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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Sana Efir, Alaska Commission on Postsecondary Education

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: July 17, 2024

RE: Filed Permanent Regulations: Alaska Commission on Postsecondary Education

Alaska Commission on Postsecondary Education regulations re: Alaska Education Loan Programs (20 AAC 15, 16, & 18)

Attorney General File:	2022200534
Regulation Filed:	7/17/2024
Effective Date:	8/16/2024
Print:	251, October 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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July 16, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *20 AAC 15, 16, & 18: AK Commission on Post-Secondary Education -
Alaska Education Loan Programs*
Our file: 2022200534

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Alaska Commission on Postsecondary Education against the statutory standards of the Administrative Procedure Act. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The regulations were adopted by the Alaska Commission on Postsecondary Education after the close of the public comment period.

The regulations concern amendments and repeal of regulations relating to the terms and conditions of the Alaska Supplemental Education Loan Program, the Alaska Family Education Loan Program, the Alaska Education Grant Program, the Alaska Performance Scholarship Program, and the WICHE Professional Student Exchange Program.

The November 18, 2022 public notice and the January 19, 2023 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made technical corrections and conforming amendments necessary to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations. Additionally, proposed changes to 20 AAC 15.935(e), proposed paragraph 20 AAC 15.970(e)(6), and proposed subsection 20 AAC 18.150(d) were disapproved due to lack of statutory authority. The disapproved regulation changes are omitted from the attached copy of the regulations. While the changes described in this paragraph added to and removed text from the regulations package, the pagination remained the same at 9 pages.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2024.07.16
13:39:57 -08'00'

AHR/fcb

CC w/enclosure: Sana Efird, Executive Director
Alaska Commission on Postsecondary Education

Andrew Bocanumenth, Assistant Attorney General
Department of Law

Amy H. Robinson, Assistant Attorney General
Department of Law

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

The attached nine pages of regulations, dealing with the terms and conditions of the Alaska Supplemental Education Loan Program, the Alaska Family Education Loan Program, The Alaska Education Grant Program, The Alaska Performance Scholarship Program, and the WICHE Professional Student Exchange Program, are adopted and certified to be a correct copy of the regulation changes that the Alaska Commission on Postsecondary Education adopted at its January 12, 2023 meeting, under the authority of AS 14.42.030, AS 14.43.100, AS 14.43.105, AS 14.43.110, AS 14.43.120, AS 14.43.122, AS 14.43.125, AS 14.43.140, AS 14.43.145, AS 14.43.164, AS 14.43.168, AS 14.43.170, AS 14.43.171, AS 14.43.172, AS 14.43.173, AS 14.43.175, AS 14.43.300, AS 14.43.320, AS 14.43.405, AS 14.43.406, AS 14.43.415, AS 14.43.510, AS 14.43.630, AS 14.43.640, AS 14.43.710, AS 14.43.730, AS 14.43.740, AS 14.43.810, AS 14.43.820, AS 14.43.825, AS 14.43.915, AS 14.44.035, and AS 14.44.040 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for 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 they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: January 19, 2023




Sana Efirid, Executive Director

for Kiril Simpson

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

July 17, 2024 at 1:15 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



for Lieutenant Governor Nancy Dahlstrom

Effective: August 16, 2024.

Register: 25, October 2024

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, 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:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



Nancy Dahlstrom

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

20 AAC 15.537 is amended to read:

20 AAC 15.537. Annual and aggregate loan limits. (a) Borrowing under the Alaska family education loan program is subject to [THE] annual and aggregate limits under **AS 14.43.173(a) and (b)** [AS 14.43.173 AND 20 AAC 15.935(f)].

(b) A borrower who receives loans under the Alaska family education loan program [ON BEHALF OF MORE THAN ONE STUDENT] and has borrowed up to the aggregate limit under **AS 14.43.173(b)** [(a) OF THIS SECTION] may receive additional loans if the current total principal loan balance owed by the borrower, including the new loan amount, does not exceed the aggregate limit. (Eff. 3/1/2002, Register 161; am 2/20/2005, Register 173; am 2/22/2015, Register 213; am 8 / 16 / 2024, Register 251)

Authority: AS 14.42.030 [AS 14.43.730] AS 14.43.740
AS 14.43.173

20 AAC 15.735(p) is amended to read:

(p) Borrowing under the Alaska supplemental education loan program is subject to [THE] annual and aggregate limits under **AS 14.43.173(a) and (b)** [AS 14.43.173 AND 20 AAC 15.935(f)].

20 AAC 15.735 is amended by adding a new subsection to read:

(q) A borrower who receives a loan under the Alaska supplemental education loan program and has borrowed up to the aggregate limit established by the corporation under AS 14.43.173(b) may receive an additional ASEL if the current principal balance owed by the borrower, including the new loan amount, does not exceed the aggregate limit.

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(Eff. 7/1/2002, Register 162; am 1/30/2003, Register 165; am 12/31/2005, Register 176; am 11/16/2012, Register 204; am 2/22/2015, Register 213; am 8 / 16 / 2024,

Register 251)

Authority: AS 14.42.030 AS 14.43.171 AS 14.43.173
AS 14.43.164 AS 14.43.172 AS 14.43.175

20 AAC 15.745(b) is amended to read:

(b) **A borrower's repayment schedule under AS 14.43.175 shall require** [THE REPAYMENT PERIOD BEGINS NOT LATER THAN THE DAY AFTER COMPLETION OF SIX MONTHS FROM THE LAST DATE ON WHICH THE BORROWER WAS ENROLLED ON AT LEAST A HALF-TIME BASIS IN AN ELIGIBLE PROGRAM, WITH] a first payment due within 45 days after the first day of the repayment period. (Eff. 7/1/2002, Register 162; am 12/31/2005, Register 176; am 12/29/2010, Register 196; am 2/22/2015, Register 213; am 8 / 16 / 2024, Register 251)

Authority: AS 14.42.030 AS 14.43.171 AS 14.43.175

20 AAC 15.910(c) is amended to read:

(c) **The** [UNLESS OTHERWISE STATED, THE] provisions of 20 AAC 15.915, 20 AAC 15.960(b), (c), and (d), **20 AAC 15.970(c), (e), and (h) - (i), (k)**, and 20 AAC 15.990 apply to the Washington, Wyoming, Alaska, Montana, Idaho (WWAMI) medical education program under AS 14.43.510.

(Eff. 6/23/95, Register 134; am 12/4/96, Register 140; am 3/15/98, Register 145; am 3/1/2002, Register 161; am 1/30/2003, Register 165; am 3/19/2003, Register 166; am

Register 251, October 2024 MISCELLANEOUS BOARDS

12/28/2008, Register 188; am 12/29/2010, Register 196; am 12/26/2014, Register 212;
am 2/22/2015, Register 213; am 4/6/2018, Register 226; am 8 / 16 / 2024, Register
251)

Authority:	AS 14.42.030	AS 14.43.320	AS 14.43.710
	AS 14.43.105	AS 14.43.405	AS 14.43.740
	AS 14.43.122	AS 14.43.510	AS 14.44.035
	AS 14.43.170	AS 14.43.630	

20 AAC 15.915(e) is amended to read:

(e) A request for a hearing on the commission's authority to seize a defaulted borrower's permanent fund dividend shall be accompanied by a \$25 fee to cover costs of retrieval and duplication of the borrower's file, mailing of duplicated documents, and research of the borrower's payment history. This fee shall be waived if a borrower documents that the borrower's total income from all sources falls below the federal poverty guidelines for the borrower's family size. To request a waiver of fee under this subsection, the borrower must submit a request on a form or in a format provided by the commission and include with the request a copy of the borrower's federal income tax return for the past year. The commission will refund a fee paid under this subsection not later than 30 days after receipt of a decision by a court or administrative agency that the seizure was not allowed under AS 14.43.145(a)(2) [AND 20 AAC 15.970(e)(3)]. In this subsection, "federal poverty guidelines" means the United States Department of Health and Human Services poverty guidelines for this state established in 80 Fed. Reg. 3236 - 3237, revised as of January 22, 2015, and adopted by reference. (Eff. 6/23/95, Register 134; am 1/30/2003, Register 165; am 12/31/2005, Register 176; am 6/7/2007, Register

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182; am 10/18/2007, Register 184; am 7/12/2008, Register 187; am 8/19/2009, Register 191; am 5/26/2011, Register 198; am 11/16/2012, Register 204; am 2/21/2014, Register 209; am 2/22/2015, Register 213; am 1/17/2016, Register 217; am 8 / 16 / 2024, Register 251)

Authority:	AS 14.43.100	AS 14.43.320	AS 14.43.640
	AS 14.43.105	AS 14.43.630	AS 14.43.740

20 AAC 15.930(b) is amended to read:

(b) A borrower, and a cosigner if required under AS 14.43.125(d), must sign a promissory note for the loan award. The borrower's parent or legal guardian, who meets the eligibility requirements of AS 14.43.125(a)(2) and (4) - (8), also must sign the promissory note if the borrower is under 16 years of age. **Unless a cosigner's signature is authenticated through an electronic application and signature process approved by the commission, the commission may require the cosigner's signature to be notarized before submission** [A COSIGNER'S SIGNATURE ON A PROMISSORY NOTE MUST BE NOTARIZED UNLESS AUTHENTICATED THROUGH AN ELECTRONIC APPLICATION AND SIGNATURE PROCESS APPROVED BY THE COMMISSION]. Liability for the loan is limited to the amount of loan money disbursed on behalf of the student and applicable interest, loan origination fees, and collection costs.

(Eff. 3/22/97, Register 141; am 3/15/98, Register 145; am 4/20/2000, Register 154; am 2/27/2010, Register 193; am 11/16/2012, Register 204; am 8 / 16 / 2024, Register 251)

Authority:	AS 14.42.030	AS 14.43.125	AS 14.43.630
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AS 14.43.100 AS 14.43.140
AS 14.43.105 AS 14.43.320

20 AAC 15.945(k) is repealed:

(k) Repealed 8 / 16 / 2024 [A BORROWER MAY BE ELIGIBLE FOR THE ANNUAL LOAN AWARD AMOUNT ALLOWABLE FOR AN ON-TIME STUDENT STATUS UNDER AS 14.43.173, BASED UPON ENROLLING IN AT LEAST 30 SEMESTER HOURS OR THE EQUIVALENT PER ACADEMIC YEAR]. (Eff. 3/22/97, Register 141; am 3/15/98, Register 145; am 4/20/2000, Register 154; am 12/18/2000, Register 157; am 2/27/2010, Register 193; am 12/26/2014, Register 212; am 2/22/2015, Register 213; am 7/31/2016, Register 219; am 8 / 16 / 2024, Register 251)

Authority: AS 14.42.030 AS 14.43.300 AS 14.43.740
 AS 14.43.105 AS 14.43.320 AS 14.44.035
 AS 14.43.120 AS 14.43.630
 AS 14.43.125 AS 14.43.640

20 AAC 15.950(a) is amended to read:

20 AAC 15.950. Disbursement and handling of loan awards. (a) **The commission will disburse a loan in** [A LOAN WILL BE DISBURSED IN AT LEAST TWO] installments based upon the terms, quarters, or semesters used by the institution of attendance. A loan for attendance at an institution that does not operate on a term, quarter, or semester system will be disbursed in two installments. The first disbursement will be made at the beginning of the program and the second will be made at the halfway

point, based on the dates of attendance for which the loan is made. Disbursements will be made in equal amounts unless an eligible postsecondary institution designates alternate amounts, the total of which does not exceed the total certified loan amount.

20 AAC 15.950(b) is amended to read:

(b) **The commission will send each** [EACH] loan award installment [AND COMMISSION DISBURSEMENT AND RECEIPT CERTIFICATION FORM WILL BE SENT] on behalf of the student to the financial aid office of the institution that the student is attending.

20 AAC 15.950(e) is amended to read:

(e) The institution is responsible for the completion and retention in the permanent student file of [EITHER THE COMMISSION DISBURSEMENT AND RECEIPT FORM OR] an institution disbursement and receipt form approved by the commission. The commission staff may not issue further loan warrants or transfer additional loan proceeds if the institution fails to comply with this requirement.

(Eff. 3/22/97, Register 141; am 4/20/2000, Register 154; am 4/27/2001, Register 158; am 4/6/2018, Register 226; am 8 / 16 / 2024, Register 251)

Authority:	AS 14.43.105	AS 14.43.320	[AS 14.43.730]
	AS 14.43.120	AS 14.43.630	AS 14.43.740
	AS 14.43.300	AS 14.43.640	

20 AAC 15.970(e)(3) is repealed:

(3) repealed 8 / 16 / 2024 ;

20 AAC 15.970(k) is amended to read:

(k) Notwithstanding a determination of default, the commission may make **an** alternative repayment **schedule** [SCHEDULES] available to **a borrower** [BORROWERS] subsequent to default. Once a loan has become 180 or more days past due, the commission may require the borrower to enter into and comply with a **default forbearance** [LOAN REHABILITATION PAYMENT] agreement, in order to qualify for an alternative repayment schedule **and removal of default status**. [A LOAN THAT HAS BECOME 271 OR MORE DAYS PAST DUE IS NOT ELIGIBLE FOR AN ALTERNATIVE PAYMENT SCHEDULE.] (Eff. 12/4/96, Register 140; am 3/22/97, Register 141; am 3/15/98, Register 145; am 9/23/99, Register 151; am 4/20/2000, Register 154; am 3/1/2002, Register 161; am 7/1/2002, Register 162; am 5/26/2011, Register 198; am 2/22/2015, Register 213; am 8 / 16 / 2024, Register 251)

Authority:	AS 14.42.030	AS 14.43.145	AS 14.43.320
	AS 14.43.105	AS 14.43.168	AS 14.43.630
	AS 14.43.120	AS 14.43.171	AS 14.43.640
	AS 14.43.125	AS 14.43.175	AS 14.43.740

20 AAC 16.015(a)(3) is amended to read:

(3) enrollment as a full-time student as defined under 20 AAC 15.990(a) or as an on-time student **as defined** under AS 14.43.990 [AND 20 AAC 15.945(j)]; and (Eff. 2/22/2015, Register 213; am 4/6/2018, Register 226; am 8 / 16 / 2024, Register 251)

Authority:	AS 14.42.030	AS 14.43.406	AS 14.43.415
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AS 14.43.405

20 AAC 16.034(b)(1) is amended to read:

(1) the applicants are enrolled as on-time students **as defined** under AS 14.43.990 [AND 20 AAC 15.945(j)]; or (Eff. 2/20/2005, Register 173; am 12/28/2008, Register 188; am 6/24/2012, Register 202; am 4/4/2013, Register 206; am 2/21/2014, Register 209; am 2/22/2015, Register 213; am 8 / 16 / 2024, Register 251)

Authority: AS 14.42.030 AS 14.43.406 AS 14.43.915
AS 14.43.405 AS 14.43.415

20 AAC 16.210(a)(2)(B) is amended to read:

(B) if a second- or subsequent-year scholarship recipient enrolled in an academic program of study on a

(i) full-time basis, have successfully completed a minimum of 24 semester credits or the equivalent in the first academic year **and an additional** [OR] 30 semester credits or the equivalent **for** [IN] each subsequent academic year that scholarship money was received; or

(ii) half-time basis, have successfully completed a minimum of 12 semester credits or the equivalent in the first academic year **and** [OR] 15 semester credits or the equivalent **for** [IN] each subsequent academic year that scholarship money was received; and

(Eff. 1/1/2011, Register 196; am 11/16/2012, Register 204; am 8 / 16 / 2024, Register 251)

Register 251, October 2024 MISCELLANEOUS BOARDS

Authority: AS 14.43.030 AS 14.43.810 AS 14.43.820

20 AAC 16.220(e)(1) is amended to read:

(1) "accelerated program of study" means an academic program of study in which the student is completing at least 150 percent of the full-time credit hours required in this section, per **academic** [CALENDAR] year of attendance;

20 AAC 18.030(d) is amended to read:

(d) The **commission may require an applicant's signature to be notarized before submission of an application for certification** [APPLICANT'S SIGNATURE ON AN APPLICATION FOR CERTIFICATION MUST BE NOTARIZED]. The borrower, and the cosigner if required under 20 AAC 18.025(d), must sign a promissory note for the loan award. **Unless a cosigner's signature is authenticated through an electronic application and signature process approved by the commission, the commission may require the cosigner's signature to be notarized before submission.** [A COSIGNER'S SIGNATURE ON THE PROMISSORY NOTE MUST BE NOTARIZED.] Liability for the loan is limited to the amount of support fees disbursed on behalf of the student and applicable interest.

(Eff. 1/18/81, Register 77; am 11/8/2000, Register 156; am 4/6/2018, Register 226; am

8 / 16 / 2024 , Register 251)

Authority: AS 14.44.035 AS 14.44.040