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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

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

**TO:** Janell Andrews  
Department of Education and Early Development

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** September 26, 2022

**RE:** Filed Permanent Regulations: Department of Education and Early Development  
  
Department of Education and Early Development regulations re: Statewide Assessment Participation (4 AAC 06.775)

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Attorney General File:	2021200591
Regulation Filed:	9/26/2022
Effective Date:	10/26/2022
Print:	244, January 2023

cc with enclosures: Colleen Bailey, Department of Law  
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

The attached 2 pages of regulations, dealing with amendments to 4 AAC 06.775 Statewide Assessment Participation is certified to be a correct copy of the regulation changes that the State Board of Education and Early Development adopted at its September 7, 2022, 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: 9/12/2022

Lacey Sanders  
Lacey Sanders, Deputy 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

September 26, 2022 at 2:10 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Kevin Meyer  
for Lieutenant Governor Kevin Meyer

Effective: October 26, 2022.

Register: 244, January 2023

**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.**



  
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**KEVIN MEYER  
LIEUTENANT GOVERNOR**

4 AAC 06.775(a) is amended to read:

(a) When administering to students with disabilities the statewide assessments under 4 AAC 06.710, a district shall follow the requirements of this section and the department's *Participation Guidelines for Inclusion of Alaska Students in State Assessments*, 2022 [2020] edition, adopted by reference.

(Eff. 12/19/2002, Register 164; am 9/17/2004, Register 171; am 11/10/2005, Register 176; am 10/18/2007, Register 184; am 11/10/2007, Register 184; am 9/27/2008, Register 187; am 6/11/2010, Register 194; am 10/3/2011, Register 200; am 4/20/2012, Register 202; am 12/26/2014, Register 212; am 3/4/2015, Register 213; am 5/15/2015, Register 214; am 3/30/2016, Register 217; am 4/6/2016, Register 218; am 2/16/2018, Register 225; am 6/1/2018, Register 226; am 10/20/2018, Register 228; am 12/25/2020, Register 236; am 10 / 26 / 2022, Register 244)

**Authority:** AS 14.03.075      AS 14.07.060      AS 14.07.165  
AS 14.07.020

**Editor's note:** [COPIES OF THE] The Department of Education and Early Development's *Participation Guidelines for Inclusion of Alaska Students in State Assessments* [PARTICIPATION GUIDELINES AND ALASKA SUPPLEMENT FOR WORKKEYS ASSESSMENT], adopted by reference in 4 AAC 06.775, is [ARE] available by writing [SUBMITTING A WRITTEN REQUEST ADDRESSED] to the department at 801 West 10th Street, Suite 200, P.O. Box 110500, Juneau, Alaska 99811-0500 or [MAY BE OBTAINED] on the department's website at <https://education.alaska.gov/assessments/accommodations> [HTTP://EED.ALASKA.GOV/TLS/ASSESSMENT/ACCOMMODATIONS/HTML. A COPY

OF THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT'S *ALASKA NONSTANDARDIZED ASSESSMENT ADMINISTRATIVE MANUAL*, ADOPTED BY REFERENCE IN 4 AAC 06.775, IS AVAILABLE BY SUBMITTING A WRITTEN REQUEST ADDRESSED TO THE DEPARTMENT AT 801 WEST 10TH STREET, SUITE 200, P.O. BOX 110500, JUNEAU, ALASKA 99811-0500 OR MAY BE OBTAINED ON THE DEPARTMENT'S WEBSITE AT [HTTP://EED.ALASKA.GOVLS/ASSESSMENT/MODIFIED=HRZNONSTANDARD/NONSTANDARDIZED.MANUAL2010.PDF](http://EED.ALASKA.GOVLS/ASSESSMENT/MODIFIED=HRZNONSTANDARD/NONSTANDARDIZED.MANUAL2010.PDF)].



THE STATE  
of ALASKA  
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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September 16, 2022

The Honorable Kevin Meyer  
Lieutenant Governor  
State of Alaska  
P.O. Box 110001  
Juneau, AK 99581-0001

Re: 4 AAC 06.775: *Office of the Commissioner - Statewide Assessment Participation*  
Our file: 2021200591

Dear Lt. Governor Meyer:

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 letter 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 concern changes to Title 4 of the Alaska Administrative Code dealing with administering statewide assessments to students with disabilities.

The December 27, 2021 public notice, the August 18, 2022 supplemental public notice, and the September 12, 2022 order certifying the changes 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. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG R. TAYLOR  
ATTORNEY GENERAL

By: Rebecca C. Polizzotto  
Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

Digitally signed by  
Rebecca C. Polizzotto  
Date: 2022.09.16  
13:50:10 -08'00'

RCP/fcb

CC w/enclosure: Janell Andrews, Regulations Contact  
Department of Education and Early Development

Susan Sonneborn, Assistant Attorney General  
Department of Law

Steven C. Weaver, Assistant Attorney General  
Department of Law