

4 AAC 33 is amended by adding new sections to read:

Article 5. Public School Performance Incentive Program.

Section

- 500. Purpose: public school performance incentive program
- 510. Limitation of payments
- 520. General eligibility
- 530. Required data
- 540. Qualification
- 550. Award levels
- 560. Selection of schools; central office employees
- 570. Issuing payments
- 580. Participation denied
- 590. Definitions for 4 AAC 33.500 - 4 AAC 33.590

4 AAC 33.500. Purpose: public school performance incentive program. The purpose of 4 AAC 33.500 - 4 AAC 33.590 is to establish a process of determining eligibility for, award of, and distribution of school performance incentive payments under AS 14.03.126 (Public School Performance Incentive Program), subject to the availability of appropriations.

(Eff.12/24/2006, Register 180)

Authority: AS 14.03.126 AS 14.07.020 AS 14.07.060

4 AAC 33.510. Limitation of payments. In accordance with AS 14.03.126(d), no more than 850 certificated employees may receive a school performance incentive payment each school year. Any number of noncertificated employees and central office employees may receive a school performance incentive payment. (Eff.12/24/2006, Register 180)

Authority: AS 14.03.126 AS 14.07.020 AS 14.07.060

4 AAC 33.520. General eligibility. A school is eligible to participate in the school performance incentive program if the school

(1) enrolls students in any combination of grades kindergarten through grade 12, except that a school that enrolls students in grades 11 and 12 only is not eligible;

(2) provides instruction in mathematics and language arts;

(3) administers the state standards-based assessments under 4 AAC 06.737 – 4 AAC 06.739, except that a school that does not teach any grades after grade three is eligible to participate in the program; the feeder school’s designation under 4 AAC 33.540(a)(5) will be based on a determination of the scores and designations of the school that receives the students from the feeder school; the feeder school or its district must assist the department in tracking the students who matriculate from the feeder school; and

(4) meets at least a school-wide 95 percent participation rate separately on the reading test, the writing test, and the mathematics test for students enrolled on the first day of the test administration on the state standards-based assessments for the current school year and for the school year immediately before the current school year. (Eff.12/24/2006, Register 180)

Authority: AS 14.03.126 AS 14.07.020 AS 14.07.060

4 AAC 33.530. Required data. (a) Not later than October 15 of each school year, a district shall submit to the department, on a form provided by the department, the name and social security number of each certificated and noncertificated employee the district employs in a school or central office.

(b) Not later than May 1 of each school year, a district shall submit to the department, on a form provided by the department,

(1) the mailing address of each certificated, noncertificated, and central office employee; and

(2) verification that each certificated or noncertificated employee has been employed for the minimum time period required under 4 AAC 33.550(d).

(c) After the department selects a school under 4 AAC 33.560 for receipt of school performance incentive payments, the district shall inform the department of any change of the name, mailing address, or social security number of an employee at a school or in the central office.

(d) The department will not issue a school performance incentive payment to an employee in a school or a central office in a district that fails to meet the data reporting requirements, including deadlines, set out in this section. (Eff.12/24/2006, Register 180)

Authority: AS 14.03.126 AS 14.07.020 AS 14.07.060

Editor's note: A copy of the forms referenced in 4 AAC 33.530(a) - (b) is available from the Department of Education and Early Development, Division of Teaching and Learning

Support, 801 W. 10th Street, or by writing to the division at P.O. Box 110500, Juneau, AK

99811-0500. The forms are also available on the department's website at

<http://www.eed.state.ak.us/forms/home.cfm>

4 AAC 33.540. Qualification. (a) Qualification of a school for selection under 4 AAC 33.560 will be based upon the school's growth index level. The department will determine a school's growth index level as follows:

(1) for purposes of 4 AAC 33.500 – 4 AAC 33.590, the subject matter proficiency levels for advanced, proficient plus, proficient, below proficient plus, below proficient minus, far below proficient plus and far below proficient minus will be determined as set out in this paragraph, based on the student's scores on the applicable state standards-based assessment under 4 AAC 06.737; the department will assign the appropriate proficiency level to each student based on the student's scale score on a reading, writing, or mathematics test, as set out in the following table:

Reading Scale Scores								
Proficiency Level	Grade Level							
	3	4	5	6	7	8	9	10
Advanced	392 or above	415 or above	418 or above	394 or above	406 or above	402 or above	382 or above	400 or above
Proficient Plus	346– 391	358– 414	358– 417	347– 393	353– 405	351– 401	341– 381	350– 399
Proficient	300– 345	300– 357	300– 357	300– 346	300– 352	300– 350	300– 340	300– 349
Below Proficient Plus	281– 299	280– 299	276– 299	267– 299	273– 299	272– 299	265– 299	261– 299
Below Proficient Minus	261– 280	260– 279	251– 275	234– 266	246– 272	243– 271	229– 264	222– 260

Far Below Proficient Plus	241-260	240-259	226-250	201-233	219-245	214-242	197-228	183-221
Far Below Proficient Minus	100-240	100-239	100-225	100-200	100-218	100-213	100-196	100-182
Writing Scale Scores								
Proficiency Level	Grade Level							
	3	4	5	6	7	8	9	10
Advanced	402 or above	420 or above	406 or above	396 or above	423 or above	460 or above	470 or above	485 or above
Proficient Plus	351-401	360-419	353-405	348-395	362-422	380-459	385-469	393-484
Proficient	300-350	300-359	300-352	300-347	300-361	300-379	300-384	300-392
Below Proficient Plus	259-299	252-299	244-299	257-299	267-299	266-299	269-299	267-299
Below Proficient Minus	218-258	204-251	187-243	215-256	234-266	232-265	238-268	233-266
Far Below Proficient Plus	177-217	156-203	130-186	173-214	201-233	198-231	207-237	199-232
Far Below Proficient Minus	100-176	100-155	100-129	100-172	100-200	100-197	100-206	100-198
Mathematics Scale Scores								
Proficiency Level	Grade Level							
	3	4	5	6	7	8	9	10
Advanced	390 or above	383 or above	373 or above	376 or above	383 or above	379 or above	370 or above	392 or above
Proficient Plus	345-389	342-382	336-372	338-375	342-382	339-378	335-369	346-391
Proficient	300-344	300-341	300-335	300-337	300-341	300-338	300-334	300-345
Below Proficient Plus	282-299	280-299	276-299	279-299	274-299	279-299	279-299	276-299
Below Proficient Minus	263-281	260-279	252-275	258-278	248-273	258-278	258-278	252-275
Far Below Proficient Plus	235-262	230-259	216-251	227-257	209-247	227-257	227-257	216-251
Far Below Proficient Minus	100-234	100-229	100-215	100-226	100-208	100-226	100-226	100-215

(2) using the proficiency level a student achieved on each reading, writing, and mathematics test that the student took in the current school year administration of the state standards-based assessment and in the immediately previous school year administration of the state standards-based assessment, the department will assign a value number from the following table for each student:

Value Number Table							
Previous Year Proficiency Level	Current Year Proficiency Level						
	Far Below Proficient Minus	Far Below Proficient Plus	Below Proficient Minus	Below Proficient Plus	Proficient	Proficient Plus	Advanced
Far Below Proficient Minus	0	95	115	145	190	200	200
Far Below Proficient Plus	0	70	100	130	175	185	195
Below Proficient Minus	0	45	75	110	150	170	175
Below Proficient Plus	0	30	50	85	125	145	160
Proficient	0	20	35	50	100	125	140
Proficient Plus	0	10	20	40	85	115	125
Advanced	0	0	15	20	80	95	120

(3) the department will not assign a value number for a student who took the same grade level test as, or a lower grade level test in the current year than, the student took in the previous year; a student must progress to a higher grade level test than the student took in the previous school year in order for a student's scores to be counted;

(4) the department will assign a value number under (2) of this subsection for each reading, writing, and mathematics test the student took on a state standards-based assessment in the current school year even if the student took a state standards-based assessment in the previous school year at a different public school in the district or in the state;

(5) the department will determine a school index point value for a school by adding the value number assigned to each student for each reading, writing, and mathematics test from the table in (2) of this subsection and dividing the sum of all students' value numbers for each reading, writing, and mathematics test by the total number of reading, writing, and mathematics tests taken by all students in the school; a school with a school index point value of

- (A) 107 to 108.99 has a school growth index level of "strong";
- (B) 109 to 111.99 has a school growth index level of "high";
- (C) 112 to 114.99 has a school growth index level of "excellent"; and
- (D) 115 and higher has a school growth index level of "outstanding."

(b) A school that demonstrates a school growth index level of "strong," "high," "excellent," or "outstanding" is qualified for selection under 4 AAC 33.560. Qualification of a school for selection does not guarantee that an employee will be awarded a school performance incentive payment. (Eff.12/24/2006, Register 180)

Authority: AS 14.03.126 AS 14.07.020 AS 14.07.060

4 AAC 33.550. Award levels. (a) A certificated employee at a school with a school growth index level of

- (1) "strong" is eligible for a school performance incentive payment of up to

\$2,500;

(2) "high" is eligible for a school performance incentive payment of up to \$3,500;

(3) "excellent" is eligible for a school performance incentive payment of up to

\$4,500; and

(4) "outstanding" is eligible for a school performance incentive payment of up to

\$5,500.

(b) A noncertificated employee at a school with a school growth index level of

(1) "strong" is eligible for a school performance incentive payment of up to

\$1,000;

(2) "high" is eligible for a school performance incentive payment of up to \$1,500;

(3) "excellent" is eligible for a school performance incentive payment of up to

\$2,000; and

(4) "outstanding" is eligible for a school performance incentive payment of up to

\$2,500.

(c) A school's designation under 4 AAC 33.540 as "strong," "high," "excellent," or "outstanding" does not guarantee that a certificated or noncertificated employee or a central office employee will receive a school performance incentive payment.

(d) To be eligible for a school performance incentive payment, an employee, including a central office employee, must be

(1) a permanent employee of the district, as determined by the district's

employment policies; and

(2) employed by the school or district for at least 100 days between September 1

and April 1 in the school year for which the school was determined eligible under 4 AAC 33.540.

(e) A part-time permanent employee, either certificated or noncertificated, is eligible for a school performance incentive payment if the district counts the employee as employed for at least .25 full-time equivalent. The amount of a school performance incentive payment for a part-time permanent employee is

(1) 25 percent of the applicable amount set out in (a) and (b) of this section, if the district counts the employee as employed for at least .25 full-time equivalent but less than .50 full-time equivalent;

(2) 50 percent of the applicable amount set out in (a) and (b) of this section, if the district counts the employee as employed for at least .50 full-time equivalent but less than .75 full-time equivalent; or

(3) 75 percent of the applicable amount set out in (a) and (b) of this section, if the school counts the employee as employed for at least .75 full-time equivalent but less than 1.0 full-time equivalent.

(f) If a full-time or part-time school employee, either certificated or noncertificated, and including a principal, is assigned to more than one school building, the employee is eligible for a school performance incentive payment if the district counts the employee as assigned for at least .25 full-time equivalent to a school selected under 4 AAC 33.560 to receive school performance incentive payments. The employee may receive a school performance incentive payment for each school to which the employee is assigned and that is selected to receive school performance incentive payments. The amount of a school performance incentive payment for a school

employee assigned to more than one school building is

(1) 25 percent of the applicable amount set out in (a) and (b) of this section, if the district counts the employee as assigned for at least .25 full-time equivalent but less than .50 full-time equivalent to a school selected to receive school performance incentive payments;

(2) 50 percent of the applicable amount set out in (a) and (b) of this section, if the district counts the employee as assigned for at least .50 full-time equivalent but less than .75 full-time equivalent to a school selected to receive school performance incentive payments;

(3) 75 percent of the applicable amount set out in (a) and (b) of this section, if the school counts the employee as assigned for at least .75 full-time equivalent but less than 1.0 full-time equivalent to a school selected to receive school performance incentive payments; or

(4) 100 percent of the applicable amount set out in (a) and (b) of this section, if the district counts the employee as assigned for 1.0 full-time equivalent or more to a school selected to receive school performance incentive payments.

(g) The department will not, and a district may not, consider a certificated, non-certificated, or central office employee as employed at a school or central office or as assigned to one or more schools for more than 1.0 full time equivalent.

(h) The amount of school performance incentive payments for employees at a school that does not teach any grades after grade three is the same amount awarded to the employees at the school that receives the greatest number of students from the feeder school.

(i) A certificated or noncertificated employee may not receive a school performance incentive payment in excess of the maximum amount of the school performance incentive payment allowable for the growth index level of the school in which the employee is employed.

(j) A superintendent, district chief executive officer, contractor, or volunteer of a school or district is not eligible to receive a school performance incentive payment. (Eff.12/24/2006, Register 180)

Authority: AS 14.03.126 AS 14.07.020 AS 14.07.060

4 AAC 33.560. Selection of schools; central office employees. (a) No later than July 25 annually, the department will select schools whose employees will receive a school performance incentive payment. The department will rank, according to their school index point value, all schools determined eligible under 4 AAC 33.540. Starting with the highest-ranked school, the department will select schools, in descending order according to each school's index point value, whose employees will receive school performance incentive payments until the limitation of 850 certificated employees set out in AS 14.03.126 is reached. The department will not award school performance incentive payments to employees at a school, or at any other school ranked below that school, if the award would cause the limitation of 850 certificated employees set out in AS 14.03.126 to be exceeded.

(b) Within 30 days after notification by the department of selection of a school, the superintendent, or the superintendent's designee, of a district shall, in consultation with the principals of the schools selected under (a) of this section, consult with the commissioner or the commissioner's designee to determine distribution of school performance incentive payments to central office employees. The commissioner will consider all information provided by the superintendent that demonstrates a central office employee, through staff development, instructional support for students, resource identification, and other activities, substantially

contributed to the improvement in achievement at one or more schools in the district eligible for a school performance incentive payment. The superintendent must provide additional information if requested by the commissioner. The total amount of school performance incentive payments for all central office employees in a district is subject to the limitation in AS 14.03.126(b). The amount of a school performance incentive payment made to a single central office employee is subject to the limitation in AS 14.03.126(b)(2). The department will prorate an incentive payment to a part-time permanent central office employee in the same manner as set out in 4 AAC 33.550(e). The department will prorate an incentive payment to a central office employee assigned to more than one school in the same manner as set out in 4 AAC 33.550(f). (Eff.12/24/2006, Register 180)

Authority: AS 14.03.126 AS 14.07.020 AS 14.07.060

4 AAC 33.570. Issuing payments. The department will send a school performance incentive payment by first class mail to an eligible certificated or noncertificated employee within 60 days after selecting a school under 4 AAC 33.560(a) or awarding payments to central office employees under 4 AAC 33.560(b). (Eff.12/24/2006, Register 180)

Authority: AS 14.03.126 AS 14.07.020 AS 14.07.060

4 AAC 33.580. Disqualification. (a) The commissioner may disqualify a test score for a student or group of students in the event of a violation of test security at a school or district as set out in 4 AAC 06.765.

(b) An employee who would be eligible for an incentive payment, but is released from

employment for a reason substantially similar to a cause described under AS 14.20.175(b)(1)(B) and (C), (2), and (3), in the year in which the incentive was accrued, is not eligible for an incentive payment. (Eff.12/24/2006, Register 180)

Authority: AS 14.03.126 AS 14.07.020 AS 14.07.060

4 AAC 33.590. Definitions for 4 AAC 33.500 - 4 AAC 33.590. (a) In AS 14.03.126 and 4 AAC 33.500 - 4 AAC 33.590, unless the context requires otherwise,

(1) "certificated employee" means a school employee who

(A) is employed by a district;

(B) possesses, and is required to possess in order to hold the employee's position, a certificate under 4 AAC 12; and

(C) is participating in a retirement plan under AS 14.25;

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

(3) "district" has the meaning given "school district" in AS 14.03.126(e);

(4) "noncertificated employee" means a school employee, including a classified or paraprofessional employee, who is

(A) employed in a public school;

(B) not required to possess a certificate under 4 AAC 12; and

(C) either is participating in a retirement plan under AS 39.35, or would be eligible to participate if employed for a sufficient number of hours.

(b) In 4 AAC 33.500 - 4 AAC 33.590, unless the context requires otherwise,

(1) "central office employee" means a certificated or noncertificated employee of

a district who works in the central administrative office of a district or who provides services to schools within a district as an itinerant employee;

(2) "commissioner" means the commissioner of education and early development;

(3) "school performance incentive payment" has the meaning given in AS 14.03.126(e). (Eff.12/24/2006, Register 180)

Authority: AS 14.03.126 AS 14.07.020 AS 14.07.060