

Kevin Meyer
Lieutenant Governor
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Anchorage, Alaska 99501
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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: November 20, 2020

RE: Filed Permanent Regulations: Department of Education and Early Development

Department of Education and Early Development regulation re: Update Energy
Efficiency Code of American Society of Heating, Refrigeration and Air Conditioning
Engineers (4 AAC 31.014(a))

Attorney General File:	2020200418
Regulation Filed:	11/20/2020
Effective Date:	12/20/2020
Print:	236, January 2021

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 one page of regulations, dealing with updates to the energy efficiency code for schools, 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 14.07.020, AS 14.07.060 and AS 14.07.165, 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: 9/24/2020



Michael Johnson, Commissioner Department of
Education and Early Development

April Simpson

FILING CERTIFICATION

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

November 20, 2020 at 12:30 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson
for Lieutenant Governor Kevin Meyer

Effective: December 20, 2020.

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.**



K-Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

4 AAC 31.014(a) is amended to read:

(a) The chief school administrator shall assure that a new school facility, addition, or major renovation complies with applicable facility codes and regulations of the state and with those of the municipality in which the facility is located. The chief school administrator may meet the obligation by providing documentation from the appropriate state or municipal official that the facility, addition, or renovation complies with an applicable code or regulation. For purposes of this subsection, the applicable codes and regulations of the state with which facilities, additions, or renovations must comply are the

- (1) building code, adopted by 13 AAC 50.020;
- (2) electrical code, adopted by 8 AAC 70.025;
- (3) plumbing code, adopted by AS 18.60.705(a);
- (4) mechanical code, adopted by 13 AAC 50.023;
- (5) ASME Boiler and Pressure Vessel Code, adopted by 8 AAC 80.010;
- (6) fire code, adopted by 13 AAC 50.025; and

(7) energy efficiency code, consisting of the American Association of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) Standard 90.1, ^{«italicize»}Energy Standard for ^{«italicize»}Buildings Except Low-Rise Residential Buildings (2016 Edition) [(2010 EDITION)] and adopted by reference.

(Eff. 4/17/98, Register 146; am 6/17/2010, Register 194; am 6/14/2013, Register 206;

am 12/20/2020, Register 236)

Authority: AS 14.07.020

MEMORANDUM


State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: November 19, 2020

File No.: 2020200418

Tel. No.: 465-3600

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

Re: Department of Education and Early
Development - Update Energy
Efficiency Code of American Society
of Heating, Refrigeration and Air
Conditioning Engineers

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 update the version of the energy efficiency code followed for a new school facility, addition, or major renovation (2016 ANSI/ASHRAE/IES Standard 90.1-2016).

The July 26, 2020, public notice and the September 24, 2020, certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made a minor technical correction to conform the regulations in accordance with AS 44.62.125.

SRP:sjw

cc w/encl.:

Honorable Michael Johnson, Commissioner
Department of Education and Early Development

Linda Mattson, Executive Secretary
Department of Education and Early Development

Luann Weyhrauch, Senior Assistant Attorney General
Department of Law

NOTICE OF PROPOSED CHANGES TO UPDATE THE ENERGY EFFICIENCY CODE
FOR SCHOOLS IN THE REGULATIONS OF THE
DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

BRIEF DESCRIPTION: The proposed amendment would adopt updated energy efficiency standards for school construction and renovation.

The Department of Education and Early Development (DEED) proposes to adopt regulation changes in Title 4 of the Alaska Administrative Code, dealing with energy efficiency standards for construction and renovation of school facilities. Under current regulation, the 2010 edition of the energy efficiency code of the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) Standard 90.1 is adopted. The proposed amendment of 4 AAC 31.014(a) adopts the 2016 edition of ASHRAE Standard 90.1.

The *ASHRAE Standard 90.1, Energy Standard for Buildings Except Low-Rise Residential Buildings (2016 Edition)* that is proposed to be adopted by reference is available for review in the DEED Commissioner's Office located at 801 W 10th Street, Suite 200, Juneau, Alaska 99801. To schedule a time to review the standards please call (907) 465-2800 or email deed.commissioner@alaska.gov.

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/reg/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.

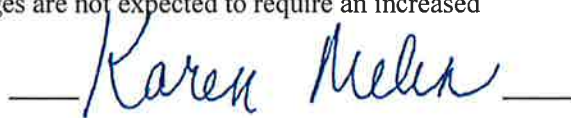
After the public comment period ends, the Department of Education and Early Development will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from 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 14.07.020, AS 14.07.060, AS 14.11.132

Statutes being implemented, interpreted, or made specific: AS 14.11.013, AS 14.11.014, AS 14.11.015

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

Date: 7/21/20


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 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 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: Update energy efficiency code for school facilities
3. Citation of regulation (may be grouped): 4 AAC 31.014
4. Department of Law file number, if any: 2020200418
5. Reason for the proposed action:
☐ Compliance with federal law or action
☒ Compliance with new or changed state statute
☐ Compliance with federal or state court decision
☐ Development of program standards
☐ Other
6. Appropriation/Allocation: Education Support and Administrative Services/School Finance & Facilities
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 21	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: Heidi Teshner
Title: Director of Finance and Support Services
Address: Department of Education & Early Development
801 W. 10th Street, Suite 200, Juneau, AK 99811-0500
Telephone: (907) 465-2875
E-mail address: Heidi.teshner@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: July 24, 2020 Prepared by: Linda Mattson

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 #: W0017061

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 afore-said 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

07/26/2020

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 27th day of July 2020.

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

MY COMMISSION EXPIRES

JADA L. NOWLING
Notary Public
State of Alaska

My Commission Expires Jul 14, 2024

NOTICE OF PROPOSED CHANGES TO UPDATE THE ENERGY EFFICIENCY CODE FOR SCHOOLS IN THE REGULATIONS OF THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

BRIEF DESCRIPTION: The proposed amendment would adopt updated energy efficiency standards for school construction and renovation.

The Department of Education and Early Development (DEED) proposes to adopt regulation changes in Title 4 of the Alaska Administrative Code, dealing with energy efficiency standards for construction and renovation of school facilities. Under current regulation, the 2010 edition of the energy efficiency code of the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) Standard 90.1 is adopted. The proposed amendment of 4 AAC 31.014(a) adopts the 2016 edition of ASHRAE Standard 90.1.

The ASHRAE Standard 90.1, Energy Standard for Buildings Except Low-Rise Residential Buildings (2016 Edition) that is proposed to be adopted by reference is available for review in the DEED Commissioner's Office located at 801 W 10th Street, Suite 200, Juneau, Alaska 99801. To schedule a time to review the standards please call (907) 465-2800 or email deed.commissioner@alaska.gov.

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 14.07.020, AS 14.07.060, AS 14.11.132

Statutes being implemented, interpreted, or made specific: AS 14.11.013, AS 14.11.014, AS 14.11.015

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

Date: 7/21/20
By: /s/ Karen Melin,
Deputy Commissioner

Published: July 26, 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 2020 1-1-20
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 afore-said 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

THU, SEP 10 2020 18:25

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.

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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/99291482721> 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.

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If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Linda Mattson at 907-465-2802 or linda.mattson@alaska.gov not later than 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/ Karon Mellin,
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 31.014, updates to the energy efficiency code for schools, 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.

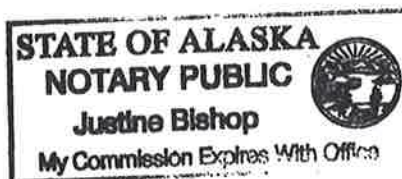
Date: 9/29/2020

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



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

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

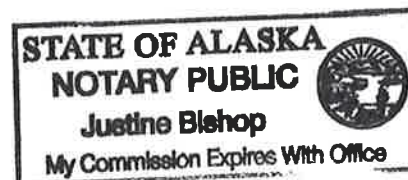
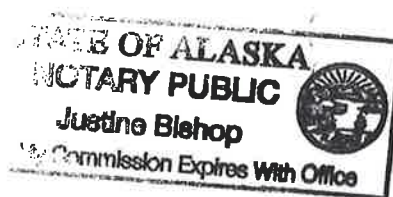
In compliance with AS 44.62.215, the Department of Education and Early Development has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of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

Date: 9/29/2020

Linda 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



AFFIDAVIT OF ORAL HEARING

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

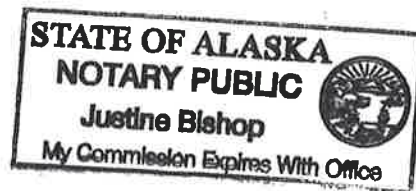
On September 16, 2020 at 8:30 a.m. via Zoom virtual platform, a public hearing presided over by the State Board of Education and Early Development, was held under AS 44.62.210 for the purpose of taking oral testimony in connection with the adoption of changes to 4 AAC 31.014, updates to the energy efficiency code for schools. To mitigate the spread of the COVID-19 virus, in-person testimony was not permitted.

Date: 9/29/2020

Linda 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 Van Diest moved and Member Griffin seconded the following motion: After reviewing all public comment, I move the State Board of Education & Early Development adopt the proposed amendments to 4 AAC 31.014, Codes and regulations for school facilities.

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 to adopt the amendments to 4AAC 31.014, updates to the energy efficiency code for schools was passed by the State Board of Education and Early Development during its September 16-17, 2020, meeting.

Date: 9/29/2020

Linda Q. 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

