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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Heidi Teshner, Department of Education and Early Development

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: October 12, 2023

RE: Filed Permanent Regulations: Department of Education and Early Development
Department of Education and Early Development regulations re: Interscholastic Activities (4 AAC 06.115)

Attorney General File:	2023200149
Regulation Filed:	10/12/2023
Effective Date:	11/11/2023
Print:	248, January 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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October 12, 2023

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

Re: *4 AAC 06.115: DEED - Interscholastic Activities*
Our file: 2023200149

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Board of Education and Early Development against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Board of Education and Early Development after the close of the public comment period.

The regulations require nonprofit associations that administer and promote interscholastic activities in Alaska to ensure fairness, safety, and equal opportunity for female students in high school athletics by limiting participation in separate high school athletics teams for female students in competitive or contact sports to females who were assigned female at birth.

The June 21, 2023 public notice and the September 21, 2023 certification order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2023.10.12
10:27:33 -08'00'

RCP/AHR1

CC w/enclosure: Dr. Deena Bishop, Commissioner, Department of Education and
Early Development

Heidi Teshner, Deputy Commissioner, Department of Education and
Early Development

Susan Sonneborn, Sr. Assistant Attorney General
Department of Law

Amy H. Robinson, Sr. Assistant Attorney General
Department of Law

APPENDIX J: Certification Order

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


The attached 1 page of regulations, dealing with amendments to 4 AAC 06.115 Interscholastic Activities is certified to be a correct copy of the regulation changes that the State Board of Education and Early Development adopted at its August 31, 2023, meeting, under the authority of AS 14.07.020, AS 14.07.060 and 14.07.165, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the State Board of Education and Early Development paid special attention to the cost to private persons of the regulatory action being taken. The State Board of Education and Early Development's consideration of public comments and adoption of the regulation changes is addressed in the State Board of Education and Early Development Statement of Decision, approved September 21, 2023.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 9/21/2023




Heidi Teshner, Deputy Commissioner
Department of Education and Early Development



FILING CERTIFICATION

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

October 12, 2023 at 11:42 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



for Lieutenant Governor Nancy Dahlstrom

Effective: November 11, 2023.

Register: 248, January 2024.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Register 248, January 2023 ²⁰²⁴ EDUCATION AND EARLY DEV.

4 AAC 06.115(b)(5) is amended by adding a new subparagraph to read:

(D) ensures fairness, safety, and equal opportunity for female students in high school athletics by providing, in consideration of responses to a school survey under 4 AAC 06.520, that if a separate high school athletics team is established for female students, participation shall be limited to females who were assigned female at birth; in this subparagraph, "athletics" means competitive or contact sports, as determined by the association.

(Eff. 6/26/94, Register 130; am 8/2/97, Register 143; am 5/4/2000, Register 154; am 11/11/2023,

Register 248)

Authority: AS 14.03.015 AS 14.07.060 **AS 14.18.050**
AS 14.07.020 **AS 14.18.040**