

NOTICE OF PROPOSED CHANGES ON APPEAL PROCESS RELATED TO  
PARTICIPATION IN THE NATIONAL COUNCIL FOR STATE AUTHORIZATION  
RECIPROCIITY AGREEMENTS (NC-SARA) PROGRAM IN THE REGULATIONS OF THE  
ALASKA COMMISSION ON POSTSECONDARY EDUCATION

BRIEF DESCRIPTION

The Alaska Commission on Postsecondary Education proposes to change regulations on the appeal process related to participation in the National Council for State Authorization Reciprocity Agreements (NC-SARA) program.

The Alaska Commission on Postsecondary Education (ACPE) proposes to adopt regulations changes in Title 20, Chapter 17 of the Alaska Administrative Code, dealing with hearing and resolving appeals from institutions that may be denied participation in the National Council for State Authorization Reciprocity Agreements (NC-SARA) program, including the following:

- (1) 20 AAC 17.018(a), Denial of exemption. The proposed change would set out an appeal process if the Commission denies an application for participation in NC-SARA.
- (2) 20 AAC 17.018(b), Denial of exemption. The proposed change would clarify the process for requesting a hearing in response to an appeal decision.
- (3) 20 AAC 17.018, Denial of exemption. Adding subsection (c) is proposed to make explicit the appellant's status as a participant or non-participant pending any appeal process decision.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Executive Director of the Commission at P. O. Box 110505, Juneau, Alaska 99811-0505. Additionally, the Commission will accept comments by facsimile at (907) 465-5316 and by electronic mail at [EED.ACPE-ExecDirector@Alaska.gov](mailto:EED.ACPE-ExecDirector@Alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 p.m. on January 4, 2021.

You may submit written questions relevant to the proposed action to the Executive Director of the Commission at P. O. Box 110505, Juneau, Alaska 99811-0505, or by email at [EED.ACPE-ExecDirector@Alaska.gov](mailto:EED.ACPE-ExecDirector@Alaska.gov). The questions must be received at least 10 days before the end of the public comment period. The Commission will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and at [www.acpe.alaska.gov](http://www.acpe.alaska.gov).

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Joseph Felkl at (907) 465-6718 or by email at [Joseph.Felkl@alaska.gov](mailto:Joseph.Felkl@alaska.gov) no later than December 28, 2020, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Joseph Felkl at (907) 465-6718 or by email at [Joseph.Felkl@alaska.gov](mailto:Joseph.Felkl@alaska.gov).

After the public comment period ends, ACPE will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. You should comment during the time allowed if your interests could be affected.

**Statutory authority:** AS 14.48.020; AS 14.48.030; AS 14.48.050.

**Statutes being implemented, interpreted, or made specific:** AS 14.48.100; AS 14.48.110.

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

Date: November 30, 2020



---

Stephanie Butler, Executive Director  
Alaska Commission on Postsecondary Education

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Alaska Commission on Postsecondary Education.
2. General subject of regulation: dealing with hearing and resolving appeals from institutions that may be denied participation in the National Council for State Authorization Reciprocity Agreements (NC-SARA) program.
3. Citation of regulation (may be grouped): 20 AAC 17.018
4. Department of Law file number, if any:
  
5. Reason for the proposed action:
  - ( ) Compliance with federal law or action (identify):
  - ( ) Compliance with new or changed state statute
  - ( ) Compliance with federal or state court decision (identify):
  - (X) Development of program standards
  - ( ) Other (identify):
  
6. Appropriation/Allocation: Department of Education and Early Development / Alaska Commission on Postsecondary Education / Program Administration & Operation / 2738
  
7. Estimated annual cost to comply with the proposed action to:
  - A private person: None
  - Another state agency: None
  - A municipality: None
  
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>2021</u>	Subsequent Years
Operating Cost	\$ <u>-0-</u>	\$ <u>-0-</u>
Capital Cost	\$ <u>-0-</u>	\$ <u>-0-</u>
1002 Federal receipts	\$ <u>-0-</u>	\$ <u>-0-</u>
1003 General fund match	\$ <u>-0-</u>	\$ <u>-0-</u>
1004 General fund	\$ <u>-0-</u>	\$ <u>-0-</u>
1005 General fund/ program	\$ <u>-0-</u>	\$ <u>-0-</u>

Other (identify)                      \$ -0-                      \$ -0-

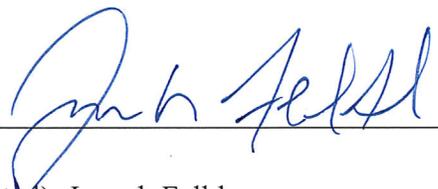
9.     The name of the contact person for the regulation:

Name: Joseph Felkl  
Title: Executive Secretary  
Address: P.O. Box 110505, Juneau, AK 99811  
Telephone: (907) 465-6718  
E-mail address: [joseph.felkl@alaska.gov](mailto:joseph.felkl@alaska.gov)

10.    The origin of the proposed action:

- Staff of state agency
- Federal government
- General public
- Petition for regulation change
- Other (identify):

11.    Date: December 1, 2020

Prepared by:  \_\_\_\_\_

Name (printed): Joseph Felkl  
Title (printed): Executive Secretary  
Telephone: (907) 465-6718

Register \_\_\_\_\_, \_\_\_\_\_ 20\_\_ MISCELLANEOUS BOARDS

20 AAC 17.018(a) is amended to read:

20 AAC 17.018. **Appeal Process** [DENIAL OF EXEMPTION]. (a) **If the commission denies an application** [AN APPLICANT WHO IS DENIED AN EXEMPTION] under 20 AAC 17.015 **or 20 AAC 17.016, the applicant** may **appeal the denial** [SUBMIT A REQUEST FOR RECONSIDERATION] in writing to the executive director **within 30 days of notification of the denial**. [THE REQUEST FOR RECONSIDERATION MUST BE POSTMARKED WITHIN 30 DAYS AFTER THE MAILING OR DISTRIBUTION OF THE DENIAL OF EXEMPTION.] The **appeal** [REQUEST FOR RECONSIDERATION] must clearly state each objection to the denial, the justification for each objection, and the reasons why the applicant is entitled to **approval of the application** [EXEMPTION] under AS 14.48 and this chapter. **The executive director may request additional information from the applicant and shall mail or distribute a written determination within 30 days of receipt of the appeal.**

20 AAC 17.018(b) is amended to read:

(b) Within 30 days after the mailing or distribution of the executive director's decision on the **appeal** [REQUEST FOR RECONSIDERATION], the applicant may **submit a written request to the commission for** a hearing [REGARDING THE DENIAL OF EXEMPTION BEFORE THE COMMISSION]. **The hearing shall be conducted in accordance with AS 44.62 (Administrative Procedure Act) by the office of administrative hearings (AS 44.64.010).** The request for a hearing must clearly state each objection to the denial and the justification for each objection. The appellant has the burden to prove by a preponderance of the evidence that the appellant is entitled to **the requested relief** [EXEMPTION] under AS 14.48

and this chapter. [A HEARING UNDER THIS SUBSECTION IS SUBJECT TO AS 44.64 (HEARING OFFICERS AND OFFICE OF ADMINISTRATIVE HEARINGS). THE HEARING WILL BE CONDUCTED ACCORDING TO AS 44.62 (ADMINISTRATIVE PROCEDURE ACT).]

20 AAC 17.018 is amended by adding a new subsection to read:

(c) The appellant's status as a participant or non-participant under 20 AAC 17.016 shall remain unchanged during any appeal process. (Eff. 4/27/2001, Register 158; am 12/31/2005, Register 176; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 14.48.020                      AS 14.48.050                      AS 14.48.110  
AS 14.48.030                      AS 14.48.100