

CS FOR HOUSE BILL NO. 301(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/8/00

Referred: Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

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).

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 may, notwithstanding
13 any other provision of AS 14.30.180 - 14.30.350,

14 (1) take necessary action to qualify for federal funds that are available

1 to the state for the education of exceptional students;

2 (2) adopt regulations necessary to comply with AS 14.30.180 -
3 14.30.350; and

4 (3) make an annual report available to the legislature by January 31;
5 the report must include

6 (A) a side-by-side comparison of the federal requirements for
7 special education services and the special education services provided by the
8 department;

9 (B) a description of special education services, including gifted
10 and talented services, provided under AS 14.30.180 - 14.30.350 that are not
11 required under federal law; and

12 (C) any suggestions for changes to special education services
13 provided by the state.

14 * **Sec. 3.** AS 14.30.186 is repealed and reenacted to read:

15 **Sec. 14.30.186. Coverage.** (a) Except when different provision is made for
16 special education and related services in regulations adopted under (b) of this section,
17 special education and related services shall be provided by

18 (1) a borough or city school district, for a child with a disability
19 residing within the district;

20 (2) a governing body of a regional educational attendance area
21 operating a school in the area, for a child with a disability residing in the area served
22 by the school;

23 (3) the borough, city school district, or regional educational attendance
24 area in which a correctional or youth detention facility is located, for a child with a
25 disability placed at the facility;

26 (4) a state boarding school established under AS 14.16, for a child
27 enrolled at the boarding school; or

28 (5) a district that provides a statewide correspondence study program,
29 for a child with a disability who is enrolled in the program.

30 (b) The department shall adopt regulations necessary to provide for the
31 allocation of financial responsibilities and the coordination of the provision of special

1 education and related services between the provider agencies in cases where a child
 2 with a disability is enrolled in the educational programs of more than one of the
 3 provider agencies described in (a) of this section.

4 (c) A parent who elects to educate a child as allowed under AS 14.30.010(b)
 5 may refuse the special education and related services provided under AS 14.30.180 -
 6 14.30.350. A school district that disagrees with a parent regarding the provision of
 7 special education and related services may attempt to resolve the disagreement by
 8 mediation or may request a hearing as provided under AS 14.30.193.

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

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

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

15 (b) A request by a parent for a due process hearing must be made not later
 16 than 12 months after the date the school district provides the parent with written notice
 17 of the decision with which the parent disagrees and with written notice of procedural
 18 safeguards available to that parent in federal law. A school district shall make its
 19 request under (a) of this section under regulations adopted by the department.

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

21 (c) If a due process hearing is requested by a parent or school district, the
 22 department, through a random selection process, shall provide the parent with the
 23 names and qualifications of three qualified hearing officers from a list maintained by
 24 the department. The parent may choose one person from the list of three provided by
 25 the department. If the parent does not select a name, the department may appoint as
 26 hearing officer any person from the list maintained by the department. After
 27 appointment under this subsection, a hearing officer shall proceed under regulations
 28 adopted by the department.

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

30 (h) The department shall maintain a list of qualified hearing officers. The
 31 department shall qualify hearing officers through a training program that is [SHALL

1 BE] open to all **persons who meet the criteria set by the department by regulation**
 2 [RESIDENTS OF THE STATE. A HEARING OFFICER MAY BE QUALIFIED FOR
 3 A PERIOD NOT TO EXCEED FIVE YEARS]. The list of qualified hearing officers
 4 shall be maintained as a public record.

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

6 (a) The department shall, by regulation, provide for administrative appeal
 7 hearings, based on the record, of impartial hearing officers' decisions under
 8 AS 14.30.193. An administrative appeal hearing shall comply with all requirements
 9 necessary for participation in federal grant-in-aid programs, including **20 U.S.C. 1400 -**
 10 **1487** [20 U.S.C. 1400 - 1485] (Individuals with Disabilities Education Act).

11 * **Sec. 9.** AS 14.30.325(a) is amended to read:

12 (a) The department may by regulation provide for the appointment of surrogate
 13 parents to represent **children with disabilities** [EXCEPTIONAL CHILDREN] in
 14 matters relating to the provision of an appropriate public education.

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

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

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

23 (1) "appropriate **public** education" means personalized instruction with
 24 sufficient support services to permit a child to benefit educationally from the
 25 instruction, **under state law**;

26 * **Sec. 12.** AS 14.30.191, 14.30.193(d), 14.30.193(e), 14.30.235, 14.30.272, 14.30.274,
 27 14.30.276, 14.30.278, 14.30.285, 14.30.315, 14.30.335, 14.30.340(b), 14.30.347, 14.30.350(3),
 28 14.30.350(4), 14.30.350(7), 14.30.350(8), 14.30.350(9), and 14.30.350(11) are repealed.

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