

Nancy Dahlstrom
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**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: August 7, 2023

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

Department of Education and Early Development regulations re: Implementing Chapter 40, SLA 22 (Alaska Reads Act) - Virtual Education Consortium (4 AAC 06)

Attorney General File:	2022200409.002
Regulation Filed:	8/7/2023
Effective Date:	9/6/2023
Print:	247, October 2023

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



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

August 4, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: 4 AAC 06: Department of Education and Early Development - Regulations
Implementing Ch. 40, SLA 22 (Alaska Reads Act) – Virtual Education
Consortium

Our file: 2022200409.002

Dear Lieutenant Governor Dahlstrom:

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 establishment of a Virtual Education Consortium in accordance with provisions of the Alaska Reads Act, also known as Chapter 40 SLA 2022 (House Bill 114).

The June 14, 2023 public notice and the August 4, 2023 certification order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG 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: 2023.08.04
14:39:20 -08'00'

RCP/ahr1

CC w/enclosure: Heidi Teshner, Acting Commissioner
Department of Education and Early Development

Janell Andrews, Executive Secretary
Department of Education and Early Development

Susan Sonneborn, Senior Assistant Attorney General
Department of Law

APPENDIX J: Certification Order

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

The attached 6 pages of regulations add new regulations 4 AAC 67.010 through 4 AAC 67.900 to implement a virtual education consortium defined by AS 14.30.800 in accordance with enactment of the Alaska Reads Act (House Bill 114, Chapter 40, SLA 2022) is certified to be a correct copy of the regulation changes that the State Board of Education and Early Development adopted at its July 26, 2023, meeting, under the authority of 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 AS 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, 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: 8-4-2023

Lacey Sanders

Lacey Sanders, Deputy Commissioner
Department of Education and Early Development

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

August 7, 2023 at 1:45 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson
for Lieutenant Governor Nancy Dahlstrom

Effective: September 6, 2023.

Register: 247, October 2023.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, 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:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

4 AAC is amended by adding a new chapter to read:

Chapter 67. Virtual Education Consortium.

Section

4 AAC 67.010. Consortium established; name.

4 AAC 67.020. Consortium membership.

4 AAC 67.030. Consortium governance; bylaws.

4 AAC 67.040. Duties and responsibilities of the department.

4 AAC 67.050. Consortium duties.

4 AAC 67.060. Standards for consortium courses.

4 AAC 67.0900. Definitions.

4 AAC 67.010. Consortium established; name. There is established, within the department and in cooperation with participating school districts, a virtual education consortium to make virtual education and professional development resources available to students and teachers in the state. The virtual education consortium is named the Alaska Distance Learning Consortium. (Eff 9 / 6 / 2023, Register 247)

Authority: AS 14.07.020 AS 14.07.060 AS 14.30.800

4 AAC 67.020. Consortium membership. (a) Eligibility to be a member of the consortium is limited to school districts operating within the state.

(b) Consortium membership is voluntary. A school district may request membership by submitting a request to the department from an individual authorized to act on behalf of the school district.

(c) A member of the consortium

(1) shall have access to consortium resources as provided in this chapter;

(2) may provide a course for inclusion in the consortium database subject to the requirements of 4 AAC 67.060;

(3) may designate a representative to receive consortium communications; and

(4) may designate a representative eligible to vote in governing board elections under 4 AAC 67.030(b)(1). (Eff 9 / 6 / 2023, Register 247)

Authority: AS 14.07.020 AS 14.07.060 AS 14.30.800

4 AAC 67.030. Consortium governance; bylaws. (a) The consortium shall be governed by a board consisting of

(1) the commissioner or the commissioner's delegate, as a representative of the department; and

(2) a maximum of six representatives of consortium members who have been designated under 4 AAC 67.020(c)(4).

(b) A consortium member representative who serves on the governing board shall

(1) be elected by a simple majority vote of consortium member representatives;

(2) be designated by a consortium member under 4 AAC 67.020(c)(4); and

(3) serve for a minimum term of one year.

(c) If possible, the governing board shall include one consortium member representative from each of the four judicial districts, one member representative from the state at large, and at least one member representative from a regional educational attendance area.

(d) If a matter under consideration by the governing board requires the force of law, the

governing board may vote on, and adopt by simple majority, a resolution containing the proposed regulation for state board consideration.

(e) The governing board may prepare and recommend adoption of bylaws subject to review and approval by the state board. To be effective, consortium bylaws must be consistent with this section, must be subject to review and approval by the state board every three years, and must include

- (1) a statement of purpose;
- (2) the consortium mission and vision;
- (3) governance rules; and
- (4) meeting requirements.

(f) Meetings of the governing board are subject to AS 44.62.310 - 44.62.319 (Open Meetings Act) and shall be conducted in accordance with the current edition of Robert's Rules of Order. (Eff 9 / 6 / 2023, Register 247)

Authority: AS 14.07.020 AS 14.07.060 AS 14.30.800

4 AAC 67.040. Duties and responsibilities of the department. (a) The department will

- (1) provide assistance and administrative support to the consortium, including
 - (A) information, procedures, forms, and other material as required, on how to apply and qualify to become a member of the consortium; and
 - (B) counseling and technical assistance to the consortium;
- (2) establish standards for consortium resources as provided in AS 14.30.800; and
- (3) through a candidate selection process incorporating the governing board, employ a reading specialist.

(b) If recommended by the governing board, the department may establish a fee for school district participation in the consortium. (Eff 9 / 6 / 2023, Register 247)

Authority: AS 14.07.020 AS 14.07.060 AS 14.30.800

4 AAC 67.050. Consortium duties. The consortium shall

(1) subject to curriculum standards established by the department, establish and maintain a database of virtual education courses as described in AS 14.30.800(a);

(2) provide training and professional development consistent with AS 14.30.800(b) for teachers delivering or facilitating virtual coursework to students through the consortium database;

(3) adopt a policy consistent with AS 14.30.800(b)(2) to determine the previous experience and demonstrated skills necessary for a teacher to deliver or facilitate virtual coursework through the consortium database without requiring the teacher to complete training or professional development provided by the consortium;

(3) through the department, employ a reading specialist to perform the duties described in AS 14.30.800(c);

(4) subject to approval by the department, recommend a school district consortium participation fee that approximately equals the consortium's prorated administrative costs related to review and approval of courses and maintaining the database; and

(5) provide recommendations to the state board regarding establishment and management of the consortium or consortium resources that may require department approval or force of law. (Eff 9 / 6 / 2023, Register 247)

Authority: AS 14.07.020 AS 14.07.060 AS 14.30.800

4 AAC 67.060. Standards for consortium courses. (a) A course made available to school districts through the consortium must meet

(1) content standards set out in the corresponding subject matter standard adopted by reference in 4 AAC 04.140; and

(2) standards set out in *National Standards for Quality Online Courses*, 3rd edition, revised as of October 2019, adopted by reference.

(b) A course or other training made available through the consortium for professional development for teachers must meet standards set out in *National Standards for Quality Online Teaching*, 3rd edition, revised as of October 2019, adopted by reference. (Eff

9 / 6 / 2023, Register 247)

Authority: AS 14.07.020 AS 14.07.060 AS 14.30.800

Editor's note: Copies of the *National Standards for Quality Online Courses* and *National Standards for Quality Online Teaching*, adopted by reference in 4 AAC 67.060, are available for inspection at the Department of Education and Early Development, 801 West 10th Street, Suite 200, P.O. Box 110500, Juneau, Alaska 99811-0500. The *National Standards for Quality Online Courses* and *National Standards for Quality Online Teaching* may also be viewed on the department's Internet website at [www. https://education.alaska.gov/standards](http://www.https://education.alaska.gov/standards).

4 AAC 67.900. Definitions. In this chapter,

(1) "commissioner" means the commissioner of education and early development;

(2) "consortium" means the Alaska Distance Learning Consortium, the virtual education consortium established under AS 14.30.800 and 4 AAC 67.010;

(3) "department" means the Department of Education and Early Development;

(4) "governing board" means the consortium's governing board;

(5) "school district" means a city or borough school district or regional

educational attendance area;

(6) "state board" means the state Board of Education and Early Development;

(7) "virtual education" or "virtual instruction" has the meaning given in

AS 14.30.800. (Eff 9 / 6 / 2023, Register 247)

Authority: AS 14.07.020 AS 14.07.060 AS 14.30.800