

4 AAC is amended by adding a new chapter to read:

Chapter 10. Office of Education Advocacy

10. Office of education advocacy established

20. Complaints

30. Investigations

40. Administrative review

50. Appeal to state board of education

900. Definitions.

4 AAC 10.010. Office of education advocacy established. The Office of Education Advocacy is established as a unit in the department. The Office of Education Advocacy will

- (1) provide advocacy, information, and support to parents, educational organizations, and community members regarding education issues;
- (2) address questions from parents, students, community members, school district staff, and elected officials on education issues;
- (3) develop and circulate informational material to address common educational challenges and questions;
- (4) develop and publish a database of educational resources;
- (5) investigate and process complaints submitted under 4 AAC 10.020 that allege a violation of state education laws or regulations. (Eff. ____ / ____ / _____, Register _____)

Authority: AS 14.07.020 AS 14.07.060 AS 44.17.030
AS 14.07.030 AS 14.17.020 AS 44.17.040

4 AAC 10.020. Complaints. (a) A parent, student, educator, individual, or educational organization may file a complaint with the Office of Education Advocacy to allege that a school district has failed to comply with an education law or regulation that is enforceable by the department. The provisions of this section do not apply if a specific process for complaint is set out elsewhere in statute or regulation. The violation alleged in the complaint may not have occurred more than six months before the date that the complaint is filed with the Office of Education Advocacy.

(b) A complaint filed under (a) of this section must be in writing on a form provided by the Office of Education Advocacy and must be signed and dated by the complainant. A complainant must send the form to the Office of Education Advocacy by registered mail or by electronic submission. The complaint must include

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

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

(3) the name and address of the complainant;

(4) the name of the respondent school district that is the subject of the complaint;

(5) the date of each alleged violation or, in the case of an alleged continuing or systemic violation, the date that the first alleged violation took place and the history of alleged violations up to the date of the complaint;

(6) a detailed summary of all actions taken to resolve the alleged violation, including any complaints filed with other entities; and

(7) the specific relief sought.

(c) If a complaint does not meet the requirements of this section, the Office of Education Advocacy will notify the complainant not more than 10 business days after receiving the complaint that it has been rejected and may refer the complainant to another department, agency, or organization. (Eff. ____/____/_____, Register _____)

Authority: AS 14.07.020 AS 14.07.060 AS 44.17.030
AS 14.07.030

4 AAC 10.030. Investigations. (a) Not more than 10 business days after accepting a complaint submitted under 4 AAC 10.020, the Office of Education Advocacy will

(1) assign an investigator to conduct an investigation; and

(2) advise the complainant and the respondent of the opportunity to resolve the issue in a non-adversarial manner, including an opportunity for the respondent to offer a proposal to resolve the complaint.

(b) The investigator will conduct an independent investigation of the matters alleged in the complaint. The Office of Education Advocacy may dismiss a complaint if a complainant fails to cooperate with the investigation. The investigation may include

(1) interviews of

(A) the complainant;

(B) the respondent, including employees or contractors;

(C) any other individuals named in the complaint;

(2) a review of relevant documentation as determined by the department; and

(3) an on-site investigation.

(c) The Office of Education Advocacy will issue a written initial investigation report that includes

- (1) a summary of the complaint;
- (2) a summary of the investigation;
- (3) findings of fact;
- (4) a decision that contains, for each allegation in the complaint, the investigator's
 - (A) conclusions, including the basis for the recommended decision; and
 - (B) recommendation for corrective action; and
 - (C) recommendation for withholding of funds under AS 14.07.070, if any.

(d) Unless a complaint is dismissed or resolved before a report is issued under (c) of this section, the Office of Education Advocacy's initial investigation report is due within 60 calendar days after the Office of Education Advocacy accepts the complaint. Notwithstanding the foregoing, the investigator may extend the 60-day period if the investigator determines that good cause exists and provides notice to the parties of the reasons for extending the 60-day period and when the report will be issued.

(e) If the Office of Education Advocacy recommends a corrective action or penalty under (c)(4) of this section, the Office of Education Advocacy will require the respondent school district to document compliance with the recommendation or submit a plan for compliance. The respondent's response is due not later than 30 days after the Office of Education Advocacy issues the initial investigation report.

(f) If the respondent fails to provide documentation of compliance or a plan for compliance under (e) of this section, the Office of Education Advocacy will issue a final investigation report not later than 60 days after issuing the initial investigation report. The initial investigation report

may include a notice of intent to withhold funding under AS 14.07.070. If a final investigation report contains a notice of intent to withhold funding under AS 14.07.070, the intent to withhold funding is an action of the department which may only be appealed under 4 AAC 40.010 - 4 AAC 40.050 and may not be reviewed or appealed under 4 AAC 10.040 or 4 AAC 10.050. (Eff.

_____/_____/_____, Register _____)

Authority: AS 14.07.020 AS 14.07.070 AS 44.17.040
AS 14.07.030 AS 14.17.020 AS 44.17.920
AS 14.07.060 AS 44.17.030

4 AAC 10.040. Administrative review. (a) Except as provided in 4 AAC 10.030(f), a party to a complaint filed under 4 AAC 10.020 may submit a written request for reconsideration of the final investigation report to the commissioner. A request for reconsideration must be postmarked or distributed not later than 30 days after the mailing or distribution of the final investigation report and must clearly state

- (1) each objection to the final investigation report; and
- (2) the justification and any documentation to support each objection.

(b) The commissioner, or the commissioner's designee, may request that the parties provide additional information as necessary to review the request for reconsideration.

(c) The commissioner, or the commissioner's designee, will make a written decision on the request for reconsideration not later than 60 days after the commissioner receives a request for reconsideration.

(d) The commissioner, or the commissioner's designee, may

- (1) affirm the decision;

(2) remand the decision to the initial decision maker for amendment or consideration of additional evidence or argument; or

(3) amend the decision or issue a new decision if

(A) the commissioner or designee has expertise in the subject matter; or

(B) the amendment or new decision corrects an error that does not require expertise in the subject matter.

(e) Not later than 30 days after a remand by the commissioner or the commissioner's designee under (d) of this section, the initial decision maker will issue a revised decision that resolves the issues on remand. (Eff. ____/____/_____, Register _____)

Authority: AS 14.07.020 AS 14.07.070 AS 14.17.920
AS 14.07.030 AS 44.17.020 AS 44.17.040
AS 14.07.060

4 AAC 10.050. Appeal to state board of education. (a) Not later than 30 days after the mailing or distribution of a decision on a request for reconsideration under 4 AAC 10.040, an aggrieved party may appeal the decision to the board. The board will issue a decision not later than 90 days after the filing of an appeal.

(b) The board will not affirm a decision finding a violation if the commissioner's decision, or commissioner designee's decision lacks sufficient information to determine compliance with applicable law.

(c) A decision of the board under this section is a final agency action for purposes of an appeal to the superior court. (Eff. ____/____/_____, Register _____)

Authority: AS 14.07.020 AS 14.07.070 AS 14.17.920

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AS 14.07.030

AS 44.17.020

AS 44.17.040

AS 14.07.060

4 AAC 10.900. Definitions. In 4 AAC 10.010 - 4 AAC 10.990,

(1) "board" means the state board of education and early development;

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

(3) "department" means the department of education and early development;

(4) "initial decision maker" means the investigator. (Eff. ____/____/____,

Register _____)

Authority: AS 14.07.020

AS 14.07.060