

Nancy Dahlstrom
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Deborah Riddle, Department of Education and Early Development

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: August 22, 2024

RE: Filed Permanent Regulations: State Board of Education and Early Development
Department of Education and Early Development regulations re: Participation
Guidelines for Inclusion of Students in State Assessments (4 AAC 06.775(a))

Attorney General File:	2023200416
Regulation Filed:	8/22/2024
Effective Date:	9/21/2024
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
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August 21, 2024

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

Re: *4 AAC 06.775(a): DEED - Administering Statewide Assessments to Students with Disabilities*
Our file: 2023200416

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 update the adopted-by-reference *Participation Guidelines for Inclusion of Alaska Students in State Assessments*, for purposes of administering those assessments to students with disabilities.

The December 10, 2023 public notice and the August 19, 2024 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations 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: 2024.08.21
14:17:44 -08'00'

RCP/scw

CC w/enclosure: Deborah Riddle, Division Operations Manager
Department of Education and Early Development

Susan Sonneborn, Assistant Attorney General
Department of Law

Steven C. Weaver, Assistant Attorney General
Department of Law

APPENDIX J: Certification Order

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE STATE BOARD OF EDUCATION AND EARLY
DEVELOPMENT


The attached 1 page of regulations, dealing with updating the *Participation Guidelines for Inclusion of Alaska Students in State Assessments*, are certified to be a correct copy of the regulation changes that the State Board of Education adopted at its January 17, 2024 meeting, under the authority of AS 14.07.060 and AS 14.07.030 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: 8/19/2024

DocuSigned by:

E88701A753104F8
Karen Morrison, Deputy Commissioner



FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on August 22, 2024 at 10:45 a .m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Lieutenant Governor Nancy Dahlstrom

Effective: September 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 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*, 2023 [2022] 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; am 11/13/2022, Register 244; am 9 / 21 / 2024, Register 251)

Authority: AS 14.03.075 AS 14.07.060 AS 14.30.760
AS 14.03.123 AS 14.07.165 AS 14.50.080
AS 14.07.020

Editor's Note: The Department of Education and Early Development's *Participation Guidelines for Inclusion of Alaska Students in State Assessments*, adopted by reference in 4 AAC 06.775, is available by writing to the department at 801 West 10th Street, Suite 200, P.O. Box 110500, Juneau, Alaska 99811-0500 or on the department's website at <https://education.alaska.gov/assessments/accommodations>.