

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

M E M O R A N D U M

TO: Deborah Riddle, Division Operations Manager
Department of Education and Early Development

FROM: April Simpson, Alaska Administrative Code Coordinator 
Office of the Lieutenant Governor

DATE: September 28, 2026

RE: Filed Permanent Regulations: State Board of Education and Early Development

Department of Education and Early Development regulations re: Update Alternate
ACCESS proficiency levels (4 AAC 34.055)

Attorney General File:	2025200185
Regulation Filed:	9/28/2026
Effective Date:	10/28/2026
Print:	260, January 2027

cc with enclosures: Beth Parsons, Paralegal
Department of Law

Lisa Gorman, Alaska Legal Analyst
LexisNexis

Department of Law

CIVIL DIVISION

7/27/2026
- Reg. Alaska 355
Project 2025-001
10/27/2026



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

September 25, 2026

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

Re: Approval and Submission of Regulations for Filing
4 AAC 34.055: DEED - Update Alternate ACCESS proficiency levels

Our file: 2025200185

Dear Lieutenant Governor Dahlstrom:

Pursuant to AS 44.62.060, the Department of Law has reviewed the enclosed regulations adopted by Department of Education and Early Development, concerning alternate access proficiency levels for students with significant cognitive disabilities.

Our review examined each regulation for legality, existence of statutory authority, clarity, compliance with the *Drafting Manual for Administrative Regulations*, and conformance with the procedural requirements of AS 44.62.010 - 44.62.290.

Based upon this review, the Department of Law approves each regulation as to form and legality. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to accept the regulations for filing.

In the course of review, the regulations attorney made technical and conforming changes under AS 44.62.125. These changes are incorporated into the enclosed copy and do not alter the substantive effect or meaning of the regulations.

We hereby submit the regulations to you for filing under AS 44.62.040 on behalf of Department of Education and Early Development.

Sincerely,

CORI MILLS
ACTING 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: 2026.09.25
11:39:02 -08'00'

RCP/REF/bhp

CC: Deborah Riddle, Regulations Contact
Department of Education and Early Development

Morgan Griffin, Assistant Attorney General
Department of Law

Ryan Farnsworth, Assistant Attorney General
Department of Law

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

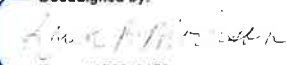
The attached regulations, dealing with the plan of service for English learners , are adopted and certified to be a correct copy of the regulation changes that the Department of Education and Early Development adopts under the authority of AS 14.07.020 and after compliance with the Administrative Procedure 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.

Although no public comments were received, the Department of Education and Early Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect [on the 30th day after they have been filed by the lieutenant governor.

Date: 4/27/2026

DocuSigned by:

EBB701A753194F8

Karen Morrison, Deputy Commissioner

April Simpson for

FILING CERTIFICATION

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

September 28, 2026, at 9:05am., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for 
Nancy, Dahlstrom, Lieutenant Governor

Effective: October 28, 2026.

Register: 260, January 2027.

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

The attached regulations, dealing with modifying the plan of service for English learners ARE certified to be a correct copy of the regulation changes that the State Board of Education and Early Development at its January 22, 2026, meeting, under the authority of AS 14.07.020 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.

Although no public comments were received, 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.

Date: 4/27/2026

DocuSigned by:

EBB701A753194F8

Karen Morrison, Deputy Commissioner

FILING CERTIFICATION

April Simpson for

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

September 28, 2026 at 9:06 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Nancy Dahlstrom, Lieutenant Governor

Effective: October 28, 2026.

Register: 260, January 2027.

4 AAC 34.055(d) is amended to read:

(d) If, under (b) [AND (c)] of this section, a district identifies a student as an English learner eligible for services under this chapter, the student remains identified as an English learner until the student obtains an overall composite score of 4.5 or higher on tier B or tier C of Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS for ELLs) **or an overall proficiency level of PL4 on the WIDA Alternate Assessment Comprehension and Communication in English State-to-State (ACCESS) for students with significant cognitive disabilities** [, IF THAT IS THE APPROVED ASSESSMENT UNDER (c) OF THIS SECTION]. If an identified English learner has a disability that precludes assessment in one or more domains of ACCESS for ELLs, the identified English learner is eligible for alternate scoring under the department's *Alternate Scoring Process Guide*, 2021 edition, adopted by reference. (Eff. 1/14/78, Register 65; am 8/15/78, Register 67; am 6/28/87, Register 102; am 5/4/2000, Register 154; am 11/23/2003, Register 168; am 8/29/2004, Register 171; am 12/7/2004, Register 172; am 2/18/2007, Register 181; am 7/13/2012, Register 203; am 10/16/2013, Register 208; am 10/20/2018, Register 228; am 12/23/2021, Register 240; am 10 / 28 / 2026, Register 260)

Authority: AS 14.07.060 AS 14.17.420 AS 14.30.410

Editor's Note: As of Register 242 (July 2022), the regulations attorney made technical corrections under AS 44.62.125(b)(6), to 4 AAC 34.055(d).

A copy of WIDA English Language Development Standards Framework, 2020 Edition, Kindergarten - Grade 12, adopted by reference in 4 AAC 04.155 and referred to in 4 AAC 34.055(c) may be obtained from the Department of Education and Early Development, 801 W.

Register 260, January 2027 EDUCATION AND EARLY DEVELOPMENT

10th Street, Suite 200, Juneau, Alaska 99811-0500, at <https://education.alaska.gov/standards> or at <https://wida.wisc.edu/sites/default/files/resource/WIDA-ELD-Standards-Framework-2020.pdf>.

A copy of the Alternate Scoring Process Guide, 2021 edition, adopted by reference in 4 AAC 34.055(d), may be obtained from the Department of Education and Early Development, 801 W. 10th Street, Suite 200, Juneau, Alaska 99811-0500, at

<https://education.alaska.gov/assessments/elp/Alternate%20Scoring%20Process%20Guide.pdf>

[[HTTPS://EDUCATION.ALASKA.GOV/ASSESSMENTS/CLP/ALTERNATE%20SCORING%20PROCESS%20GUIDE.PDF](https://education.alaska.gov/assessments/clp/Alternate%20Scoring%20Process%20Guide.pdf)].