

4 AAC 04.155 is amended to read:

4 AAC 04.155. English language proficiency standards. The [PERFORMANCE] standards for English language proficiency for grade levels **kindergarten** [PREKINDERGARTEN] through 12 as set out in the publication **titled** [ENTITLED] **WIDA English Language Development (ELD) Standards Framework, 2020 Edition: Kindergarten – Grade 12** [THE WIDA ENGLISH LANGUAGE PROFICIENCY STANDARDS, 2007 EDITION, PREKINDERGARTEN THROUGH GRADE 12] are adopted by reference. Eff. 8/29/2004, Register 171; am 5/18/2006, Register 178; am 10/3/2011, Register 200; am ___/___/____, Register _____)

Authority: AS 14.07.060 AS 14.17.420 AS 14.30.410

A copy of **WIDA English Language Development (ELD) Standards Framework, 2020 Edition: Kindergarten – Grade 12** [THE WIDA ENGLISH LANGUAGE PROFICIENCY STANDARDS, 2007 EDITION, PREKINDERGARTEN THROUGH GRADE 12], adopted by reference in 4 AAC 04.155, may be obtained by writing to the Department of Education and Early Development at 801 West 10th Street, Suite 200, P.O. Box 110500, Juneau, Alaska 99811-0500, [OR] at <https://education.alaska.gov/standards>, [WWW.EED.STATE.AK.US/STANDARDS/] **or at** <https://wida.wisc.edu/sites/default/files/resource/WIDA-ELD-Standards-Framework-2020.pdf>.

4 AAC 06.776(a) is amended to read:

(a) **Except as provided in 4 AAC 06.820(f), a** [A] student identified as an English learner under 4 AAC 34.090(2) 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. Eff. 11/23/2003, Register 168; am 10/3/2011, Register 200; am 6/1/2018, Register 226; am 10/20/2018, Register 228; am ___/___/_____, Register _____)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080
AS 14.07.020

4 AAC 06.820(f) is amended to read:

(f) Notwithstanding any provision in this chapter, if a district enrolls a student who qualifies as an English learner under 4 AAC 34.090(2)[,] and who **has been enrolled** [FIRST ENROLLS] in a school in one of the 50 states in the United States or the District of Columbia **for less than 12 months** [AFTER THE PREVIOUS SCHOOL YEAR'S ADMINISTRATION OF THE STATE STANDARDS-BASED ASSESSMENTS UNDER 4 AAC 06.737], the district **shall exclude** [MAY]

(1) **the English learner who is recently arrived under this subsection** [EXCUSE THE STUDENT] from [PARTICIPATION IN] one administration of the state **standards-based** assessment in English language arts; and

(2) [ELECT NOT TO INCLUDE THE STUDENT'S SCORE IN] **the English learner's results on** any state **standards-based** assessment **under 4 AAC 06.737 or an English language proficiency assessment under 4 AAC 34.055(c) for the first year of the English learner's enrollment in the school for the purposes** [as part of measures] of **the** school and district accountability **system** under 4 AAC 06.800 - 4 AAC 06.899[, INCLUDING

MEASUREMENTS OF PARTICIPATION, ATTAINMENT OF A LONG-TERM GOAL OR MEASURE OF INTERIM PROGRESS, AND INCLUSION IN THE ALASKA SCHOOL PERFORMANCE SYSTEM].

(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 10/20/2018, Register 228; am ___ / ___ / ___, Register _____)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080
AS 14.07.020 **AS 14.30.410**

4 AAC 34.055(a)(2) is amended to read:

(2) file a plan of service by **June 30** [JULY 1] of the **fiscal** year in which the district enrolls eight or more English learners in a school or the year in which the existing plan of service expires.

4 AAC 34.055(b)(2) is amended to read:

(2) the district's plan of identification of all students who are or who may be English learners, according to the standardized statewide entrance procedures, which must include the use of a state-approved assessment for identification of English language proficiency; **a district must assess students who may be English learners for such status within 30 days of enrollment in a school in the state;**

4 AAC 34.055(d) is amended to read:

(d) If, under (b) and (c) of this section, a district identifies a student as an English learner eligible for services under this chapter, **the** [that] **student** [PUPIL] remains identified as an English learner until the student obtains **an overall composite score of 4.5 or higher**[,] on tier B or tier C of **ACCESS for ELLs, if that is the approved** assessment [APPROVED BY THE COMMISSIONER] under (c) of this section.

[(1) AN OVERALL COMPOSITE SCORE OF 4.5 OR HIGHER; AND

(2) A SCORE OF 4.0 OR HIGHER IN EACH OF THE TESTED DOMAINS OF READING, SPEAKING, AND LISTENING, AND A SCORE OF 3.8 OR HIGHER IN THE TESTED DOMAIN OF WRITING.] **If an English learner has a disability that precludes assessment in one or more domains of ACCESS for ELLs, the English learner is eligible for alternate scoring under the department's *Alternate Scoring Process Guide*, 2021 edition, adopted by reference.**

4 AAC 34.055(e) is amended to read:

(e) A district shall monitor the academic progress of each student who had been identified as an English learner for **four** [TWO] years after the student is no longer identified as an English learner. A former English learner 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 may need to be re-identified as an English learner.

(Eff. 1/14/78, Register 65; am 8/15/78, Register 67; am 6/28/87, Register 102; am 5/4/2000, Register 154; am 11/23/2003, Register 168; am 8/29/2004, Register 171; am 12/7/2004, Register

172; am 2/18/2007, Register 181; am 7/13/2012, Register 203; am 10/16/2013, Register 208; am 10/20/2018, Register 228; am ___/___/____, Register _____)

Authority: AS 14.07.060 AS 14.17.420 AS 14.30.410

A copy of **WIDA English Language Development (ELD) Standards Framework, 2020 Edition: Kindergarten – Grade 12** [*THE WIDA ENGLISH LANGUAGE PROFICIENCY STANDARDS, 2007 EDITION, PREKINDERGARTEN THROUGH GRADE 12*], adopted by reference in 4 AAC 04.155 and referred to in **4 AAC 34.055(c)** [4 AAC 34.005(d)] may be obtained from the Department of Education and Early Development, [DIVISION OF TEACHING AND LEARNING SUPPORT,] 801 W. 10th Street, Suite 200, Juneau, Alaska 99811-0500, [OR] at **<https://education.alaska.gov/standards>** [WWW.EED.STATE.AK.US/STANDARDS/], **or at** **<https://wida.wisc.edu/sites/default/files/resource/WIDA-ELD-Standards-Framework-2020.pdf>**.

4 AAC 34.090(a)(2) is amended to read:

- (2) "English learner" 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) **a Native American** [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

(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;

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

(5) "**Native American**" ["AMERICAN INDIAN"] has the meaning given in **20 U.S.C. 7801(34) (Elementary and Secondary Education Act)** [4 AAC 06.899], **which is adopted by reference**;

(6) "outlying area" has the meaning given in 20 U.S.C. 7801(36) (Elementary and Secondary Education Act), [; THE DEFINITION OF "OUTLYING AREA" SET OUT IN 20 U.S.C. 7801(36), AS REVISED AS OF DECEMBER 10, 2015,] **which** is adopted by reference.