

4 AAC 06.864(a) is amended to read:

4 AAC 06.864. Schools designated for comprehensive support and improvement. (a)

The department must notify each district in the state that serves one or more schools designated for comprehensive support and improvement under 4 AAC 06.840(a) of a designation under **4 AAC 06.868** [4 AAC 06.888].

(Eff. 10/16/2013, Register 208; am 10/20/2018, Register 228; am ____ / ____ / ____; Register ____)

Authority: AS 14.03.123 AS 14.07.060 AS 14.50.080
AS 14.07.020

4 AAC 06.888 is amended to read:

4 AAC 06.888. Informal review of complaints. (a) A person may file a complaint with the department alleging that the school district or the department has failed to comply with the requirements of the federal programs under 20 U.S.C. 6301 - 7981 (Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act), 42 U.S.C. 11431 - 11434A **McKinney-Vento Homeless Assistance Act** [(MCKINNEY-VERTO HOMELESS ASSISTANCE ACT)], **regulations implementing the federal requirements, or requirements of state programs under** AS 14.03.123, [OR] 4 AAC 06.800 — 4 AAC 06.899, **or other school law of the state under AS 14.07.070, or regulations implementing the state requirements,** and seeking informal review under this section of those allegations. For a complaint to be reviewed, it must include

(1) a statement describing the provision of law that the school district or department has allegedly violated;

(2) a statement of the facts that the complainant alleges establish the violation;

(3) the name and address of the complainant; and

(4) documentation that shows that the complainant first presented the complaint to the school district, if the complaint alleges that the school district committed the violation.

(b) **Unless a complaint is rejected under (d) of this section, within 10** [WITHIN FIVE] days after receiving a complaint, the department will assign an investigator to conduct an informal review of the complaint. The investigator must be an employee of the department, may not have taken part in the action that is the subject matter of the complaint, and may not have a personal or financial interest in the subject matter of the complaint. In reviewing the complaint, the investigator may interview the complainant or employees of the respondent, and may request information and documents from the complainant or respondent that the investigator considers necessary for a complete review.

(c) Within 60 days after the date that the department assigned the investigator, the investigator shall submit, to the commissioner, complainant, and respondent, a written statement that

(1) the complainant did not provide complete information for the investigator to review, that the commissioner need not respond to the complaint, and that the investigator's recommendation does not bar the

(A) commissioner from taking additional action based on the information already received; or

(B) complainant from either submitting a new complaint with the additional necessary information or pursuing remedies available under state or federal law;

(2) the complainant's allegations, even if true, do not establish a violation of **a law identified in the complaint** [20 U.S.C. 6301 — 7981, 42 U.S.C. 11431 — 11434A, AS 14.03.123, OR 4 AAC 06.800 — 4 AAC 06.899], that the commissioner need not respond to the complaint, and that the investigator's recommendation does not bar the

(A) commissioner from rejecting the investigator's recommendation and taking additional action; or

(B) complainant from pursuing remedies available under state or federal law; or

(3) **the complainant's allegations and the information made available to the investigator establish that** a violation of **a law identified in the complaint** [20 U.S.C. 6301 — 7981, 42 U.S.C. 11431 — 11434A, AS 14.03.123, OR 4 AAC 06.800 — 4 AAC 06.899,] is likely to have occurred, [BASED ON THE INFORMATION MADE AVAILABLE TO THE INVESTIGATOR,] that if the respondent does not correct or stop the violation, the **investigator recommends that the** department [MAY] take additional action [UNDER STATE LAW], including the initiation of procedures to withhold funding under 20 U.S.C. 6301 - 7981 or AS 14.07.070 if the respondent is a school district, and that the investigator's recommendation does not bar the

(A) commissioner from rejecting or declining to act upon the investigator's recommendation; or

(B) complainant from pursuing remedies available under state or federal law.

4 AAC 06.888 is amended by adding new subsections to read:

(d) The department will reject a complaint filed under (a) of this section if the alleged violation occurred more than six months before the date that the complaint is filed or if, based on the alleged violation, a specific process for complaint is set out elsewhere in statute or regulation. If a complaint is rejected, the department will notify the complainant not more than 10 business days after receiving the complaint and may refer the complainant to another department, agency, or organization.

(e) If the respondent is a school district and the investigator's written statement under (c)(3) of this section concludes that a violation is likely to have occurred,

(1) not later than 30 days after the written statement, the respondent shall submit documentation of compliance or a plan of compliance to the department; and

(2) not later than 60 days after the written statement, the commissioner will consider the written statement and the compliance documentation submitted by the respondent and make a determination whether to take further action.

(f) If under (e) of this section the commissioner determines to withhold funding from a school district under AS 14.07.070, the commissioner will issue a notice of intent to withhold funding to the respondent. A notice of intent under this subsection is an action of the department that may be appealed under 4 AAC 40.010 – 4 AAC 40.050. (Eff. 9/1/2006, Register 179; am 10/20/2018, Register 228; am ___/___/____; Register ___)

Authority:	AS 14.03.123	<u>AS 14.07.030</u>	<u>AS 14.07.070</u>
	AS 14.07.020	AS 14.07.060	AS 14.50.080

4 AAC 40.020(e) is amended to read:

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(e) In this section, “appealable action of the department” means a final decision [(1) MADE BY AN EMPLOYEE OF THE DEPARTMENT WHO IS NOT THE COMMISSIONER; AND (2)] denying a request for, or withholding, money **appropriated** [APPROPRIATE] to the department under AS 14 or AS 44.27 [,] for payment to school districts or other applicants. (Eff. 10/16/81, Register 80; am 2/11/89, Register 109; am 11/10/2002, Register 164; am 12/29/2010, Register 196; am ____ / ____ / ____; Register _____)

Authority: AS 14.07.060 AS 14.17.920