

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**

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: Score updates for AK STAR achievement assessment (4 AAC 06.739(b), 822(b))

Attorney General File:	2023200412
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
Main: 907.465.3600
Fax: 907.465.2520

August 21, 2024

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

Re: *4 AAC 06.739(b), 822(b): DEED - Score updates for AK STAR achievement assessment*
Our file: 2023200412

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 achievement cut scores for the Alaska System for Academic Readiness (AK STAR) summative assessment.

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
15:41:08 -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 5 pages of regulations, dealing with updating achievement cut scores for the Alaska System for Academic Readiness summative assessment, 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:
Karen B. Morrison
EBB701A753194F8

Karen Morrison, Deputy Commissioner

FILING CERTIFICATION

April Simpson for

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on August 22, 2024 at 11:51 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for *April Simpson*

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**

4 AAC 06.739(b) is amended to read:

(b) Achievement levels for English language arts and mathematics are advanced, proficient, approaching proficient, or needs support. Students obtaining achievement levels of proficient or advanced meet standards. To obtain an achievement level of advanced, proficient, approaching proficient, or needs support in English language arts and mathematics a student must obtain a score as set out in the following table:

Achievement Level	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9
English language arts: Advanced	1599-1720	1612-1750	<u>1626-1780</u> [1630-1780]	<u>1636-1800</u> [1657-1800]	<u>1645-1820</u> [1654-1820]	1652-1840	<u>1668-1850</u> [1674-1850]
English language arts: Proficient	<u>1582-1598</u> [1589-1598]	<u>1589-1611</u> [1594-1611]	<u>1596-1625</u> [1596-1629]	<u>1605-1635</u> [1605-1656]	<u>1610-1644</u> [1618-1653]	<u>1615-1651</u> [1622-1651]	<u>1619-1667</u> [1629-1673]
English language arts: Approaching Proficient	<u>1562-1581</u> [1566-1588]	<u>1568-1588</u> [1572-1593]	<u>1576-1595</u> [1571-1595]	<u>1576-1604</u> [1574-1604]	<u>1584-1609</u> [1598-1617]	<u>1587-1614</u> [1595-1621]	<u>1590-1618</u> [1600-1628]
English language arts: Needs Support	<u>1400-1561</u> [1400-1565]	<u>1410-1567</u> [1410-1571]	<u>1420-1575</u> [1420-1570]	<u>1430-1575</u> [1430-1573]	<u>1440-1583</u> [1440-1597]	<u>1450-1586</u> [1450-1594]	<u>1450-1589</u> [1450-1599]
Mathematics: Advanced	<u>1546-1720</u> [1548-1720]	<u>1558-1750</u> [1555-1750]	<u>1577-1780</u> [1577-1780]	<u>1594-1800</u> [1594-1800]	<u>1609-1820</u> [1632-1820]	<u>1623-1840</u> [1644-1840]	<u>1626-1850</u> [1647-1850]
Mathematics: Proficient	<u>1524-1545</u> [1528-1547]	<u>1538-1557</u> [1542-1554]	<u>1544-1576</u> [1544-1576]	<u>1563-1593</u> [1566-1593]	<u>1570-1608</u> [1585-1631]	<u>1580-1622</u> [1610-1643]	<u>1590-1625</u> [1605-1646]
Mathematics: Approaching Proficient	<u>1510-1523</u> [1513-1527]	<u>1524-1537</u> [1526-1541]	<u>1531-1543</u> [1531-1543]	<u>1543-1562</u> [1543-1565]	<u>1551-1569</u> [1552-1584]	<u>1559-1579</u> [1587-1609]	<u>1564-1589</u> [1578-1604]
Mathematics: Needs Support	<u>1400-1509</u> [1400-1512]	<u>1410-1523</u> [1410-1525]	<u>1420-1530</u> [1420-1530]	<u>1430-1542</u> [1430-1542]	<u>1440-1550</u> [1440-1551]	<u>1450-1558</u> [1450-1586]	<u>1450-1563</u> [1450-1577]

Register 251, October 2024 EDUCATION AND EARLY DEV.

(Eff. 3/16/2001, Register 157; am 11/23/2003, Register 168; am 9/4/2005, Register 175; am 5/18/2006, Register 178; am 9/3/2006, Register 179; am 9/27/2008, Register 187; am 4/6/2016, Register 218; am 2/16/2018, Register 225; am 12/25/2020, Register 236; am 5/24/2023, Register 246; am 9 / 21 / 2024, Register 251)

Authority: AS 14.03.015 AS 14.07.020 AS 14.07.060
 AS 14.03.123 AS 14.07.030

4 AAC 06.822(b) is amended to read:

(b) The department will assign the appropriate sub-level to each student based on the student's score. For purposes of determining whether students made adequate growth on the English language arts or mathematics test under 4 AAC 06.737, the subject matter achievement levels defined in 4 AAC 06.739 are divided into sub-levels of advanced high, advanced low, proficient high, proficient low, approaching proficient high, approaching proficient low, needs support high, and needs support low. Calculations will be performed annually, and a value table posted on the department Internet website based on the following calculations for each grade and subject:

(1) advanced low is determined by

(A) reviewing the scale scores from the current year state summative assessment data and for each grade and subject determining the standard deviation of the mean;

(B) dividing the figure calculated under (A) of this paragraph by two and rounding to the nearest whole number;

(C) subtracting one from the figure calculated under (B) of this paragraph, and adding that figure to the lowest score in the advanced cut-score

range in 4 AAC 06.739(b); the resulting figure is the highest score in the advanced low range ; and

(D) using the lowest score in the advanced achievement level for the subject and grade in 4 AAC 06.739(b) to obtain the lowest score in the advanced low range.

(2) advanced high is the portion of the advanced achievement level range in 4 AAC 06.739(b) that remains after the advanced low sub-level calculated under (1) of this subsection is removed;

(3) proficient low is the bottom half of the proficient achievement level range in 4 AAC 06.739(b);

(4) proficient high is the top half of the proficient achievement level range in 4 AAC 06.739(b);

(5) approaching proficient low is the bottom half of the approaching proficient achievement level range in 4 AAC 06.739(b);

(6) approaching proficient high is the top half of the approaching proficient achievement level range in 4 AAC 06.739(b);

(7) needs support high is determined by

(A) reviewing the scale scores from the current year state summative assessment data and for each grade and subject determining the standard deviation of the mean;

(B) dividing the figure calculated under (A) of this paragraph by two and rounding to the nearest whole number;

(C) subtracting one from the figure calculated under (B) of this paragraph, and subtracting that figure from the highest score in the needs support

cut-score range in 4 AAC 06.739(b); the resulting figure is the lowest score in the needs support high range; and

(D) using the highest score in the needs support achievement level for the subject and grade in 4 AAC 06.739(b) to obtain the highest score in the needs support high range;

(8) needs support low is the portion of the needs support achievement level range in 4 AAC 06.739(b) that remains after the needs support high sub-level under (7) of this subsection is removed.

[THE SUB-LEVELS ARE SET OUT IN THE FOLLOWING TABLES:

ENGLISH LANGUAGE ARTS

ACHIEVEMENT LEVEL	GRADE 3	GRADE 4	GRADE 5	GRADE 6	GRADE 7	GRADE 8	GRADE 9
ADVANCED HIGH	1630-1720	1647-1750	1668-1780	1693-1800	1696-1820	1700-1840	1719-1850
ADVANCED LOW	1599-1629	1612-1646	1630-1667	1657-1692	1654-1695	1652-1699	1674-1718
PROFICIENT HIGH	1594-1598	1603-1611	1613-1629	1631-1656	1636-1653	1637-1651	1652-1673
PROFICIENT LOW	1589-1593	1594-1602	1596-1612	1605-1630	1618-1635	1622-1636	1629-1651
APPROACHING PROFICIENT HIGH	1578-1588	1583-1593	1584-1595	1590-1604	1608-1617	1609-1621	1615-1628
APPROACHING PROFICIENT LOW	1566-1577	1572-1582	1571-1583	1574-1589	1598-1607	1595-1608	1600-1614
NEEDS SUPPORT HIGH	1525-1565	1531-1571	1533-1570	1538-1573	1558-1597	1558-1594	1562-1599
NEEDS SUPPORT LOW	1400-1524	1410-1530	1420-1532	1430-1537	1440-1557	1450-1557	1450-1561

MATH

ACHIEVEMENT LEVEL	GRADE 3	GRADE 4	GRADE 5	GRADE 6	GRADE 7	GRADE 8	GRADE 9
ADVANCED HIGH	1592-1720	1604-1750	1628-1780	1646-1800	1680-1820	1694-1840	1698-1850
ADVANCED LOW	1548-1591	1555-1603	1577-1627	1594-1645	1632-1679	1644-1693	1647-1697
PROFICIENT HIGH	1538-1547	1549-1554	1561-1576	1580-1593	1609-1631	1627-1643	1626-1646
PROFICIENT LOW	1528-1537	1542-1548	1544-1560	1566-1579	1585-1608	1610-1626	1605-1625
APPROACHING PROFICIENT HIGH	1521-1527	1534-1541	1538-1543	1555-1565	1569-1584	1599-1609	1592-1604
APPROACHING PROFICIENT LOW	1513-1520	1526-1533	1531-1537	1543-1554	1552-1568	1587-1598	1578-1591
NEEDS SUPPORT HIGH	1484-1512	1497-1525	1503-1530	1514-1542	1524-1551	1552-1586	1546-1577
NEEDS SUPPORT LOW	1400-1483	1410-1496	1420-1502	1430-1513	1440-1523	1450-1551	1450-1545

(Eff. 10/20/2018, Register 228; am 11/28/2019, Register 232; am 5/24/2023, Register 246; am 9 / 21 / 2024, Register 251)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080
AS 14.07.020