate within two years and <sup>the</sup> district submits an application for a capital improvement project under AS 14.11 for new school construction to house the student population of the terminating lease space. (Eff. 7/13/2000, Register 155; am 12/19/2002, Register 164; am 11 / 28 / 2019, Register 232)

**Authority:** AS 14.07.060 AS 14.11.015 AS 14.11.100  
AS 14.11.011 AS 14.11.017 AS 14.11.132  
AS 14.11.013

4 AAC 31.020(a) is amended to read:

(a) The following are the basic guides for educational facility planning **adopted by reference:**

(1) for a school capital project application submitted to the department, *Creating Connections: The CEFPI Guide for Educational Facility Planning*, 2004 **edition** [EDITION], as published by the Council of Educational Facilities Planners International;

(2) repealed 4/17/98;

(3) repealed 4/17/98;

(4) *Guidelines for School Equipment Purchases*, as published by the Alaska Department of Education and Early Development, **2016 edition** [1997 EDITION];

(5) deleted 8/31/90;

(6) repealed 4/17/98;

(7) *Swimming Pool Guidelines*, as published by the Alaska Department of Education and Early Development, 1997 edition; and

(8) **Site Selection Criteria and Evaluation Handbook** [SITE SELECTION CRITERIA AND EVALUATION GUIDELINE], as published by the Alaska Department of Education and Early Development, **2011 edition** [1997 EDITION].

4 AAC 31.020(d) is amended to read:

(d) The department **will** [SHALL] reduce a project budget in proportion to the amount that the project's design exceeds the square feet allowable as determined under (c) of this section[.THIS SUBSECTION APPLIES TO A PROJECT], **until an agreement, as described in 4 AAC 31.023(c), is fully executed** [THAT HAS NOT RECEIVED A GRANT UNDER AS 14.11, A PROJECT THAT HAS RECEIVED MONEY FROM THE DEPARTMENT FOR PLANNING]. **The department may proportionally reduce the project budget under this subsection if** [, AND] a project [THAT] has not secured the approval of the commissioner under 4 AAC 31.040 [THIS SUBSECTION DOES NOT APPLY TO A PROJECT THAT HAS SECURED THE APPROVAL OF THE COMMISSIONER UNDER 4 AAC 31.040].

(Eff. 3/1/78, Register 65; am 6/9/83, Register 86; am 12/2/83, Register 88; am 8/31/90, 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 12/20/2002, Register 164; am 6/17/2010, Register 194; am 11 / 28 / 2019, Register 232)

<b>Authority:</b>	AS 14.07.020	AS 14.11.011	AS 14.11.100
	AS 14.07.060	AS 14.11.020	AS 14.11.132

4 AAC 31.021(e) is repealed and readopted to read:

(e) Using the criteria set out in 4 AAC 31.022(b), the department will score each application and use the score to assign a priority ranking to the projects approved for eligibility. The department may annually approve a school district's request to reuse an original application and its score for up to five additional years after the year the original application is submitted, if, for a school capital project listed in the district's six-year capital improvement plan,



(1) the school district identifies, in a letter accompanying the six-year plan, the specific application for which the district requests consideration beyond the initial application period;

(2) the chief school administrator certifies in writing that the district's eligibility for any additional square footage associated with the project has not decreased; and

(3) for requests to reuse the application and score

(A) for the first additional year,

(i) the physical condition of a facility included in the project has not deteriorated so as to increase the project's cost to exceed the amount determined by application of the inflation factor under (f) of this section; and

(ii) health and life safety conditions and code conditions have not changed so as to affect the project's score under 4 AAC 31.022(b); or

(B) in years two through five after the year of the original application, the project construction is substantially complete at the time of the original application; an inflation factor under (f) of this section will not be added to the project cost when an application is reused under this subparagraph.

4 AAC 31.021(f) is repealed and readopted to read:

(f) If, under (e) of this section, the department approves a district's reuse of its previous year's application and score for one additional year after the year the original application is filed, the department will add an inflation factor based on an industry-accepted method to costs anticipated to occur after the award of the grant.

4 AAC 31.021(g) is repealed and readopted to read:

(g) If, under (e) of this section, a district reuses its original application and score for one or more additional years after the year the original application is filed, the district may not appeal its priority ranking in any of the additional years.

4 AAC 31.021(h) is repealed and readopted to read:

(h) A grant application must include certification that insurance or a program of self-insurance exists under 4 AAC 31.200 – 4 AAC 31.225 and will be revised, if necessary, to include the proposed facility. (Eff. 8/31/90, Register 115; am 8/12/93, Register 127; am 3/10/96, Register 137; am 4/17/98, Register 146; am 7/13/2000, Register 155; am 12/19/2002, Register 164; am 6/17/2010, Register 194; am 11 / 28 / 2019, Register 232)

<b>Authority:</b>	AS 14.07.060	AS 14.11.011	AS 14.11.132
	AS 14.11.008	AS 14.11.013	

4 AAC 31.022(b) is amended to read:

(b) When reviewing the six-year capital improvement plans and the grant applications submitted by school districts, department staff shall separately rank projects in the following classifications in the first year of the plan, in descending order of priority, as serves the state's best interests, where[:]

(1) school construction projects are those projects the primary purpose of which is to accomplish work under the categories established in AS 14.11.013(a)(1)(A), (B), (F), and (G) [AS 14.11.013(a)(1)(A), (a)(1)(B), AND (a)(1)(E) - (a)(1)(G)]; and

(2) major maintenance projects are those projects the primary purpose of which is to accomplish work under the categories established in AS 14.11.013(a)(1)(C) - (E)

[AS 14.11.013(a)(1)(C) AND (D)], except that a major maintenance project may not include additional or replacement square footage.

(Eff. 8/31/90, Register 115; am 8/12/93, Register 127; am 10/7/95, Register 136; am 4/17/98, Register 146; am 7/13/2000, Register 155; am 12/19/2002, Register 164; am 6/17/2010, Register 194; am 11 /28 /2019, Register 232)

**Authority:** AS 14.07.060      AS 14.11.013      AS 14.11.132

AS 14.11.011

4 AAC 31.023(c) is amended to read:

(c) The department will, before the disbursement of a grant or allocations of other financial assistance [MONEY] to a school district, require the execution of a grant or other financial assistance agreement, on a form prescribed by the commissioner, that contains the following conditions:

(1) the project will be constructed and equipped under the requirements of 4 AAC 31.020(a), within the project budget determined under 4 AAC 31.022(e);

(2) money will be disbursed as the parties agree to allow the accomplishment of stages in the project, such as site acquisition; design and construction; and to reimburse the district for money actually and necessarily spent, before the award of the grant or allocation of other financial assistance,

(A) for **application costs**, planning costs, design costs, and construction costs incurred not more than 36 months before the **initial** submission of the grant **or other financial assistance** application **with a substantially identical scope**; and

(B) site acquisition costs incurred not more than 120 months before the **initial submission of the** grant or other financial assistance application **with a substantially identical scope** for which the department has given its approval under 4 AAC 31.025;

(3) the district's performance under the grant or other financial assistance is subject to financial audit at any time; the cost of an audit required by the state is an allowable cost of school construction;

(4) the site for the school facility is approved under 4 AAC 31.025;

(5) designers, **commissioning agents, and construction managers** of the facility shall be selected under 4 AAC 31.065; [AND]

(6) construction shall be performed by contracts awarded under 4 AAC 31.080;

**and**

**(7) unless a district provides documented evidence of project-specific indirect administrative costs in excess of these limits, indirect administrative costs may not exceed**

**(A) three percent of construction costs, if construction costs are \$500,000 or less;**

**(B) the greater of \$15,000 or two percent of construction costs, if construction costs are over \$500,000 but less than \$5,000,000;**

**(C) the greater of \$100,000 or one percent of construction costs, if construction costs are \$5,000,000 or more.**

4 AAC 31.023 is amended by adding a new subsection to read:

(e) In (c) of this section,

(1) “indirect administrative costs” means an allocable portion of administrative and operating expenses; and

(2) “construction costs” means the cost of contracted work as well as force account for facility construction, site preparation, site improvements, and utilities. (Eff. 8/31/90, Register 115; am 8/12/93, Register 127; am 4/17/98, Register 146; am 2/18/99, Register 149; am 11 / 28 / 2019, Register 232)

<b>Authority:</b>	AS 14.11.013	AS 14.11.017	AS 14.11.132
	AS 14.11.015	AS 14.11.100	

4 AAC 31.026(d) is amended to read:

(d) Within 10 working days after the filing of an appeal under (c) of this section, the **chief administrative law judge of the office of administrative hearings (AS 44.64.010)** [COMMISSIONER] shall appoint a hearing officer to hear the case. The hearing officer shall consider the issues raised in the appeal on the basis of

(1) the school district's updated capital improvement plan submitted under 4 AAC 31.011;

(2) the grant application, and supporting documentation submitted by the school district under 4 AAC 31.020(c);

(3) the comments received at the public hearing conducted under (a) of this section;

(4) the decision rendered by the department on the request for reconsideration under (b) of this section; and

(5) the appeal filed by the school district under (c) of this section.

(Eff. 8/31/90, Register 115; am 8/12/93, Register 127; am 4/17/98, Register 146; am 11/28/2019

Register 232)

<b>Authority:</b>	AS 14.11.013	<u><b>AS 14.11.016</b></u>	AS 14.11.132
	AS 14.11.015		

4 AAC 31.030(a) is amended to read:

(a) A school district shall submit [THE ELEMENTS OF] a plan for **a school capital project, including** new construction, additions, demolitions, and rehabilitations, to be undertaken by the school district that **is** [ARE] to be funded under **AS 14.11.011** [AS 14.11.020] or for which reimbursement is to be sought under AS 14.11.100. The elements of the plan must be submitted to the commissioner for the commissioner's review and approval as the elements are developed and before any **construction contract solicitation or** construction activity is initiated.

(Eff. 3/1/78, Register 65; am 12/2/83, Register 88; am 10/7/95, Register 136; am 4/17/98,

Register 146; am 11/28/2019, Register 232)

<b>Authority:</b>	AS 14.07.020	AS 14.11.011	AS 14.11.020
	AS 14.07.060	AS 14.11.013	AS 14.11.100

4 AAC 31.040(a) is amended to read:

(a) Before commencing **construction contract solicitation or** construction activity under **AS 14.11.011** [AS 14.11.020] or **construction contract solicitation or** construction activity for which reimbursement will be sought under AS 14.11.100, a school district or a regional school board shall secure the approval of the commissioner of the documents for the project as follows:

(1) the school district or regional school board shall submit to the commissioner 95 percent construction documents at least 20 work days before a bid invitation is made;

(2) if construction contract bids are to be invited for the project, the school district or regional school board shall submit the construction bid documents, excluding the construction plans and specifications if the 95 percent construction documents submitted under (1) of this subsection were stamped and signed by the professionals in responsible charge, to the commissioner at least five work days before the bid invitation is made;

(3) if the project will not be advertised for bids, the school district or regional school board shall submit the final stamped and signed construction documents to the commissioner no later than 15 work days before commencing each construction phase; and

(4) a municipality or a school district may request, in writing, a waiver to the construction document approval process set out in (1) - (3) of this subsection for a project based on the ability of the municipality or school district to provide a thorough and complete independent review.

(Eff. 3/1/78, Register 65; am 12/2/83, Register 88; am 4/17/98, Register 146; am 11/28/2019,

Register 232)

**Authority:** AS 14.07.020

**AS 14.11.011**

AS 14.11.100

AS 14.07.060

AS 14.11.020

4 AAC 31.060(i) is amended to read:

(i) Reimbursement for rehabilitation costs under AS 14.11.100 is limited to projects exceeding \$200,000 [\$25,000].

(Eff. 3/1/78, Register 65; am 2/24/83, Register 85; am 12/2/83, Register 88; am 9/12/85, Register 96; am 2/8/86, Register 97; am 5/30/90, Register 114; am 4/17/98, Register 146; am 7/13/2000, Register 155; am 6/17/2010, Register 194; am 11/28/2019, Register 232)

<b>Authority:</b>	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		

4 AAC 31.061(b)(2) is repealed:

(2) repealed 11/28/2019;

(Eff. 9/12/85, Register 96; am 2/8/86, Register 97; am 5/30/90, Register 114; am 9/29/90, Register 115; am 10/7/95, Register 136; am 4/17/98, Register 146; am 11/28/2019, Register 232)

<b>Authority:</b>	AS 14.07.020	AS 14.11.020	AS 14.11.102
	AS 14.07.060	AS 14.11.100	AS 14.11.132

4 AAC 31.064 is amended to read:

**4 AAC 31.064. Redirection of bond proceeds.** If a municipality has bond proceeds remaining after termination of all design, construction, and equipment contracts for [THE CONSTRUCTION OF] a project approved by the department for debt retirement under 4 AAC



31.060 and by local voters under AS 14.11.100(j), and the municipality seeks to construct a project different from the one approved by the department, the municipality may only receive reimbursement for the project if the new project is approved by the department and

(1) the bond proposition originally approved by the local voters authorized the use of any excess money for school capital projects such as the new project; or

(2) the municipality meets the requirements of AS 14.11.100(j), including the requirement for a municipal election to approve the new use of the money. (Eff. 5/30/90, Register 114; am 11/28/2009, Register 232)

**Authority:** AS 14.07.060 AS 14.11.100 AS 14.11.132

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, **commissioning**, or [PROVIDE] 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 contract shall be awarded to the most qualified proposer after evaluating proposals submitted in response to an approved solicitation.** The selection of the consultant shall be accomplished by soliciting written proposals by advertising **at least 21 days before the proposals are due by providing notice through publication** in a newspaper of general circulation. **The department may approve an alternate means of notice through publication on the Internet if the website has the express purpose of advertising similar solicitations, has unrestricted public access, and is equally likely to reach prospective proposers.** [AT LEAST 21 DAYS BEFORE THE PROPOSALS ARE DUE. THE

CONTRACT SHALL BE AWARDED TO THE MOST QUALIFIED OFFEROR, AFTER EVALUATING THE PROPOSALS SUBMITTED.]

4 AAC 31.065 is amended by adding a new subsection to read:

(d) The department may deny or limit its participation in the costs of design, commissioning, or construction management for a project eligible for grant funding under AS 14.11.011 or for reimbursement under AS 14.11.100 if the school district does not comply with the requirements of this section. (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(b) is amended to read:

(b) The school district shall **publish** [PROVIDE] **the first** notice of its solicitation **at least 21 days** [BY ADVERTISEMENT IN A NEWSPAPER OF GENERAL CIRCULATION IN THIS STATE AT LEAST THREE TIMES] before the opening of the offers. [THE FIRST PRINTING OF THE ADVERTISEMENT MUST OCCUR AT LEAST 21 DAYS BEFORE OPENING THE OFFERS.] The department may approve a solicitation period shorter than 21 days when written justification submitted by the school district demonstrates that a shorter solicitation period is advantageous for a particular **project** [OFFER] and will result in an adequate number of responses. A school district may provide additional notice by mailing its solicitation to contractors on any list it maintains, and any other means reasonably calculated to provide notice to prospective offerors. **The district shall provide notice of its solicitation by publication at least three times in a newspaper of general circulation in the state. The**

**department may approve an alternate means of notice through publication on the Internet if the website has the express purpose of advertising similar solicitations, has unrestricted public access, and is equally likely to reach prospective offerors.**

4 AAC 31.080(e) is amended to read:

(e) The department may deny or limit its participation in the costs of construction for a project eligible **for grant funding under AS 14.11.011 or** for reimbursement under AS 14.11.100 if the school district does not comply with the requirements of this section. [A SCHOOL DISTRICT THAT ENTERS INTO A CONSTRUCTION CONTRACT FOR A PROJECT AUTHORIZED FOR CONSTRUCTION UNDER AS 14.11.020 THAT WAS AWARDED WITHOUT COMPETITIVE SELECTION UNDER THIS SECTION MAY NOT RECEIVE MONEY UNDER ITS PROJECT AGREEMENT FOR THE CONSTRUCTION PHASE OF THE PROJECT.]

4 AAC 31.080(f) is amended to read:

(f) Nothing in this section precludes a school district from using an alternative construction delivery method as defined and described in the **Project Delivery Method Handbook** [PROJECT DELIVERY METHOD HANDBOOK], **2nd edition, September 2017** [NOVEMBER, 2004], adopted by reference, if the department approves the method in advance of any solicitation, the proposed method is in the state's best interest, and the school district concurs in any directives the department makes concerning the type of selection and award of the contract. The department may deny or suspend use of an alternative construction delivery method by a school district if the department concludes, based on substantial evidence, that use

or repeated use of a delivery method by the school district has resulted or will result in limited competition or higher costs.

4 AAC 31.080(g) is amended to read:

(g) A school district may, with prior approval by the department, enter into a lease or purchase agreement for, or accept a donation of, an existing facility or land for use as an education-related facility if

- (1) for the purchase, lease, or accepted donation of an existing facility, a cost saving over new construction is achieved;
- (2) the purchase or lease price is arrived at through impartial negotiation and is supported by a real estate appraisal that meets accepted standards; and
- (3) the purchase, lease, or donation is in the best interests of the state and the school district.

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

(i) The department may deny or limit its participation in the costs of a school capital project if the real property for the project is acquired by a school district through purchase, lease, or donation without the approval of the department under (g) of this section. (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 31.085(a) is amended to read:

(a) The department may dispose of state-owned school buildings and other facilities under this section if it determines that the buildings or facilities are no longer needed to provide the educational program in the community in which they are located. The determination will be made in writing after consultation with the regional educational attendance area (REAA) in which the property is located, and the reasons for the determination will be documented. The department will not make a determination under this section unless the regional school board that was given a use permit under 4 AAC 31.090 for the property provides, in support of the determination, a resolution requesting termination of the use permit and declaring that the property, both land and buildings, is no longer needed for the purpose of providing education services. In addition, the regional school board must give notice of its excess property on a form provided by the department, and must agree that the conditions and responsibilities contained under 4 AAC 31.090 in the use permit will remain valid for a one-year period after the date of the notice or the date of last occupancy, whichever is later, unless the department, in writing, relieves the regional school board of responsibility in whole or in part. **Nothing in this section relieves a regional school board of its ongoing responsibilities or liabilities arising out of its interest in or use or operation of the property.**

(Eff. 10/4/90, Register 115; am 4/17/98, Register 146; am 12/19/2002, Register 164; am 6/17/2010, Register 194; am 11/29/2019, Register 232)

**Authority:** AS 14.07.030 AS 14.07.060

4 AAC 31.220 is amended to read:

**4 AAC 31.220. Proof of insurance.** Except for a district that has an authorized self-insurance program under 4 AAC 31.205, each school district shall provide to the department a certificate of insurance, by **July 15** [JULY 1] of each year, that provides notice of the per occurrence and aggregate limits of coverage, and shall provide for 45 days' notice to the department of cancellation, termination, or any material change in policy conditions. (Eff. 8/31/90, Register 115; am 11/28/2019, Register 232)

**Authority:** AS 14.03.150 AS 14.07.060

4 AAC 31.900(2) is amended to read:

(2) "capital equipment" means built-in and movable equipment used to furnish a newly constructed or rehabilitated space; it includes first-time purchase of library books, reference material, and media to furnish a new or renovated library; it does not include supply items such as textbooks and expendable commodities; the term is further defined in the *Guidelines for School Equipment Purchases*, **2016 edition, adopted by reference in** **4 AAC 31.020** [1997 EDITION];

4 AAC 31.900(21) is amended to read:

(21) "school capital project" means a school construction or major maintenance project for which state aid is requested or provided when the costs of the construction or **major** maintenance exceed **\$50,000** [\$25,000];

4 AAC 31.900 is amended by adding a new paragraph to read:

(33) “construction manager” means a private consultant contracted by the school district during any phase of a school capital project to manage the project’s scope, quality, and budget. (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 / 28 / 2019, Register 232; am 11 / 28 / 2019, Register 232)

<b>Authority:</b>	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.: 2018200923

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: School Facility Planning and  
Construction Regulations

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 accomplish some needed clean-up in chapter 31 to codify current practices, implement improvements to the capital project administration process, impose limits on indirect administrative costs, and incorporate by reference the department's updated *Project Delivery Method Handbook*.

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. 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:srp

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 to the department's school facility capital improvement project regulations in 4 AAC 31 would accomplish needed clean-up work in several areas (e.g. citations for updated publications, etc.), codify current work practices, propose improvements to the capital project administration process, and propose limits on funding.

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) The proposed changes to 4 AAC 31.022(b), 31.026(d), 31.030(a), 31.040(a), 31.060(i), and 31.220 are clean-up in nature and do not revise current procedures.
- 2) The proposed changes to 4 AAC 31.013, 31.016, 31.020(d), 31.021(f), 31.023(c), 31.061(b)(2), and 31.085(a) conform to current department practices and do not revise current procedures.
- 3) 4 AAC 31.020(a), 31.080(f), and 31.900(2) propose to update references to current versions of department publications *Guidelines for School Equipment Purchases* (2016 edition), *Site Selection Criteria and Evaluation Handbook* (2011 edition), and *Project Delivery Method Handbook* (2017 edition).
- 4) Proposed changes to 4 AAC 31.021(e) and (g), portions of 31.030(a) and 31.040(a), 31.064, 31.065(a), and 31.080(b) and (g) are to improve the process of capital improvement project (CIP) requests and the administration of capital project funding by clarifying requirements at a greater level of detail than currently provided. These proposals are not intended to change or limit project eligibility or funding.
- 5) 4 AAC 31.023(c)(7) and (e) serve to limit funding of indirect and administrative costs that are based on a percentage rate and not supported with detailed accounting.
- 6) Proposed changes to 4 AAC 31.065(d), 31.080(e), and 31.080(i) would limit funding of professional services, construction, and purchase or lease of existing facilities if requirements in the respective sections are not complied with.
- 7) 4 AAC 31.900(21), defining a school capital project, would increase the minimum project cost to \$50,000 for eligibility of state aid in school capital project.

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](mailto: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](mailto: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](mailto: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](mailto: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 14.03.150, AS 14.07.030, AS 14.07.060, AS 14.11.008, AS 14.11.011, AS 14.11.013, AS 14.11.015, AS 14.11.016, AS 14.11.017, AS 14.11.020, AS 14.11.020, AS 14.11.100, AS 14.11.102, AS 14.11.132.

**Statutes being implemented, interpreted, or made specific:** AS 14.03.150, AS 14.07.030, AS 14.11.008, AS 14.11.011, AS 14.11.013, AS 14.11.015, AS 14.11.016, AS 14.11.017, AS 14.11.020, 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 REGULATIONS OF  
THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

**BRIEF DESCRIPTION:** The proposed amendments to the department's school facility capital improvement project regulations in 4 AAC 31 would accomplish needed clean-up work in several areas (e.g. citations for updated publications, etc.), codify current work practices, propose improvements to the capital project administration process, propose limits on funding, and adopt by reference updated versions of three department publications.

*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) The proposed changes to 4 AAC 31.022(b), 31.026(d), 31.030(a), 31.040(a), 31.060(i), and 31.220 are clean-up in nature and do not revise current procedures.
- 2) The proposed changes to 4 AAC 31.013, 31.016, 31.020(d), 31.021(f), 31.023(c), 31.061(b)(2), and 31.085(a) conform to current department practices and do not revise current procedures.
- 3) 4 AAC 31.020(a), 31.080(f), and 31.900(2) propose to update references to current versions of department publications *Guidelines for School Equipment Purchases* (2016 edition), *Site Selection Criteria and Evaluation Handbook* (2011 edition), and *Project Delivery Method Handbook* (2017 edition).
- 4) Proposed changes to 4 AAC 31.021(e) and (g), portions of 31.030(a) and 31.040(a), 31.064, 31.065(a), and 31.080(b) and (g) are to improve the process of capital improvement project (CIP) requests and the administration of capital project funding by clarifying requirements at a greater level of detail than currently provided. These proposals are not intended to change or limit project eligibility or funding.
- 5) 4 AAC 31.023(c)(7) and (e) serve to limit funding of indirect and administrative costs that are based on a percentage rate and not supported with detailed accounting.
- 6) Proposed changes to 4 AAC 31.065(d), 31.080(e), and 31.080(i) would limit funding of professional services, construction, and purchase or lease of existing facilities if requirements in the respective sections are not complied with.
- 7) 4 AAC 31.900(21), defining a school capital project, would increase the minimum project cost to \$50,000 for eligibility of state aid in school capital project.

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](mailto: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 9:00 a.m. December 6, 2018 (audio only). You may submit written questions relevant to the proposed action to Linda Mattson at [linda.mattson@alaska.gov](mailto: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](mailto: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](mailto: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 14.07.030, AS 14.07.060, AS 14.11.016, AS 14.11.017, AS 14.11.020, AS 14.11.100, AS 14.11.132

**Statutes being implemented, interpreted, or made specific:** AS 14.03.150, AS 14.07.030, AS 14.11.008, AS 14.11.011, AS 14.11.013, AS 14.11.015, AS 14.11.016, 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 Cleanup
3. Citation of regulation (may be grouped): 4 AAC 31.
4. Department of Law file number, if any: 2018200923
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 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. 10<sup>th</sup> 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 6, 2019

Prepared by: 

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



# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 270220 Order #: W0011042 Cost: \$781.90

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 *KMA*

Subscribed and sworn to before

me this 26 day of Sept

20 19

*Jada L. Nowling*  
Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska  
MY COMMISSION EXPIRES  
7/4/2020

STATE OF ALASKA  
NOTARY  
PUBLIC

Jada L. Nowling

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

**BRIEF DESCRIPTION:** The proposed amendments to the department's school facility capital improvement project regulations in 4 AAC 31 would accomplish needed clean-up work in several areas (e.g. citations for updated publications, etc.), codify current work practices, propose improvements to the capital project administration process, propose limits on funding, and adopt by reference updated versions of three department

ernor should reconsider his for more than a year and cuts to explain why the gov- jobs that have been vacant state agencies, four state charities affected by the broadcast online, allowed Wednesday's rally, cut previously approved by of Alaska (atop a \$5 million objections about its consti- million in K-12 funding over the Legislature include \$20 and withheld another \$30 The vetoes upheld by ka Children's Trust.

and mental health budgets from the state's operating toes," said Trevor Stors, Division, the governor ac- the Legislative Finance to a July 23 document from \$444 million, but according the governor's vetoes was The initial estimate of ka Legislature.

ously approved by the Alas- in budget reductions previ- atop more than \$100 million June. Those vetoes came signed by the governor in tal health budget vetoes operating budget and men- of more than \$400 million in verse all but \$23.29 million if signed into law would re- ing about HB 2001, which Helander was speak- tion.

of the Save Our State coa- ry director and a member- rt AARP's Alaska advoca- o sign it," said Ken Heland-

**LEGISLATURE**  
FROM PAGE A1

pushing her under a counter. Melendez, 3-year-old daughter survive the attack by Nan Whaley, United States ers were grat "I think the race in his the tives of the victims. thing Trump could do was to meet with rel- day's shooting, said the most appropriate law, David Johnson, was killed in Satur- awaited, Raul Melendez, whose father-in- It's his job to things and M. But in El Paso, where more protests growmups to make better rules." "He was c Wednesday.

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 School Facility Planning and Construction 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).

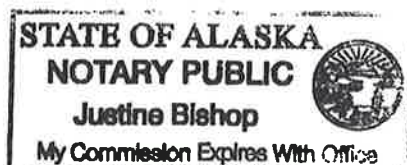
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to those in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public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

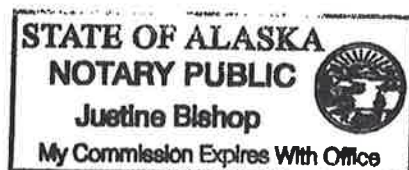
On September 19, 2019, at 8:40 a.m. in the William A Egan Room 104 at the Atwood Conference Center at 550 West Seventh Avenue, Anchorage, Alaska, and by teleconferencing at the following Legislative Information Office (LIO) sites: Anchorage, 716 W 4th Ave., Suite 100; Bethel, 301 Willow St.; Fairbanks, 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 regarding school facility planning and construction.

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:

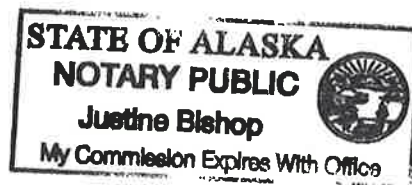
In compliance with AS 44.62.215, the Department of Education and Early Development has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department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

Date: 10/17/2019

Linda G. 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



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

Member Van Diest moved and Member Kowalski seconded the following motion: I move the State Board of Education & Early Development adopt amendments to 4 AAC 31 School Facility Planning and Construction to implement administrative, process improvement, and resource limitation elements. 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 regulations cleanup was passed by the State Board of Education and Early Development during its September 19, 2019 meeting.

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

