

**House Finance Response on CSHB104 (EDC)
Regulation Related to Home/Private School Eligibility**

4 AAC 43.040. Procedures for home-based education and certain religious or other private schools

(a) To establish eligibility for an Alaska performance scholarship, a student who is not enrolled in a public school program and who completes a home-based education program in the state, or who graduates from a religious or other private school accredited under 4 AAC 04.300(c) that does not elect to comply with AS 14.45.100 - 14.45.130, shall apply to the department no later than July 1 of the year the student intends to enroll at an eligible postsecondary institution. The application must be in writing, on a form provided by the department, and must include documentation demonstrating

(1) proof of results achieved on a standardized examination that meet the requirements of 4 AAC 43.020(a), (b), or (c); and

(2) completion of the curriculum requirements in 4 AAC 43.030.

(b) No later than 15 days after receipt of a complete application under (a) of this section, the department will provide the student with a written notice of eligibility. In that notice, the department will state whether the student is eligible for a scholarship, and, if eligible, the student's maximum level of scholarship eligibility.

(c) A student who is denied eligibility for a scholarship under this section or wishes to dispute the department's determination of the student's maximum level of scholarship eligibility may appeal the department's determination by sending a written request for appeal no later than 15 days after the department issues the notice of eligibility.

(d) A request for appeal under (c) of this section must include

(1) the name, mailing address, and telephone number of the appellant;

(2) the relief requested in the appeal;

(3) a short and concise statement identifying the reasons supporting a reversal or modification of the department's eligibility determination; and

(4) all documents, papers, or other materials that support a reversal or modification of the department's eligibility determination.

(e) The commissioner will designate a reviewer who did not participate in the department's initial determination of scholarship eligibility to review a timely request for appeal received under (c) of this section. The reviewer shall consider all information and materials submitted and issue a written decision that determines the student's eligibility for a scholarship, and if eligible, the

Attachment A

student's level of eligibility. The reviewer's decision is the final decision of the department. Notice of the department's decision will be sent to the student no later than 45 days after the department receives the notice of appeal.

History: Eff. 11/4/2010, Register 196