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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 25, 2020

**RE:** Filed Permanent Regulations: State Board of Education and Early Development  
State Board of Education and Early Development Regulation re: Department of Education - Emergency Certificates (4 AAC 12.400, .40)

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Attorney General File:	2019200861
Regulation Filed:	11/25/2020
Effective Date:	12/25/2020
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 five pages of regulations, dealing with updates to the authority for issuing temporary emergency certificates 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.

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: 9/24/2020


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

*April Simpson for*  
↑

FILING CERTIFICATION

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

November 25, 20 20 at 4:10 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
*for* \_\_\_\_\_  
Lieutenant Governor *Kevin Meyer*

Effective: December 25, 2020.

Register: 23rd 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 12.400 is repealed:

**4 AAC 12.400. Emergency special services certificate (emergency Type C).** Repealed.

(Eff. 9/29/2005, Register 175; am 4/24/2016, Register 218; am 12/25/2020 Register 236)

4 AAC 12 is amended by adding a new section to read:

**4 AAC 12.401. Emergency certificate.** (a) The commissioner may issue a temporary emergency certificate to a person if, in the judgment of the commissioner, a situation requires the ~~temporary~~ issuance of a <sup>temporary emergency</sup> certificate to a person who is not otherwise qualified, including a situation meeting the requirements of (b) of this section. The commissioner may determine that <sup>a</sup> ~~other~~ situations <sup>other than one identified in (b) of this section</sup> require the ~~temporary~~ issuance of <sup>a</sup> ~~an~~ emergency certificate to a person who is not otherwise qualified. <sup>temporary</sup>

(b) The commissioner may issue a temporary emergency certificate to a person based on a school district's inability to locate a qualified applicant for a position if

(1) the school board applies to the commissioner for the issuance of a temporary emergency certificate under AS 14.20.020(b) for a person the district seeks to hire in a position for which an initial teaching certificate or an administrative certificate (Type B) is required;

(2) the school board presents facts in its application showing

(A) the district's inability despite due diligence to fill a position with a qualified person holding the required certificate;

(B) the harm to the education program in which the position is located caused by the inability of the district to fill the position;

(C) the harm to students in the district due to the inability of the district to fill the position;

(D) all efforts made by the district to locate a qualified applicant for the position, including the dates and venues of all advertising for the position;

(E) any additional facts that support the district's application regarding its difficulty in filling the position that requires an initial teaching certificate or administrative certificate (Type B) and the consequences to the district of failing to locate a qualified applicant;

(F) the district's commitment to provide a mentor for a person employed under an emergency certificate; the application must include the name and qualifications of the mentor and a description of the mentoring services to be provided; for a person to be employed under an <sup>temporary</sup> emergency initial teaching certificate, the mentor shall be an experienced teacher; for a person to be employed under an <sup>temporary</sup> emergency administrative certificate, the mentor shall be an experienced administrator<sup>^</sup>.

(c) <sup>temporary</sup> An emergency certificate issued under (b) of this section is valid only to the end of the school year in which it is issued.

(d) A person employed in a public school of the state as a special education teacher or related service provider is not eligible under 20 U.S.C. 1412(a)(14) (Individuals with Disabilities Education Act) for a temporary emergency certificate.

(e) The commissioner may not issue an <sup>temporary</sup> emergency certificate <sup>under (b) of this section</sup> to a person who has

(1) not received at least an associate degree from an institution of higher education accredited by a recognized regional accrediting association or approved by the commissioner;

(2) been convicted of a crime involving a minor under AS 14.20.020(f);

(3) not submitted fingerprints to the department under AS 14.20.020(j); or

(4) not completed the training required by AS 14.20.020(k).

(f) A <sup>temporary</sup> emergency certificate may not be renewed. (Eff. 12/25/2020 Register 236)

**Authority:** AS 14.07.060 AS 14.20.010 AS 14.20.020

4 AAC 12.397(e) is amended to read:

(e) The requirements of this section are applicable to initial applications and applications for renewal of a certificate issued under AS 14.20.020, 4 AAC 12.305(a), (b), and (c), 4 AAC 12.345, 4 AAC 12.355, 4 AAC 12.360, 4 AAC 12.370, 4 AAC 12.372, 4 AAC 12.375, 4 AAC 12.380, 4 AAC 12.390, 4 AAC 12.401 [4 AAC 12.400,] and 4 AAC 12.405. The requirements of this section do not apply to applicants qualifying for certification under AS 14.20.015, AS 14.20.017, and AS 14.20.022. (Eff. 4/24/2016, Register 218; am 12/25/2020, Register 236)

**Authority:** AS 14.07.060 AS 14.20.020 AS 14.20.680  
AS 14.20.010

4 AAC 52.030 is amended to read:

**4 AAC 52.030. Advisory panel.** The Governor's Council on Disabilities and Special Education, established under AS 47.80.030 - 47.80.090, is the advisory panel under 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act)[, AS REVISED AS OF DECEMBER 3, 2004,] and AS 14.30.231. (Eff. 7/1/83, Register 86; am 11/26/93, Register 128; am 8/22/2001, Register 159; am 9/23/2007, Register 183; am 12/25/2020 Register 236)

**Authority:** AS 14.07.060 AS 14.30.231 AS 14.30.335

4 AAC 52.142(a) is amended to read:

(a) For a child with a disability, three through five years of age, an individualized family service plan (IFSP) that contains the material required by 20 U.S.C. 1436 (Individuals With Disabilities Education Act)[, AS AMENDED AS OF DECEMBER 3, 2004,] and that is developed in accordance with 34 C.F.R. 300.321 - 34 C.F.R. 300.325, and 300.327 - 300.328, adopted by reference in 4 AAC 52.140(f), may serve as the IEP for the child if using that plan as the IEP is agreed to by the district and at least one of the child's parents.

(Eff. 8/22/2001, Register 159; am 8/30/2007, Register 183; am 12 / 25 / 2020, Register 236)

**Authority:** AS 14.07.060 AS 14.30.278 AS 14.30.335

4 AAC 52.260 is amended to read:

**4 AAC 52.260. Personnel development.** Each district shall ensure that all personnel necessary to implement this chapter and 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act)[, AS REVISED AS OF DECEMBER 3, 2004,] or a regulation adopted under 20 U.S.C. 1400 - 1482, are appropriately and adequately prepared[, SUBJECT TO THE REQUIREMENTS OF 4 AAC 04.210(J) AND 34 C.F.R. 300.156, AS REVISED AS OF OCTOBER 13, 2006, AND ADOPTED BY REFERENCE]. (Eff. 7/1/83, Register 86; am 11/26/93, Register 128; am 8/22/2001, Register 159; am 9/23/2007, Register 183; am 12 / 25 / 2020, Register 236)

**Authority:** AS 14.07.060 AS 14.30.250 AS 14.30.255

4 AAC 52.785 is amended to read:

**4 AAC 52.785. Relation to other laws.** The regulations contained in 4 AAC 52.090 - 4 AAC 52.790 must be construed, as far as practicable under AS 14.30.180 - AS 14.30.350, in

accordance with 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act)[, AS

REVISED AS OF DECEMBER 3, 2004,] and the regulations adopted under it.

(Eff. 8/22/2001, Register 159; am 9/23/2007, Register 183; am 12 / 25 / 2020, Register 236 )

**Authority:** AS 14.07.060

AS 14.30.335

# MEMORANDUM

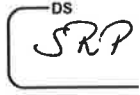
## State of Alaska Department of Law

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

**Date:** November 24, 2020

**File No.:** 2019200861

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

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

**Re:** State Board of Education and Early  
Development Regulation re: 4 AAC  
12.400, .40: Department of Education  
- Emergency Certificates

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 concern the broad statutory authority granted to the commissioner of Department of Education and Early Development to issue, upon judgement of the commissioner, temporary emergency certificates to a person not otherwise qualified. The regulations establish a method for a school district to make an application to the commissioner.

The July 21, 2020 public notice and the September 24, 2020 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 some technical corrections to conform the regulations in accordance with AS 44.62.125 as shown on the attached copy of the regulations.

SRP:srp

Honorable Michael Johnson, Commissioner  
Department of Education and Early Development

Linda Mattson, Executive Secretary  
Department of Education and Early Development

Luann Weyhrauch, Assistant Attorney General  
Department of Law

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

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

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

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

The Department of Education and Early Development invites the public to submit written comments during the written comment period, which begins with the date of this notice and ends on Tuesday, August 25, 2020, at 4:30 p.m. The written comment period closes in advance of the meeting of the State Board of Education and Early Development at which the board will consider the adoption of the proposed regulations. This allows the Department of Education and Early Development an opportunity to prepare changes based on written comment and to distribute any proposed changes to the board for its consideration prior to the meeting.

You may comment in writing on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Commissioner's Office, Department of Education and Early Development, Attn: Regulations Review, 801 West Tenth Street, Suite 200, PO Box 110500, Juneau, Alaska 99811-0500. You also may submit written comments by facsimile at (907) 465-4156; by electronic mail to [rochelle.lindley@alaska.gov](mailto: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](mailto: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](mailto: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](mailto:rochelle.lindley@alaska.gov) or 907-465-6535.

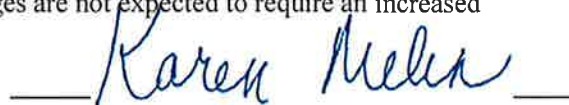
After the public comment period ends, the Department of Education and Early Development will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from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

**Statutory authority:** AS 14.07.060, AS 14.20.010, AS 14.20.020

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

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

Date: 7/21/20



Karen Melin, Deputy Commissioner

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: Authority for Issuing Temporary Emergency Certificates
3. Citation of regulation (may be grouped): 4 AAC 12.400 and 4 AAC 12.401
4. Department of Law file number, if any: 2019200861
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/Teacher Certification
7. Estimated annual costs in the aggregate to comply with the proposed action to:  
Private Persons: none.  
Other State Agencies: none.  
Municipalities: none.
8. Cost of implementation to the state agency and available funding (in thousands of dollars): none.

	Initial Year FY 20	Subsequent Years
Operating Cost	\$ 0	\$ 0
Capital Cost	\$ 0	\$ 0
1002 Federal receipts	\$ 0	\$ 0
1003 General fund match	\$ 0	\$ 0
1004 General fund	\$ 0	\$ 0
1005 General fund/ program	\$ 0	\$ 0
Other	\$ 0	\$ 0

9. The name of the contact person for the regulations:  
Name: Sondra Meredith  
Title: Administrator of Teacher Education & Certification  
Address: Department of Education & Early Development  
801 W. 10<sup>th</sup> Street, Suite 200, Juneau, AK 99811-0500  
Telephone: (907) 465-8663  
E-mail address: Sondra.meredith@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 21, 2020

Prepared by: Linda J 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 #: W0017066

Cost: \$732.1

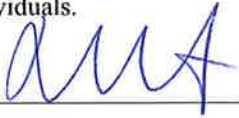
STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

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

7/14/2024

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

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

The Department of Education and Early Development proposes to adopt regulation changes in title 4 of the Alaska Administrative Code dealing with the commissioner's authority under AS 14.20.020 to issue temporary emergency certificates. The proposed changes would repeal 4 AAC 12.450 (Emergency special services certificate (emergency type C)) and adopt 4 AAC 12.401 (Emergency certificate).

The proposed new regulation describes when the commissioner may issue a temporary emergency certificate to a person not otherwise qualified for an initial teaching certificate or an administrative certificate, based on the district's inability to locate a qualified applicant for a position. A district school board must submit an application to the commissioner describing the district's efforts to locate a qualified person with the required certificate, including the dates and venues of all advertising for the position. The district must describe the harm to the students and the program caused by the inability to fill the position and must commit to providing an identified mentor. An emergency certificate would be valid only for the remainder of the school year in which it is issued and would not be renewable. The proposed regulation requires that the person issued the temporary emergency certificate have at least an associate degree, have submitted fingerprints under AS 14.20.030, have completed the training required by AS 14.20.020, and not have been convicted of a crime involving a minor under AS 14.20.020. The proposed changes would also repeal the regulation that authorizes the issuance of a temporary emergency special services certificate. Current federal law (20 U.S.C. 1412(a)(4)) prohibits the issuance of temporary or emergency certificates for related service providers and for special education teachers.

The Department of Education and Early Development invites the public to submit written comments during the written comment period, which begins with the date of this notice and ends on Tuesday, August 25, 2020, at 4:30 p.m. The written comment period closes in advance of the meeting of the State Board of Education and Early Development at which the board will consider the adoption of the proposed regulations. This allows the Department of Education and Early Development an opportunity to prepare changes based on written comment and to distribute any proposed changes to the board for its consideration prior to the meeting.

You may comment in writing on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Commissioner's Office, Department of Education and Early Development, Attn: Regulations Review, 801 West Tenth Street, Suite 200, PO Box 110500, Juneau, Alaska 99811-0500. You also may submit written comments by facsimile at (907) 465-4536; by electronic mail to rochele.linley@alaska.gov and online at the website of the Department of Education and Early Development at <https://education.alaska.gov/regcomment.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 Linley at [rochele.linley@alaska.gov](mailto:rochele.linley@alaska.gov) or the Department of Education and Early Development, Attn: Rochelle Linley, 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/regcomment.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 Linley at (907) 465-4535 or [rochele.linley@alaska.gov](mailto:rochele.linley@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/regcomment.cfm>, and by contacting Rochelle Linley at [rochele.linley@alaska.gov](mailto:rochele.linley@alaska.gov) or 907-465-4535.

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

Statutory authority: AS 14.07.060, AS 14.20.010, AS 14.20.020

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

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

Date: 7/21/20  
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  
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

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

NOTARY PUBLIC  
JADA L. NOWLING  
STATE OF ALASKA  
MY COMMISSION EXPIRES JULY 14, 2024

### 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/regg/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 Mellin,  
Deputy Commissioner

Published: September 6, 2020

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 4 AAC 12.400 - 4 AAC 12.401, temporary emergency certificate authority; 4 AAC 12.397, conforming amendment; and 4 AAC 52, federal law citation updates, was passed by the State Board of Education and Early Development during its September 16-17, 2020, meeting.

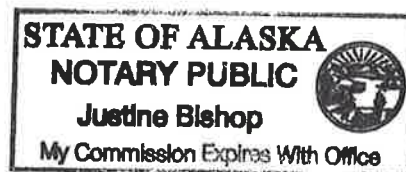
Date: 10/16/2020

Linda J Mattson  
Linda Mattson, Executive Secretary

Subscribed and sworn to before me at Juneau, Alaska on

10/16/20.

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 Hamilton moved and Member Kowalski seconded the following motion: I move the State Board of Education & Early Development repeal 4 AAC 12.400 Emergency special certificate (emergency Type C) and adopt 4 AAC 12.401 Emergency certificate; and adopt the proposed amendments to 4 AAC 12.397 Mandatory training requirements, 4 AAC 52.030 Advisory panel, 4 AAC 52.142 Individualized family service plan, 4 AAC 52.260 Personnel development, and 4 AAC 52.785 Related to other laws.

The motion passed unanimously in a roll call vote.

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 4 AAC 12.400 - 4 AAC 12.401, temporary emergency certificate authority; 4 AAC 12.397, conforming amendment; and 4 AAC 52, federal law citation updates, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

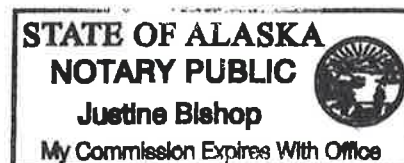
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to those in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public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

Date: 10/16/2020

Linda J. Mattson  
Linda Mattson, Executive Secretary

Subscribed and sworn to before me at Juneau, Alaska on 10/16/20.

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 12.400 - 4 AAC 12.401, temporary emergency certificate authority; 4 AAC 12.397, conforming amendment; and 4 AAC 52, federal law citation updates.

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

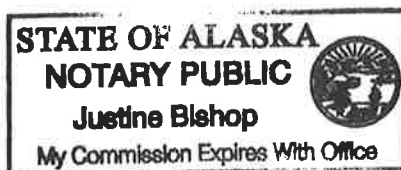
Date: 10/16/2020

Linda Mattson  
Linda Mattson, Executive Secretary

Subscribed and sworn to before me at Juneau Alaska on

10/16/20

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:

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 authority for issuing temporary emergency certificates.

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

