

HOUSE BILL NO. 301

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/21/00

Referred: Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the education of exceptional children; and providing for an
2 effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 14.30.180 is amended to read:

5 **Sec. 14.30.180. Purpose.** It is the purpose of AS 14.30.180 - 14.30.350 to

6 (1) provide an appropriate public education for exceptional children in
7 the state who are at least three years of age but less than 22 years of age;

8 (2) allow procedures and actions necessary to comply with the
9 requirements of federal law, including 20 U.S.C. 1400 - 1487 [20 U.S.C. 1400 - 1485]

10 (Individuals with Disabilities Education Act), **as amended.**

11 * **Sec. 2.** AS 14.30 is amended by adding a new section to read:

12 **Sec. 14.30.182. Duties of department.** The department shall

13 (1) cooperate with the federal government and do all things necessary
14 to continue state eligibility for federal money available under 20 U.S.C. 1400 - 1487

1 (Individuals with Disabilities Education Act), as amended;

2 (2) comply with the requirements of 20 U.S.C. 1400 - 1487 (Individuals
3 with Disabilities Act), as amended, and other federal law related to children with
4 disabilities; if a provision of this chapter conflicts with federal law and the conflict
5 would affect the continued receipt of federal money, the department shall comply with
6 the federal provision necessary to ensure continued receipt of that money; and

7 (3) adopt regulations necessary to comply with state law and federal
8 law for the education of exceptional children, including 20 U.S.C. 1400 - 1487
9 (Individuals with Disabilities Education Act), as amended.

10 * **Sec. 3.** AS 14.30.186 is repealed and reenacted to read:

11 **Sec. 14.30.186. Coverage.** The school district in which a child with a
12 disability is enrolled is responsible for providing special education and related services
13 to the child.

14 * **Sec. 4.** AS 14.30.193(a) is repealed and reenacted to read:

15 (a) A school district or a parent of a student with a disability may request a
16 due process hearing on any issue related to identification, evaluation, educational
17 placement, or the provision of a free, appropriate, public education regarding a student
18 with a disability.

19 * **Sec. 5.** AS 14.30.193(b) is repealed and reenacted to read:

20 (b) A request by a parent for a due process hearing must be made not later
21 than six months after the date the school district provides the parent with written notice
22 of the decision with which the parent disagrees and with written notice of procedural
23 safeguards available to that parent in federal law. A school district shall make its
24 request under (a) of this section in accordance with regulations adopted by the
25 department.

26 * **Sec. 6.** AS 14.30.193(c) is repealed and reenacted to read:

27 (c) If a due process hearing is requested by either a parent or school district,
28 the school district shall provide the parent with the names of three qualified hearing
29 officers from a list maintained by the department. The parent may choose one person
30 from the list of three provided by the school district. If the parent does not select a
31 name, the school district may appoint as hearing officer any person from the list

1 maintained by the department. After appointment under this section, a hearing officer
2 shall proceed in accordance with regulations adopted by the department.

3 * **Sec. 7.** AS 14.30.193(h) is amended to read:

4 (h) The department shall maintain a list of qualified hearing officers. The
5 department shall qualify hearing officers through a training program that **is** [SHALL
6 **BE**] open to all **persons who meet the criteria set by the department by regulation**
7 [RESIDENTS OF THE STATE. A HEARING OFFICER MAY BE QUALIFIED FOR
8 A PERIOD NOT TO EXCEED FIVE YEARS]. The list of qualified hearing officers
9 shall be maintained as a public record.

10 * **Sec. 8.** AS 14.30.195(a) is amended to read:

11 (a) The department shall, by regulation, provide for administrative appeal
12 hearings, based on the record, of impartial hearing officers' decisions under
13 AS 14.30.193. An administrative appeal hearing shall comply with all requirements
14 necessary for participation in federal grant-in-aid programs, including **20 U.S.C. 1400 -**
15 **1487** [20 U.S.C. 1400 - 1485] (Individuals with Disabilities Education Act), **as**
16 **amended.**

17 * **Sec. 9.** AS 14.30.315 is repealed and reenacted to read:

18 **Sec. 14.30.315. Programs for gifted children.** Every school district shall
19 establish a program for the provision of educational services for gifted children,
20 consistent with regulations adopted by the department.

21 * **Sec. 10.** AS 14.30.340(a) is amended to read:

22 (a) If a parent of **a** [AN EXCEPTIONAL] child **with a disability** enrolls the
23 child in a private school at the parent's expense or teaches the child at home, the
24 school district in which the child **resides** [IS LOCATED] shall make special education
25 and related services available in conformance with an **individual services plan as**
26 **authorized by federal law** [INDIVIDUALIZED EDUCATION PROGRAM UNDER
27 AS 14.30.278].

28 * **Sec. 11.** AS 14.30.350(1) is amended to read:

29 (1) "appropriate **public** education" means personalized instruction with
30 sufficient support services to permit a child to benefit educationally from the
31 instruction, **in accordance with state and federal law, including regulations adopted**

1 **by the department;**

2 * **Sec. 12.** AS 14.30.191, 14.30.193(d), 14.30.193(e), 14.30.235, 14.30.272, 14.30.274,
3 14.30.276, 14.30.278, 14.30.285, 14.30.325, 14.30.340(b), 14.30.347, 14.30.350(3),
4 14.30.350(4), 14.30.350(7), 14.30.350(8), 14.30.350(9), and 14.30.350(11) are repealed.

5 * **Sec. 13.** This Act takes effect immediately under AS 01.10.070(c).