

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

September 17, 2020

From: Michael Johnson, Commissioner

Agenda Item: 8B

◆ ISSUE

The board is being asked to repeal 4 AAC 12.400 Emergency special services certificate (emergency Type C) and adopt 4 AAC 12.401 Emergency certificate. The proposed changes would end the issuance of emergency special services certificate (emergency Type C) and allow for the issuance of emergency administrative certificates (emergency Type B) and some emergency teacher certificate (emergency Initial).

◆ BACKGROUND

- Alaska school districts are finding it increasingly difficult to fill all of their vacant positions with fully qualified educators. Districts reported over 200 unfilled certified vacancies on their 2019 First Day Certified Vacancy Reports.
- Under AS 14.20.020 (b)(2), the commissioner is granted the authority to issue emergency certificates, during situations that, in the judgement of the commissioner, requires the temporary issuance of a certificate to a person not otherwise qualified.
- Currently, regulations provide a process that allows the issuance of an emergency Type C special services certificate. Prior to 2005, regulations also provided a process that allowed the issuance of an emergency teaching certificate (previously called an emergency Type A).
- Under federal statute, the state may not waive “special education certification or licensure requirements” on an emergency, temporary, or provisional basis.” Under the same federal statute, the state may not waive “certification or licensure requirements” for “related services personnel” on “an emergency, temporary, or provisional basis” for related services personnel “who deliver services in their discipline or profession.” Alaska regulations equate “special services providers” with “related services personnel.”
- In order to comply with federal law and maximize the flexibility provided in Alaska statute, this proposal would repeal the current emergency Type C special services regulation and replace it with a new regulation that would provide a process that local school boards could follow to request a temporary emergency certificate for administrators and teachers in all endorsement area except special education.
- Under the new regulation, neither a special education teacher nor a related service provider would be eligible for a temporary emergency certificate.
- Under the new regulation, an emergency certificate would be valid for the remainder of the school year in which it was issued; an emergency certificate would not be renewable, and the local school board would be required to provide a mentor for the person issued an emergency certificate.

- The commissioner would approve all requests for emergency certificates issued under this proposal.
- Behind this cover memo is the proposed regulations. There was no public comment received.
- Tamara Van Wyhe, Director of Innovation and School Excellence, and Sondra Meredith, Administrator of Teacher Education & Certification, will be present to brief the board.

◆ **OPTIONS**

Adopt the proposed regulations.

Amend the proposed regulation and adopt the amended regulations.

Seek more information.

◆ **ADMINISTRATION'S RECOMMENDATION**

Adopt the proposed regulations.

◆ **SUGGESTED MOTION**

I move the State Board of Education & Early Development repeal 4 AAC 12.400 Emergency special certificate (emergency Type C) and adopt 4 AAC 12.401 Emergency certificate; and adopt the proposed amendments to 4 AAC 12.397 Mandatory training requirements, 4 AAC 52.030 Advisory panel, 4 AAC 52.142 Individualized family service plan, 4 AAC 52.260 Personnel development, and 4 AAC 52.785 Related to other laws.