

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV




530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Joseph Felkl  
Alaska Commission on Postsecondary Education

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** April 21, 2021

**RE:** Filed Permanent Regulations: Alaska Commission on Postsecondary Education

Alaska Commission on Postsecondary Education regulations re: dispute resolution process for postsecondary educational institutions denied participation in the W-SARA reciprocity program (20 AAC 17.018)

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Attorney General File:	2020200710
Regulation Filed:	4/21/2021
Effective Date:	5/21/2021
Print:	238, July 2021

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO REGULATION  
OF THE ALASKA COMMISSION ON POSTSECONDARY EDUCATION

The attached two page[s] of the 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, are certified to be a correct copy of the regulation changes that the Alaska Commission on Postsecondary Education adopted at its January 13, 2021, meeting under the authority of AS 14.48.020, AS 14.48.030, and AS 14.43.050, and in compliance with the Administrative Procedure Act (AS 44.62), including notice under AS 44.62.190 and 44.62.200 and public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Alaska Commission on Postsecondary Education paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after being filed by the Office of the Lieutenant Governor, as provided in AS 44.62.180.

Date:

January 26, 2021

Sana Efird  
Sana Efird, Executive Director

April Simpson, for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on April 21, 2021, at 11:21 a..m., I filed the attached regulation.

April Simpson  
for Lieutenant Governor Kevin Meyer

Effective:

May 21, 2021.

Register:

238, July 2021

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, 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:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



A handwritten signature in blue ink, appearing to read "K. Meyer", is written over a horizontal dotted line.

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

Register 238, July 20 21 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

Register 238, JULY 2021 MISCELLANEOUS BOARDS

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 <sup>remains</sup> ~~shall~~ reconsideration or remain unchanged during any appeal process. (Eff. 4/27/2001, Register 158; am 12/31/2005, Register 176; am 5/21/2021, Register 238 )

<b>Authority:</b>	AS 14.48.020	AS 14.48.050	AS 14.48.110
	AS 14.48.030	AS 14.48.100	