**AS 14.30.194. Mediation.** (a) The department shall, by regulation, establish and implement a voluntary mediation process in conformance with the requirements of federal law, including 34 C.F.R. 300.506. The department shall encourage the use of mediation for settlement of disputes under [AS 14.30.180](https://www.akleg.gov/basis/statutes.asp#14.30.180) — 14.30.350.  
  
 (b) The department shall  
     (1) maintain a list of individuals who are qualified mediators knowledgeable in the federal and state statutes and regulations relating to the provision of special education and related services; and  
  
     (2) provide for qualification of mediators through a training program that is open to all individuals who meet the criteria set by the department by regulation.

**AS 14.30.193. Due process hearing.** (a) A school district or a parent of a child with a disability may request a due process hearing on any issue related to identification, evaluation, or educational placement of the child, or the provision of a free, appropriate, public education to the child. A request is made by providing written notice to the other party to the hearing. A parent shall make a request for a due process hearing under this section not later than 12 months after the date that the school district provides the parent with written notice of the decision with which the parent disagrees. A school district shall make its request for a due process hearing in accordance with the time limit established by the department by regulation.  
  
 (b) If a due process hearing is requested by either a school district or a parent, the school district shall contact the department to request appointment of a hearing officer. The department shall select a hearing officer through a random selection process, from a list maintained by the department under (g) of this section. Within five working days after receipt of the request, the department shall provide to the school district and the parent a notice of appointment, including the name and a statement of qualifications, of the hearing officer that the department determines is available to conduct the hearing.  
  
 (c) The school district and the parent each have the right to reject, without stating a reason, one hearing officer appointed under this section. The rejecting party shall notify the department of that rejection in writing within five days after receipt of the department's notice of appointment. If a hearing officer is rejected under this subsection, the department shall, within five working days after receipt of the written rejection, provide a notice of appointment, including the name and a statement of qualifications, of another hearing officer that the department determines is available to conduct the hearing. Each appointment is subject to a right of rejection under this subsection by a party who has not previously rejected an appointment.  
  
 (d) After a hearing officer is appointed and the time for rejection under (c) of this section has expired, the hearing officer shall immediately inform the parent and the school district of the availability of the mediation process provided under [AS 14.30.194](https://www.akleg.gov/basis/statutes.asp#14.30.194) and encourage use of that process to attempt to resolve the disagreement between the parent and the school district. If the mediation process does not result in settlement of all of the issues, the hearing officer shall conduct a hearing in conformance with the requirements of federal law, including 34 C.F.R. 300.511 — 513. After the hearing is completed, the hearing officer shall issue a written decision that  
     (1) upholds the school district's decision; or  
  
     (2) overturns the school district's decision with specific instructions for modification of the identification, evaluation, educational placement, or provision of the education program by the district.  
  
 (e) A hearing officer's decision under this section is final and binding on the school district and parent unless appealed under (f) of this section. Notwithstanding a decision by the hearing officer, a child may not be evaluated, placed, transferred, or compelled to receive special education or related services from the school district until the period for filing an appeal under (f) of this section has expired or, if an appeal is filed, until the appellate review process has been completed.  
  
 (f) A hearing officer's decision under this section is a final administrative order, subject to appeal to the superior court for review in the manner provided under [AS 44.62.560](https://www.akleg.gov/basis/statutes.asp#44.62.560).  
  
 (g) The department shall maintain a list of qualified hearing officers and shall provide for qualification of hearing officers through a training program that is open to all individuals who meet the criteria set by the department by regulation. The list of qualified hearing officers shall be maintained as a public record.  
  
 (h) For purposes of this section, a student with a disability aged 18 — 21 has the same rights and obligations under this section as a parent of a child with a disability.

**AS 14.30.272. Procedural safeguards.** (a) A school district shall inform the parent of a child with a disability of the right  
     (1) to review the child's educational record;  
  
     (2) to review evaluation tests and procedures;  
  
     (3) to refuse to permit evaluation or a change in the child's educational placement;  
  
     (4) to be informed of the results of evaluation;  
  
     (5) to obtain an independent evaluation by choosing a person from a list provided by the school district or by choosing a person by agreement between the parent and school district;  
  
     (6) to request a due process hearing;  
  
     (7) to appeal a hearing officer's decision; and  
  
     (8) to give consent or deny access to others to the child's educational record.  
  
 (b) The department shall establish, by regulation, impartial procedures for a school district to follow for due process hearings to comply with requirements necessary to participate in federal grant-in-aid programs, including 20 U.S.C. 1400 — 1482 (Individuals with Disabilities Education Act).

[**4 AAC 52.480. Procedural safeguards notice.**](https://www.akleg.gov/basis/aac.asp#4.52.480)

Each district shall comply with the requirements of 34 C.F.R. 300.504, as revised as of October 13, 2006, and adopted by reference, regarding the provision of notice of procedural safeguards to the parents of a child with a disability. The notice must inform the parent of any free or low-cost legal or other relevant services available in the area if the parent (1) requests the information; or (2) is a party to a due process hearing under [AS 14.30.193](https://www.akleg.gov/basis/statutes.asp#14.30.193) or an administrative complaint under [4 AAC 52.500](https://www.akleg.gov/basis/aac.asp#4.52.500).

**[4 AAC 52.490. Mediation.](https://www.akleg.gov/basis/aac.asp" \l "4.52.490)**

The department will provide for a mediation system in compliance with 34 C.F.R. 300.506, as revised as of October 13, 2006 and adopted by reference.

**4 AAC 52.480. Procedural safeguards notice.**

Each district shall comply with the requirements of 34 C.F.R. 300.504, as revised as of October 13, 2006, and adopted by reference, regarding the provision of notice of procedural safeguards to the parents of a child with a disability. The notice must inform the parent of any free or low-cost legal or other relevant services available in the area if the parent

(1) requests the information; or

(2) is a party to a due process hearing under AS 14.30.193 or an administrative complaint under 4 AAC 52.500.

**4 AAC 52.490. Mediation.**

The department will provide for a mediation system in compliance with 34 C.F.R. 300.506, as revised as of October 13, 2006 and adopted by reference.

**4 AAC 52.500. Administrative complaint procedure.**

(a) An organization or parent or other individual may file with the department an administrative complaint alleging that a district or other public agency has violated a requirement of AS 14.30.180 - 14.30.350, this chapter, 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act), or a regulation adopted under 20 U.S.C. 1400 - 1482. However, only a parent may file a complaint alleging that a district has failed to implement a due process hearing decision issued under AS 14.30.193. The violation alleged in the administrative complaint must have occurred not more than one year before the date that the administrative complaint is received by the department. An administrative complaint may allege a systemic violation, a violation of the rights of a specific child, or both. A separate administrative complaint must be filed for each specific child whose specific rights are at issue. The department may consolidate two or more related administrative complaints for purposes of investigation, but will issue separate decisions if necessary to preserve confidentiality.

(b) An administrative complaint filed under (a) of this section must be in writing, signed by the complainant, and dated. It must be sent to the department, division of teaching and learning support, and, at the same time, to the respondent and the district that provides services to the child who is the subject of the administrative complaint. It must include the following information:

(1) the name, address, and telephone number of the complainant, and, if applicable, of the person filing the administrative complaint on the complainant's behalf;

(2) a statement alleging that a district or other public agency has violated a requirement of one or more of the laws listed in (a) of this section;

(3) a statement of the facts that form the basis for the alleged violation of law;

(4) the name of the district or other public agency listed in the statement made under (2) of this subsection. The department will consider the district or other public agency named as the respondent to 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 the alleged violation up to the date of the complaint;

(6) if the complaint concerns an alleged violation of the rights of a specific child,

(A) the name, residence address, and telephone number of the child or, in the case of a homeless child or youth within the meaning of 42 U.S.C. 11434a(2) (McKinney-Vento Homeless Assistance Act), available contact information for the child;

(B) the name of the school that the child is attending;

(C) a description of the nature of the problem of the child, including facts relating to the problem; and

(D) a proposed resolution of the problem to the extent known and available to the complainant at the time the complaint is filed.

(c) If the department receives a communication that appears to be intended to be an administrative complaint under this section, the department will determine whether the department may accept the complaint as submitted as meeting the procedural requirements of this section. The department will notify the complainant if the complaint does not meet those requirements, and will inform the complainant of the procedural deficiencies of the complaint. If the department accepts the complaint as meeting the procedural requirements of this section, the department will

(1) assist the complainant to clarify the allegations in the complaint, and give the complainant the opportunity to submit additional information; and

(2) advise the complainant and the respondent of the opportunity to resolve the issues in a non-adversarial manner, including an opportunity for the

(A) respondent to offer a proposal to resolve the complaint; and

(B) complainant and respondent to voluntarily resolve the complaint thorough mediation under 4 AAC 52.490.

(d) The department will conduct an independent investigation of an unresolved administrative complaint. The investigation may include

(1) interviews of the complainant and respondent, including their employees, if any;

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

(3) an on-site investigation.

(e) Unless the complainant and the respondent resolve the allegations identified in the administrative complaint, within 60 days after a complaint was accepted under (c) of this section, the department will issue to the complainant and respondent a written decision. The department will extend the 60-day period if it determines that exceptional circumstances exist, or if the complainant and the respondent have agreed to mediate the dispute under 4 AAC 52.490. The department will document the reasons for extending the 60-day period. The decision issued by the department will include

(1) a summary of the administrative complaint;

(2) a summary of the investigation;

(3) findings of fact;

(4) conclusions that address each allegation in the administrative complaint, including the reasons for the decision; and

(5) if a violation has been found, an order requiring cessation and remediation of the violation; under this paragraph, "remediation" may include compensatory education, monetary reimbursement, or corrective action, including corrective action and future provision of services for a systemic violation discovered in the investigation of a complaint regarding a specific child.

(f) If the department issues an order under (e)(5) of this section, the department will require the district or other public agency to document that it has complied with the order.

(g) If an administrative complaint contains allegations that are the subject of a pending due process hearing under AS 14.30.193 or 4 AAC 52.550, the department will set aside any part of the administrative complaint that is being addressed in the due process hearing, until the conclusion of that hearing. An allegation that is not the subject of a due process hearing will be resolved within the time limit and under the procedures specified in this section. If an issue raised in an administrative complaint has previously been decided in a due process hearing involving the same complainant and respondent, the department will inform the complainant that that hearing decision is binding on that issue, and will not investigate that issue.

(h) A decision in an administrative complaint regarding an issue that may be considered in a due process hearing under AS 14.30.193 or 4 AAC 52.550 is not a final decision and the nonprevailing complainant or respondent may request a due process hearing on that issue. If the issue may not be considered in a due process hearing, then the decision on the administrative compliant on that issue is a final decision of the department, which may be appealed to the superior court under the Alaska Rules of Appellate Procedure.

**4 AAC 52.550. Due process hearing.**

(a) The department will make available to the public an optional model form for filing a complaint for a due process hearing under AS 14.30.193. A parent must file a complaint for a due process hearing in the timelines established in AS 14.30.193(a); a district must file a complaint for a due process hearing within 60 days after a parent takes the action or inaction that is the subject of the complaint. The department may not be joined as a party to a due process hearing unless the department is directly providing services to the child or the department consents. The complaint for a due process hearing is confidential. A complaint must include

(1) the name, residence address, and telephone number of the child or in the case of a homeless child or youth within the meaning of 42 U.S.C. 11434a(2) (McKinney-Vento Homeless Assistance Act), available contact information for the child;

(2) the name of the school that the child is attending;

(3) a description of the nature of the problem of the child relating to the proposed or refused initiation or change that is the basis for the complaint, including facts relating to the problem;

(4) the signature of the person filing the complaint; and

(5) a proposed resolution of the problem to the extent known and available to the complainant at the time the complaint is filed.

(b) A respondent to a complaint for a due process hearing may file with the hearing officer an objection that the complaint is not sufficient. The objection must be filed within 15 days of the respondent's receipt of the complaint. Within five days of receipt by the hearing officer of an objection, the hearing officer shall determine whether the complaint is sufficient, and shall immediately notify the parties of the determination.

(c) The hearing officer may not consider a complaint as untimely requested under AS 14.90.193(a) if a parent was prevented from filing a complaint because the district

(1) made specific misrepresentations that it had resolved the problem forming the basis for the complaint; or

(2) withheld information from the parent that was required to be provided to the parent by AS 14.30.180 - 14.30.350, this chapter, 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act), or a regulation adopted under 20 U.S.C. 1400 - 1482.

(d) A complainant may amend a complaint for a due process hearing only with the consent in writing of the respondent or by order of the hearing officer. A hearing officer will not grant a request to amend a complaint if five or fewer days remain before the due process hearing begins. An amended complaint restarts the timelines for resolution under this section and the respondent must be given an opportunity to resolve the issue that is the subject of the amendment in a resolution meeting under (f) of this section.

(e) Within 10 days of receipt of the due process complaint, the respondent must send to the complainant a response that specifically addresses the problems raised in the complaint. The response is confidential. If the respondent is a district, and the district has not sent to the parent a written notice under 4 AAC 52.190 regarding the subject matter of the complaint, the response must include

(1) an explanation of why the district proposed or refused to take the action;

(2) a description of other options that the IEP team considered and the reasons why those options were rejected;

(3) a description of each evaluation procedure, assessment, record, or report the agency used as the basis for the proposed or refused action; and

(4) a description of the other factors that are relevant to the district's proposed or refused action.

(f) Within 15 days after receiving a due process complaint, a district shall hold a resolution meeting under 4 AAC 52.555, unless the complainant and district agree in writing to waive the resolution meeting, or the complainant and district agree to mediate the complaint as provided in 4 AAC 52.490.

(g) A hearing officer appointed under AS 14.30.193 shall conduct the due process hearing at a time and place determined by the hearing officer to be reasonably convenient to the parent and the district. The hearing officer may hold a prehearing conference for the purpose of determining scheduling, requirements for briefing and exchange of exhibits, and other administrative matters specific to the hearing. The hearing officer may hold a settlement conference if requested by the complainant and respondent, but the hearing officer may not act as a mediator under AS 14.30.194 and 4 AAC 52.490. The hearing officer shall deliver or mail a notice of the hearing to the parent at least 10 days before the hearing. The notice must be worded substantially as follows:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

You may be represented by counsel, may present any relevant evidence, and may cross-examine any witnesses testifying against you.

(h) At least five business days before the hearing, each party must disclose to all other parties all evidence, including evaluations and recommendations based on the evaluations, that the party intends to use at the hearing.

(i) A hearing officer may supplement the procedures in this subsection as necessary to conduct a fair and efficient hearing. The following procedures apply to all due process hearings:

(1) the hearing must be recorded;

(2) oral testimony must be under oath or affirmation;

(3) each party may

(A) be represented by counsel;

(B) be accompanied and advised by individuals with special knowledge or training with respect to the problems of children with disabilities or of the child about whom the request for a hearing was filed;

(C) call and examine witnesses;

(D) introduce exhibits;

(E) cross-examine opposing witnesses on all relevant matters;

(F) impeach a witness regardless of who first called the witness to testify;

(G) request the hearing officer to compel the attendance of witnesses;

(H) prohibit the introduction of evidence that has not been disclosed by the other party at least five business days before the hearing;

(4) relevant evidence may be admitted if it is the sort of evidence on which responsible people rely in the conduct of serious affairs, without regard to whether the evidence would be admissible in a civil action;

(5) hearsay evidence may be used to supplement or explain nonhearsay evidence, but is not sufficient by itself to support a finding unless it would be admissible in a civil action;

(6) the rules of privilege are effective to the same extent that they are recognized in a civil action;

(7) evidence may be excluded if it would cause undue delay, waste time, or be a needless presentation of cumulative evidence;

(8) an employee of the district may be called as a witness by any party;

(9) a parent may have that parent's child present and may open the hearing to the public;

(10) the complainant may not raise problems that were not raised in the complaint unless the other party agrees; and

(11) the party that requests the hearing has the burden of proving the party's claim by a preponderance of the evidence.

(j) The hearing officer may proceed with a due process hearing if a district has not resolved a complaint for a due process hearing in the resolution meeting under (f) of this section to the satisfaction of the complainant within 30 days of the district's receipt of the request for a due process hearing under (a) of this section, or within 15 days of the district's receipt of the request for an expedited due process hearing under (l) of this section.

(k) The hearing officer shall issue a final written decision within the timelines provided by this subsection. The decision must include a statement of the facts on which it is based. Except as provided in (l) of this section, upon the request of the complainant or respondent, the hearing officer may extend the time for issuing a final decision by issuing a written order stating the reasons for the extension. An extension may be granted only for good cause and may be ordered only for a specified time to respond to the circumstances for which it is granted. Unless an extension is granted, and except as provided in (l) of this section, the hearing officer shall issue a final written decision and mail a copy to the complainant, the respondent, and the department not later than 45 days after one of the following events:

(1) the complainant and the district agree in writing to waive the resolution meeting;

(2) during either the mediation or resolution meeting process, the complainant and the district agree in writing that an agreement is not possible;

(3) the complainant or the district withdraws from the mediation process after the district and the complainant had agreed in writing to continue the mediation at the end of the 30-day resolution period; or

(4) the thirty-day timeline for the resolution meeting has expired without the complainant and the respondent resolving the complaint or agreeing in writing to continue mediation.

(l) The provisions of 34 C.F.R. 300.530 - 300.536, as revised as of October 13, 2006, relating to discipline procedures applicable to children with disabilities, are adopted by reference. If a parent or district requests an expedited hearing on a disciplinary issue for which an expedited hearing is provided under the federal provisions adopted in this subsection, the hearing officer must hold an expedited due process hearing within 20 school days after the request for a hearing is filed, and issue a final written decision. The hearing officer shall mail a copy of the decision to the complainant and the respondent within 10 school days after the hearing. Within seven days after receiving a request for an expedited due process hearing, the district shall attempt to resolve the complaint with the complainant by holding a resolution meeting under 4 AAC 52.555, unless the complainant and district agree in writing to waive the resolution meeting, or the complainant and district agree to resolve the complaint in mediation as provided in 4 AAC 52.490. The hearing officer may proceed with the expedited due process hearing within 15 calendar days of the receipt of the request for an expedited due process hearing if the complaint for a due process hearing is not resolved.

(m) The department will mail a copy of the findings and the decision of the hearing officer, within 30 days after issuance and after deleting any personally identifiable information, to the advisory panel established under AS 44.29.600 and 4 AAC 52.030. The department will provide a written, or, at the option of the parent, electronic, verbatim record of the hearing, findings of fact, and decision to any party to the hearing upon request. This record will be provided at no cost to the parent.

(n) To be treated as a parent under AS 14.30.193(h), a student may not have been adjudicated incompetent by a court.

(o) A hearing officer shall determine whether a district provided a FAPE to a child as set out in 34 C.F.R. 300.513, as amended as of October 13, 2006, and adopted by reference. A due process hearing under this section will not address the application of any statutes or regulations other than AS 14.30.180 - 14.30.350, this chapter, 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act), or a regulation adopted under 20 U.S.C. 1400 - 1482, except that if a district is also required to conduct a hearing under 29 U.S.C. 794 (Rehabilitation Act of 1973) regarding the same child and substantially the same facts, the district may, with the consent of the hearing officer, elect to consolidate the hearing under 29 U.S.C. 794 with the due process hearing. The consolidation of the hearing under 29 U.S.C. 794 with the due process hearing does not give the department any responsibility for involvement in or enforcement of a decision under 29 U.S.C. 794. If the hearings are consolidated, the hearing officer must separate the decision regarding the due process hearing from the decision regarding the hearing under 29 U.S.C. 794.

(p) the district shall pay all costs of the due process hearing. If the complainant or respondent appeals the decision to the superior court under the Alaska Rules of Appellate Procedure, costs of preparation of the record will be as provided under those rules other than the cost of furnishing to the parent the items that are required to be furnished at no cost under this section.

**4 AAC 52.555. Resolution meeting.**

(a) The resolution meeting required under 4 AAC 52.550(f) must provide the

(1) parent the opportunity to discuss the issues raised in the due process complaint for a due process hearing with the IEP team; and

(2) district the opportunity to resolve the problems that are the basis for the complaint.

(b) A resolution meeting convened by a district under 4 AAC 52.550 must include the relevant members of the IEP team who have knowledge of the facts identified in the due process complaint, as determined by the parent and the district. The meeting must include a representative of the district who has authority to make legally binding decisions on behalf of the district. The meeting may not include an attorney of the district unless the parent is accompanied by an attorney. The district must make reasonable efforts to obtain the participation of a complainant in a resolution meeting and document the efforts using the procedures in 34 C.F.R. 300.322(d).

(c) Unless the complainant and the district have agreed jointly in writing to waive the resolution process or to use mediation, a parent's failure to participate in a resolution meeting will result in a delay of the due process hearing until the resolution meeting is held. If a district is unable to obtain the participation of a parent in a resolution meeting, the district may, after thirty days, request a hearing officer to dismiss the parent's complaint for a due process hearing.

(d) The complainant may ask the hearing officer to begin the due process hearing timeline if the district fails to participate in the resolution meeting or fails to hold the resolution meeting specified in this section within 15 days of receiving notice of a complainant's complaint for a due process hearing, or within seven days of receiving notice of a complainant's complaint for an expedited due process hearing in 4 AAC 52.550(l).

(e) If a resolution of a complaint for a due process hearing in 4 AAC 52.550 is reached as a result of a resolution meeting held in conformance with this section, the complainant and the district must execute a legally binding agreement that is signed by the complainant and a representative of the district who has the authority to bind the district. The agreement is enforceable as set out in 34 C.F.R 300.510(d), as revised as of October 13, 2006, and adopted by reference.

(f) By written statement the complainant or district may void an agreement made under (e) of this section within three school days of the agreement's execution.

**4 AAC 52.560. Impartial hearing officer.**

(a) A hearing officer

(1) may not have a personal or professional interest that an independent third party could reasonably expect would conflict with the officer's objectivity in a hearing;

(2) may not, during the course of the 12 months immediately preceding appointment, have been employed by

(A) a district that is involved in the education or care of children with disabilities;

(B) a parent of a child as a representative or consultant in a due process hearing under this section or a complaint process under 4 AAC 52.500;

(3) must have participated in a training program for hearing officers developed by the department and conducted by the department or the district;

(4) must be at least 21 years of age;

(5) must possess knowledge of, and the ability to understand

(A) AS 14.30.180 - 14.30.350, this chapter, 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act), or a regulation adopted under 20 U.S.C. 1400 - 1482; and

(B) legal decisions and interpretations of special education laws;

(6) must be able to conduct hearings in accordance with appropriate standard legal practice; and

(7) must possess the knowledge and ability to issue and write decisions in accordance with appropriate standard legal practice.

(b) A person who otherwise qualifies to conduct a hearing under (a) of this section is not considered an employee of the department or district solely because the person is paid by the district to serve as a hearing officer.

(c) A hearing officer is disqualified and shall voluntarily withdraw from a hearing in which the officer cannot conduct a fair and impartial hearing. A party may request the disqualification of a hearing officer by filing with the hearing officer an affidavit, before the taking of evidence at a hearing, which states the grounds for the party's belief that the hearing officer cannot conduct a fair and impartial hearing. The issue will be determined by the hearing officer.

(d) The department and each district shall keep a list of persons available to serve as hearing officers. This list must include a statement of the qualifications of each person listed.

(e) An application must be submitted to the department in order to participate in a training program to qualify as a hearing officer. The training will include review and analysis of federal and state statutes and regulations and court decisions pertaining to special education. To assure adequate training to implement AS 14.30.193, each participant must be at least a high school graduate or present evidence of equivalent formal education. The department will set class size at a level appropriate to maintain a sufficient number of hearing officers.

**4 AAC 52.570. Appeal to department.**

Repealed.

**4 AAC 52.571. Attorney fees.**

(a) If attorney fees or costs of a party are awarded by a court in an action or proceeding brought under 20 U.S.C. 1415, a district may not pay those fees or costs with money provided under 20 U.S.C. 1411 - 1413.

(b) Notwithstanding (a) of this section, a district may use money provided under 20 U.S.C. 1411 - 1413 to conduct actions or proceedings brought under this chapter.

**4 AAC 52.580. Placement of child during due process proceedings.**

(a) Except as provided in 4 AAC 52.550(l), and as provided in (b) - (d) of this section, during the pendency of an administrative or judicial proceeding concerning the identification, evaluation, or educational placement of a child, unless the parties agree otherwise, the child shall remain in the educational placement that preceded the placement change that gave rise to the administrative or judicial proceeding.

(b) Notwithstanding (a) of this section, if the proceedings concern an application for initial admission to school, the child must, with the consent of a parent, be admitted to school until completion of all proceedings.

(c) If a parent or a district requests a hearing or appeal regarding a disciplinary action taken under the provisions of 34 C.F.R. 300.530 - 300.536, as revised as of October 13, 2006, and adopted by reference, to challenge the placement of a child in an interim alternative educational setting or to challenge a manifestation determination, the child shall remain in that placement during the pendency of the proceeding or until the expiration of the time for the placement, whichever occurs first, unless the parties agree otherwise.

(d) Notwithstanding (a) of this section, if a hearing officer, in a decision issued in a due process hearing conducted under 4 AAC 52.550, agrees with the child's parents that a change of placement is appropriate, the district shall place the child in the requested placement during any further proceedings as if the placement were the result of an agreement under (a) of this section.