

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: Deborah Riddle, Department of Education and Early Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: July 22, 2024

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

Department of Education and Early Development regulations re: Limited world language immersion teacher certificate and Seal of Biliteracy (4 AAC 04.225, 4 AAC 06.079, 4 AAC 12.388, 4 AAC 12.397, 4 AAC 12.405)

Attorney General File:	2022200596
Regulation Filed:	7/22/2024
Effective Date:	8/21/2024
Print:	251, October 2024

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

July 22, 2024

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

Re: *DEED - Limited world language immersion teacher certificate and Seal of Bilingualism; 4 AAC 04.225, 4 AAC 06.079, 4 AAC 12.388, 4 AAC 12.397, 4 AAC 12.405*

Our file: 2022200596

Dear Lieutenant Governor Dahlstrom:

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 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 State Board of Education and Early Development after the close of the public comment period.

The regulations concern limited world language teacher certification requirements made by House Bill 19 (Chapter 73, SLA 2022) which became effective December 15, 2022; adoption by reference of a foreign language proficiency assessment standard; and a Seal of Bilingualism.

The December 20, 2022 public notice, October 19, 2023 supplemental notice, and July 22, 2024 certification order each 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 necessary to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations and did not result in a pagination change.

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: 2024.07.22
14:09:12 -08'00'

RCP/AHR

CC w/enclosure: Deena Bishop, Commissioner
Department of Education and Early Development

Deborah Riddle, Division Operations Manager
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 STATE BOARD OF EDUCATION

The attached eight page[s] of regulations, dealing with Limited World Languages and a Seal of Biliteracy, are certified to be a correct copy of the regulation changes that the State Board of Education and Early Development adopted at its December 6, 2023, meeting, under the authority of AS 14.07.020, AS 14.07.060, AS 14.20.023, AS 14.20.020, AS 14.20.680, 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.

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: 7/22/2024

DocuSigned by:
Deborah Riddle
FB19856857BA451...
Deboarh Riddle, Operations Manager

*for
Karl Simpson for*

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on July 22, 2024 at 3:51 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for *Nancy Dahlstrom* [signature]
Lieutenant Governor *Nancy Dahlstrom*

Effective: August 21, 2024.

Register: 25, October 2024

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**

Register 251, October 2024 EDUCATION AND EARLY DEV.

4 AAC 04 is amended by adding a new section to read:

4 AAC 04.225. Alternative foreign language proficiency assessment standards. The standards for alternative foreign language proficiency assessment under 4 AAC 12.388 and 4 AAC 06.079, as set out in the American Council on the Teaching of Foreign Language's publication titled *Proficiency Guidelines 2012*, are adopted by reference. (Eff.

8 / 21 / 2024, Register 251)

Authority: AS 14.07.060 AS 14.20.023 AS 14.30.410
AS 14.20.020

Editor's note: A copy of the American Council on the Teaching of Foreign Language's publication titled *Proficiency Guidelines 2012* may be obtained by writing to the Department of Education and Early Development at 801 West 10th Street, Suite 200, P.O. Box 110500, Juneau, Alaska 99811-0500 or at <http://www.actfl.org/uploads/files/general/ACTFLProficiencyGuidelines2012.pdf>.

4 AAC 06.079(b)(2)(D) is amended to read:

(D) demonstrate proficiency in the areas of listening, speaking, writing, and reading through other national or international assessments at a level comparable to intermediate-mid level proficiency or higher based on the **alternative foreign language proficiency assessment standards adopted by reference in 4 AAC 04.225**

[AMERICAN COUNCIL OF THE TEACHING OF FOREIGN LANGUAGES (ACTFL) PROFICIENCY GUIDELINES];

4 AAC 06.079(b)(2)(E) is amended to read:

(E) demonstrate proficiency in the areas of listening, speaking, writing, and reading through a work sample, body of evidence, or portfolio at a level comparable to intermediate-mid level proficiency or higher based on the **alternative foreign language proficiency assessment standards adopted by reference in 4 AAC 04.225** [AMERICAN COUNCIL OF THE TEACHING OF FOREIGN LANGUAGES (ACTFL) PROFICIENCY GUIDELINES] if a national or international assessment is not available; or

4 AAC 06.079(b)(2)(F) is amended to read:

(F) demonstrate proficiency in the areas of listening, speaking, writing, and reading through an assessment process recognized by a tribal government at a level comparable to intermediate-mid level proficiency or higher based on the **alternative foreign language proficiency assessment standards adopted by reference in 4 AAC 04.225** [AMERICAN COUNCIL OF THE TEACHING OF FOREIGN LANGUAGES (ACTFL) PROFICIENCY GUIDELINES].

4 AAC 06.079(c) is amended to read:

(c) A student who seeks to qualify for the Seal of Biliteracy through a language that is not characterized by listening, speaking, or reading, or for which there is no written system, shall demonstrate proficiency through assessment on the modalities that characterize communication in that language at a level comparable to intermediate-mid level proficiency or higher based on the **alternative foreign language proficiency assessment standards adopted by reference in**

4 AAC 04.225 [AMERICAN COUNCIL OF THE TEACHING OF FOREIGN LANGUAGES (ACTFL) PROFICIENCY GUIDELINES].

4 AAC 06.079(h) is amended to read:

(h) In this section, "world language" means a non-English language; **"world language" includes Alaska Native languages, American Indian languages, and** [INCLUDING ALASKA NATIVE, AMERICAN INDIAN, AND] American Sign Language. (Eff. 8/27/2022, Register 243; am 8 / 21 / 2024, Register 251)

Authority: AS 14.07.020 AS 14.07.060

Editor's note: As of Register 245 (April 2023), the regulations attorney made corrections under AS 44.62.125(b)(6), to 4 AAC 06.079 to reflect adopted changes not previously incorporated.

4 AAC 12.388 is repealed and readopted to read:

4 AAC 12.388. Limited world language immersion teacher certificate. (a) The department will issue a one-year limited world language immersion teacher certificate (Type W) with an endorsement in an applicant's world language of expertise and in the content areas requested by the school board of the district in which the applicant will be teaching if

(1) the applicant has demonstrated the world language expertise, content area knowledge, and instructional skill described in (b), (c), and (d) of this section;

(2) the school board for the district in which the applicant will be employed

(A) has requested, through its chief school administrator, issuance of a

limited world language immersion teacher certificate for the applicant under AS 14.20.023(c); and

(B) will provide an experienced mentor for at least the first two years of the applicant's employment with the school district; the mentor must hold or have held the position of a world language immersion teacher in a school district in this state under a valid certificate;

(3) the applicant has successfully passed the criminal history background check in the same manner as a teacher certified under AS 14.20.020 and 4 AAC 12.300;

(4) the applicant has met the requirements of 4 AAC 12.397(a); and

(5) the applicant submits to the department

(A) one completed fingerprint card, with fingerprinting performed by a law enforcement agency or a person who has been trained in recording fingerprints, for separate submittal to the Department of Public Safety and the Federal Bureau of Investigation; the department will accept a name-based criminal history background check on an applicant from the agency performing the background check if the requirements of AS 14.20.020(j) are met;

(B) the fee for the criminal history background check in the amount charged by the Department of Public Safety as set out in 13 AAC 68.900; and

(C) the fee for the issuance of a teacher certificate as set out in 4 AAC 12.300(g).

(b) To demonstrate world language expertise as required under (a)(1) of this section, the applicant must

(1) have met or exceeded the required scores on a world language content

examination, as described in 4 AAC 12.407; the examination must have been given in the instructional language for which the certificate is valid;

(2) hold at least a baccalaureate degree from an institution of higher education accredited by regional or national accrediting association or approved by the commissioner and

(A) have majored or minored in the world language; or

(B) at least half of the classes were taught in the world language; or

(3) have demonstrated proficiency in the areas of listening, speaking, writing, and reading through an assessment process recognized by a tribal government or school district at a level comparable to advanced low-level proficiency or higher based on the alternative foreign language proficiency assessment standards adopted by reference in 4 AAC 04.225; the assessment must have been given in the instructional language for which the certificate is valid.

(c) To demonstrate competency in the content areas requested by the school board as required under (a)(1) of this section, the applicant must

(1) hold at least a baccalaureate degree in the requested content area from an institution of higher education accredited by a regional or national accrediting association or approved by the commissioner;

(2) have met or exceeded the required scores on the content area examination, as described in 4 AAC 12.407, or an equivalent examination approved by the commissioner;

(3) demonstrate content area mastery through an assessment process established by the school district in which the applicant will be teaching; if the school district assessment requires a minimum score, the assessment must be given in the instructional language for which the certificate is valid; or

(4) demonstrate content area mastery, as determined by the school district in

which the applicant will be teaching, through completion of coursework in the content area.

(d) To demonstrate instructional skill as required under (a)(1) of this section, the applicant must

(1) complete a teacher preparation program approved under 4 AAC 12.307 or 4 AAC 12.308;

(2) enroll in a teacher preparation program approved under 4 AAC 12.307 or 4 AAC 12.308; or

(3) provide two letters of reference documenting at least two years of experience providing instruction to students in a public school or other educational setting.

(e) At the request of the school board, through its chief school administrator, the department will extend a one-year limited world language immersion teacher certificate issued under (a) of this section for four additional years if the applicant meets the requirements of 4 AAC 12.405(a). The school board's request must include certification that an annual performance evaluation demonstrates that the applicant meets or exceeds the teacher content and performance standards set out in 4 AAC 04.200(b)(2) - (8).

(f) A public school district may only employ a world language immersion teacher to teach in a world language immersion program in the content areas in which the individual has earned endorsements. A limited world language immersion teacher may only provide instruction to students enrolled in a world language immersion program in a world language in which the teacher is endorsed.

(g) In this section,

(1) "district" or "school district" means a school district or regional educational attendance area;

(2) "world language" means a non-English language; "world language" includes Alaska Native languages, American Indian languages, and American Sign Language;

(3) "world language immersion program" includes full, partial, and double or dual language immersion models;

(4) "world language immersion teacher" means an individual who holds a valid limited world language immersion teacher certificate and teaches in a world language immersion program. (Eff. 6/29/2018, Register 226; am 10/26/2022, Register 244; am 8 / 21 / 2024, Register 251)

Authority: AS 14.07.060 [AS 14.20.022] AS 14.20.023
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 12.388, 4 AAC 12.390, 4 AAC 12.401, and 4 AAC 12.405. The requirements of this section do not apply to applicants qualifying for certification under AS 14.20.015, 14.20.017, and 14.20.022. (Eff. 4/24/2016, Register 218; am 12/25/2020, Register 236; am 8 / 21 / 2024, Register 251)

Authority: AS 14.07.060 AS 14.20.020 AS 14.20.680
AS 14.20.010 AS 14.20.023

Register 251, October 2024 EDUCATION AND EARLY DEV.

The introductory language of 4 AAC 12.405(a) is amended to read:

(a) A certificate issued under AS 14.20.020 **or 14.20.023** may be renewed any number of times by completing six semester hours of credit or the equivalent of semester hours in trimester or quarter hours or other equivalent, including microcredentials approved by the department, and earned during the life of the certificate. The six credits required for renewal under this subsection may not include the coursework required under AS 14.20.020(h) and must be

(Eff. 9/29/2005, Register 175; am 9/2/2011, Register 199; am 4/24/2016, Register 218; am

10/26/2022, Register 244; am 6/18/2023, Register 246; am 8 / 21 / 2024, Register 251)

Authority: AS 14.07.060 AS 14.20.020 **AS 14.20.023**