

NOTICE OF PROPOSED CHANGES TO
TEMPORARY EMERGENCY CERTIFICATES IN THE REGULATIONS OF
THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

BRIEF DESCRIPTION: The proposed amendments would repeal the current authority for an emergency special services certificate and would provide authority for the issuance of an emergency initial teaching certificate and an emergency administrative certificate if a district is unable to locate a qualified applicant.

The Department of Education and Early Development proposes to adopt regulation changes in Title 4 of the Alaska Administrative Code dealing with the commissioner's authority under AS 14.20.020(b)(2) to issue temporary emergency certificates. The proposed changes would repeal 4 AAC 12.400 Emergency special services certificate (emergency Type C) and adopt 4 AAC 12.401 Emergency certificate.

The proposed new regulation describes when the commissioner may issue a temporary emergency certificate to a person not otherwise qualified for an initial teaching certificate or an administrative certificate, based on the district's inability to locate a qualified applicant for a position. A district school board must submit an application to the commissioner describing the district's efforts to locate a qualified person with the required certificate, including the dates and venues of all advertising for the position. The district must describe the harm to the students and the program caused by the inability to fill the position and must commit to providing an identified mentor. An emergency certificate would be valid only for the remainder of the school year in which it is issued and would not be renewable. The proposed regulation requires that the person issued the temporary emergency certificate have at least an associate degree; have submitted fingerprints under AS 14.20.020(j); have completed the trainings required by AS 14.20.020(k); and not have been convicted of a crime involving a minor under AS 14.20.020(f). The proposed changes would also repeal the regulation that authorizes the issuance of a temporary emergency special services certificate. Current federal law (20 U.S.C. 1412(a)(14)) prohibits the issuance of temporary or emergency certificates for related service providers and for special education teachers.

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 Tuesday, August 25, 2020, 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 rochelle.lindley@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 August 25, 2020.

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 16, 2020, by audio-conference. The teleconferencing facilities will be operated from the Department of Education and Early Development Commissioner's Office Conference Room, 801 West Tenth Street, Juneau, AK

99801. The hearing will be held from 8:40 a.m. to 10:40 a.m. but may be extended. To mitigate the spread of the COVID-19 virus, in-person attendance will not be permitted.

You may submit oral comments at this hearing, during this time only, using a call-in number to be provided for an Internet platform that has not yet been selected. DEED is currently considering a change in the online platform to be used for its teleconferenced State Board meetings, so the call-in information is not yet available. The call-in information, when it becomes available, will be published in a supplemental notice. The call-in information will also be included in the public notice for the September 16, 2020 meeting, which will be published in the *Anchorage Daily News* and the State of Alaska Online Public Notice System approximately 10 days before the September 16, 2020 meeting. The call-in information may also be obtained when it becomes available by calling the Office of the Commissioner at (907) 465-2802.

You may submit written questions relevant to the proposed action to Rochelle Lindley at rochelle.lindley@alaska.gov or the Department of Education and Early Development, Attn: Rochelle Lindley, 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 15, 2020, 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>. The Department of Education and Early Development may, but is not required to, answer written questions received after the ten day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Rochelle Lindley at (907) 465-6535 or rochelle.lindley@alaska.gov not later than August 15, 2020, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is 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 Rochelle Lindley at rochelle.lindley@alaska.gov or 907-465-6535.

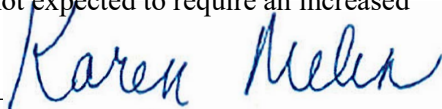
After the public comment period ends, the Department of Education and Early Development will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 14.07.060, AS 14.20.010, AS 14.20.020

Statutes being implemented, interpreted, or made specific: AS 14.20.020, AS 14.20.680

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

Date: 7/21/20



Karen Melin, Deputy Commissioner