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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 16, 2020

**RE:** Filed Permanent Regulations: Department of Education and Early Development  
  
State Board of Education and Early Development Emergency Regulation Being Made  
Permanent re: Funding for Improvement of School Internet Speed (4 AAC 33.600 -  
.690)

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Attorney General File:	2020200429
Regulation Filed:	10/16/2020
Effective Date:	6/23/2020 and 11/15/2020
Print:	236, January 2021

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

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE STATE BOARD OF EDUCATION  
AND EARLY DEVELOPMENT

The attached seven pages of regulations, dealing with state funding for school Internet services, 4 AAC 33.600 – 4 AAC 33.690, are certified to be a correct copy of the regulation changes that the State Board of Education and Early Development adopted at its September 16-17, 2020, meeting, under the authority of AS 14.03.127, as amended by ch. 5, SLA 2020, AS 14.07.020, and AS 14.07.060 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.

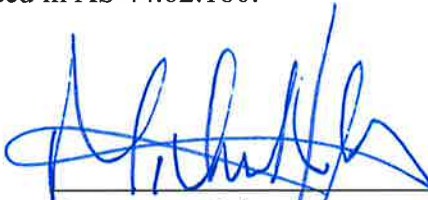
This action is not expected to require an increased appropriation.

Although no public comments were received, 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:

9/29/2020

  
\_\_\_\_\_  
Dr. Michael Johnson, Commissioner  
Department of Education and Early Development

FILING CERTIFICATION

April Simpson for

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

October 16<sup>th</sup>, 2020, at 9:28 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson  
for Kevin Meyer, Lieutenant Governor

Effective: November 15, 2020.

Register: 236, January 2021.

### CERTIFICATION OF COMPLIANCE

I, Dr. Michael Johnson, Commissioner of the Department of Education and Early Development, certify that, as required by AS 44.62.260 in order to make the attached seven pages of regulations permanent, as of this date a legal opinion of the Department of Law has been requested under AS 44.62.060, a notice conforming to AS 44.62.200 was issued in compliance with AS 44.62.190, and an opportunity for public comment was provided under AS 44.62.210, for the following emergency regulation:

4 AAC 33.600 – 4 AAC 33.690: Increase school Internet services eligible for state funding.

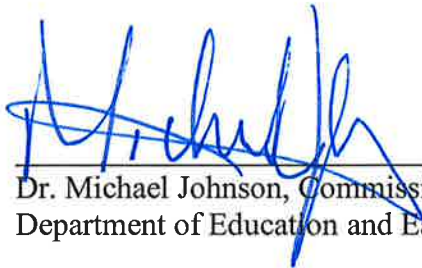
This regulation originally was filed as an emergency regulation on June 18, 2020.

This action is not expected to require an increased appropriation.

Although no public comments were received, the State Board of Education and Early Development paid special attention to the cost to private persons of the regulatory action being taken.

Date:

9/29/2020

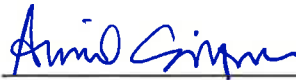


Dr. Michael Johnson, Commissioner  
Department of Education and Early Development

### FILING CERTIFICATION

Ann Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on October 16<sup>th</sup>, 2020, at 9:29a .m., I filed the attached regulation according to the provisions of AS 44.62.



for

Kevin Meyer  
Lieutenant Governor

Register:

236, January 2021.

**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.**



A handwritten signature in blue ink, appearing to read "K. Meyer", followed by a dotted line.

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

The emergency amendment of 4 AAC 33.605(a) is made permanent and that section is further amended to read:

(a) A district in which one or more schools qualify for a discounted rate for Internet services under the federal universal services program may apply to the department for funding under AS 14.03.127 to increase the download speed of the Internet to up to 25 megabits per second (Mbps) for the Internet service available at a school operated by the district. All circuits or connections reported by a district in its federal universal services program application that provide Internet service to a school must be included in the application [CALCULATION OF AVAILABLE INTERNET SERVICE AT THE SCHOOL] for funding under AS 14.03.127.

The emergency amendment of 4 AAC 33.605(e) is made permanent to read:

(e) An applicant must provide information in the application regarding Internet services available to a school in the district, including

(1) a list of each circuit or connection that serves a school operated by the district and provides Internet access at an initial negotiated capacity of less than 25 Mbps;

(2) the Internet speed measured in Mbps of download for each circuit or connection listed under (1) of this subsection, verified in writing by the Internet service provider for the district;

(3) the current cost and the applicant's share of the current cost for each Internet circuit or connection listed under (1) of this subsection in monthly recurring charges to the district, with the current cost verified in writing by the Internet service provider for the district; and

(4) the total cost and the applicant's share of the total cost in monthly recurring charges for increasing the Internet speed to up to 25 Mbps of download at the Internet circuits or connections listed under (1) of this subsection, with the total cost verified in writing by an Internet service provider qualified under the federal universal services program.

(Eff. 11/13/2014, Register 212; am 6 / 23 / 2020, Register 235 ; am 11 / 15 / 2020 Register 236 )

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

The emergency repeal of 4 AAC 33.610 is made permanent:

**4 AAC 33.610. Application deadline for fiscal year 2015.** Repealed. (Eff. 11/13/2014, Register 212; repealed 6 / 23 / 2020, Register 235)

The emergency amendment of 4 AAC 33.620(a) is made permanent to read:

(a) A district that is a successful applicant in the federal universal services program is eligible for funding under AS 14.03.127 to increase the amount that the district shall contribute as the applicant's share to the cost of Internet service, so that funding will be sufficient to provide an Internet download speed of up to 25 Mbps for each school in the district.

(Eff. 11/13/2014, Register 212; am 6 / 23 / 2020, Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

The emergency amendment of 4 AAC 33.620(b) is made permanent to read:

(b) A district is eligible for a pro rata share of the available funding under AS 14.03.127 based on a calculation that takes into account

(1) the number of Internet circuits or connections that serve a school in the district at an initial negotiated capacity of less than 25 Mbps; and

(2) the applicant's share of the cost of increasing the initial negotiated capacity to up to 25 Mbps for the circuits or connections under (1) of this subsection.

(Eff. 11/13/2014, Register 212; am 6 / 23 / 2020, Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

The emergency amendment of 4 AAC 33.620(d) is made permanent to read:

(d) The department will calculate a district's need under AS 14.03.127 by multiplying the eligible circuits or connections under (b)(1) of this section by the applicant's share of the cost of increasing the initial negotiated capacity under (b)(2) of this section to up to 25 Mbps for the eligible circuits or connections that serve a school.

(Eff. 11/13/2014, Register 212; am 6 / 23 / 2020, Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

The emergency amendment of 4 AAC 33.630 is made permanent to read:

**4 AAC 33.630. Eligible costs.** A district must include only monthly recurring costs for eligible circuits or connections in its calculation of current Internet service cost and the projected cost of increasing the eligible circuit or connection speed to up to 25 Mbps under 4 AAC 33.605.

(Eff. 11/13/2014, Register 212; am 6 / 23 / 2020, Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060



The emergency amendment of 4 AAC 33.640 is made permanent to read:

**4 AAC 33.640. Notice of funding.** The department will notify an applicant of its eligibility for funding and the amount of the available funding under AS 14.03.127 not later than July 1 of each year. If an applicant has provided an electronic mail address to be used for communications under AS 14.03.127, the department may notify the applicant of its eligibility and funding under this section by electronic mail. The notice is a final action for purposes of appeal under 4 AAC 40. (Eff. 11/13/2014, Register 212; am 6 / 23 / 2020, Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

The emergency repeal of 4 AAC 33.645 is made permanent:

**4 AAC 33.645. Notice of funding for fiscal year 2015.** Repealed. (Eff. 11/13/2014, Register 212; repealed 6 / 23 / 2020, Register 235)

The emergency amendment of 4 AAC 33.650 is made permanent to read:

**4 AAC 33.650. Distribution of funding.** The department will distribute funding under AS 14.03.127 to districts not later than August 15 of each year. A district shall use funding distributed under AS 14.03.127 to pay for Internet service for circuits or connections that serve schools. If a district files an appeal under 4 AAC 40 and in the final resolution of that appeal is accorded an increased allocation for funding under AS 14.03.127, payment in accordance with the final decision will be provided from the following year's appropriation, if any, under AS 14.03.127. (Eff. 11/13/2014, Register 212; am 6 / 23 / 2020, Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060



The emergency repeal of 4 AAC 33.655 is made permanent:

**4 AAC 33.655. Distribution of funding for fiscal year 2015.** Repealed. (Eff. 11/13/2014, Register 212; repealed 6 / 23 / 2020, Register 235)

The emergency amendment of 4 AAC 33.665(a) is made permanent to read:

(a) Not later than April 15 of the fiscal year that a district receives funding under AS 14.03.127, a district shall file a year-end report with the department on a form provided by the department. The district shall report

(1) the total of paid invoices for Internet circuits or connections that serve schools for the current fiscal year, including the applicant's share and the total cost;

(2) anticipated costs, including the applicant's share and the total cost for Internet circuits or connections that serve schools for the remainder of the fiscal year; and

(3) the negotiated capacity in Mbps for each circuit or connection listed in the district's application under 4 AAC 33.605 as reported by the Internet service provider at the time of the most recent invoice.

(Eff. 11/13/2014, Register 212; am 6 / 23 / 2020, Register 235 )

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

The emergency amendment of 4 AAC 33.670 is made permanent to read:

**4 AAC 33.670. Return of unexpended funds.** Not later than August 15 of each year, a district shall return to the department funding received under AS 14.03.127 and unexpended for eligible costs for Internet services during the prior fiscal year. (Eff. 11/13/2014, Register 212; am 6 / 23 / 2020, Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

The emergency amendment of 4 AAC 33.690(b)(4) is made permanent to read:

(4) "initial negotiated capacity" means the cost of Internet services for the eligible circuits or connections for a school that a district reports on Federal Communications Commission Form 471 (Description of Services Ordered and Certification Form) filed with the Universal Service Administrative Company under the federal universal services program and submits in support of the application for state funding under AS 14.03.127, as of

(A) November 1, 2014, for a school that has continuously received funding under AS 14.03.127 for up to 10 Mbps of Internet service through state fiscal year 2020;

(B) March 1, 2020, for a school that receives funding under AS 14.03.127 for up to 25 Mbps of Internet service starting in state fiscal year 2021;

(C) March 1 of the year of the application for the first year the district applies on behalf of a new school under both the federal universal services program and AS 14.03.127; or

(D) for a school that has reopened, March 1 of the most recent year in which the district applied on behalf of the reopened school under both the federal universal services program and AS 14.03.127;

The emergency adoption of 4 AAC 33.690(b)(6) is made permanent to read:

(6) "school" means a facility at which a school district provides instruction to students in elementary or secondary grades and includes the geographically contiguous grounds where the

Register 236, January 2020<sup>1</sup>

## EDUCATION AND EARLY DEV.

instructional buildings of a single eligible school are located; a facility at which a school district provides instruction for both elementary and secondary grades is a single school; (Eff.

11/13/2014, Register 212; am 6 / 23 / 2020, Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** October 13, 2020

**File No.:** 2020200429

**Tel. No.:** 465-3600

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

**Re:** State Board of Education and Early  
Development 4 AAC 33.600-.690  
Funding for Improvement of School  
Internet Speed

The Department of Law has reviewed the attached regulations of the State Board 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 board as emergency regulations and were effective June 23, 2020. The regulations are being made permanent, and for all the regulations except the changes to 4 AAC 33.605 the history note will reflect the date the emergency regulations became permanent (June 23, 2020). For 4 AAC 33.605, the history note will show that the regulation was amended effective June 23, 2020, with a further change made when the regulation was adopted as a permanent regulation. The change to 4 AAC 33.605 (a) will appear in Register 236, 2021 (although it will be effective 30 days from filing).

The regulations concern school Internet services eligible for state funding.

The public notice and the certification of compliance both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125.

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

SRP:srp

NOTICE OF ADOPTION OF EMERGENCY REGULATION  
REGARDING INCREASED INTERNET ACCESS FOR SCHOOLS BY STATE BOARD OF  
EDUCATION AND EARLY DEVELOPMENT

On June 11, 2020, the State Board of Education and Early Development adopted, as an emergency regulation, changes in Title 4 of the Alaska Administrative Code dealing with increased Internet access for schools, including the following:

- (1) Changes to 4 AAC 33.605 - 4 AAC 33.690 are proposed to become permanent as follows: The changes implement ch. 5, SLA 2020, to increase the amount of Internet access that is eligible for state funding from up to 10 megabits per second (Mbps) to up to 25 Mbps. The proposed changes update the text to reflect the new 25 Mbps coverage and update deadlines by which grant activities must occur. The regulations set new benchmark dates for calculating eligible funding under the new standard. The regulations clarify that a district must report all circuits or connections included on the federal universal services program application and available at a school operated by the district (instead of only those used by students at a school). The regulation changes also include a definition of "school."
- (2) 4 AAC 33.610, 4 AAC 33.645, 4 AAC 33.655 are proposed to be repealed to remove dated references to 2015, the first year of the program.

The emergency regulation takes effect June 23, 2020, and will expire October 20, 2020. The State Board of Education and Early Development intends to make the emergency regulation permanent.

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 July 27, 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 on the regulation changes, including the potential costs to private persons of complying with the 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; 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 July 27, 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 hearing will be held from 8:40 a.m. to 10:40 a.m.**

but may be extended. In the event there are more than two hours of public comment, the board may move to amend the agenda to extend the oral hearing. To mitigate the spread of the COVID-19 virus, in-person testimony will not be permitted.

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. This meeting will be streamed through the Legislative Information Office over <http://www.akl.tv/> beginning at 8:30 a.m. on September 16, 2020 (audio only). To mitigate the spread of the COVID-19 virus, local Legislative Information Offices have been closed to the public and in person comments will not be permitted. For more information about LIOs, you may call 907-465-4648.

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 July 17, 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 10-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 Linda Mattson at 907-465-2802 or [linda.mattson@alaska.gov](mailto:linda.mattson@alaska.gov) not later than September 1, 2020, to ensure that any necessary accommodation can be provided.

A copy of the emergency regulation 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 Linda Mattson at [linda.mattson@alaska.gov](mailto:linda.mattson@alaska.gov) or 907-465-2802.


The language of the permanent regulation may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. 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 14.07.020; AS 14.07.060

**Statutes being implemented, interpreted, or made specific:** AS 14.03.127

**Fiscal information:** The regulation is not expected to require an increased appropriation.

Date: 6/23/2020

  
\_\_\_\_\_  
Karen Melin, Deputy Commissioner



## SUPPLEMENTAL NOTICE OF PROPOSED CHANGES REGARDING THE REGULATIONS OF THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

This is a SUPPLEMENTAL NOTICE providing the call-in information needed for the public to provide oral comment regarding the six proposed regulation changes listed below at the meeting of the State Board of Education and Early Development on September 16, 2020. Because of a planned change in the online platform for the meeting, the call-in information was not available at the time of the earlier public notices.

For proposed changes numbered 1-5, below, this information is supplemental to the NOTICES OF PROPOSED CHANGES issued on July 21, 2020. For proposed changes numbered 6, below, this information is supplemental to the NOTICE OF PROPOSED CHANGES issued on June 23, 2020. The public notice of July 21, 2020, did not include the call-in information as the online platform had not then been selected. The June 23, 2020 notice provided call-in information for the Legislative Information Office, but that platform is no longer planned to be used.

1. Proposed changes to update the energy efficiency code for schools - the proposed amendment would adopt updated energy efficiency standards for school construction and renovation.
2. Proposed changes to update library standards - the proposed amendments would adopt updated standards for library and information literacy.
3. Proposed changes on high school credit for Army National Guard military training - the proposed regulation would require school districts to award high school credit to eligible students who have completed Alaska Army National Guard military training.
4. Proposed changes to fees of the Division of Libraries, Archives, and Museums - the proposed amendments would update fees charged by the Division of Libraries, Archives, and Museums.
5. Proposed changes to temporary emergency certificates - 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.
6. Proposed changes to make emergency Internet upgrade regulations permanent: Emergency regulations regarding increased Internet access for schools are proposed to become permanent.

**The opportunity for written comment ended on August 25, 2020, for proposals 1-5 and on July 27, 2020, for proposal 6, but you may submit oral comments to the State Board of Education and Early Development for any or all of these proposed regulation changes at a hearing to be held by the board on September 16, 2020, starting at 8:40 a.m. by joining the online Zoom meeting at <https://zoom.us/j/99391482721> or by calling 1-253-215-8782 and selecting \*9 on your phone's keypad. When public comment is over, the meeting will continue to be broadcast at the above website.**

A copy of all proposed regulation changes and any material proposed for adoption by reference 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 Linda Mattson at [linda.mattson@alaska.gov](mailto:linda.mattson@alaska.gov) or 907-465-2802. A copy of the material proposed for adoption by reference may also be viewed at the offices of the Department of Education and Early Development, 801 West 10<sup>th</sup> Street, Juneau, Alaska 99801.

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 September 7, 2020, to ensure that any necessary accommodation can be provided.

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 14.11.132, AS 14.20.010, AS 14.20.020, AS 14.56.020, AS 14.57.010, AS 40.21.050

**Statutes being implemented, interpreted, or made specific:** AS 14.03.015, AS 14.03.120, AS 14.03.127, AS 14.07.020, AS 14.07.160, AS 14.11.013, AS 14.11.014, AS 14.11.015, AS 14.20.020, AS 14.20.680, AS 14.56.030, AS 14.57.010, AS 40.21.030, AS 40.21.120

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

Date: 09/04/20

  
\_\_\_\_\_  
Karen Melin, Deputy Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))


1. Adopting agency: Department of Education & Early Development
2. General subject of regulation: Increase school Internet services eligible for state funding
3. Citation of regulation (may be grouped): 4 AAC 33.600 – 4 AAC 33.690
4. Department of Law file number, if any: 2020200429
5. Reason for the proposed action:
  - ( ) Compliance with federal law or action
  - (X) 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	Subsequent
	FY 21	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: Patience Frederiksen  
Title: Director, Division of Libraries, Archives, and Museums  
Address: Department of Education & Early Development  
801 W. 10<sup>th</sup> Street, Suite 200, Juneau, AK 99811-0500  
Telephone: (907) 465-2911  
E-mail address: [patience.frederiksen@alaska.gov](mailto:patience.frederiksen@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: June 23, 2020

Prepared by: 

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

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 270220 ST OF AK/EDUCATION AND EARLY DEV  
OFFICE OF THE COMMISSIONER, JUNEAU, AK 99811

Order #: W0016574

Cost: \$652.42

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi 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 on

06/25/2020

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

Subscribed and sworn to before me

this 12th day of October 2020.

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

MY COMMISSION EXPIRES



### NOTICE OF ADOPTION OF EMERGENCY REGULATION REGARDING INCREASED INTERNET ACCESS FOR SCHOOLS BY STATE BOARD OF EDUCATION AND EARLY DEVELOPMENT

On June 11, 2020, the State Board of Education and Early Development adopted, as an emergency regulation, changes in Title 4 of the Alaska Administrative Code dealing with increased internet access for schools, including the following:

(1) Changes to 4 AAC 33.605 - 4 AAC 33.610 are proposed to become permanent as follows: The changes implement ch. 5, SLA 2020, to increase the amount of internet access that is eligible for state funding from up to 10 megabits per second (Mbps) to up to 25 Mbps. The proposed changes update the text to reflect the new 25 Mbps coverage and update deadlines by which grant activities must occur. The regulations set new benchmark dates for calculating eligible funding under the new standard. The regulations clarify that a district must report all circuits or connections included on the federal universal services program application and available at a school operated by the district (instead of only those used by students at a school). The regulation changes also include a definition of "school".

(2) 4 AAC 33.610, 4 AAC 33.645, 4 AAC 33.655 are proposed to be repealed to remove dated references to 2015, the first year of the program.

The emergency regulation takes effect June 23, 2020, and will expire October 26, 2020. The State Board of Education and Early Development intends to make the emergency regulation permanent.

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 July 27, 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 on the regulation changes, including the potential costs to private persons of complying with the 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) 465-4155, by electronic mail to Linda Mattson, 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 July 27, 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 hearing will be held from 8:40 a.m. to 10:40 a.m. but may be extended. In the event there are more than two hours of public comment, the board may move to amend the agenda to extend the oral hearing. To mitigate the spread of the COVID-19 virus, in person testimony will not be permitted.

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. This meeting will be streamed through the Legislative Information Office over <http://www.akli.tv> beginning at 8:30 a.m. on September 16, 2020 (audio only). To mitigate the spread of the COVID-19 virus, local legislative information offices have been closed to the public and in person comments will not be permitted. For more information about LIOs, you may call 907-465-4448.

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 July 17, 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 10-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 Linda Mattson at 907-465-2802 or [linda.mattson@alaska.gov](mailto:linda.mattson@alaska.gov) not later than September 1, 2020, to ensure that any necessary accommodation can be provided.

A copy of the emergency regulation 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 Linda Mattson at [linda.mattson@alaska.gov](mailto:linda.mattson@alaska.gov) or 907-465-2802.

The language of the permanent regulation may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. 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 14.07.020; AS 14.07.040

Statutes being implemented, interpreted, or made specific: AS 14.03.127

Fiscal Information: The regulation is not expected to require an increased appropriation.

DATE: 6/23/2020  
By: J. Karen Mehn,  
Deputy Commissioner

Published: June 25, 2020

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 270220 ST OF AK/EDUCATION AND EARLY DEV  
OFFICE OF THE COMMISSIONER, JUNEAU, AK 99811

Order #: W0017695

Cost: \$503.02

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi 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 on

09/06/2020

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

Subscribed and sworn to before me

this 8th day of September 2020.

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

MY COMMISSION EXPIRES

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

### SUPPLEMENTAL NOTICE OF PROPOSED CHANGES REGARDING THE REGULATIONS OF THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

This is a SUPPLEMENTAL NOTICE providing the call-in information needed for the public to provide oral comment regarding the six proposed regulation changes listed below at the meeting of the State Board of Education and Early Development on September 16, 2020. Because of a planned change in the online platform for the meeting, the call-in information was not available at the time of the earlier public notices.

For proposed changes numbered 1-5, below, this information is supplemental to the NOTICES OF PROPOSED CHANGES issued on July 21, 2020. For proposed changes numbered 6, below, this information is supplemental to the NOTICE OF PROPOSED CHANGES issued on June 23, 2020. The public notice of July 21, 2020, did not include the call-in information as the online platform had not then been selected. The June 23, 2020 notice provided call-in information for the Legislative Information Office, but that platform is no longer planned to be used.

1. Proposed changes to update the energy efficiency code for schools - the proposed amendment would adopt updated energy efficiency standards for school construction and renovation.

2. Proposed changes to update library standards - the proposed amendments would adopt updated standards for library and information literacy.

3. Proposed changes on high school credit for Army National Guard military training - the proposed regulation would require school districts to award high school credit to eligible students who have completed Alaska Army National Guard military training.

4. Proposed changes to fees of the Division of Libraries, Archives, and Museums - the proposed amendments would update fees charged by the Division of Libraries, Archives, and Museums.

5. Proposed changes to temporary emergency certificates - 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.

6. Proposed changes to make emergency Internet upgrade regulations permanent: Emergency regulations regarding increased Internet access for schools are proposed to become permanent.

The opportunity for written comment ended on August 25, 2020, for proposals 1-5 and on July 27, 2020, for proposal 6, but you may submit oral comments to the State Board of Education and Early Development for any or all of these proposed regulation changes at a hearing to be held by the board on September 16, 2020, starting at 8:40 a.m. by joining the online Zoom meeting at <https://zoom.us/j/99391482721> or by calling 1-253-215-8782 and selecting \*9 on your phone's keypad. When public comment is over, the meeting will continue to be broadcast at the above website.

A copy of all proposed regulation changes and any material proposed for adoption by reference 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 Linda Mattson at [linda.mattson@alaska.gov](mailto:linda.mattson@alaska.gov) or 907-465-2802. A copy of the material proposed for adoption by reference may also be viewed at the offices of the Department of Education and Early Development, 801 West 10th Street, Juneau, Alaska 99801.

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 September 7, 2020, to ensure that any necessary accommodation can be provided.

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 14.11.132, AS 14.20.010, AS 14.20.020, AS 14.56.020, AS 14.57.010, AS 40.21.050

Statutes being implemented, interpreted, or made specific: AS 14.03.015, AS 14.03.120, AS 14.03.127, AS 14.07.020, AS 14.07.160, AS 14.11.013, AS 14.11.014, AS 14.11.015, AS 14.20.020, AS 14.20.680, AS 14.56.030, AS 14.57.010, AS 40.21.030, AS 40.21.120

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

Date: 09/04/20  
By: /s/ Karen Melin,  
Deputy Commissioner

Published: September 6, 2020

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

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

As required by AS 44.62.190, notice of the proposed regulation changes to 4AAC 33.600- 4 AAC 33.690: Increase School Internet Services eligible for state funding, 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.

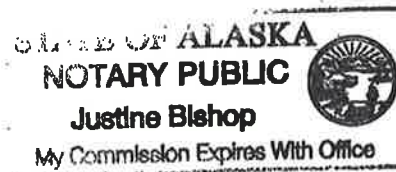
Date: 9/29/2020

Linda J. Mattson  
Linda Mattson, Executive Secretary

Subscribed and sworn to before me at Juneau, Alaska on

9/29/20

Justine Bishop  
Notary Public in and for the State of Alaska





State Board of Education and Early Development Meeting  
September 16-17, 2020  
Excerpt from Unapproved Minutes

Member Griffin moved and Member Hamilton seconded the following motion: I move the State Board of Education and Early Development make the emergency regulation changes in 4 AAC 33, Article 6, Funding for the Improvement of Internet Speed at Public Schools (4 AAC 33.600 – 4 AAC 33.690), permanent and adopt an additional amendment to 4 AAC 33.605(a).

The motion passed unanimously in a roll call vote.

AFFIDAVIT OF BOARD ACTION

I, Linda Mattson, Executive Secretary for the State Board of Education and Early Development, under penalty of perjury, state the following:

The attached motion adopting emergency regulations to be made permanent related to funding for increased Internet service for schools was passed by the State Board of Education and Early Development during its September 16-17, 2020 meeting.

I certify under penalty of perjury that the foregoing is true.

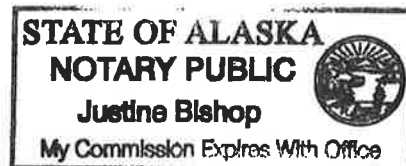
Date: 9/29/2020

Linda J. Mattson  
Linda Mattson, Executive Secretary for the State  
Board of Education and Early Development

State of Alaska  
City and Borough of Juneau

Subscribed and sworn to before me at Juneau, Alaska on  
9/29/20  
(date)

Justine Bishop  
Notary Public in and for the State of Alaska



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

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

The Department of Education and Early Development did not receive any factual or other substantive information that was submitted in writing or orally as public comment and that was relevant to the accuracy, coverage, or other aspects of the Department of Education and Early Development regulation on updates to increase school internet services eligible for state funding

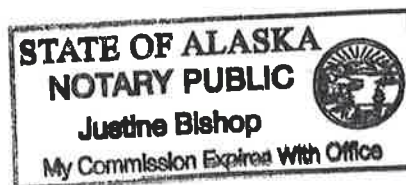
Date: 9/29/2020

Linda Mattson  
Linda Mattson, Executive Secretary

Subscribed and sworn to before me at 9/29/20  
(date)

Juneau, Alaska on

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 16, 2020 at 8:30 a.m. via Zoom virtual platform, 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 updates to 4 AAC 33.600-4 AAC 33.690, Increase school Internet services eligible for state funding.

To mitigate the spread of the COVID-19 virus, in-person testimony was not permitted.

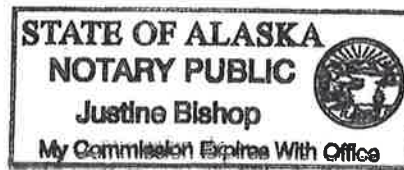
Date: 9/29/2020

Linda J. Mattson  
Linda Mattson, Executive Secretary

Subscribed and sworn to before me at 9/29/20  
(date)

Juneau, Alaska on

Justine Bishop  
Notary Public in and for the State of Alaska



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



530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460 269.0263  
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 *AS*  
465.4081

**DATE:** June 18, 2020

**RE:** Filed Emergency Regulations: Department of Education and Early Development  
  
Department of Education and Early Development Emergency Regulations re: Funding  
for Increased Internet Service for Schools (4 AAC 33.600 - 4 AAC 33.690)

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Attorney General File:	Emergency Regulations
Regulation Filed:	6/18/2020
Effective Date:	6/23/2020
Expiration Date:	October 20, 2020 unless made permanent by the adopting agency
Print:	235, October 2020

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

## FINDING OF EMERGENCY

The State Board of Education and Early Development finds that an emergency exists and that the attached regulation is necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

For the schools that need increased Internet access under for the upcoming school year (those with the least access currently), the denial of increased access during the COVID-19 public health disaster emergency presents a threat to the general welfare of the students first, but also to the general welfare of the schools, districts, and communities that most need distance learning this fall. Delivery of educational services via the Internet during the current pandemic and statewide public health disaster emergency is essential to the general welfare of those students, schools, districts, and communities.

## ORDER CERTIFYING ADOPTION

I certify that the State Board of Education and Early Development, under the authority of AS 14.03.127, as amended by ch. 5, SLA 2020, and AS 14.07.020 and AS 14.07.060, adopted at its June 10-11, 2020 meeting the attached seven pages of regulation changes as an emergency regulation to take effect June 23, 2020, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

Date: 6/18/2020

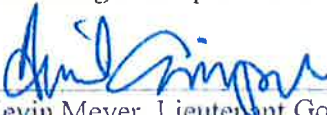
  
\_\_\_\_\_  
Michael Johnson, Commissioner

6

April Simpson for

## FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on June 18<sup>th</sup>, 2020, at 3:16 p.m., I filed the attached regulation according to the provisions of AS 44.62.

for   
\_\_\_\_\_  
Kevin Meyer, Lieutenant Governor

Effective: June 23, 2020

Register: 235, October 2020.

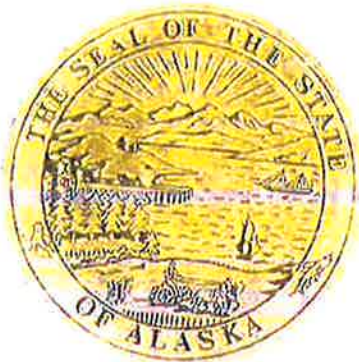
Expires October 20, 2020  
unless made "permanent"  
by the adopting agency

**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.**



A handwritten signature in blue ink, appearing to read "K. Meyer", followed by a dotted line.

**KEVIN MEYER  
LIEUTENANT GOVERNOR**



EMERGENCY REGULATION

Register 235, October 2020

EDUCATION AND EARLY DEV.

4 AAC 33.605(a) is amended to read:

(a) A district in which one or more schools qualify for a discounted rate for Internet services under the federal universal services program may apply to the department for funding under AS 14.03.127 to increase the download speed of the Internet to up to 25 [10] megabits per second (Mbps) for the [A] Internet service available [CIRCUIT OR CONNECTION THAT IS ACCESSIBLE TO STUDENT INTERNET USERS] at a school operated by the district. All circuits or connections reported by a district in its federal universal services program application that provide Internet service to a school must be included in the calculation of available Internet service at the school for funding under AS 14.03.127.

4 AAC 33.605(e) is amended to read:

(e) An applicant must provide information in the application regarding Internet services available to a school in [FOR USE BY THE STUDENTS OF] the district, including

(1) a list of each circuit or connection that serves a school operated by the district and provides Internet access [FOR STUDENTS] at an initial negotiated capacity of less than 25 [10] Mbps;

(2) the Internet speed measured in Mbps of download for each circuit or connection listed under (1) of this subsection, verified in writing by the Internet service provider for the district;

(3) the current cost and the applicant's share of the current cost for each Internet circuit or connection listed under (1) of this subsection in monthly recurring charges to the

EMERGENCY REGULATION

Register 235, ~~October~~ 2020

EDUCATION AND EARLY DEV.

district, with the current cost verified in writing by the Internet service provider for the district;  
and

(4) the total cost and the applicant's share of the total cost in monthly recurring charges for increasing the Internet speed to up to 25 [10] Mbps of download at the [EACH] Internet circuits [CIRCUIT] or connections [CONNECTION] listed under (1) of this subsection, with the total cost verified in writing by an Internet service provider qualified under the federal universal services program.

(Eff. 11/13/2014, Register 212; am 6/23/2020 Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.610 is repealed:

**4 AAC 33.610. Application deadline for fiscal year 2015.** Repealed. (Eff. 11/13/2014, Register 212; repealed 6/23/2020, Register 235)

4 AAC 33.620(a) is amended to read:

(a) A district that is a successful applicant in the federal universal services program is eligible for funding under AS 14.03.127 to increase the amount that the district shall contribute as the applicant's share to the cost of Internet service, so that funding will be sufficient to provide an Internet download speed of up to [AT LEAST] 25 [10] Mbps for [STUDENT INTERNET USERS] each school in the district.

(Eff. 11/13/2014, Register 212; am 6/23/2020 Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

EMERGENCY REGULATION

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4 AAC 33.620(b) is amended to read:

(b) A district is eligible for a pro rata share of the available funding under AS 14.03.127 based on a calculation that takes into account

(1) the number of Internet circuits or connections that serve a school in the district [THAT

(A) PROVIDE INTERNET ACCESS FOR STUDENT USERS; AND

(B) OPERATE] at an initial negotiated capacity of less than 25 [10]

Mbps; and

(2) the applicant's share of the cost of increasing the initial negotiated capacity to up to 25 [10] Mbps for the [EACH] circuits [CIRCUIT] or connections [CONNECTION] under (1) of this subsection.

(Eff. 11/13/2014, Register 212; am 6 /23 /2020 Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.620(d) is amended to read:

(d) The department will calculate a district's need under AS 14.03.127 by multiplying the eligible circuits or connections under (b)(1) of this section by the applicant's share of the cost of increasing the initial negotiated capacity under (b)(2) of this section to up to 25 [10] Mbps for the eligible circuits or connections [EACH CONNECTION] that serve a school.

(Eff. 11/13/2014, Register 212; am 6 /23 /2020 Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

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4 AAC 33.630 is amended to read:

**4 AAC 33.630. Eligible costs.** A district must include only monthly recurring costs for eligible circuits or connections in its calculation of current Internet service cost and the projected cost of increasing the eligible circuit or connection speed to up to 25 [10] Mbps under 4 AAC 33.605. (Eff. 11/13/2014, Register 212; am 6 / 23 / 2020 Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.640 is amended to read:

**4 AAC 33.640. Notice of funding.** The department will notify an applicant of its eligibility for funding and the amount of the available funding under AS 14.03.127 not later than July 1 [MAY 15] of each year. If an applicant has provided an electronic mail address to be used for communications under AS 14.03.127, the department may notify the applicant of its eligibility and funding under this section by electronic mail. The notice is a final action for purposes of appeal under 4 AAC 40. (Eff. 11/13/2014, Register 212; am 6 / 23 / 2020, Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.645 is repealed:

**4 AAC 33.645. Notice of funding for fiscal year 2015.** Repealed. (Eff. 11/13/2014, Register 212; repealed 6 / 23 / 2020, Register 235)

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4 AAC 33.650 is amended to read:

**4 AAC 33.650. Distribution of funding.** The department will distribute funding under AS 14.03.127 to districts not later than August 15 of each year. A district shall use funding distributed under AS 14.03.127 to pay for Internet service for circuits or connections that serve schools [ARE ACCESSIBLE TO STUDENTS]. If a district files an appeal under 4 AAC 40 and in the final resolution of that appeal is accorded an increased allocation for funding under AS 14.03.127, payment in accordance with the final decision will be provided from the following year's appropriation, if any, under AS 14.03.127. (Eff. 11/13/2014, Register 212; am

6 / 23 / 2020, Register 235)

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.655 is repealed:

**4 AAC 33.655. Distribution of funding for fiscal year 2015.** Repealed. (Eff.

11/13/2014, Register 212; repealed 6 / 23 / 2020, Register 235)

4 AAC 33.665(a) is amended to read:

(a) Not later than April 15 of the fiscal year that a district receives funding under AS 14.03.127, a district shall file a year-end report with the department on a form provided by the department. The district shall report

(1) the total of paid invoices for Internet circuits or connections that serve schools [STUDENT USERS] for the current fiscal year, including the applicant's share and the total cost;

EMERGENCY REGULATION

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EDUCATION AND EARLY DEV.

(2) anticipated costs, including the applicant's share and the total cost for Internet circuits or connections that serve schools [STUDENT USERS] for the remainder of the fiscal year; and

(3) the negotiated capacity in Mbps for each circuit or connection listed in the district's application under 4 AAC 33.605 as reported by the Internet service provider at the time of the most recent invoice.

(Eff. 11/13/2014, Register 212; am 6 / 23 / 2020 Register 235 )

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.670 is amended to read:

**4 AAC 33.670. Return of unexpended funds.** Not later than August 15 [30] of each year, a district shall return to the department funding received under AS 14.03.127 and unexpended for eligible costs for Internet services during the prior fiscal year. (Eff. 11/13/2014, Register 212; am 6 / 23 / 2020 Register 235 )

**Authority:** AS 14.03.127 AS 14.07.020 AS 14.07.060

4 AAC 33.690(b)(4) is amended to read:

(4) "initial negotiated capacity" means the cost of Internet services for the [AN] eligible circuits [CIRCUIT] or connections [CONNECTION] for a school that a district reports on Federal Communications Commission Form 471 (Description of Services Ordered and Certification Form) filed with the Universal Service Administrative Company under the federal

EMERGENCY REGULATION

Register 235, October 2020

EDUCATION AND EARLY DEV.

universal services program and submits in support of the application for state funding under AS 14.03.127, as of [FOR THE LATER OF]

(A) November 1, 2014, for a school that has continuously received funding under AS 14.03.127 for up to 10 Mbps of Internet service through state fiscal year 2020 [FISCAL YEAR 2015; OR];

(B) March 1, 2020, for a school that receives funding under AS 14.03.127 for up to 25 Mbps of Internet service starting in state fiscal year 2021;

(C) March 1 of the year of the application for the first year the district applies on behalf of a new school under both the federal universal services program and AS 14.03.127; or

(D) for a school that has reopened, March 1 of the most recent year in which the district applied on behalf of the reopened school under both the federal universal services program and AS 14.03.127;

4 AAC 33.690(b) is amended by adding a new paragraph to read:

(6) “school” means a facility at which a school district provides instruction to students in elementary or secondary grades and includes the geographically contiguous grounds where the instructional buildings of a single eligible school are located; a facility at which a school district provides instruction for both elementary and secondary grades is a single school; (Eff. 11/13/2014, Register 212; am 6/23/2020 Register 235)

Authority: AS 14.03.127 AS 14.07.020 AS 14.07.060



**State Board of Education and Early Development Meeting**

**Excerpt from Unapproved Minutes**

**June 10-11, 2020**

Member Hamilton made and Member Van Diest seconded the following motion:

I move the State Board of Education and Early Development adopt emergency regulation changes to 4 AAC 33.600 – 4 AAC 33.690, to take effect on June 23, 2020, the effective date of ch. 5, SLA 2020.

The motion passed unanimously in a roll-call vote.

AFFIDAVIT OF BOARD ACTION

I, Linda Mattson, Executive Secretary for the State Board of Education and Early Development, under penalty of perjury, state the following:

The attached motion adopting emergency regulations related to funding for increased Internet service for schools was passed by the State Board of Education and Early Development during its June 10-11, 2020 meeting.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: June 18, 2020

  
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Linda Mattson, Executive Secretary for the State  
Board of Education and Early Development

State of Alaska  
City and Borough of Juneau