

(3) The several departments and agencies of the State and its political subdivisions which are directed by Section 4 of this Act to initiate and pursue continuing studies are further directed to keep the Coordinator of Atomic Development Activities fully and currently informed as to their activities relating to atomic energy and other forms of radiation.

(4) The Coordinator of Atomic Development Activities shall keep the governor and the several interested departments and agencies informed as to private and public activities affecting atomic industrial development and shall enlist their cooperation in taking action to further such development as is consistent with the health, safety and gen-

eral welfare of this State.

Sec. 6. Injunction Proceedings. Whenever, in the opinion of the governor, any person is violating or is about to violate Section 3 of this Act, he may direct the attorney general to apply to the appropriate court for an order enjoining the person from engaging or continuing to engage in the activity violative of this Act and upon a showing that such person has engaged, or is about to engage in any such activity, a permanent or temporary injunction, restraining order, or other order may be granted.

Sec. 7. Cooperation. The heads of the appropriate agencies may cooperate with the Federal government in the administration of this Act or any matter pertaining thereto.

Approved April 27, 1959

CHAPTER 120

AN ACT

To provide special education for exceptional children in Alaska; and providing for an effective date.

(S.B. 66)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Purpose. It is the purpose of this Act to provide competent education services for the exceptional children in Alaska between and including the ages of five (5) and eighteen (18) for whom the regular school facilities are inadequate or not available.

Sec. 2. Definitions. In interpreting and carrying out the provisions of this Act, the words "exceptional children" wherever used, will be construed to mean physically handicapped children and mentally retarded children; the words "physically handicapped children" whenever used, will be construed to include any child of educable mind whose body functions or members are so impaired that he cannot be safely or adequately educated in the regular classes of the public schools, without the provision of special services; and the words "mentally retarded children" wherever used, will be construed to include any child whose mental or emotional condition is such

that he cannot be adequately educated in the regular classes of the public schools, without the provision of special services. The term "special services" may be interpreted to mean transportation; special teaching in the public school curriculum; corrective teaching, such as lip reading, speech correction and hearing therapy, sight conservation, and corrective health habits; and the provision of special seats, books and teaching supplies, and equipment required for the instruction of exceptional children. It shall also be interpreted to mean education and training for children who cannot utilize regular class room instruction. The evaluation of the child's mental and physical status shall be made in accordance with standards established by the Alaska Department of Health and Welfare. The standards shall include provision for re-evaluation of the child in special classes at regular intervals. The standards shall also make provision for boarding and foster care for a child who must attend classes away from his community.

Sec. 3. Eligibility. The School Board of any school district may establish and maintain special classes for five (5) or more exceptional children who are residents of such district and/or such exceptional children who are residents of other areas, which cannot meet the requirements for establishing and maintaining special classes. In any school district where the parents of five (5) or more of any type of exceptional children, or types which may be taught together, petition the Board of Education of that district for a special class, it shall be the duty of the school authorities to request the State Department of Education and the State Department of Health and Welfare to cooperate in the establishment of such class or classes under rules and regulations established for this purpose by the State Department of Education and the State Department of Health and Welfare; provided also, that two (2) or more adjacent school districts may join together and contract to establish a special class or classes. In such a case the various districts are to be paid the cost of educating the children in the special class or classes over and above the average per capita cost of educating normal children in the respective school districts not to exceed 150% for the mentally retarded children and 200% for the physically handicapped. In other areas where there is not sufficient number for the organization of a special class or classes, exceptional children may be entered in special classes in any other district; and all per capita apportionment paid to such areas for each such school child shall be transferred to the school district that provides the facilities for their education by the proper authorities.

Sec. 4. Budget. It is further provided that to be eligible for aid under the provisions of this Act, the school district establishing and maintaining special classes for exceptional children must file with the Commissioner of Education on or before September 1st of each school year, on forms furnished by the State Department of Education, a tentative budget containing the anticipated expenditures of such special classes. On or before July 15th of each school year, each school district maintaining special classes for exceptional children shall make a detailed, accurate financial record

of all moneys paid out by it for maintenance of these classes, and such financial record shall be subject to the approval of the State Commissioner of Education. The tentative budget and all forms filed with the State Department of Education must be sworn to by the Superintendent or Principal of the school making and filing said forms.

Sec. 5. Reimbursement. It is further provided that in order to qualify for reimbursement, the district must include in the receipts of its budget a sum not less than the total per capita cost of educating said exceptional children who are to be taught in special classes. Within the limits set forth in Sec. 3 of this Act, there is authorized to be paid to the local Board of Education of the school districts establishing and maintaining special classes for exceptional children, not more than the difference between the per capita cost of instruction and equipment for the normal children of that district in any corresponding grade of said school district, not to exceed 150% for the mentally retarded and 200% for the physically handicapped.

Sec. 6. Forfeiture. Failure on the part of the school district to prepare and certify its report of claims for the excess cost of educating exceptional children to the State Department of Education on or before July 15th of any year, and its failure thereafter to prepare and certify such reports to the State Department of Education within ten (10) days after receipt of notice of such delinquency sent to it by the State Department of Education, by registered mail, shall constitute a forfeiture by the school district of its right to be reimbursed by the state for the excess cost of educating exceptional children for such year.

Sec. 7. Special Education. The Commissioner of Education and the Commissioner of Health and Welfare shall establish a working committee from staff in their Departments which shall make provision for cooperation in carrying out this function with (1) the State Crippled Children's Association; (2) the State Division of Vocational Rehabilitation; (3) the state departments dealing with employment; and (4) the local school boards and other agencies interested in providing individual counseling and guidance

in social and vocational matters.

Sec. 8. Supervisor. There may be appointed by the Commissioner of Education a supervisor of special education, or he shall delegate these duties to an existing staff member. It shall be the duty of the supervisor of special education to furnish forms to all school districts making application for aid under the provisions of this Act; to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intent of this Act, and for the best interest of the exceptional children for whose benefit the funds are appropriated; and to determine whether the exceptional child for whom claim is made is within the class as defined by this Act, and whether or not competent educational services are rendered to the child. The qualifications of the special education supervisor shall be prescribed by the Department of Education and shall be consistent with the requirements of this Act.

Sec. 9. Teacher Qualifications. No person shall be employed to teach any class for exceptional children as defined in this Act, unless he possesses a valid teacher's certificate and in addition such training as the supervisor of special education may require in rules and regulations which have been approved by the Commissioner of Education.

Sec. 10. Exception to Qualifications. School boards of the district wherein a special class or classes are established and maintained may forego part of the qualifications for teachers as set out in Sec. 9 of this Act, if necessary, the first year the program is in operation in the district. After the end of the school year, following the passage of this Act, no teacher shall be employed unless he has the qualifications as set out in Sec. 9 of this Act.

Sec. 11. Psychologist Qualifications. The minimum standard for the credential authorizing service as a psychologist shall be a Master's Degree in psychology or educational psychology from a higher institution of learning approved by the State Board of Education, if there is one, otherwise approval must be by the Commissioner of Education, and such addi-

tional requirements as may be prescribed by said Board or Commissioner.

Sec. 12. Substitutes. Nothing in Sec. 9 of this Act shall be deemed to prohibit the employment, as a substitute teacher of each such special day class for not more than twenty (20) school days in any school year, of a person holding some other valid credential authorizing substitute teaching.

Sec. 13. Appropriations: Purposes. The appropriations made under the authority of the provisions of this Act are to be used to pay school districts, establishing and maintaining special classes, the excess cost of instructing exceptional children, which cost is over and above the average per capita cost of educating normal children in the respective school districts. This aggregate excess cost shall be allocated for payment of teachers' salaries, including corrective teaching, such as lip reading, speech and hearing therapy, sight conservation, and corrective health habits; necessary schoolroom equipment, and transportation. Such excess cost shall not exceed 150% for the mentally handicapped and 200% for the physically handicapped, over and above the average per capita cost of educating normal children in the respective school districts.

Sec. 14. Non-Resident Apportionment. If a child attends a class for exceptional children in a school district other than that of his residence, the School Board of the district of his residence shall pay to the school district maintaining the class which he attends, the state and district per capita apportionment received by the district of his residence. If the per capita cost of educating a normal child of like grade in the district of his residence is smaller than the per capita cost of educating a normal child of like grade in the district where he attends, the amount of the difference may be included as part of the excess cost claimed by the school district where the child attends such class.

Sec. 15. Hospitalized and Homebound Children. Special instructional service for the exceptional children who are hospitalized or homebound may be provided by any school district in which such children are legal residents. Appli-

cation for such services shall be submitted upon prescribed forms to the superintendent of schools where one is available, or to the supervisor of special education for investigation of the need for such services. If after investigation, there is satisfaction that the need exists, the supervisor of special education shall approve employment by the local school district of a teacher certified by the supervisor of special education to give instruction to those children hospitalized or homebound, in accordance with prescribed rules and regulations.

Sec. 16. Reimbursement for Hospitalized or Homebound Children. Those schools which may now or shall hereafter provide instructional services for exceptional children who are hospitalized or homebound, and which have agreed to expend an amount equal to their annual normal per capita cost for the instruction of such children, shall receive reimbursement up to a maximum of five (5) hours per week, based on the hourly cost of instruction in regular classroom programs provided by said district but not to exceed thirty-six (36) weeks per school year.

Sec. 17. Application for Enrollment. The parents or guardians, of any exceptional child residing in such district or districts, shall make application upon

prescribed form for the enrollment of such child to the local superintendent of schools, where one is available, or to the supervisor of special education. Such child shall thereupon undergo physical and psychological examination by accredited personnel for the purpose of determining whether or not he is capable of receiving benefit from participations in such a special educational program, and if determined eligible and capable of receiving the indicated benefits, and upon approval of application by the supervisor of special education, shall thereupon be recommended for enrollment.

Sec. 18. When Not Required to Enroll. No handicapped child as defined in Sec. 2 of this Act shall be required to enroll in any special education program if the parent or guardian of such child shall certify to the satisfaction of the board of education of the district therein such child resides, that such child is receiving adequate educational advantages. A child shall be excused from the compulsory education requirements if a physician shall certify in writing that the child's bodily, mental or emotional condition does not permit its attendance at school.

Sec. 19. Effective Date. This Act shall take effect immediately upon its passage and approval, or upon its becoming law without such approval.

Approved April 27, 1959

CHAPTER 121

AN ACT

To prescribe the procedure and grounds for the recall of elected public officials of the incorporated municipalities within the state; repealing Ch. 90, SLA 1949, as amended by Ch. 60, SLA 1951, and Ch. 126, SLA 1955; and providing for an effective date.

(C.S.S.B. 28)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Recall of Municipal Officers. Any elected public official of an incorporated municipality within the state, except a judicial officer, may be recalled at any time subsequent to six months after assuming office, by the voters of such municipality by following the recall procedure set forth in this Act.

Sec. 2. Same: Grounds. Grounds for the recall of municipal officers subject thereto shall include malfeasance, misfeasance or nonfeasance in office, failure to uphold one's oath of office, dishonest practices, and incompetency.

Sec. 3. Petition: Filing: Signatures Required: Statement of Grounds. A petition demanding the election of a successor to the person sought to be re-