

4 AAC 12.400 is repealed:

4 AAC 12.400. Emergency special services certificate (emergency Type C). Repealed.

(Eff. 9/29/2005, Register 175; am 4/24/2016, Register 218; am ____/____/____, Register ____)

4 AAC 12 is amended by adding a new section to read:

4 AAC 12.401. Emergency certificate. (a) The commissioner may issue a temporary emergency certificate to a person if, in the judgment of the commissioner, a situation requires the temporary issuance of a certificate to a person who is not otherwise qualified, including a situation meeting the requirements of (b) of this section. The commissioner may determine that other situations require the temporary issuance of an emergency certificate to a person who is not otherwise qualified.

(b) The commissioner may issue a temporary emergency certificate to a person based on a school district's inability to locate a qualified applicant for a position if

(1) the school board applies to the commissioner for the issuance of a temporary emergency certificate under AS 14.20.020(b) for a person the district seeks to hire in a position for which an initial teaching certificate or an administrative certificate (Type B) is required;

(2) the school board presents facts in its application showing

(A) the district's inability despite due diligence to fill a position with a qualified person holding the required certificate;

(B) the harm to the education program in which the position is located caused by the inability of the district to fill the position;

(C) the harm to students in the district due to the inability of the district to fill the position;

(D) all efforts made by the district to locate a qualified applicant for the position, including the dates and venues of all advertising for the position;

(E) any additional facts that support the district's application regarding its difficulty in filling the position that requires an initial teaching certificate or administrative certificate (Type B) and the consequences to the district of failing to locate a qualified applicant;

(F) the district's commitment to provide a mentor for a person employed under an emergency certificate; the application must include the name and qualifications of the mentor and a description of the mentoring services to be provided; for a person to be employed under an emergency initial teaching certificate, the mentor shall be an experienced teacher; for a person to be employed under an emergency administrative certificate, the mentor shall be an experienced administrator;

(c) An emergency certificate issued under (b) of this section is valid only to the end of the school year in which it is issued.

(d) A person employed in a public school of the state as a special education teacher or related service provider is not eligible under 20 U.S.C. 1412(a)(14) (Individuals with Disabilities Education Act) for a temporary emergency certificate.

(e) The commissioner may not issue an emergency certificate to a person who has

(1) not received at least an associate degree from an institution of higher education accredited by a recognized regional accrediting association or approved by the commissioner;

(2) been convicted of a crime involving a minor under AS 14.20.020(f);

(3) not submitted fingerprints to the department under AS 14.20.020(j); or

(4) not completed the training required by AS 14.20.020(k).

(f) An emergency certificate may not be renewed. (Eff. ____/____/____, Register ____)

Authority: AS 14.07.060 AS 14.20.010 AS 14.20.020

4 AAC 12.397(e) is amended to read:

(e) The requirements of this section are applicable to initial applications and applications for renewal of a certificate issued under AS 14.20.020, 4 AAC 12.305(a), (b), and (c), 4 AAC 12.345, 4 AAC 12.355, 4 AAC 12.360, 4 AAC 12.370, 4 AAC 12.372, 4 AAC 12.375, 4 AAC 12.380, 4 AAC 12.390, **4 AAC 12.401** [4 AAC 12.400,] and 4 AAC 12.405. The requirements of this section do not apply to applicants qualifying for certification under AS 14.20.015, AS 14.20.017, and AS 14.20.022. (Eff. 4/24/2016, Register 218; am ____/____/____, Register ____)

Authority: AS 14.07.060 AS 14.20.020 AS 14.20.680
AS 14.20.010

4 AAC 52.030 is amended to read:

4 AAC 52.030. Advisory panel. The Governor's Council on Disabilities and Special Education, established under AS 47.80.030 - 47.80.090, is the advisory panel under 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act)[, AS REVISED AS OF DECEMBER 3, 2004,] and AS 14.30.231. (Eff. 7/1/83, Register 86; am 11/26/93, Register 128; am 8/22/2001, Register 159; am 9/23/2007, Register 183; am ____/____/____, Register ____)

Authority: AS 14.07.060 AS 14.30.231 AS 14.30.335

4 AAC 52.142(a) is amended to read:

(a) For a child with a disability, three through five years of age, an individualized family service plan (IFSP) that contains the material required by 20 U.S.C. 1436 (Individuals With Disabilities Education Act)[, AS AMENDED AS OF DECEMBER 3, 2004,] and that is developed in accordance with 34 C.F.R. 300.321 - 34 C.F.R. 300.325, and 300.327 - 300.328, adopted by reference in 4 AAC 52.140(f), may serve as the IEP for the child if using that plan as the IEP is agreed to by the district and at least one of the child's parents.

(Eff. 8/22/2001, Register 159; am 8/30/2007, Register 183; am ____/____/____, Register ____)

Authority: AS 14.07.060 AS 14.30.278 AS 14.30.335

4 AAC 52.260 is amended to read:

4 AAC 52.260. Personnel development. Each district shall ensure that all personnel necessary to implement this chapter and 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act)[, AS REVISED AS OF DECEMBER 3, 2004,] or a regulation adopted under 20 U.S.C. 1400 - 1482, are appropriately and adequately prepared[, SUBJECT TO THE REQUIREMENTS OF 4 AAC 04.210(J) AND 34 C.F.R. 300.156, AS REVISED AS OF OCTOBER 13, 2006, AND ADOPTED BY REFERENCE]. (Eff. 7/1/83, Register 86; am 11/26/93, Register 128; am 8/22/2001, Register 159; am 9/23/2007, Register 183; am ____/____/____, Register ____)

Authority: AS 14.07.060 AS 14.30.250 AS 14.30.255

4 AAC 52.785 is amended to read:

4 AAC 52.785. Relation to other laws. The regulations contained in 4 AAC 52.090 - 4 AAC 52.790 must be construed, as far as practicable under AS 14.30.180 - AS 14.30.350, in

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accordance with 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act)[, AS
REVISED AS OF DECEMBER 3, 2004,] and the regulations adopted under it.

(Eff. 8/22/2001, Register 159; am 9/23/2007, Register 183; am ____/____/____, Register _____)

Authority: AS 14.07.060 AS 14.30.335