

**State Board of Education and Early Development
Agenda
Audio Conference Meeting
April 25, 2018
State Board Room
Department of Education & Early Development
801 West 10th Street
Juneau, AK 99801**

Mission Statement: *An excellent education for every student every day.*

Wednesday, April 25, 2018

3:00 PM

Call to Order and Roll Call.....James Fields, Chair
Pledge of Allegiance.....James Fields, Chair
Adoption of Agenda for April 25, 2018.....James Fields, Chair
Disclosures of potential conflicts of interest.....James Fields, Chair

3:10 PM

Public Comment

Public comment is open on agenda and non-agenda items. Comment at this oral hearing is limited to three minutes per person and five minutes per group. The public comment period is an opportunity for the board to hear the public's concerns. The board will not engage in discussions with members of the public during the comment period.

Public comment can be made for this meeting, during this time only, by calling 1-844-586-9085 if you are outside of Juneau or Anchorage. For participation from Juneau, call 586-9085. For participation from Anchorage, call 563-9085. This meeting will be streamed through the Legislative Information Office over <http://www.alaskalegislature.tv/> beginning at 3:00 pm on April 25, 2018. Click on the meeting name to listen to the proceedings. When public comment is over, the meeting will continue to be broadcast at the above web site.

In the event there are more than two hours of public comment, the board may move to amend the agenda to extend the oral hearing to accommodate those present before 3:00 pm who did not have an opportunity to comment. The board also reserves the right to adjourn at a later time.

Work Session

4:00 PM

1. Commissioner's ReportDr. Michael Johnson, Commissioner

4:15 PM

2. Regulations to go out for public comment Dr. Michael Johnson, Commissioner

2A. Regulations related to school and district accountability, improvement and reporting; educator and paraprofessional qualifications; English learner identification; and other conforming regulations to implement the state plan under the Every Student Succeeds Act (ESSA).....Margaret MacKinnon, Federal Programs Coordinator
..... Rebecca Hattan, Assistant Attorney General

Business Meeting

4:45 PM

3. Regulations to go out for public comment Dr. Michael Johnson, Commissioner

3A. Regulations related to school and district accountability, improvement and reporting; educator and paraprofessional qualifications; English learner identification; and other conforming regulations to implement the state plan under the Every Student Succeeds Act (ESSA).....Margaret MacKinnon, Federal Programs Coordinator
..... Rebecca Hattan, Assistant Attorney General

4:55 PM

Board Comments

5:00 PM ADJOURN

**To: Members of the State Board of
Education and Early Development**

April 25, 2018

From: Dr. Michael Johnson, Commissioner

Agenda Item:1

◆ ISSUE

This is a standing oral report to the board by the Commissioner.

◆ BACKGROUND

- The board will hear a report on the Commissioner's activities.
- Commissioner Johnson will be present to brief the board.

◆ OPTIONS

This is an information item. No action is required.

To: **Members of the State Board of
Education & Early Development**

April 25, 2017

From: Michael Johnson, Commissioner

Agenda Item: 2A

◆ **ISSUE**

The board is being asked to open a period of public comment on regulations related to school and district accountability, improvement and reporting; educator and paraprofessional qualifications; English learner identification; and other conforming regulations to implement the state plan under the Every Student Succeeds Act (ESSA).

◆ **BACKGROUND**

- The regulations included in this package are required to implement the accountability and school support and improvement systems as specified in the Every Student Succeeds Act (ESSA), and to make conforming amendments to related regulations as applicable. This project includes regulations that are being amended, repealed and readopted and repealed. Regulation changes are summarized below.
- **Educator data and qualifications:** 4 AAC 04.220 lists the paraprofessional standards and qualifications; 04.214(?) specifies definitions required by ESSA for reporting data about educator equity; 12.300(g) modifies the fees to add endorsements to a teacher's certificate; and 19.055 allows the department to collect data required for reporting teacher evaluation data at the school level.
- **Assessments:** 4 AAC 06.737, 06.775(b), and 06.776 are amended for clarifications or requirements under ESSA.
- **English Learners:** 4 AAC 34.055 and 34.090 update the language relating to English learners, and updates the criteria for a student to exit English learner status.
- **Accountability system:** 4 AAC 06.812-06.840 outline the requirements and calculations of the accountability system, indicators, long-term goals and measures of interim progress, and school designations.
- **School Support and Improvement:** 4 AAC 06.845-06.872 outline the requirements for school and district improvement plans, specifies support and requirements for schools designated for comprehensive support and improvement and for targeted support and improvement, and outlines the authority of the department to increase state support and oversight, and require interventions.
- **Notice, reporting, and definitions:** 4 AAC 06.875-899 outline requirements for opportunity to review data, notice, jury service, school recognition, informal review of complaints, reporting requirements and definitions.
- **Repealed:** Sections 06.802 requirements adopted by reference; 06.835 star ratings; 06.852 technical assistance; and 33.500-599 growth and proficiency index are proposed

to be repealed as they are either no longer applicable or have been incorporated into another section.

- **Other:** 4 AAC 06.055, and 06.883 are amended to conform to new language, but have no significant changes.
- Behind this cover memo are the proposed regulations.
- Margaret MacKinnon, Federal Programs Coordinator, will be present to brief the board.

◆ **OPTIONS**

This is a work session item. Action will take place under Agenda Item 3A.

4 AAC 04.220 is repealed and readopted:

4 AAC 04.220. Paraprofessional standards. (a) A paraprofessional will demonstrate the ability to

- (1) practice ethical and professional standards of conduct and continued professional improvement;
- (2) understand how students learn and develop and understand how to assist in providing opportunities that support students' intellectual, social and personal development;
- (3) understand the content areas and apply the elements of effective instruction to support teaching and learning activities;
- (4) motivate and assist students to build self-esteem, develop interpersonal skills, and strengthen abilities in order to become more successful;
- (5) understand the distinction between the roles and responsibilities of professionals, paraprofessionals, and support personnel in the areas of assessment, diagnosis, and evaluation;
- (6) adhere to communication protocols with colleagues, community members, and parents including following instructions, sharing information, and using interpersonal skills to become an effective member of the instructional team;
- (7) understand and implement district and state guidelines for protecting the safety, health and wellbeing of students and staff, including the school district's crisis response plan; and
- (8) utilize technology to assist and enhance teaching and learning.

(b) Each district shall ensure that all paraprofessionals employed by the district have

- (1) earned a secondary school diploma or its recognized equivalent; and

(2) met the standards set out in (a) of this section through an annual evaluation.

The annual evaluation must consist of observations and interviews by district personnel qualified to evaluate paraprofessionals.

(c) Except as provided in (d) of this section, and in addition to the requirements of (b) of this section, each district shall ensure that a paraprofessional has met at least one of the following requirements:

(1) completed at least two years, or 48 semester hours or equivalent, of study at a regionally accredited institution of higher education;

(2) obtained an associate's or higher degree at a regionally accredited institution of higher education; or

(3) achieved either

(A) a score of at least 459 on the ParaPro Assessment, published by the Educational Testing Service; or

(B) the following minimum scores on the Higher Education Learning Profile, published by Educational Resources Incorporated:

(i) essential math, 54 percent;

(ii) reading comprehension, 41 percent; and

(iii) written expression, 55 percent.

(d) A paraprofessional is not required to meet the requirements of (c) of this section if the paraprofessional

(1) acts as a translator to enhance the participation of English learners or students with disabilities children;

(2) has instructional-support duties that consist solely of conducting parental involvement activities; or

(3) has only non-instructional duties, including providing technical support for computers, providing personal care duties, or performing clerical duties.

(Eff. 6/10/2004, Register 170; am 5/18/2006, Register 178; am 2/28/2010, Register 193; am

___/___/___, Register ___)

Authority: AS 14 07.060 AS 14.50.080

4 AAC 04.900 is repealed and readopted to read:

4 AAC 04.900. Definitions. (a) In this chapter, unless the context requires otherwise,

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

(2) "paraprofessional" means a person who is not required to have a professional license or certification and who, under the supervision of a teacher or other professional educational service provider, provides instructional or other educational support to a student.

(b) For the purpose of reporting under 20 USC 6311 (Part A of the Title I of the Elementary and Secondary Education Act),

(1) "ineffective teacher" means any teacher who was on a plan of improvement under Sec 4.20.149(b)(6) or 4.20.149(e) or who was notified that their continued employment in the district was contingent on the implementation of a plan of improvement and resigned, or a tenured teacher who was receiving district support or a plan of professional growth under 4 AAC 19.010(h) and 4 AAC 19.010(j);

(2) "inexperienced principal" means a principal in the first year of practice, having no previous experience being the lead administrator of a school;

(3) "inexperienced teacher" means a teacher in the first year of practice, having no previous experience leading classroom instruction other than student teaching or similar preparation experiences;

(4) "out-of-field teacher" means a teacher teaching in a subject area in which the teacher does not hold an endorsement on a certificate issued 4 AAC 12. (Eff. 3/2/2000, Register 153; am 6/10/2004, Register 170, am __/__/____, Register ____)

Authority: AS 14.03.015 AS 14.07.060 AS 14.07.165

4 AAC 06.055(g) is amended to read:

(g) A homeless child or youth, within the meaning of 42 U.S.C. 11434a(2) (McKinney - Vento Homeless Assistance Act), revised as of **October 1, 2016** [JANUARY 8, 2002] and adopted by reference, who does not have a record of the required immunizations, may be provisionally enrolled in a public school program for a period of time not exceeding 30 days if a parent or legal guardian has signed a witnessed statement that the child has received the required immunizations and the child's immunization records are not immediately available. A district shall report each provisional enrollment under this subsection to the epidemiology section of the division of public health, Department of Health and Social Services. The division of public health, with the assistance of the district's homeless liaison, will be responsible for locating the required immunization records. If the immunization records are not located during the provisional period, or the records indicate that the child has not received the required immunizations, the child must be immunized as described in (a) and (b) of this section to continue being enrolled in the public school program. The division of public health, with the

assistance of the district's homeless liaison, will be responsible for ensuring that the child receives the required immunizations. (Eff. 1/13/73, Register 44; am 8/28/77, Register 63; am 12/30/2000, Register 156; am 3/22/2008, Register 185; am __/__/____, Register ____)

Authority: AS 14.07.020 AS 14.30.125

4 AAC 06.260(a) is repealed:

(a) Repealed __/__/____)

4 AAC 06.260(c)(1) is amended to read:

(1) Transfer the student to the parent's choice of any school [DESIGNATED AS A THREE-STAR SCHOOL OR HIGHER UNDER 4 AAC 06.835 OR AT-RISK SCHOOL OF APPROPRIATE GRADE LEVEL IN THE DISTRICT; THE DISTRICT SHALL PROVIDE THE PARENT A FULL EXPLANATION OF HOW A SCHOOL RECEIVES A DESIGNATION UNDER 4 AAC 06.835 OR AN "AT-RISK" DESIGNATION]; and (Eff. 11/23/2003, Register 168; am 10/16/2013, Register 208, am __/__/____/____)

Authority: AS 14.07.020 AS 14.33.120 AS 14.50.080
AS 14.07.060

4 AAC 06.737 is amended to read:

4 AAC 06.737. Standards-based test. The commissioner will select a standards-based test to estimate the degree to which students have mastered the state's standards for English language arts, mathematics, and science. [FOR SCHOOL YEARS 2012 - 2014, THE

STANDARDS-BASED TEST MUST TEST FOR MASTERY OF THE READING, WRITING, MATHEMATICS, AND SCIENCE STANDARDS DESCRIBED IN THE DEPARTMENT'S PUBLICATION ALASKA STANDARDS: CONTENT AND PERFORMANCE STANDARDS FOR ALASKA STUDENTS, AS REVISED AS OF MARCH 2006, AND ADOPTED BY REFERENCE FOR PURPOSES OF ADMINISTERING A STANDARDS-BASED TEST THROUGH SCHOOL YEAR 2013 - 2014.] For school years after school year 2013 - 2014, the standards-based test must test for mastery of the English language arts, mathematics, and science standards adopted by reference in 4 AAC 04.140(a). Except for students eligible for an alternate assessment under 4 AAC 06.775(b), each district shall administer the standards-based test in English language arts, and mathematics annually to every student in grades three through eight and in one or more years, as determined by the commissioner, in grades nine through twelve, and each district shall administer the standards-based test in science annually to every student in grades four, eight, and ten. **A school that does not assign students to grade levels shall assess students using the grade-level assessment that would apply if the school had standard grade levels based upon the number of years the student has been enrolled in school.** (Eff. 3/3/2000, Register 153; am 9/11/2004, Register 171; am 11/10/2005, Register 176; am 5/18/2006, Register 178; am 10/16/2012, Register 204; am 12/26/2014, Register 212; am 4/6/2016, Register 218, Register 193; am __/__/____, Register ____)

Authority: AS 14.07.020 AS 14.07.060

The introductory language of 4 AAC 06.775(b) is amended to read:

(b) The commissioner shall select an alternate assessment for use in this state, to be known as the Alaska Alternate Assessment, for assessment of students with significant cognitive disabilities who are not able to complete either regular curricular offerings or substitute courses

under 4 AAC 06.078 that would lead to a diploma. A student's eligibility for the Alaska Alternate Assessment shall be established in the student's IEP in accordance with the criteria in *the Participation Guidelines for Inclusion of Alaska Students in State Assessments, adopted by reference in (a) of this section*. Each district shall administer the Alaska Alternate Assessment to eligible students whenever it administers the state assessments described in 4 AAC 06.710.

Achievement levels for the English language arts, and science Alaska Alternate Assessment are advanced, at target, approaching target, or emerging. Students obtaining an achievement level of advanced or at target meet standards. **For the purposes of reporting and accountability in**

4 AAC 06.800 - 899, the department will include as proficient those students who score at the target or advanced achievement levels on the alternate assessment for English

language, arts, mathematics, and science. (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

___/___/___, Register ___; am ___/___/___, Register ___)

Authority: AS 14.03.075 AS 14.07.060 AS 14.07.165

AS 14.07.020

4 AAC 06.776 is amended to read:

4 AAC 06.776. Assessment of a student that is an English learner [WITH LIMITED ENGLISH PROFICIENCY]. (a) A student identified as **an English learner** [A PUPIL WITH LIMITED ENGLISH PROFICIENCY] under 4 AAC 34.055 shall participate, either with or

without an accommodation, in a test included in the statewide student assessment system under 4 AAC 06.700 - 4 AAC 06.790.

(b) A district shall appoint a team that includes, if practicable, a teacher with experience in teaching students **who are English learners** [WITH LIMITED ENGLISH PROFICIENCY] to determine the necessary accommodations for **English learners** [STUDENTS WITH LIMITED ENGLISH PROFICIENCY] under the department's *Participation Guidelines for Inclusion of Alaska Students in State Assessments*, adopted by reference in 4 AAC 06.775(a). The team shall document the accommodation decision and may not provide a modification. (Eff. 11/23/2003, Register 168; am 10/3/2011, Register 200, am __/__/____, Register __)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080
AS 14.07.020

4 AAC 06.800 is amended to read:

The purpose of the school and district accountability system is to **help schools and districts measure their performance on key indicators, identify solutions for improvement, and target resources and support for all students to receive an excellent education and be prepared for college or a career after high school.** [ENSURE THAT ALL STUDENTS MAKE GROWTH IN ACHIEVEMENT AND REACH PROFICIENCY OR HIGHER IN LANGUAGE ARTS AND MATHEMATICS.] (Eff. 11/23/2003, Register 168, am 10/16/2013, Register 208, am __/__/____, Register __)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080
AS 14.07.020

4 AAC 06.802(3) is repealed.

(3) Repealed __/__/____. (Eff. 11/23/2003, Register 168; am 6/13/2004, Register 170; am 10/24/2004, Register 172; am 1/19/2006, Register 177; am 7/25/2007, Register 183; am 8/19/2009, Register 191; am 10/16/2013, Register 208; am __/__/____, Register____)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080

AS 14.07.020

4 AAC 06.812 is repealed and readopted:

4 AAC 06.812. Alaska School Performance System. (a) Each year, the department will determine a school performance score for each school in the state that meets the minimum criteria in (e) of this section, based on a 100-point scale. The department will determine a school designation for all schools in the state as described in 4 AAC 06.840.

(b) Each indicator included in the Alaska school performance system has a maximum of 100 points. The indicator and the weighting of each indicator in the score are as follows:

(1) for a school with students in grades kindergarten through six,

(A) academic achievement in English language arts, 15 percent;

(B) academic achievement in mathematics, 15 percent;

(C) growth in English language arts, 20 percent;

(D) growth in mathematics, 20 percent;

(E) English learner progress in learning English, 15 percent;

(F) chronic absenteeism, 10 percent;

(G) grade three English language arts achievement, 5 percent;

(2) for a school with students in grades 7 and above, but not grade 12,

- (A) academic achievement, in English language arts, 10 percent;
- (B) academic achievement in mathematics, 10 percent;
- (C) growth in English language arts, 20 percent;
- (D) growth in mathematics, 20 percent;
- (E) four-year adjusted cohort graduation rate, 15 percent;
- (F) five-year adjusted cohort graduation rate, 5 percent;
- (G) English learner progress in learning English, 10 percent;
- (H) chronic absenteeism, 10 percent;

(3) for a school with students in grades 7 through 12,

- (A) academic achievement, in English language arts, 30 percent;
- (B) academic achievement in mathematics, 30 percent;
- (E) four-year adjusted cohort graduation rate, 15 percent;
- (F) five-year adjusted cohort graduation rate, 5 percent;
- (G) English learner progress in learning English, 10 percent;
- (F) chronic absenteeism, 10 percent;

(c) Under the Alaska school performance system, a school's score on each indicator is calculated as described in 4 AAC 06.821-826.

(d) The minimum number of students (“minimum n ”) that must be included in order for an indicator to be included in a school's score in the Alaska School Performance System is ten. If an indicator cannot be included due to not meeting the minimum n , the weighting assigned to the indicators that are not included in the calculation of the score will be redistributed proportionally among the indicators with enough students to meet the minimum n . For schools in which the

minimum n is not met in the current school year in one or more indicators, the department will aggregate up to three years of available data in order to reach the minimum n .

(e) The department will determine a score for each school that has earned points in at least two indicators, one of which must be:

(1) academic achievement in English language arts or mathematics;

(2) growth in English language arts or mathematics;

(3) four-year or five-year graduation rate; or

(4) English learner progress in learning English. (Eff. 11/1/2007, Register 184; am 10/16/2013, Register 208; am 11/13/2014, Register 212; am 3/6/2015, Register 213; am ___/___/___, Register ___)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080
AS 14.07.020 AS 14.07.170

4 AAC 06.815 is repealed and readopted:

4 AAC 06.815. Long-Term Goals and Measures of Interim Progress. (a) The department shall establish long-term goals for improvement in academic achievement, as measured by proficiency on the annual statewide English language arts and mathematics assessments under 4 AAC 06.737 and 4 AAC 06.775(b), for the all-students group and for each subgroup of students under 4 AAC 06.820. The department shall establish measurements of interim progress toward meeting the long-term goals for academic achievement. The long-term goals and measures of interim progress are set for the all-students group and for each subgroup defined in 4 AAC 06.830 that includes at least ten students for

(1) each school in the district;

(2) the district as a whole; and

(3) the state as a whole.

(b) The long-term academic achievement goals are set to reduce by half the percentage of non-proficient students on the statewide assessments in English language arts and mathematics by the 2026 - 2027 school year, using the assessment results from the 2016 - 2017 school year as the baseline year. The measures of interim progress are established as uniform annual increases in the percentage of students who score at the proficient or advanced achievement level for the all-students group and all subgroups based on their respective starting points on the spring 2017 administration of the assessments. The department will calculate the percentage of students enrolled for a full academic year who scored at the proficient or advanced achievement level on the state English language arts and mathematics standards-based assessments as compared to the total number of students tested who were enrolled for a full academic year. A district or school meets the measure of interim progress or the long-term goal for the all-students group or a subgroup if it meets the target set for the district or school. However, a district or school meets the measure of interim progress for

(1) the district or school if it meets the measure of interim progress or long-term goal calculated for the all-students group for the state as a whole; and

(2) a subgroup at the district or school if it meets the measure of interim progress or long-term goal for the subgroup for the state as a whole.

In order to meet the long-term goal or measure of interim progress, a school, a district, or the state must meet a 95 percent assessment participation rate under 4 AAC 06.820(a) in the all-students group and each subgroup.

(c) The department shall establish long-term goals for the four-year and five-year graduation rates, for the all-students group and for each subgroup of students under 4 AAC 06.830. The department shall establish measurements of interim progress toward meeting the long-term goals for graduation rates. The long-term goals and measures of interim progress are set for the all-students group and for each subgroup that includes at least ten students in the adjusted graduation cohort for

(A) each school in the district;

(B) the district as a whole; and

(C) the state as a whole.

(1) The long-term four-year graduation rate goal is 90 percent, and the five-year graduation rate goal is 93 percent by the 2026 - 2027 school year, using graduation rates from the 2016 - 2017 school year as the baseline year. The measures of interim progress are established as uniform annual increases in the graduation rates for the all students group and all subgroups based on their respective starting points on the 2017 graduation rates. The graduation rates are calculated as described in 4 AAC 06.825.

(2) A district or school meets the measure of interim progress or the long-term goal for the all-students group or a subgroup if it meets the target set for the district or school. However, a district or school meets the measure of interim progress for

(A) the district or school if it meets the measure of interim progress or long-term goal calculated for the all-students group for the state as a whole; and

(B) a subgroup at the district or school if it meets the measure of interim progress or long-term goal for the subgroup for the state as a whole

(d) The department shall establish long-term goals for the percentage of English learners making progress in achieving English language proficiency, as defined and calculated in 4 AAC 06.823. The department shall establish measurements of interim progress toward meeting the long-term goals for English learner progress. The long-term goals and measures of interim progress are set for the English learner subgroup at the state level, and apply to the English learner subgroup in each school and district that includes at least ten students. The long-term goal for English learner progress is 70 percent by the 2026 - 2027 school year, using the percentage of English learners defined as making progress in the 2016 - 2017 school year as the baseline year. The measures of interim progress are established as uniform annual increases of 2.8 percent in the percentage of English learners making progress.

(e) Not later than September 1, the department will produce a report for the state and each district and school showing the performance for academic achievement, graduation rate, and English learner progress as compared to the long-term goals and measures of interim progress and an indication of whether the targets have been met. (Eff. 11/23/2003, Register 168; am 7/9/2005, Register 175; am 9/4/2005, Register 175; am 9/7/2012, Register 203; am 10/19/2013, Register 208; am 11/13/2014, Register 212; am 10/9/2015, Register 216; am 4/6/2016, Register 218; am __/__/____, Register____)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080

AS 14.07.020

4 AAC 06.820 is amended to read:

4 AAC 06.820. Participation. (a) The participation rate on the state standards-based assessments described in 4 AAC 06.737 is computed by dividing the number of students that took **an** [AT LEAST ONE] assessment **in each subject** by the number of students enrolled in

tested grades on the first day of testing. Each school and district in the state shall ensure that **all** [AT LEAST 95 PERCENT OF THE] students enrolled in tested grades **are given the opportunity to and are expected to** participate in the state assessments, **and shall have a target of 95 percent participation in assessments.** [HOWEVER, IF A SCHOOL HAS 40 OR FEWER STUDENTS, OR A SUBGROUP HAS AT LEAST FIVE BUT NOT MORE THAN 40 STUDENTS, THE REQUIREMENTS FOR PARTICIPATION ARE SATISFIED IF NOT MORE THAN TWO STUDENTS FROM THAT SCHOOL OR SUBGROUP DO NOT PARTICIPATE IN A STATE ASSESSMENT.] For purposes of this section, a student participates in a state assessment if the student receives a valid test score on [ONE OF] the [REQUIRED STATE] assessment.

(b) A school or district may not systematically exclude students from assessment.

(c) Students who are eligible to take the alternate assessment under 4 AAC 06.775(b) will be included in calculating the participation rate under (a) of this section, even if more than one percent of the students in a district [OR THE STATE PUBLIC SCHOOL SYSTEM] take the alternate assessment, if the students are

(1) in a grade in which the alternate assessment is offered; and

(2) enrolled on the first day of testing.

(d) For purposes of measures of school and district accountability under 4 AAC 06.800 - 4 AAC 06.899, including measurements of participation and graduation rates, attainment of **a long-term goal or measure of interim progress** [AN ANNUAL MEASURABLE OBJECTIVE], and inclusion in the Alaska school performance **system** [INDEX], the score of a student who participates in a state assessment and is enrolled at more than one school at a time will be included in the performance of the school at which the student is counted under 4 AAC

09.040 as more than 0.5 full-time equivalent. If the student cannot be counted under 4 AAC 09.040 as more than 0.5 full-time equivalent at any of those schools, the student's state assessment score and participation will be included in the performance of the school at which the student receives instruction in English language arts.

(e) A district shall report to the state the enrollment of all students as of the first day of the administration of the state standards-based assessments under 4 AAC 06.737. The report must be on a form prepared by the department, and must include the student's student identification number, school, grade, and subgroup membership. The report shall be filed not later than 21 days following the first day of administration of the assessments. If, after reviewing the report, the department determines that a school or district has underreported the number of economically disadvantaged students in a school or district, the department will use data from other sources, including confidential public assistance data, to estimate the actual number of students in that subgroup.

(f) Notwithstanding any provision in this chapter, if a district enrolls a student who qualifies as **an English learner** [A LIMITED ENGLISH PROFICIENT PUPIL] under 4 AAC 34.090(2), and who first enrolls in a school in **one of the 50 states in the** United States **or the District of Columbia** after the previous school year administration of the state standards-based assessments under 4 AAC 06.737, the district may

(1) excuse the student from participation in **one administration of** the state **assessment** [ASSESSMENTS] in English language arts; and

(2) elect not to include the student's score in any state assessment as part of measures of school and district accountability under 4 AAC 06.800 - 4 AAC 06.899, including measurements of participation [AND GRADUATION RATES], attainment of **a long-term goal**

or measure of interim progress [AN ANNUAL MEASURABLE OBJECTIVE], and inclusion in the Alaska school performance **system** [INDEX].

(g) Notwithstanding any provision in this chapter, a district may, on a case-by-case basis, exempt an individual student from a state standards-based assessment described in 4 AAC 06.737 if an unexpected severe medical condition prevents the student from participating in the administration of the assessment. The student will not be included as part of measures of school and district accountability under 4 AAC 06.800 - 4 AAC 06.899, including measurements of participation [AND GRADUATION RATES], attainment of **a long-term goal or measure of interim progress** [AN ANNUAL MEASURABLE OBJECTIVE], and inclusion in the Alaska school performance **system** [INDEX]. The district shall retain documentation regarding the exemption, including medical records of the condition, with the student's permanent record and provide it to the department upon request.

(h) Repealed 10/9/2015.

(i) Except as provided in (f) and (g) of this section, a student who is counted as more than one-quarter full-time equivalent under 4 AAC 09.040 must be included in the standards-based test described in 4 AAC 06.737 **or 4 AAC 06.775(b)**. A student who is counted as one-quarter full-time equivalent under 4 AAC 09.040 must only be included in the English[/] language arts, mathematics, or science content-area assessment of the standards-based test under 4 AAC 06.737 if the student receives instruction in a corresponding subject and grade level.

(j) Schools that miss the 95 percent participation rate target for the all-students group or any subgroup defined in 4 AAC 06.830 in English language arts, mathematics, or both for two consecutive years must create and submit an improvement plan to the district. The district must review and approve the plans for each school. The plan must be created

with stakeholders and must include documentation of the communication and other efforts the school made to inform parents of the importance of participating in the statewide assessments, while recognizing parents' rights under State law regarding their child's participation in those assessments. The plan must also document training that teachers have received in the importance of the assessments and how to communicate with parents and students regarding the assessments. The plan must document efforts made to encourage participation by all students in all subgroups, and that no students have been systematically excluded from testing. The plan must include steps the school will take to increase the participation rate in future years. The plan must include the strategies and samples of the materials that will be used by the school and district to educate parents about the importance of assessments and their role in student learning. (Eff. 11/23/2003,

Register 168; am 10/24/2004, Register 172; am 10/16/2013, Register 208; am 10/9/2015, Register 216; am 4/6/2016, Register 218; am __/__/____, Register__)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080

AS 14.07.020

4 AAC 06 is amended by adding a new section to read:

4 AAC 06.821 Academic achievement indicator. (a) The points earned for a school's academic achievement indicator are based on the percent of all students tested on the English language assessment and on the percent of all students tested on the mathematics assessment described in 4 AAC 06.737 or 4 AAC 06.775(b) who score at the proficient or advanced achievement level, calculated separately. If the school meets or exceeds a 95 percent assessment participation rate under 4 AAC 06.820(a), the denominator will be all full academic year students with a valid score; if a school does not meet a 95 percent assessment participation rate, the

denominator will be 95 percent of all full academic year students in tested grades three through eight and at least once in grades nine through twelve as described in 4 AAC 06.737.

(b) The points earned for a school's academic achievement indicator are calculated as follows:

(1) if the percentage of students scoring at the proficient or advanced achievement level is greater than 20 percent but less than 80 percent, the points earned will be the percentage of students scoring at the proficient level or higher;

(2) if the percentage of students scoring at the proficient or advanced achievement level is less than or equal to 20 percent, the points earned are zero; and

(3) if the percentage of students scoring at the proficient or advanced achievement level is greater than or equal to 80 percent, the points earned are 100.

(c) For schools with students in grades K-6 and grades 7 and above but not grade 12, the academic achievement indicator consists of the points earned as calculated in subsection (b). For schools with students in grades 7 - 12, the academic indicator will include the points earned in subsection (b) and the points earned for the student growth as calculated under 4 AAC 06.822(b)(2). The total points for the academic indicator will be determined by adding one-third of the points earned under subsection (b) and two-thirds of the points earned under 4 AAC 06.822(b)(2). (Eff. __/__/____, Register__)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080
AS 14.07.020

4 AAC 06 is amended by adding a new section to read:

4 AAC 06.822. Student growth indicator. (a) The points earned for a school's student growth indicator are based on the percentage of students who made adequate growth from the previous year based on the students' scores on the English language arts or mathematics test under 4 AAC 06.737. The department will determine whether each student has made adequate growth as follows:

(1) 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 will be divided into sub-levels of advanced high, advanced low, proficient high, proficient low, below proficient high, below proficient low, far below proficient high, and far below proficient low as set out in the following table:

English Language

Arts

Achievement Level	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9
A High	558-600	554-600	564-600	567-600	562-600	557-600	551-600
A Low	542-557	538-553	548-563	551-566	546-561	541-556	535-550
P High	521-541	519-537	524-547	526-550	523-545	521-540	518-534
P Low	500-520	500-518	500-523	500-525	500-522	500-520	500-517
BP High	482-499	484-499	482-499	487-499	486-499	485-499	486-499

BP Low	464-481	468-483	464-481	473-486	471-485	469-484	471-485
FBP High	448-463	452-467	448-463	457-472	455-470	453-468	455-470
FBP Low	400-447	400-451	400-447	400-456	400-454	400-452	400-454

MATH

Achievement Level	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9
A High	570-600	575-600	584-600	570-600	575-600	578-600	586-600
A Low	554-569	559-574	568-583	554-569	559-574	562-577	570-585
P High	527-553	530-558	534-567	527-553	530-558	531-561	535-569
P Low	500-526	500-529	500-533	500-526	500-529	500-530	500-534
BP High	479-499	480-499	481-499	477-499	476-499	474-499	475-499
BP Low	458-478	460-479	462-480	454-476	451-475	448-473	450-474
FBP High	442-457	444-459	446-461	438-453	435-450	432-447	434-449
FBP Low	400-441	400-443	400-445	400-437	400-434	400-431	400-433

The department will assign the appropriate achievement sub-level to each student based on the student's scale score.

(2) A student will be eligible to be counted in the student growth indicator if

(A) the student received a valid test score in the previous year and current year,

(B) the student had natural grade progression from the previous year, and

(C) the student was enrolled for the full academic year in the current year.

(3) (A) A student who scored at the proficient or advanced level in the previous year will be considered to have made adequate growth by retaining or improving the student's achievement level in the current year.

(B) A student who scored at the below proficient or far below proficient in the previous year will be considered to have made adequate growth by improving the achievement sub-level from the previous year.

(b) The department will determine the points for a school's growth indicator as follows:

(1) The growth indicator for school accountability will be calculated by dividing the number of eligible students making adequate growth by the number of students eligible to be counted.

(2) The points earned for a school's growth indicator will be calculated as follows:

(A) if the percentage of students making adequate growth is greater than 20 percent but less than 80 percent, the points earned will be the percentage of students making adequate growth;

(B) if the percentage of students making adequate growth is less than or equal to 20 percent, the points earned are zero; and (B) if the percentage of students making adequate growth is greater than or equal to 80 percent, the points earned are 100. (Eff. __/__/____, Register__)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080
AS 14.07.020

4 AAC 06 is amended by adding a new section to read:

4 AAC 06.823. English learner progress indicator. (a) The points earned for a school's English learner progress indicator are based on the percentage of English learners who met the definition of making progress in learning English from the previous year based on the students' scores on the English language proficiency assessment under 4 AAC 34.055.

(b) The department will determine whether each student has made progress as follows:

(1) The maximum number of years that a student is expected to remain identified as an English learner after the initial year of identification is dependent on the overall score on the English language proficiency assessment in the initial year of identification. For an overall score of 1.0 - 1.9, the expected number of years remaining is seven; for an overall score of 2.0 - 2.9, the expected number of years is six; for an overall score of 3.0 - 3.9, the expected number of years is five; and for an overall score of 4.0 - 4.4, the expected number of years is four. The expected number of years remaining is a maximum for the purpose of determining if an English learner is making progress in learning English. If the English learner does not meet the exit criteria under 4 AAC 34.055(d) within the maximum expected number of years, the student will remain identified as an English learner, but will no longer be able to be considered as making progress.

(2) An English learner's expected amount of progress in learning English each year will be determined by dividing the difference between 4.5 and the student's previous year's overall composite proficiency level score on the English language proficiency assessment by the

expected number of years remaining. The English learner's target for the current year is the overall score on the previous year plus the expected amount of progress. If the student's score on the current year English language proficiency assessment is at or above the target, or if the student meets the exit criteria under 4 AAC 34.055(d), the student will be counted as making progress in learning English.

(c) An English learner in grades one through twelve will be included in the calculation for making progress if all the following criteria are met:

(A) the student received a valid overall composite proficiency level score in a previous year used to determine the number of years needed to achieve an overall composite proficiency level of 4.5;

(B) the student had natural grade progression from the previous year; and

(C) the student was enrolled for the full academic year in the current year.

(d) The department will determine the points for a school's English learner progress indicator as follows:

(1) The English learner progress indicator for school accountability will be calculated by dividing the number of full academic year English learners in grades one through twelve who met the definition of making progress by the number of full academic year English learners with progress targets.

(2) The points earned for a school's English learner progress indicator will be calculated as follows:

(A) if the percentage of students making progress is greater than 20 percent but less than 80 percent, the points earned will be the percentage of students making progress;

(B) if the percentage of students making progress is less than or equal to 20 percent, the points earned are zero; and

(C) if the percentage of students making progress is greater than or equal to 80 percent, the points earned are 100. (Eff. __/__/____, Register__)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080
AS 14.07.020

4 AAC 06.825 is repealed and readopted to read:

4 AAC 06.825. Graduation rates indicator. (a) All schools serving students in grade 12 will earn points for the graduation rate indicator. Schools will earn between zero and 100 points equal to the four-year graduation rate for the all-students group, and between zero and 100 points equal to the five-year graduation rate for the all-students group as defined below. There must be at least ten students in the adjusted graduation rate cohort in order to include the graduation rate indicator in the school's performance score.

(b) For purposes of this section and 4 AAC 06.895(i),

(1) "five-year graduation rate" means a fraction, the denominator of which is an adjusted graduation cohort consisting of the sum of the number of students who first enrolled in the ninth grade of high school five years earlier, adjusting for transfers in and out, emigres, and deceased students, and the numerator of which is the number of students in the school who graduate

(A) on or before June 30 of the reporting year;

(B) with a regular high school diploma; and

(C) within five years of first enrolling in a high school;

(2) "four-year graduation rate" means a fraction, the denominator of which is an adjusted graduation cohort consisting of the sum of the number of students who first enrolled in the ninth grade of high school four years earlier, adjusting for transfers in and out, emigres, and deceased students, and the numerator of which is the number of students in the high school who graduate from the high school

(A) before June 30 of the reporting year;

(B) with a regular high school diploma; and

(C) within four years of first enrolling in a high school ;

(3) "graduation rate" means the

(A) four-year graduation rate; or

(B) five-year graduation rate.

4 AAC 06 is amended by adding a new section:

4 AAC 06.826 Indicators of school quality or student success. (a) Chronic absenteeism will be included as an indicator of school quality or student success for all schools in which student attendance can be measured. Attendance cannot be measured in correspondence schools or facilities in which students are incarcerated. Schools will earn points from zero to 100 by calculating the percent of students who were not chronically absent. The department will determine the points for a school's chronic absenteeism as follows:

(1) A student is considered chronically absent if the student missed at least 10 percent of the days in which the student was enrolled in the school.

(2) The denominator for chronic absenteeism will be the number of students who were enrolled at the same school for at least half of the school term.

(3) The numerator will include the number of students enrolled at the same school for at least half of the school term who were not chronically absent. School term is defined in AS 14.03.030.

(b) Grade three English language arts proficiency will be included as an indicator of school quality or student success for all schools serving students in grade three. Schools will earn between zero and 100 points for the percentage of students in the all-students group scoring at the proficient or advanced achievement levels on the statewide assessment in English language arts under 4 AAC 06.737 or 4 AAC 06.775(b). If the school meets or exceeds a 95 percent assessment participation rate under 4 AAC 06.820(a), the denominator will be all full academic year students in grade three with a valid score; if a school does not meet a 95 percent assessment participation rate, the denominator will be 95 percent of all full academic year students in grade three. The points earned for school's grade three English language arts proficiency indicator are calculated as follows:

(1) if the percentage of students scoring at the proficient or advanced achievement level is greater than 20 percent but less than 80 percent, the points earned are the percentage of students scoring at the proficient or advanced achievement level or higher;

(2) if the percentage of students scoring at the proficient or advanced achievement level is less than or equal to 20 percent, the points earned are zero; and

(3) if the percentage of students scoring at the proficient or advanced achievement level is greater than or equal to 80 percent, the points earned are 100. (Eff. __/__/____, Register__)

Authority: AS 14.03.123 AS 14.07.020 AS 14.07.060

4 AAC 06.830 is amended to read:

(a) For purposes of school and district accountability under 4 AAC 06.800 - 4 AAC 06.899, including reporting requirements and the determination of a school's or district's **long- term goals and measures of interim progress** [ANNUAL MEASURABLE OBJECTIVES], as required in 4 AAC 06.815, the results of **performance on all indicators in the Alaska school performance system** [STATE ASSESSMENTS] will be reported for the **all- student group and for the** following subgroups of students:

(1) **English learners** [STUDENTS WITH LIMITED ENGLISH PROFICIENCY];

(2) students with disabilities;

(3) economically disadvantaged students;

(4) African-Americans;

(5) Alaska Natives and American Indians;

(6) students of two or more races;

(7) Asians or Pacific Islanders;

(8) Hispanics;

(9) Whites.

(b) Assessment results for a subgroup with fewer than five students will not be reported [OR CONSIDERED IN DETERMINING WHETHER A SCHOOL OR DISTRICT HAS MET ANY TARGETS OR OBJECTIVES].

(c) For purposes of school and district accountability under 4 AAC 06.815 **and the Alaska school performance system under 4 AAC 06.812**, assessment results for a student who has been identified as a student with a disability [OR AS A STUDENT WITH LIMITED

ENGLISH PROFICIENCY] will continue to be reported in the appropriate subgroup for two years after the student is no longer identified as a student with a disability [OR AS A STUDENT WITH LIMITED ENGLISH PROFICIENCY]. **For purposes of school and district accountability under 4 AAC 06.815, and the Alaska school performance system under 4 AAC 06.812, assessment results for a student who has been identified as an English learner will continue to be reported in the appropriate subgroup for four years after the student is no longer identified as an English learner.** (Eff. 11/23/2003, Register 168; am 9/11/2004, Register 171; am 1/19/2006, Register 177; am 10/22/2006, Register 180; am 8/1/2008, Register 187; am 10/3/2011, Register 200; am 10/16/2013, Register 208; am __/__/____, Register ____)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080
AS 14.07.020

4 AAC 06.835 is repealed:

4 AAC 06.835. Star ratings. Repealed. (Eff. 11/23/2003, Register 168; am 7/9/2005, Register 175; am 9/4/2005, Register 175; am 8/20/2010, Register 195; am 10/16/2013, Register 208; am 11/13/2014, Register 212; repealed __/__/____, Register ____)

4 AAC 06.840 is repealed and readopted to read:

4 AAC 06.840. Designations of Schools. (a) The department will annually designate schools for comprehensive support and improvement if:

(1) beginning in the fall of 2018, based on data from 2017 - 2018, the schools that are receiving funding under 20 U.S.C. 6301 - 6339 (Part A of Title I of the Elementary and

Secondary Education Act) that, when ranked according to the Alaska school performance system scores, represent the lowest five percent of the scores.

(2) beginning in the fall of 2018, based on data from 2017 - 2018, any high school that serves grade twelve that has a four-year graduation rate of less than or equal to 66 $\frac{2}{3}$ percent, with a minimum of at least ten students in the graduation rate adjusted cohort.

(3) beginning in fall of 2021, any schools that have been designated for targeted support and improvement for the same consistently underperforming subgroup for the previous three consecutive years.

(b) In identifying schools for comprehensive support and improvement, the department will ensure that the number of schools that are receiving funding under 20 U.S.C. 6301 - 6339 (Part A of Title I of the Elementary and Secondary Education Act) is at least five percent of all schools in the state receiving funding under 20 U.S.C. 6301 - 6339. Schools designated for comprehensive support and improvement will maintain the designation until the school meets one of the following criteria:

(1) A school designated for comprehensive support and improvement based on the lowest five percent of the Alaska school performance system scores keeps that designation for three years. After three years, the school will be exited from the designation of comprehensive support and improvement if the school no longer meets the lowest five percent criteria for designation and if the school's Alaska school performance system score has improved since the comprehensive support and improvement designation. A school may also be exited from the designation of comprehensive support and improvement if it meets the school's long-term goal or measures of interim progress for the all students' group in academic achievement in

English language arts and mathematics, in the four-year graduation rate, and in English learner progress were applicable.

(2) A school designated for comprehensive support and improvement based on a four-year graduation rate of less than or equal to 66 $\frac{2}{3}$ percent will be exited from the designation of comprehensive support and improvement when the school's graduation rate exceeds 66 $\frac{2}{3}$ percent.

(3) A school designated for comprehensive support and improvement based on the same consistently underperforming subgroup will be exited from the designation of comprehensive support and improvement when the calculation of the Alaska school performance system scores for all subgroups in the school indicate that the subgroup for which the school was identified is no longer consistently underperforming and the subgroup's Alaska school performance system score has improved since the designation for comprehensive support and improvement.

(c) The department will designate schools annually for targeted support and improvement that have not been designated for comprehensive support and improvement that have one or more consistently underperforming subgroups. A subgroup will be determined to be consistently underperforming if the calculation of an Alaska school performance system score for that subgroup in a school is equal to or less than the highest Alaska school performance system score of the schools designated for comprehensive support and improvement based on the lowest performing five percent. Schools will be first designated for targeted support and improvement in the fall of 2018, and will be designated annually thereafter. A school designated for targeted support and improvement will be exited from the designation of target support and improvement

when the calculation of the Alaska school performance system scores for all subgroups in the school indicate that the school has no consistently underperforming subgroups.

(d) The department will designate schools for universal support and improvement annually if the school received an Alaska school performance system score and the school was not designated for comprehensive support and improvement or targeted support and improvement.

(e) For schools that enroll only students in grades kindergarten, one or two, the department will report the Alaska school performance system score and designation of the school that enrolls students in grade three that receives the students from such school.

(f) The department will designate schools that do not receive a designation through the processes described in (b) through (e) in this section with a small schools designation. A small schools designation will include one of the following:

(A) small school comprehensive support and improvement;

(B) small school targeted support and improvement; or

(C) small school universal support.

(g) In order to protect student information in determining designations for schools described in (f) of this section, the department will conduct a small school performance review.

The performance review will consider

(1) the achievement of the school's students on the state standards-based assessments described in 4 AAC 06.737, including the distribution of the students' scores among the achievement levels and whether or not the school is meeting the long-term goals or measurements of interim progress under 4 AAC 06.815 and participation rate under 4 AAC 06.820 in the assessments;

- (2) the growth of the school's students as described in 4 AAC 06.822;
- (3) the school's graduation rate as described in 4 AAC 06.825;
- (4) the progress of the school's English learners, as described in 4 AAC 06.823;
- (5) the performance of the school's students on the applicable school quality and student success indicators as described in 4 AAC 06.826;
- (6) whether the school serves a unique population of students; and
- (7) other information and data received during a desk audit, including the consultation with the superintendent of the district, that affects the extent to which the school and district have already implemented effective evidence-based instructional strategies at the school.

(h) A school that receives a designation for small school comprehensive support and improvement or targeted support and improvement will complete a comprehensive support and improvement plan under 4 AAC 06.864 or 4 AAC 06.868 that addresses the indicators applicable to the context of the school. The department will conduct a small school performance review annually. A school designated for small school comprehensive support and improvement or for small school targeted support and improvement will exit the designation immediately after the small school performance review indicates that the school no longer requires the designation.

(Eff. 11/23/2003, Register 168; am 9/1/2006, Register 179; am 7/25/2007, Register 183; am 10/16/2012, Register 204; am 10/16/2013, Register 208; am __/__/____, Register __)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080

AS 14.07.020

4 AAC 06.845 is repealed and readopted to read:

4 AAC 06.845. School Improvement Plan. (a) Not later than 60 days after receiving notice of designation for comprehensive support and improvement under 4 AAC 06.840(a) or

targeted support and improvement under 4 AAC 06.840(b), a district or school shall prepare a school improvement plan as required under 4 AAC 06.864 or 4 AAC 06.868 as applicable. The district or school shall review, revise, and update the applicable school improvement plan at least annually, and submit it to the department or district as applicable.

(b) Unless the department approves an alternative improvement planning process under (c) of this section, a school or district shall prepare the school improvement plan required under (a) of this section for a school designated for comprehensive support and improvement or targeted support and improvement through the use of a computerized self-assessment and improvement program selected by the department that addresses each of the following domains of successful schools:

- (1) curriculum;
- (2) assessment policy and practice;
- (3) instruction;
- (4) school learning environment;
- (5) professional development policy and practices;
- (6) leadership.

(c) The department may approve an alternative school improvement planning process under (b) of this section only if

- (1) the school demonstrates that it is implementing an effective school improvement plan through the accreditation process under 4 AAC 04.300; or
- (2) the district in which the school is located can establish by a preponderance of the evidence that the school has an alternative school improvement planning process that will address as or more effectively than the program selected by the department

(A) each of the domains listed in (b) of this section; and

(B) each specific deficiency at the school identified by an audit or other process. (Eff. 11/23/2003, Register 168; am 11/1/2007, Register 184; am 10/16/2013, Register 208; am 11/13/2014, Register 212 am __/__/____, Register ___)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080
AS 14.07.020

4 AAC 06.850 is repealed and readopted to read:

4 AAC 06.850. District improvement Plan. (a) A district shall prepare and submit to the department a district improvement plan, or the department may prepare a district improvement plan for the district, if a district has been designated as tier II or tier III under 4 AAC 06.872(a). The district improvement plan must be submitted to the department not later than November 15 of each school year. The improvement plan must be submitted in a format or computerized platform as required by the department, unless the department approves an alternative format or platform.

(b) The district improvement plan must address how the district will ensure improvement in schools in the district designated for comprehensive support and improvement under 4 AAC 06.840(a) or targeted support and improvement under 4 AAC 06.840(b). The plan must address:

(1) technical assistance to be provided to each school, based on the unique needs of each such school;

(2) how the district will review and approve evidence-based interventions for implementation at each such school;

(3) how the district will identify and rectify any resource inequities in state, local, or federal funding at each such school;

(4) how the district will support collaboration with stakeholders (including principals and other school leaders, teachers, secondary students, parents and community members, and tribal representatives) at each such school;

(5) how the district will support each such school in addressing each of the domains of successful schools:

(A) curriculum;

(B) assessment policy and practice;

(C) instruction;

(D) school learning environment;

(E) professional development policy and practices;

(F) leadership; and

(6) how the district will work with the department to identify and obtain needed technical assistance and support.

(c) Upon approval by the department, the district will implement the plan. Each district improvement plan will be monitored and periodically reviewed by the department. If the schools in the district designated for comprehensive support and improvement under 4 AAC 06.840(a) or targeted support and improvement under 4 AAC 06.840(b) are not showing improvement, the department may require revisions to the district improvement plan under 4 AAC 06.872. (Eff. 11/23/2003, Register 168; am 9/12/2008, Register 187; readopt 10/25/2008, Register 188; am 8/20/2012, Register 203; am 10/16/2013, Register 208; am __/__/____, Register ____)

Authority: AS14.03.123 AS 14.07.030 AS 14.50.080

4 AAC 06.852 is repealed:

4 AAC 06.852. Technical Assistance. Repealed. (Eff. 11/23/2003, Register 168; am 10/16/2013, Register 208; repealed __/__/____, Register ____)

4 AAC 06.864 is repealed and readopted to read:

4 AAC 06.864. Schools designated for comprehensive support and improvement. (a)

The department must notify each district in the state that serves one or more schools designated for comprehensive support and improvement under 4 AAC 06.840(a) of such designation as described in 4 AAC 06.888.

(b) Upon receiving notice from the department, the district shall, for each school designated for comprehensive support and improvement, and in partnership with stakeholders (including principals and other school leaders, secondary students, teachers, parents and community members, tribal representatives, and at least one member selected by the department), locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes, that

(1) is informed by all indicators described in 4 AAC 06.812-06.826, including student performance against long-term goals;

(2) includes evidence-based interventions;

(3) is based on a school-level needs assessment;

(4) identifies any resource inequities, which may include a review of district and school level budgeting, to be addressed through implementation of such comprehensive support and improvement plan;

(5) is approved by the school, district, and the department; and

(6) upon approval and implementation, is monitored and periodically reviewed by the department.

(c) The evidence-based interventions shall address each of the following domains of successful schools:

- (1) curriculum;
- (2) assessment policy and practice;
- (3) instruction;
- (4) school learning environment;
- (5) professional development policy and practices;
- (6) leadership.

If a school designated for comprehensive support and improvement was previously designated as a priority school, or if the school does not show improvement at the end of the first year of designation, the department may require the school to implement interventions such as

(1) adoption and implementation of reading and mathematics programs that are aligned to the state content standards adopted under 4 AAC 04.140 and specified blocks of time for instruction;

(2) processes in place to facilitate teaching staff having collaborative discussions of individual student progress at least weekly;

(3) regular use of assessments approved by the department that provide feedback for adjustment of ongoing teaching and learning in order to improve achievement of intended instructional outcomes;

(4) establishing a school environment that improves school safety and discipline, and addresses students' social, emotional, and health needs, including implementation of a school-wide behavior plan; and

(5) school-level instructional management that provides professional development and technical assistance to staff, addresses instruction in the state content standards, and ensures that teachers are effective.

(d) With respect to any high school designated for comprehensive support for a low graduation rate under 4 AAC 06.840(a)(1)(B) that predominantly serves students

(1) returning to education after having exited secondary school without a regular high school diploma; or

(2) who, based on their grade or age, are significantly off track to accumulate sufficient academic credits to meet high school graduation requirements; the district may develop and implement a comprehensive support and improvement plan for the school that is informed by the graduation rate indicator and includes differentiated improvement activities that utilize evidence-based interventions related to the needs of the students served by the school.

(e) With respect to any high school designated for comprehensive support for a low graduation rate under 4 AAC 06.840(a)(1)(B) that has a total enrollment of less than 100 students, the department may permit the district to forgo implementation of improvement activities required under this section.

(f) A district may, but is not required to, choose to provide all students enrolled in a school identified for comprehensive support and improvement under 4 AAC 06.840 with the option to transfer to another public school served by the district. In providing students the option to transfer to another public school, the district shall give priority to the lowest-achieving

children from low-income families, as determined by district for the purposes of allocating funds to schools under Title I, Part A. A student who uses the option to transfer to another public school shall be enrolled in classes and other activities in the public school to which the student transfers in the same manner as all other students at the public school. A district shall permit a student who transfers to another public school under this paragraph to remain in that school until the student has completed the highest grade in that school. A district may spend an amount equal to not more than 5 percent of its allocation under Title I, Part A to pay for the provision of transportation for students who transfer under this paragraph to the public schools to which the students transfer if the school is within 50 miles of the student's home and is connected by road.

(g) The department and district will assess the progress of each school designated for comprehensive support and improvement during each year of designation. Upon failure to exit comprehensive support and improvement status after three years, the department will initiate differentiated interventions based on need leading to increased levels of department oversight as described in 4 AAC 06.872. (Eff. 10/16/2013, Register 208; repealed __/__/____, Register ____)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080

AS 14.07.020

4 AAC 06.868 is repealed and readopted to read:

4 AAC 06.868. Schools designated for targeted support and improvement. (a) The department must notify each district in the state that serves one or more schools designated for targeted support and improvement under 4 AAC 06.840 as described in 4 AAC 06.888. Upon receiving notice from the department, the district shall notify each school that is designated for

targeted support and improvement with respect to which subgroup or subgroups of students in such school are consistently underperforming as described in 4 AAC 06.840(b).

(b) The district in which each school designated for targeted support and improvement is located shall ensure that each school, in partnership with stakeholders (including principals and other school leaders, teachers, secondary students, parents and community members, and tribal representatives), locally develop and implement a targeted support and improvement plan for the school to improve student outcomes for each subgroup of students that was the subject of the designation, that

(1) is informed by all indicators described in 4 AAC 06.812 - 06.826, including student performance against long-term goals;

(2) includes evidence-based interventions;

(3) is based on a school-level needs assessment;

(4) identifies any resource inequities, which may include a review of district and school level budgeting, to be addressed through implementation of such targeted support and improvement plan;

(5) is approved by the district prior to implementation of the plan; and

(6) upon approval and implementation, is monitored and periodically reviewed by the district.

(c) Each school year, not later than October 1 and after consultation with and approval of the department, a district shall increase the level of intervention in the school designated for targeted support and improvement if the annual review of the performance of the students in the subgroup on the indicators described in 4 AAC 06.812 - 06.826, including student performance against long-term goals, shows that the subgroups for which the designation of targeted support

and improvement were based have not made significant progress. (Eff. 10/16/2013, Register 208; am 11/13/2014, Register 212; am __/__/____)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080

AS 14.07.020

4 AAC 06.872 is repealed and readopted to read:

4 AAC 06.872. State system of support and intervention. (a) For purposes of determining the level of state support and oversight to be provided to a district, not later than October 1 of each year, the department will designate each district in the state as a tier I, tier II, or tier III district. A tier III district receives the most state support and oversight; a tier I district the least.

(b) (1) A district will be designated as tier III if it has at least one school designated for comprehensive support and improvement under 06.840(a)(1)(A).

(2) A district will be designated as tier II if

(A) at least 25 percent of the schools in the district are designated for comprehensive support and improvement or targeted support and improvement under 4 AAC 06.840(a) or (b);

(B) at least 25 percent of the students in the district attend a school designated for targeted support and improvement under 4 AAC 06.840(b);

(C) an instructional or desk audit at the district or schools in the district demonstrates significant deficiencies in the domains identified in 4 AAC 06.845(b); or

(D) an instructional or desk audit at the district shows that one or more subgroups in the district is not making progress toward the subgroup's long-term goals or measures of interim progress under 4 AAC 06.815.

(c) The department will determine the level of support and state oversight of a district or a school within a district designated as tier II or tier III. In making this determination, the department will consult with the superintendent of the district in which the school is located and will consider:

(1) the performance of schools and subgroups in the district on the indicators within the Alaska school performance system, including whether the performance of schools or subgroups has improved or decreased over a period of years;

(2) a school's failure to exit comprehensive support and improvement status after three years;

(3) the number and percentage of schools in the district designated for comprehensive support and improvement or targeted support and improvement;

(4) the number and percentage of students in the district that attend schools designated for comprehensive support and improvement;

(5) the results of a review of resource allocations from state, local and federal funds used to support school improvement in schools identified for comprehensive or targeted support and improvement in the district;

(6) the results of any desk audit or instructional audit at the district or a school in the district, including any information provided by the superintendent of the district during the consultation with the superintendent during the audit; and

(7) other evidence that relates to the district's need for support and oversight.

(d) A district may request that the department conduct a desk audit or an instructional audit at one or more schools in the district, or of the district as a whole. As part of either the desk audit or instructional audit process, the department may require a school or district to provide additional information, including a self-assessment. To the extent permitted under federal law, the department may use federal programmatic funds allocated to the district to pay the cost of an instructional audit. If a district requests a desk or instructional audit, the department may require that the district pay some or all of the cost of the audit.

(e) After the department has determined under (c) of this section that a district, or a school within a district, would benefit from an increased level of support and state oversight, the department will send notice of this determination to the district in which the school is located. In the notice, the department will inform the district of the reasons for the designation and the timetable for implementation and amendment of the district improvement plan developed under 4 AAC 06.850. Not later than 30 days after receiving the notice, the district shall take action under the timetable as required by the department, and shall verify in writing to the department that it has taken that action.

(f) The state level of support and oversight provided by the department to a tier II or tier III district will be tailored to the needs of the district or a school. The department will provide technical assistance to a tier III district regarding the implementation of the district improvement plan at a school in the district, unless the commissioner determines that technical assistance is not required. The department may provide technical assistance to a tier II district. Technical assistance may be provided by department personnel or by a contractor, and may include a site visit. The department may redirect money from the district's funding under AS 14.17 to pay for services by a contractor that the commissioner determines are necessary under this section.

(g) The department may intervene in a school or district under AS 14.07.030(14) and (15), including redirecting funding or replacement of personnel with supervisory authority over the instructional practices at the school or district if

(1) a school's Alaska school performance system score that the department identified as a reason for implementing a program for improvement does not improve;

(2) a school or district is not meeting or making progress towards its long-term goals and measures of interim progress for either the all-students group or any individual subgroup;

(3) an instructional audit at the district reveals deficiencies in the district in the domains under 4 AAC 06.845(b); or

(4) a district or school does not fully and timely implement with commitment a program that is required under

(A) this section;

(B) a school improvement plan under 4 AAC 06.845;

(C) a district improvement plan under 4 AAC 06.850.

(h) In intervening in a school within a district, the commissioner may require the district to implement or amend evidence-based interventions in the school. The commissioner may

(1) determine the evidence-based interventions to be implemented at the school,

or

(2) choose to convene a strategic planning and support team that would be given authority to recommend and direct evidence-based interventions based upon the need and readiness of the school, as appropriate and as resources allow. The strategic planning and support team could include the Commissioner of Education or designee, department

program staff, district staff, school staff, parents, tribal representatives, community members, and regional school boards. Required interventions may involve one or more of the following:

- (1) external or internal independent review of student achievement data, curriculum effectiveness, instructional practices, school improvement priorities, behavioral supports, and community engagement efforts;
- (2) audit of resource allocation at the district or school level;
- (3) on-site evaluation of school improvement practices or mandatory off-site school improvement work sessions/interviews;
- (4) periodic distance or onsite stakeholder and department calls to assess and support school improvement efforts;
- (5) new comprehensive support and improvement plans written with department input and oversight;
- (6) assignment of a school improvement coach to a district or school;
- (7) more focused training or technical assistance;
- (8) district and department level direction of school improvement funds, other applicable federal funds, or other state or local funds toward required interventions such as cohesive professional development and leadership development;
- (9) replacement of teachers and principals; or
- (10) any other intervention allowable by law that is likely to improve student achievement and success.

(i) If a district fails to take the action required under this section, the commissioner may, after notice to the district and an opportunity for the district to respond, cause the district's

funding under AS 14.17 to be redirected to pay for the action or to a holding account for the district until the action is completed. Before requiring action under this subsection, the commissioner will consider the

- (A) comments from the superintendent and local school board of the district;
- (B) action taken by the district to improve the school;
- (C) number of years the school has been identified under this section; and
- (D) factors listed in (b) and (c) of this section.

(j) The department will undertake an action under (g) of this section only after

- (1) giving the district notice and opportunity to be heard;
- (2) consideration of alternatives; and
- (3) the department determines in writing that the action will likely increase

student achievement at the school or district.

(k) The department will cease an intervention under AS 14.07.030 (14) or (15) at a district if each school designated for comprehensive support and improvement in the district meets the criteria under 4 AAC 06.840 to be exited from the designation of comprehensive support and improvement. A district may petition the department at any time to cease or continue an intervention taken by the department or a designation of a district as a tier III district under this section. In considering whether to grant a petition under this subsection, the department will consider the

- (1) factors described in (a) and (b) of this section; and
- (2) the public interest.

(l) A district may petition the department at any time to cease or continue an intervention taken by the department under this section. In considering whether to grant a petition under this subsection, the department will consider the factors described in (a) and (b) of this section; and public interest.

(m) Notwithstanding any other provision of this section, the department will not take action under this section unless it has reached a conclusion, after consideration of the evidence, that its action will likely improve student achievement.

(n) Compliance with this section does not necessarily constitute compliance with a district's other responsibilities for school or district improvement under 4 AAC 06.800 - 4 AAC 06.899. (Eff. 9/12/2008, Register 187; readopt 10/25/2008, Register 188; am 10/16/2013, Register 208; am __/__/____, Register ____)

Authority: AS 14.03.123 AS 14.07.030 AS 14.50.080
AS 14.07.020 AS 14.07.060

4 AAC 06.875 is amended to read:

4 AAC 06.875. Opportunity to Review Data. (a) **The department** [A DISTRICT] shall provide a notice **to each district** of **the** preliminary **designations** [DESIGNATION] **for each school** [TO A SCHOOL BEFORE THE FINAL DESIGNATION OF A SCHOOL] under **4 AAC 06.840** [4 AAC 06.835] **before the final scores and designations are made available to the public.** In the notice, the **department** [DISTRICT] shall include an opportunity **for the district** to review the school-level data, including state assessment data, on which the preliminary designation is based.

(b) If the **district** [PRINCIPAL OF A SCHOOL THAT RECEIVES A PRELIMINARY DESIGNATION UNDER 4 AAC 06.835(a)] believes that the preliminary designation is in error for statistical or other substantive reasons, the **district** [PRINCIPAL] may, within 10 **working** days after the **district** [SCHOOL] receives the preliminary designation **for the school**, [SUBMIT WRITTEN NOTIFICATION OF THE PRINCIPAL'S INTENT TO] provide supporting evidence to the **department** [DISTRICT]. [ALL EVIDENCE MUST BE PROVIDED TO THE DISTRICT NO LATER THAN 20 DAYS AFTER THE SCHOOL RECEIVES NOTICE OF THE PRELIMINARY DESIGNATION.] The **department** [DISTRICT] shall consider the evidence before making a recommendation to the commissioner regarding a final **score and** designation. The commissioner or the commissioner's designee will consider the recommendation and the evidence before deciding upon a final **score and** designation.

(c) Within **20** [30] **working** days after the **district** [SCHOOL] receives notice of the preliminary **score and** designation, and no later than **September 1** [THE FIRST DAY OF INSTRUCTION IN THE DISTRICT'S AUTUMN TERM, WHICHEVER IS EARLIER], the commissioner or the commissioner's designee will issue a final determination on the **score and** designation of a school for which the **district** [SCHOOL'S PRINCIPAL] provided supporting evidence in accordance with (b) of this section.

(d) Repealed 10/16/2013.

(e) Repealed 10/16/2013.

(f) Repealed 10/16/2013. (Eff. 11/23/2003, Register 168; am 10/16/2013, Register 208; am __/__/____, Register____)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080

AS 14.07.020

4 AAC 06.880 repealed and readopted to read:

4 AAC 06.880. Notice. (a) The department shall notify each district in the state that serves one or more schools designated for comprehensive support and improvement under 4 AAC 06.840(a) or targeted support and improvement of such designation under 4 AAC 06.840(B) not later than September 1 of each year per AS 14.03.123(a).

(b) If the department designates a school for comprehensive support and improvement or targeted support and improvement under 4 AAC 06.840, the district shall promptly notify the parents of each student enrolled in the school of the designation. The notice must include

(1) an explanation of what the designation means, and how the school compares in terms of academic achievement to other elementary and secondary schools served by the district and the state;

(2) the reasons for the designation; and

(3) an explanation of how parents can become involved in developing the school improvement plan to address issues that led to the designation.

(c) The district or school shall ensure that, regardless of the method or media used, it provides the information required by this section to parents

(1) in an understandable and uniform format, including alternative formats upon request; and

(2) to the extent practicable, in a language that parents can understand.

(d) The district or school shall provide information to parents through

(1) regular mail, electronic mail, or another direct means; and

(2) indirect means of dissemination, including the Internet, publications, broadcasting, and notices from public agencies serving students and their families.

(e) Communications must respect the privacy of students and their families.

(f) A district shall publish and disseminate to the parents of each student enrolled in the school, and to the public, information regarding any action taken by a school and the district to address the problems that led to designation of the school for comprehensive support and improvement or targeted support and improvement under 4 AAC 06.840, including

(1) an explanation of what the school is doing to address the problem of low performance or graduation rate;

(2) an explanation of what the district or department is doing to help the school address the problem of low performance or graduation rate; and

(3) if applicable, a description of specific interventions being undertaken by the district in a school under 4 AAC 06.864 or 4 AAC 06.868. (Eff. 11/23/2003, Register 168; am 8/19/2009, Register 191; am 10/16/2013, Register 208; am __/__/____, Register____)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080
AS 14.07.020

4 AAC 06.883 is amended to read:

4 AAC 06.883. Jury service exemption. A teacher employed by a school that is currently identified **for comprehensive support and improvement** [AS A ONE OR TWO STAR SCHOOL] under **4 AAC 06.840** [4 AAC 06.835] is eligible for the jury service

exemption described under AS 09.20.030(b). (Eff. 3/6/2015, Register 213; am ___/___/____, Register___)

Authority: AS 09.20.030 AS 14.07.020 AS 14.07.060

4 AAC 06.885 is repealed and readopted to read:

4 AAC 06.885. School recognition. (a) The department will recognize a school as a highest performing school if

(1) the school is in the highest 10 percent of all schools in the state on the Alaska school performance system score under 4 AAC 06.812 for two consecutive school years; and

(2) the school has met the school's measures of interim progress toward all applicable long-term goals under 4 AAC 06.815 for the most recent school year for all students and all subgroups under 4 AAC 06.830.

(b) The department will recognize a school as a high progress school if

(1) the school received an Alaska school performance system score under 4 AAC 06.812; and

(2) the school has met the school's measures of interim progress toward all applicable long-term goals under 4 AAC 06.815 for one or more subgroups for two consecutive school years.

(c) The department will publish the names of all schools recognized under this section and will provide those schools with rewards and opportunities. The district in which a school recognized under this section is located shall publish the name of the school within the district, and shall provide rewards to the school.

(d) For purposes of this section, the first year of school recognition will be for the 2019 - 2020 school year based on the Alaska school performance system scores for 2018 - 2019 and 2019 - 2020. (Eff. 7/9/2005, Register 175; am 8/1/2008, Register 187; am 10/16/2013, Register 208; am 3/19/2014, Register 209; am __/__/____, Register____)

Authority: AS14.03.123 AS 14.07.060 AS 14.50.080

AS14.07.020

4 AAC 06.888 is amended to read:

4 AAC 06.888. Informal review of complaints. (a) A person may file a complaint with the department alleging that the school district or the department has failed to comply with the requirements of the federal programs under the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, 20 U.S.C. 6301 - 7981 [20 U.S.C. 6301 – 7941] (Elementary and Secondary Education Act), the provisions of the McKinney-Vento Homeless Assistance Act (42 U.S.C 11431 - 11434A), AS 14.03.123, or 4 AAC 06.800 - 4 AAC 06.899, and seeking informal review under this section of those allegations. For a complaint to be reviewed, it must include

- (1) a statement describing the provision of law that the school district or department has allegedly violated;
- (2) a statement of the facts that the complainant alleges establish the violation;
- (3) the name and address of the complainant; and
- (4) documentation that shows that the complainant first presented the complaint to the school district, if the complaint alleges that the school district committed the violation.

(b) Within five days after receiving a complaint, the department will assign an investigator to conduct an informal review of the complaint. The investigator must be an employee of the department, may not have taken part in the action that is the subject matter of the complaint, and may not have a personal or financial interest in the subject matter of the complaint. In reviewing the complaint, the investigator may interview the complainant or employees of the respondent, and may request information and documents from the complainant or respondent that the investigator considers necessary for a complete review.

(c) Within 60 days after the date that the department assigned the investigator, the investigator shall submit, to the commissioner, complainant, and respondent, a written statement that

(1) the complainant did not provide complete information for the investigator to review, that the commissioner need not respond to the complaint, and that the investigator's recommendation does not bar the

(A) commissioner from taking additional action based on the information already received; or

(B) complainant from either submitting a new complaint with the additional necessary information or pursuing remedies available under state or federal law;

(2) the complainant's allegations, even if true, do not establish a violation of 20 U.S.C. 6301 – **7981** [7941], **42 U.S.C. 11431 - 11434A**, AS 14.03.123, or 4 AAC 06.800 - 4 AAC 06.899, that the commissioner need not respond to the complaint, and that the investigator's recommendation does not bar the

(A) commissioner from rejecting the investigator's recommendation and taking additional action; or

(B) complainant from pursuing remedies available under state or federal law; or

(3) a violation of 20 U.S.C. 6301 - 7981 [7941], 42 U.S.C. 11431 - 11434A, AS 14.03.123, or 4 AAC 06.800 - 4 AAC 06.899 is likely to have occurred, based on the information made available to the investigator, that if the respondent does not correct or stop the violation, the department may take additional action under state law, including the initiation of procedures to withhold funding under 20 U.S.C. 6301 - 7981 [7941] or AS 14.07.070 if the respondent is a school district, and that the investigator's recommendation does not bar the

(A) commissioner from rejecting or declining to act upon the investigator's recommendation; or

(B) complainant from pursuing remedies available under state or federal law. (Eff. Eff. 9/1/2006, Register 179; am __/__/____, Register____)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080

AS 14.07.020

4 AAC 06.895 is repealed and readopted to read:

4 AAC 06.895. Report card to the public. (a) Each public school and district in the state shall comply with the reporting requirements of AS 14.03.120 and this section. Each school shall prepare a school report, to be entitled School Report Card to the Public, on a form provided by the department. Each district shall prepare a district report, to be entitled School District Report Card to the Public, on a form provided by the department.

(b) A school shall disseminate its School Report Card to the Public as required under AS 14.03.120(d). A district shall disseminate its School District Report Card to the Public and the School Report Card to the Public for each school in the district by providing required data to the department, posting the report cards on the Internet if the district maintains a website, and any other means of distribution the district chooses, not later than 30 days after the department has made all necessary data available to districts. Each district shall ensure that parents of students in each school in the district are notified of the location and availability of the School and District Report Cards to the Public. The report required under this section shall be written in a uniform and understandable manner, and, to the extent practicable, be in a language that the parent can understand.

(c) The School Report Card to the Public must contain the number of students enrolled in the school, the Title I status of the school, and must provide the following information on accreditation:

(1) whether the school is accredited;

(2) if the school is accredited, the

(A) date of accreditation;

(B) name of the accrediting organization; and

(C) level of accreditation awarded by the accrediting organization for the year of the report.

(d) The School Report Card to the Public must include the following information for all students enrolled in the school, and the School District Report Card to the Public must include the following information for all students enrolled in the district:

(1) For purposes of accountability under 4 AAC 06.812, 4 AAC 06.815, 4 AAC 06.821, and 4 AAC 06.826, for all students and disaggregated by each subgroup of students described in 4 AAC 06.830,

(A) the number and percentage of full academic year students tested who achieved the proficient or advanced achievement level described in 4 AAC 06.739 or in 4 AAC 06.775(b) on the English language arts and mathematics assessments;

(B) if the participation rate as described in 4 AAC 06.820 is less than 95 percent, the number and percentage of 95 percent of the students enrolled on the first day of testing that achieved the proficient or advanced achievement level described in 4 AAC 06.739 or in 4 AAC 06.775(b) on the English language arts and mathematics assessments; and

(C) the number and percentage of students tested and not tested based on the number of full academic year students enrolled in tested grades on the first day of testing.

(2) For purposes of reporting for all students and disaggregated by each subgroup of students described in 4 AAC 06.830, gender, migrant status, homeless status, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces on active duty,

(A) the number and percentage of students tested who achieved each achievement level described in 4 AAC 06.739 on English language arts, mathematics, and science;

(B) if the participation rate as described in 4 AAC 06.820 is less than 95 percent, the number and percentage of 95 percent of the students enrolled on the first day

of testing that achieved each achievement level described in 4 AAC 06.739 on English language arts, mathematics, and science;

(C) the number and percentage of students tested and not tested based on the number of students enrolled in tested grades on the first day of testing; and

(D)

(i) for a district report card, a comparison between the number and percentage of students at each achievement level for the district with the number and percentage of students at each achievement level for the state as a whole; and

(ii) for a school report card, a comparison between the number and percentage of students at each achievement level for the school with the number and percentage of students at each achievement level for the district and the state as a whole;

(3) for purposes of accountability under 4 AAC 06.812 and 4 AAC 06.822, for all students and disaggregated by each of the subgroups of students as defined in 4 AAC 06.830, the number and percentage of students who made adequate growth in English language arts and mathematics as described in 4 AAC 06.822; and for purposes of reporting, for subgroups of homeless status, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces on active duty, the number and percentage of students who made adequate growth in English language arts and mathematics as described in 4 AAC 06.822;

(4) for purposes of accountability under 4 AAC 06.812, 4 AAC 06.815, and 4 AAC 06.825, for all students and disaggregated by each of the subgroups of students defined in 4 AAC 06.830, the four-year and five-year graduation rate as defined in 4 AAC 06.825; and for

purposes of reporting for subgroups of homeless status and status as a child in foster care, the four-year and five-year graduation rate as defined in 4 AAC 06.825;

(5) for purposes of accountability under 4 AAC 06.812, 4 AAC 06.815, and 4 AAC 06.823 the number and percentage of English learners in grades 1 - 12 who met the target for making progress in learning English; and for purposes of reporting, the number of English learners in grades K-12 achieving English language proficiency and meeting the exit criteria as defined in 4 AAC 34.055(d);

(6) for purposes of accountability, for all students and disaggregated by each of the subgroups of students, as defined in 4 AAC 06.830, the number and percentage of students identified as not chronically absent as described in 4 AAC 06.826(a) who were enrolled for at least half the school term, and for purposes of reporting, the number and percentage of students identified as chronically absent as described in 4 AAC 06.826(a) who were enrolled at least ten days in the school term;

(7) for purposes of accountability, for all students and disaggregated by each of the subgroups of students as defined in 4 AAC 06.830, the number and percentage of full academic year students tested in grade three who achieved the proficient or advanced achievement level described in 4 AAC 06.739 on the English language assessment; if the participation rate as described in 4 AAC 06.820 is less than 95 percent, the number and percentage of 95 percent of the full academic year grade three students enrolled on the first day of testing who achieved the proficient or advanced achievement level described in 4 AAC 06.739 on the English language arts assessment; and the number and percentage of grade three students tested and not tested based on the number of full academic year students enrolled in tested grades on the first day of testing;

(8) for purposes of accountability under 4 AAC 06.815, 4 AAC 06.821, 4 AAC 06.823, 4 AAC 06.825 and for purposes of reporting, for all students and disaggregated by each of the subgroups of students as defined in 4 AAC 06.830, a comparison between the performance under sections (d)(1)(A) and (d)(1)(B) for the school or district and the school's or district's and state's long-term goals and measures of interim progress for that year as determined under 4 AAC 06.815, including a determination of whether the school or district met the target as defined in 4 AAC 06.815(a)(3) for the all students group and each subgroup;

(9) the number and percentages of students with the most significant cognitive disabilities who take an alternate assessment under 4 AAC 06.775(b), by grade and subject;

(10) for the School District Report Card to the Public, the most recent available academic achievement results in grades four and eight on the state's national assessments of educational progress reading and mathematics assessments under 4 AAC 06.710(3) compared to the national results, including

(A) the percentage of students at each achievement level reported in the aggregate; and

(B) the participation rates for students with disabilities and for student who are English Learners.

(11) information submitted by the department and each district in the state, in accordance with the Office for Civil Rights data collection conducted pursuant to section 203(c)(1) of the Department of Education Organization Act (20 U.S.C. 3413(c)(1)), on

(A) rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, incidences of violence, including bullying and harassment; and

(B) the number and percentage of students enrolled in

(i) preschool programs; and

(ii) accelerated coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examinations, and dual or concurrent enrollment programs.

(12) the professional qualifications of teachers in the district and each school, including information (that shall be presented in the aggregate and disaggregated by high-poverty compared to low-poverty schools) on the number and percentage of

(A) inexperienced teachers, principals, and other school leaders;

(B) teachers teaching with emergency or provisional credentials; and

(C) teachers who are not teaching in the subject or field for which the teacher is certified.

(13) the per-pupil expenditures of federal, state, and local funds, including actual personnel expenditures and actual non-personnel expenditures of federal, state, and local funds, disaggregated by source of funds, for each district and each school in the district for the preceding fiscal year.

(14) where available, for each high school in the district, and beginning with the report card prepared under this paragraph for the 2017 - 2018 school year, the cohort rate (in the aggregate, and disaggregated for each subgroup of students defined in 4 AAC 06.830), at which students who graduate from the high school enroll for the first academic year that begins after the students' graduation:

(A) in programs of public postsecondary education in the state; and

(B) if data are available and to the extent practicable, in programs of private postsecondary education in the state or programs of postsecondary education outside the state.

(e) Repealed 10/9/2015.

(f) Each School and District Report Card to the Public must contain

(1) a clear and concise description of the state's accountability system as described in 4 AAC 06.812 - 826; and

(2) the methods and timeline for designating schools for comprehensive support and improvement or targeted support and improvement and for exiting the schools from those designations under 4 AAC 06.840. Each district report card must contain the number, percentage, and names of all public schools in the district designated for comprehensive support and improvement or targeted support and improvement under 4 AAC 06.840. The School Report Card to the Public must include information for the school, and the School District Report Card to the Public must include information for all schools in the district, regarding school designations and other indicators, as follows:

(A) the Alaska school performance system score, if applicable, under 4 AAC 06.812 and the designation of each school in the district under 4 AAC 06.840 and for districts, the number and percentage of schools that have been designated for comprehensive support and improvement or targeted support and improvement;

(B) whether a school in the district has been designated persistently dangerous under 4 AAC 06.200;

(C) the attendance rate for all students and for each subgroup under 4 AAC 06.830; (4) the retention rate for students in grades K-8;

(D) the dropout rate for students in grades seven through twelve; and

(E) the rate of enrollment change due to transfers.

(g) A report under this section may not include the information otherwise required by law if the number of students in a category is so small that the results would reveal personally identifiable information about an individual student. Results of the state assessments may not be reported if fewer than five students are tested.

(h) In providing the description of student, parent, community, and business involvement in student learning, as required by AS 14.03.120(d)(4), each school shall state

(1) the number and percentage of students responding to the teacher evaluation survey;

(2) the number and percentage of parents responding to the teacher evaluation survey;

(3) the number of school-business or interagency partnerships the school has entered into under a written agreement;

(4) the average number of volunteer-hours a week spent in the school by parents and other members of the community;

(5) a narrative description of the results of parental, community, or business involvement, as identified by the school; and

(6) any other information the school wishes to provide on this subject.

(i) Each school shall compute the information required by AS 14.03.120(d)(5) and this section as follows:

(1) the attendance rate is a fraction, expressed as a percent, the numerator of which is the aggregate daily attendance during the regular school year, and the denominator of which is the aggregate daily membership for the school year; the aggregate daily attendance is the sum of the days present for all students when school is in session during the school year; the aggregate daily membership is the sum of the days present and absent for all students when school is in session during the school year; in-service days are not included in the computation; for the purposes of this paragraph, a student is considered present if physically present at the school or engaged in a school activity even if the activity is away from the school;

(2) for kindergarten through grade eight, the retention rate is computed by dividing the number of students being retained on the last day of school by the membership on the last day of the school year;

(3) for grades 7 - 12, the dropout rate is a fraction, the numerator of which is the number of students who have dropped out in the current school year, and the denominator of which is the number of students enrolled in grades 7 - 12 on October 1 of the current school year;

(j) In providing the information required by AS 14.03.120(d)(6), each school shall provide the information on student transfers into and out of the school itself. Each school shall compute the information required by AS 14.03.120(d)(6) as follows:

(1) the annual percent of enrollment change is computed by taking the difference between the October 1 enrollment from the current school year and the October 1 enrollment from the previous school year and dividing by the October 1 enrollment from the previous school year, the result being expressed as a percentage;

(2) the annual percent of enrollment change due to student transfers is computed by subtracting from one the quotient derived by dividing the number of students enrolled at least

170 days or the number of student days in the approved school calendar, whichever is less, in the school by the total number of students enrolled at least one day in the school.

(k) In preparing the comment summaries required by AS 14.03.120(e) to be reported to the department, each school shall state the number of persons commenting, indicate whether comments are from students, parents, or other members of the community, and succinctly set out the gist of the comments, both negative and positive ones.

(l) In this section,

(1) "current school year" means the school year for which the report card is made;

(2) "district" has the meaning given in AS 14.17.990;

(3) "dropout" means an individual who was enrolled in the district at some time during the school year whose enrollment terminated; "dropout" does not include an individual who

(A) graduated from high school or completed a state- or district-approved education program, as evidenced by receipt of a secondary school diploma from school authorities;

(B) transferred to another public school district, private school, or state- or district-approved education program that terminates in a regular diploma;

(C) is temporarily absent due to suspension;

(D) is temporarily absent due to an illness or a medical condition; or

(E) died.

(4) "performance score" means the score calculated under 4 AAC 06.812;

(5) "previous school year" means the school year immediately before the school year for which the report is made;

(6) "school year" means the 12-month period beginning July 1 of each year and ending June 30 of the following year;

(7) "students from families on active military duty" means students whose parents or guardians are on active duty in the armed forces of the United States, the United States Coast Guard, the Alaska National Guard, the Alaska Naval Militia, or the Alaska State Defense Force.

(n) For the purposes of AS 14.03.120(d) and (e), AS 14.03.123, and this section,

(1) "program" means an identifiable set of educational services that a district delivers to students who are not enrolled at a school facility to receive those educational services;

(2) "school" means an educational institution operated by a district and administered as an independent unit within the district, regardless of whether the school is housed in a facility separate from other units that does not include an educational program within a district, as designated by the district; and includes a correspondence school, whether designated a program or a school. (Eff. 11/23/2003, Register 168; am 8/19/2009, Register 191; am 2/4/2011, Register 197; am 6/30/2013, Register 206; am 10/16/2013, Register 208; am 11/13/2014, Register 212; am 12/26/2014, Register 212; am 3/6/2015, Register 213; am 10/9/2015, Register 216; am 2/5/2017, Register 221; am __/__/____)

Authority: AS 14.03.120 AS 14.07.020 AS 14.50.080
AS 14.03.123 AS 14.07.060

4 AAC 06.899 is amended to read:

4 AAC 06.899. Definitions. In 4 AAC 06.800 - 4 AAC 06.899, unless the context requires otherwise,

(1) "African-American" means a person having origins in any of the Black racial groups of Africa;

(2) "Alaska Native" means a person who is a descendant of, and who has at least one-quarter blood derived from,

(A) a member of the aboriginal peoples inhabiting the state when annexed to the United States; or

(B) an American Indian or Eskimo who, after 1867 and before June 30, 1952, migrated into the state from Canada.

(3) "American Indian" means a person having origins in any of the aboriginal peoples of North and South America, including Central America, and who maintains cultural identification through tribal affiliation or community recognition; "American Indian" does not include an Alaska Native;

(4) "Asian or Pacific Islander" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;

(5) "economically disadvantaged student" means a student who is eligible for free or reduced-price school meals under the department's Alaska Income Eligibility Guidelines for Free and Reduced Meals;

(6) repealed 2/5/2017;

(7) "Hispanic" means a person who traces the person's origin or descent to Mexico, Puerto Rico, Cuba, Central and South America, and other Spanish cultures, regardless of race;

(8) "migrant status" means a migratory child as defined in 20 U.S.C. 6399(3).
[PERSON WHO IS, OR WHOSE PARENT OR SPOUSE IS, A MIGRATORY
AGRICULTURAL WORKER, INCLUDING A MIGRATORY DAIRY WORKER OR A
MIGRATORY FISHER, AND WHO, IN THE PRECEDING 36 MONTHS, IN ORDER TO

OBTAIN, OR ACCOMPANY THE PERSON'S PARENT OR SPOUSE, IN ORDER TO OBTAIN, TEMPORARY OR SEASONAL EMPLOYMENT IN AGRICULTURAL OR FISHING WORK

(A) HAS MOVED FROM ONE SCHOOL DISTRICT TO ANOTHER;

OR

(B) RESIDES IN A SCHOOL DISTRICT OF MORE THAN 15,000 SQUARE MILES, AND MIGRATES A DISTANCE OF 20 MILES OR MORE TO A TEMPORARY RESIDENCE TO ENGAGE IN A FISHING ACTIVITY;]

(9) "parent" means a biological, adoptive, or foster parent, or an adult who acts as a guardian of a child and makes decisions related to the child's safety, education, and welfare;

(10) Repealed 10/16/2013;

(11) "statewide student assessment system" or "state assessments" means the assessments described in 4 AAC 06.710;

(12) "student with a disability" has the meaning given "child with a disability" in AS 14.30.350; "student with a disability" includes all students who are under or eligible for an individualized education program under AS 14.30.278;

(13) "**English learner**" ["STUDENT WITH LIMITED ENGLISH PROFICIENCY"] has the meaning given ["LIMITED ENGLISH PROFICIENT PUPIL" OR "LEP PUPIL"] in 4 AAC 34.090; "**English learner**" ["STUDENT WITH LIMITED ENGLISH PROFICIENCY"] includes students who are currently served or eligible to be served under 4 AAC 34.055;

(14) "White" means a person having origins in any of the original peoples of Europe, North Africa, or the Middle East;

(15) Repealed 10/3/2011;

(16) "emigre" means a student formerly enrolled in the school for whom the school has written documentation that the student is no longer enrolled because the student emigrated to another country;

(17) "students of two or more races" means students who primarily identify their heritage with more than one of the subgroups "African-Americans," "Alaska Natives," "American Indians," "Asians or Pacific Islanders," or "Whites";

(18) "Alaska school performance system [INDEX]" means the system [INDEX] described in 4 AAC 06.812;

(19) "desk audit" means a review of student learning data at the school or district, including consultation with the superintendent of the district in which the school is located;

(20) "instructional audit" means a review of the instructional policies, practices, and methodologies of the district or one or more schools within the district; an instructional audit may include a review of the district's or school's

(A) curriculum, including whether the curriculum is aligned with the state's standards and grade level expectations adopted in 4 AAC 04.140;

(B) assessment policy and practice;

(C) instruction;

(D) school learning environment;

(E) professional development policy and practices; and

(F) leadership;

(21) "school"

(A) has the meaning given “public school” in AS 14.60.010, except as provided in (C) of this paragraph;

(B) includes

- (i) an alternative school within the meaning given in 4 AAC 09.990;
- (ii) a charter school established under AS 14.03.250 - 14.03.290;
- (iii) a district correspondence program financed under AS 14.17.430;
- (iv) the state boarding school established under AS 14.16;
- (v) a school for the blind, school for the deaf, or other special mission school; and
- (vi) a school located in a youth correctional facility;

(C) does not include a citizenship night school;

(22) ["STAR RATING" MEANS THE NUMBER OF STARS AWARDED TO A SCHOOL UNDER 4 AAC 06.835 BASED ON THE SCHOOL'S ALASKA SCHOOL PERFORMANCE INDEX SCORE;]

(23) "student learning data" has the meaning given in 4 AAC 19.099.

(24) "alternative school" means a school that is specifically designed to exclusively serve secondary-school students who are at high risk of failing to graduate because of credit deficiencies, below-proficient academic performance, a history of low attendance, a history or high risk of dropping out, or other barriers to graduation; in this paragraph, "below-proficient academic performance" means obtaining an achievement level on a standards-based assessment under 4 AAC 06.739 that does not meet standards.

(25) "full academic year" means continuous enrollment between October 1 and the first date of the administration of the standards-based test under 4 AAC 06.737;

(26) "evidence-based" means an activity, strategy, or intervention that: (A) demonstrates a statistically significant effect on improving student outcomes based on (i) strong evidence from at least one well-designed and well-implemented experimental study; (ii) moderate evidence from at least one well-designed and well-implemented quasi-experimental study or (iii) promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for bias; or (B) (i) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and (ii) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

(27) "valid score" means a scale score and an achievement level under 4 AAC 06.739 or 4 AAC 06.775(b);

(28) "natural grade progression" means the student has progressed to the next consecutive grade level in the current school year from the previous school year. (Eff. 11/23/2003, Register 168; am 6/13/2004, Register 170; am 1/19/2006, Register 177; am 7/25/2007, Register 183; am 2/4/2011, Register 197; am 10/3/2011, Register 200; am 10/16/2013, Register 208; am 11/13/2014, Register 212; am 4/6/2016, Register 218; am 2/5/2017, Register 221; am __/__/____, Register ____)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080

AS 14.07.020

4 AAC 12.300(g) is amended to read:

(g) Unless otherwise provided in this section, fees must be paid at the time of application and are nonrefundable. The fee for

(1) initial issuance of a teacher certificate, including all endorsements, is \$200, plus the cost of a criminal history background check required under (b)(4) of this section;

(2) renewal of a teacher certificate, including all endorsements, is \$200, plus the cost of a criminal history background check required under 4 AAC 12.405(b);

(3) addition or deletion of [AN] endorsements, other than at the time of initial issuance of the certificate is **\$100** [\$200];

(4) a certified copy of a teacher certificate is \$25; and

(5) each nonacademic credit is \$50 payable at the time supporting documentation required by 4 AAC 12.410(a) is submitted to the department. (Eff. 9/29/2005, Register 175; am 9/30/2005, Register 175; am 12/20/2005, Register 176; am 9/20/2006, Register 179; am 6/7/2015, Register 214; am 4/24/2016, Register 218; am __/__/____, Register ____)

Authority: AS 14.07.060 AS 14.20.020 AS 14.20.030
AS 14.20.010

4 AAC 19.055 is amended to read:

A[BEGINNING JULY 1, 2016, A] district shall report to the department not later than September 15 of each calendar year on a form prescribed by the department the number [and percentage] of tenured and non-tenured teachers, administrators, and special service providers in **each school in** the district during the preceding school year who

(1) exceeded the district's performance standards under AS 14.20.149(b)(4);

(2) were on a plan of improvement under AS 14.20.149(b)(6);

(3) were receiving district support on a plan of professional growth under 4 AAC 19.010(h);

(4) were non-retained under AS 14.20.175;

(5) were dismissed under AS 14.20.170; [OR]

(6) were notified that their continued employment in the district was contingent on the implementation of a plan of improvement under AS 14.20.149(b)(6) but resigned before the plan of improvement could begin;

(7) met the district's performance standards;

(8) were not reported in (1) through (7) above; and

(9) were employed by the district at any time during the school year. (Eff.

2/16/2013, Register 205; am 10/9/2015, Register 216; am 10/9/2016, Register 220; am ___/___/___, Register ___)

Authority: AS 14.07.020 AS 14.07.060 AS 14.20.149

4 AAC 33.505 is repealed:

4 AAC 33.505. Public school growth and proficiency index. Repealed. (Eff.

12/02/2012, Register 204; repealed ___/___/___, Register ___)

4 AAC 33.540 is repealed:

4 AAC 33.540. Qualification. Repealed. (Eff. 12/24/2006, Register 180; am 8/1/2008, Register 187; am 12/2/2012, Register 204; repealed ___/___/___, Register ___)

4 AAC 34.055 is amended to read:

4 AAC 34.055. Plan of Service. (a) Each school district that enrolls **English learners** [LIMITED ENGLISH PROFICIENT (LEP) PUPILS] shall administer a state-approved assessment for identification of English language proficiency to all **students** [PUPILS] who may be **English learners** [LEP PUPILS] but have not been identified as **English learners** [LEP PUPILS]. The district is responsible for taking appropriate steps to develop **English learners'** [LEP PUPILS] English-language skills and to provide them meaningful participation in the school district's academic program consistent with applicable state and federal standards. In addition, each school district with a school that is attended by at least eight **students who are English learners** [LEP PUPILS] shall

(1) prepare a plan of service for **English learners** [LEP PUPILS]; the school district may designate the effective dates of the plan of service, which may be for up to five school years;

(2) file a plan of service by **July 1** [APRIL 15] of the year in which the district enrolls eight or more **English learners** [LEP PUPILS] in a school or the year in which the existing plan of service expires;

(3) implement the plan of service in the school year following the [YEAR OF] submission; and

(4) file changes to an existing plan of service with the department before implementation of the change.

(b) The plan required under (a) of this section must provide for the following:

(1) a statement of the district's educational goals and instructional methodology;

(2) the district's plan of identification of all **students** [PUPILS] who are or who may be **English learners, according to the standardized statewide entrance procedures** [LEP

PUPILS], which must include the use of a state-approved assessment for identification of English language proficiency;

(3) the district's procedure for assessing the educational progress of **English learners** [LEP PUPILS];

(4) the district's program of services and instructional model for **English learners** [LEP PUPILS];

(5) an identification of **instructional** [INSTRUCTION] staff and educational resources;

(6) the district's process for monitoring the academic progress of former **English learners** [LEP PUPILS] for **four** [TWO] years after they are no longer identified as **English learners** [LEP PUPILS];

(7) the district's program evaluation that addresses the effectiveness of the program in meeting students' English-language development needs, in achieving student academic progress goals, and reflecting any identified need for program modification;

(8) parent and community involvement.

(c) The commissioner will approve an English language proficiency assessment that tests an **English learner's** [LEP PUPIL'S] proficiency under the English language proficiency standards adopted by reference in 4 AAC 04.155. A district shall annually administer, between February 1 and March 31 of each school year, the state-approved assessment of English language proficiency to all **students** [PUPILS] who have been identified as **English learners** [LEP PUPILS].

(d) If under (b) and (c) of this section, a district identifies a **student** [PUPIL] as an **English learner** [LEP PUPILS] eligible for services under this chapter, that pupil remains

identified as an **English learner** [LEP PUPILS] until the **student** [PUPIL] obtains, on tier B or tier C of the assessment approved by the commissioner under (c) of this section [A]

(1) **an overall** composite score of **4.5** [5.0] or higher; and

(2) **a** score of 4.0 or higher in each of the tested domains of reading, [WRITING], speaking, and listening, **and a score of 3.8 or higher in the tested domain of writing.**

(e) A district shall monitor the academic progress of each **student** [PUPIL] who had been identified as an **English learner** [LEP PUPIL] for two years after the **student** [PUPIL] is no longer identified as an **English learner** [LEP PUPIL]. A former **English learner** [LEP PUPIL] is not required to participate in the annual English language proficiency assessment unless the district determines that a student's failure to make academic progress may be a result of a lack of English language proficiency and the **student** [PUPIL] may need to be re-identified as an **English learner** [LEP PUPIL].

(f) Repealed 10/16/2013. (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 __/__/____, Register ____)

Authority: AS 14.07.060 AS 14.17.420 AS 14.30.410

4 AAC 34.090 is amended to read:

4 AAC 04.34.090. Definitions. (a) In this chapter, unless the context requires otherwise,

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

(2) "**English learner**" ["LIMITED ENGLISH PROFICIENT PUPIL" OR "LEP

PUPIL"] means an individual

(A) who is between 3 and 21 years old;

(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C) who falls into one or more of the following categories of individuals:

(i) an individual not born in the United States or whose native language is a language other than English;

(ii) an American Indian, Alaska Native, or native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; **or** [AND]

(iii) an individual who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant;

(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the

(i) ability to obtain an achievement level that meets standards, as described in 4 AAC 06.739, on the state assessments in English language arts, **mathematics, and science** under 4 AAC 06.737;

(ii) ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) opportunity to participate fully in society;

(3) "school that is attended by at least eight **English learners** [LEP PUPILS]"

means any school, elementary, middle, or any combination secondary school with eight or more **English learners** [LEP PUPILS] in regular daily attendance;

(4) "Alaska Native" has the meaning given in 4 AAC 06.899;

(5) "American Indian" has the meaning given in 4 AAC 06.899;

(6) "outlying area" has the meaning given in 20 U.S.C. 7801(36) [(30)]

(Elementary and Secondary Education Act); the definition of "outlying area" set out in 20 U.S.C. 7801(36) [(30)], as revised as of **December 10, 2015** [JANUARY 8, 2002], is adopted by reference.

(b) In AS 14.30.410 and this chapter, "department" means the department of education and early development.

(c) In AS 14.30.400, "bilingual-bicultural education program" means a program of instruction in elementary or secondary education that is designed for **English learners** [CHILDREN OF LIMITED ENGLISH SPEAKING ABILITY AND WHOSE PRIMARY LANGUAGE IS OTHER THAN ENGLISH]. (Eff. 12/29/76, Register 60; am 5/4/2000, Register 154; am 11/23/2003, Register 168; am 6/30/2013, Register 206; am 4/6/2016, Register 218, Am. __/__/____, Register ____)

Authority: AS 14.07.060 AS 12.30.410

To: **Members of the State Board of
Education & Early Development**

April 25, 2017

From: Michael Johnson, Commissioner

Agenda Item: 3A

◆ **ISSUE**

The board is being asked to open a period of public comment on regulations related to school and district accountability, improvement and reporting; educator and paraprofessional qualifications; English learner identification; and other conforming regulations to implement the state plan under the Every Student Succeeds Act (ESSA).

◆ **BACKGROUND**

- The regulations included in this package are required to implement the accountability and school support and improvement systems as specified in the Every Student Succeeds Act (ESSA), and to make conforming amendments to related regulations as applicable. This project includes regulations that are being amended, repealed and readopted and repealed. Regulation changes are summarized below.
- **Educator data and qualifications:** 4 AAC 04.220 lists the paraprofessional standards and qualifications; 04.900 specifies definitions required by ESSA for reporting data about educator equity; 12.300(g) modifies the fees to add endorsements to a teacher's certificate; and 19.055 allows the department to collect data required for reporting teacher evaluation data at the school level.
- **Assessments:** 4 AAC 06.737, 06.775(b), and 06.776 are amended for clarifications or requirements under ESSA.
- **English Learners:** 4 AAC 34.055 and 34.090 update the language relating to English learners, and updates the criteria for a student to exit English learner status.
- **Accountability system:** 4 AAC 06.812-06.840 outline the requirements and calculations of the accountability system, indicators, long-term goals and measures of interim progress, and school designations.
- **School Support and Improvement:** 4 AAC 06.845-06.872 outline the requirements for school and district improvement plans, specifies support and requirements for schools designated for comprehensive support and improvement and for targeted support and improvement, and outlines the authority of the department to increase state support and oversight, and require interventions.
- **Notice, reporting, and definitions:** 4 AAC 06.875-899 outline requirements for opportunity to review data, notice, jury service, school recognition, informal review of complaints, reporting requirements and definitions.
- **Repealed:** Sections 06.802 requirements adopted by reference; 06.835 star ratings; 06.852 technical assistance; and 33.505 and 33.599 growth and proficiency index are

proposed to be repealed as they are either no longer applicable or have been incorporated into another section.

- **Other:** 4 AAC 06.055, 06.260, and 06.883 are amended to conform to new language, but have no significant changes.
- Please see the proposed regulations in the work session behind the cover memo for 2A.
- Margaret MacKinnon, Federal Programs Coordinator, will be present to brief the board.

◆ **OPTIONS**

Open a period of public comment on the proposed regulations.

Amend the proposed regulations and open a period of public comment.

Seek more information.

◆ **ADMINISTRATION'S RECOMMENDATION**

Open a period of public comment on the proposed regulations.

◆ **SUGGESTED MOTION**

I move the State Board of Education & Early Development open a period of public comment on 4 AAC 04. 220 Paraprofessional standards, 4 AAC 04.900 Definitions, 4 AAC 06.055 Immunizations required, 4 AAC 06.260 Additional requirements, 4 AAC 06.737 Standards-based test, 4 AAC 06.775 Statewide assessment program for students with disabilities, 4 AAC 06.776 Assessment of a student with limited English proficiency, 4 AAC 06.800 Purpose, 4 AAC 06.802 Requirements adopted by reference, 4 AAC 06.812 Alaska school performance index, 4 AAC 06.815 Annual measurable objectives, 4 AAC 06.820 Participation, 4 AAC 06.821 Academic achievement indicator, 4 AAC 06.822 Student growth indicator, 4 AAC 06.823 English learner progress indicator, 4 AAC 06.825 Graduation and attendance rates, 4 AAC 06.826 School quality and student success indicators, 4 AAC 06.830 Subgroups, 4 AAC 06.835 Star ratings, 4 AAC 06.840 Identification of priority and focus schools, 4 AAC 06.845, School Improvement Plan, 4 AAC 06.850 District improvement plan, 4 AAC 06.852 Technical assistance, 4 AAC 06.864 Priority schools, 4 AAC 06.868 Focus schools, 4 AAC 06.872 State system of support, interventions, 4 AAC 06.875 opportunity to review data, 4 AAC 06.880 Notice, 4 AAC 06.883 Jury service exemption, 4 AAC 06.885 School recognition, 4 AAC 06.888 Informal review of complaints, 4 AAC 06.895 Report card to the public, 4 AAC 06.899 Definitions, 4 AAC 12.300 Certification of teachers, 4 AAC 19.055 Reporting of evaluation results, 4 AAC 33.505 Public school growth and proficiency index, 4 AAC 33.540 Qualification, 4 AAC 34.055 Plan of service, 4 AAC 34.090 Definitions.