

CS FOR SENATE BILL NO. 40(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/28/01

Referred: Finance

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the education of children with disabilities and to the Governor's**
2 **Council on Disabilities and Special Education; and providing for an effective date."**

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

4 *** Section 1.** AS 14.16.050(a) is amended to read:

5 (a) The following provisions apply with respect to the operation and
6 management of a state boarding school as if it were a school district:

7 (1) requirements relating to school district operations:

8 (A) AS 14.03.030 - 14.03.050 (defining the school term, day in
9 session, and school holidays);

10 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions
11 applicable to school district operations);

12 (C) regulations adopted by the board under authority of
13 AS 14.07.020(a) that are applicable to school districts and their schools, unless
14 the board specifically exempts state boarding schools from compliance with a

1 regulation;

2 (D) AS 14.12.150 (authorizing school districts to establish and
3 participate in the services of a regional resource center);

4 (E) AS 14.14.050 (imposing the requirement of an annual
5 audit);

6 (F) AS 14.14.110 (authorizing cooperation with other school
7 districts);

8 (G) AS 14.14.140(b) (establishing a prohibition on
9 employment of a relative of the chief school administrator);

10 (H) AS 14.18 (prohibiting discrimination based on sex in
11 public education);

12 (2) requirements relating to the public school funding program and the
13 receipt and expenditure of that funding:

14 (A) AS 14.17.500 (relating to student count estimates);

15 (B) AS 14.17.505 (relating to school operating fund balances);

16 (C) AS 14.17.500 - 14.17.910 (setting out the procedure for
17 payment of public school funding and imposing general requirements and
18 limits on money paid);

19 (3) requirements relating to teacher employment and retirement:

20 (A) AS 14.14.105 and 14.14.107 (relating to sick leave);

21 (B) AS 14.20.095 - 14.20.215 (relating to the employment and
22 tenure of teachers);

23 (C) AS 14.20.220 (relating to the salaries of teachers
24 employed);

25 (D) AS 14.20.280 - 14.20.350 (relating to sabbatical leave
26 provisions for teachers);

27 (E) AS 23.40.070 - 23.40.260 (authorizing collective
28 bargaining by certificated employees), except with regard to teachers who are
29 administrators and except that the board may delegate some or all of its
30 responsibilities under those statutes;

31 (F) AS 14.25 (provisions regarding the teachers' retirement

1 system);

2 (4) requirements relating to students and educational programs:

3 (A) AS 14.30.180 - 14.30.350 (relating to educational services
4 for [EXCEPTIONAL] children with disabilities);

5 (B) AS 14.30.360 - 14.30.370 (establishing health education
6 program standards);

7 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and
8 bicultural education).

9 * **Sec. 2.** AS 14.30.180 is amended to read:

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

11 (1) provide an appropriate public education for each child with a
12 disability [EXCEPTIONAL CHILDREN] in the state who is [ARE] at least three
13 years of age but less than 22 years of age;

14 (2) allow procedures and actions necessary to comply with the
15 requirements of federal law, including 20 U.S.C. 1400 - 1487 [20 U.S.C. 1400 - 1485]
16 (Individuals with Disabilities Education Act).

17 * **Sec. 3.** AS 14.30.186(a) is repealed and reenacted to read:

18 (a) Special education and related services shall be provided by

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

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

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

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

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

30 * **Sec. 4.** AS 14.30.186(e) is amended to read:

31 (e) If the parent of a child with a disability [EXCEPTIONAL CHILDREN

1 BEING EDUCATED AS PROVIDED UNDER AS 14.30.010(b) MAY RECEIVE
 2 SPECIAL EDUCATION AND RELATED SERVICES AS PROVIDED UNDER
 3 AS 14.30.180 - 14.30.350. THE EXCEPTIONAL CHILD OF A PARENT WHO]
 4 elects to educate the child as allowed under AS 14.30.010(b), **the child** may not be
 5 compelled to receive the special education and related services provided under
 6 AS 14.30.180 - 14.30.350.

7 * **Sec. 5.** AS 14.30.186 is amended by adding a new subsection to read:

8 (f) The department shall, by regulation, establish standards for the allocation of
 9 financial responsibilities and the coordination of the provision of special education and
 10 related services among the educational agencies listed in (a) of this section when more
 11 than one educational agency is responsible for providing those services.

12 * **Sec. 6.** AS 14.30.191(a) is amended to read:

13 (a) A school district shall obtain the **written informed** consent of the child's
 14 parent before an initial evaluation or placement **of a child with a disability** in a
 15 program of special education and related services.

16 * **Sec. 7.** AS 14.30.191(b) is amended to read:

17 (b) After initial placement in a program of special education and related
 18 services and not less than once every three years for as long as the child is assigned to
 19 the program, **a** [AN EXCEPTIONAL] child **with a disability** shall receive an
 20 educational evaluation [FOR THE IDENTIFICATION AND CLASSIFICATION OF
 21 EXCEPTIONAL CHILDREN].

22 * **Sec. 8.** AS 14.30.191(c) is amended to read:

23 (c) Before a school district initiates or refuses a change in **the** [A CHILD'S]
 24 placement or **educational** program **of a child with a disability**, the district shall
 25 notify the child's parent.

26 * **Sec. 9.** AS 14.30.191(d) is amended to read:

27 (d) Upon completion of **an** [THE] evaluation **or reevaluation under this**
 28 **section** [AND BEFORE PLACEMENT], the school district shall provide to the parent
 29 of each [EXCEPTIONAL] child **evaluated under this section** an opportunity **to**
 30 **participate in the determination of the**

31 **(1) child's eligibility for special education and related services;**

1 [FOR CONSULTATION ABOUT THE EVALUATION. A CONSULTATION
2 MUST BE AVAILABLE AFTER EACH REEVALUATION OF THE CONDITION]
3 and

4 **(2) educational** placement of the [EXCEPTIONAL] child **if the child**
5 **is determined to be eligible for special education and related services.**

6 * **Sec. 10.** AS 14.30.191 is amended by adding new subsections to read:

7 (h) A school district shall provide written notice of its decision under this
8 section to the parent of the child. The notice must include a description of the
9 procedural safeguards available to the parent and child under federal law.

10 (i) In this section, "hearing" means a due process hearing under AS 14.30.193.

11 * **Sec. 11.** AS 14.30.193 is repealed and reenacted to read:

12 **Sec. 14.30.193. Due process hearing.** (a) A school district or a parent of a
13 child with a disability may request a due process hearing on any issue related to
14 identification, evaluation, or educational placement of the child, or the provision of a
15 free, appropriate, public education to the child. A request is made by providing written
16 notice to the other party to the hearing. A parent shall make a request for a due process
17 hearing under this section not later than 12 months after the date that the school district
18 provides the parent with written notice of the decision with which the parent disagrees.
19 A school district shall make its request for a due process hearing in accordance with the
20 time limit established by the department by regulation.

21 (b) If a due process hearing is requested by either a school district or a parent, the
22 school district shall contact the department to request appointment of a hearing officer.
23 The department shall select a hearing officer through a random selection process, from a
24 list maintained by the department under (g) of this section. Within five working days
25 after receipt of the request, the department shall provide to the school district and the
26 parent a notice of appointment, including the name and a statement of qualifications, of
27 the hearing officer that the department determines is available to conduct the hearing.

28 (c) The school district and the parent each have the right to reject, without stating
29 a reason, one hearing officer appointed under this section. The rejecting party shall
30 notify the department of that rejection in writing within five days after receipt of the
31 department's notice of appointment. If a hearing officer is rejected under this subsection,

1 the department shall, within five working days after receipt of the written rejection,
 2 provide a notice of appointment, including the name and a statement of qualifications, of
 3 another hearing officer that the department determines is available to conduct the
 4 hearing. Each appointment is subject to a right of rejection under this subsection by a
 5 party who has not previously rejected an appointment.

6 (d) After a hearing officer is appointed and the time for rejection under (c) of
 7 this section has expired, the hearing officer shall immediately inform the parent and
 8 the school district of the availability of the mediation process provided under
 9 AS 14.30.194 and encourage use of that process to attempt to resolve the disagreement
 10 between the parent and the school district. If the mediation process does not result in
 11 settlement of all of the issues, the hearing officer shall conduct a hearing in
 12 conformance with the requirements of federal law, including 34 C.F.R. 300.507 - 509.
 13 After the hearing is completed, the hearing officer shall issue a written decision that

14 (1) upholds the school district's decision; or

15 (2) overturns the school district's decision with specific instructions for
 16 modification of the identification, evaluation, educational placement, or provision of the
 17 education program by the district.

18 (e) A hearing officer's decision under this section is final and binding on the
 19 school district and parent unless appealed under (f) of this section. Notwithstanding a
 20 decision by the hearing officer, a child may not be evaluated, placed, transferred, or
 21 compelled to receive special education or related services from the school district until
 22 the period for filing an appeal under (f) of this section has expired or, if an appeal is
 23 filed, until the appellate review process has been completed.

24 (f) A hearing officer's decision under this section is a final administrative
 25 order, subject to appeal to the superior court for review in the manner provided under
 26 AS 44.62.560.

27 (g) The department shall maintain a list of qualified hearing officers and shall
 28 provide for qualification of hearing officers through a training program that is open to
 29 all individuals who meet the criteria set by the department by regulation. The list of
 30 qualified hearing officers shall be maintained as a public record.

31 (h) For purposes of this section, a student with a disability aged 18 - 21 has the

1 same rights and obligations under this section as a parent of a child with a disability.

2 * **Sec. 12.** AS 14.30 is amended by adding a new section to read:

3 **Sec. 14.30.194. Mediation.** (a) The department shall, by regulation,
4 establish and implement a voluntary mediation process in conformance with the
5 requirements of federal law, including 34 C.F.R. 300.506. The department shall
6 encourage the use of mediation for settlement of disputes under AS 14.30.180 -
7 14.30.350.

8 (b) The department shall

9 (1) maintain a list of individuals who are qualified mediators
10 knowledgeable in the federal and state statutes and regulations relating to the
11 provision of special education and related services; and

12 (2) provide for qualification of mediators through a training program
13 that is open to all individuals who meet the criteria set by the department by
14 regulation.

15 * **Sec. 13.** AS 14.30.231 is amended to read:

16 **Sec. 14.30.231. Advisory panel [COMMITTEE].** The Governor's Council
17 on Disabilities and Special Education established under AS 47.80 shall serve as **the**
18 **state** [AN] advisory **panel** [COMMITTEE], the function of which is to provide
19 information and guidance for the development of appropriate programs of special
20 education and related services for [EXCEPTIONAL] children **with disabilities**.

21 * **Sec. 14.** AS 14.30.250 is amended to read:

22 **Sec. 14.30.250. Teacher qualifications.** A person may not be employed as a
23 teacher of [EXCEPTIONAL] children **with disabilities** unless that person possesses a
24 valid teacher certificate and, in addition, **the** [SUCH] training **that** [AS] the
25 department **requires** [MAY REQUIRE] by regulation.

26 * **Sec. 15.** AS 14.30.270 is amended to read:

27 **Sec. 14.30.270. Substitutes.** AS 14.30.250 does not prohibit the employment
28 of a person, otherwise qualified to serve as a substitute teacher, to serve as a substitute
29 teacher of [EXCEPTIONAL] children **with disabilities**.

30 * **Sec. 16.** AS 14.30.272 is amended to read:

31 **Sec. 14.30.272. Procedural safeguards.** (a) A school district shall inform

1 the parent of a [AN EXCEPTIONAL] child **with a disability** of the right

2 **(1)** to review the child's educational record;

3 **(2)** [,] to review evaluation tests and procedures;

4 **(3)** [,] to refuse to permit evaluation or a change in the child's
5 educational placement;

6 **(4)** [,] to be informed of the results of evaluation;

7 **(5)** [,] to obtain an independent evaluation by choosing a person from a
8 list provided by the **school** district or by choosing a person by agreement between the
9 parent and school district;

10 **(6)** [,] to request **a due process** [AN IMPARTIAL] hearing;

11 **(7)** [,] to appeal a hearing officer's decision; **and**

12 **(8)** [, AND] to give consent or deny access to others to the child's
13 educational record.

14 (b) The department shall establish, by regulation, impartial procedures for a
15 school district to follow for **due process** hearings [UNDER AS 14.30.193] to comply
16 with requirements necessary to participate in federal grant-in-aid programs, including
17 **20 U.S.C. 1400 - 1487** [20 U.S.C. 1400 - 1485] (Individuals with Disabilities
18 Education Act).

19 * **Sec. 17.** AS 14.30.274 is amended to read:

20 **Sec. 14.30.274. Identification of [EXCEPTIONAL] children with**
21 **disabilities.** Each school district shall establish and implement written procedures to
22 ensure that all [EXCEPTIONAL] children **with disabilities** under the age of 22 **for**
23 **whom the agency is responsible under AS 14.30.186 to provide special education**
24 **and related services** [WHO RESIDE IN THE DISTRICT] are identified and located
25 for the purpose of establishing their need for special education and related services.

26 * **Sec. 18.** AS 14.30.276 is amended to read:

27 **Sec. 14.30.276. Least restrictive environment.** Each school district shall
28 ensure that, to the maximum extent appropriate, [EXCEPTIONAL] children **with**
29 **disabilities,** including children in public or private institutions or other care facilities,
30 are educated with children who are not **children with disabilities** [EXCEPTIONAL]
31 and that special classes, separate schooling, or other removal of [EXCEPTIONAL]

1 children **with disabilities** from the regular educational environment occurs only when
 2 the nature or severity of the child's **disability** [EXCEPTIONALITY] is such that
 3 education in regular classes with the use of supplementary aids and services cannot be
 4 achieved satisfactorily.

5 * **Sec. 19.** AS 14.30.278 is repealed and reenacted to read:

6 **Sec. 14.30.278. Individualized education program.** A school district shall
 7 develop an individualized education program for special education and related
 8 services for each eligible child with a disability. The plan must be completed not later
 9 than 30 days after the determination of the child's eligibility. Each individualized
 10 education program shall be developed and periodically reviewed and revised as
 11 necessary in conformance with federal requirements, including 34 C.F.R. 300.340 -
 12 350.

13 * **Sec. 20.** AS 14.30.285(a) is amended to read:

14 (a) The department shall institute a statewide program for the education of
 15 [EXCEPTIONAL] children **with disabilities** [,] to ensure that whenever possible
 16 children are educated in the state at locations in or near their resident school district.

17 * **Sec. 21.** AS 14.30.285(b) is amended to read:

18 (b) An identified [EXCEPTIONAL] child **with a disability** may be sent to an
 19 educational program or residential school outside the child's community or school
 20 district if the child resides in a community or school district where an appropriate
 21 educational program cannot reasonably be made available and if the **school district**
 22 [DEPARTMENT] determines that provision of special education and related services
 23 in another educational program or residential school is appropriate. If the school
 24 district **approves** [AND THE DEPARTMENT APPROVE] the enrollment of **a** [THE
 25 EXCEPTIONAL] child **with a disability** in another educational program or
 26 residential school outside the child's community or school district and the child is
 27 enrolled, the child's education expenses shall be paid as follows:

28 (1) except as otherwise provided by (2) of this subsection, the sending
 29 district shall pay all costs associated with the transfer;

30 (2) the department may provide financial assistance to the **school**
 31 district for a child's education provided for in (1) of this subsection under regulations

1 adopted by the department.

2 * **Sec. 22.** AS 14.30.285(e) is amended to read:

3 (e) The educational assessment of a [AN EXCEPTIONAL] child with a
 4 disability that indicates that the educational program that is locally available is
 5 inappropriate for the needs of the child must conform to the standards set out in
 6 AS 14.30.191.

7 * **Sec. 23.** AS 14.30.285(f) is amended to read:

8 (f) A school district shall obtain informed [THE] consent of the child's parent
 9 before a child may be transferred to a school outside the district in which the child
 10 resides.

11 * **Sec. 24.** AS 14.30.285(g) is amended to read:

12 (g) The withholding of informed consent by a parent [OR
 13 DEPARTMENTAL APPROVAL] for the transfer of a [AN EXCEPTIONAL] child
 14 with a disability under this section does not relieve a school district of the obligation
 15 to provide special education and related services to the [AN EXCEPTIONAL] child
 16 [UNDER AS 14.30.186].

17 * **Sec. 25.** AS 14.30.325(a) is amended to read:

18 (a) The department shall [MAY] by regulation provide for the appointment of
 19 surrogate parents to represent a child with a disability [EXCEPTIONAL
 20 CHILDREN] in matters relating to the provision of an appropriate public education.

21 * **Sec. 26.** AS 14.30.335 is amended to read:

22 **Sec. 14.30.335. Eligibility for federal funds.** Notwithstanding any other
 23 provision of AS 14.30.180 - 14.30.350, the department may do all things necessary to
 24 qualify for federal funds that are available to the state for the education of
 25 [EXCEPTIONAL] children with disabilities.

26 * **Sec. 27.** AS 14.30.340 is amended to read:

27 **Sec. 14.30.340. Provision of special education in a private school, home, or**
 28 **hospital setting.** (a) If a parent of a [AN EXCEPTIONAL] child with a disability
 29 enrolls the child in a private school, including a religious school, at the parent's
 30 expense or teaches the child at home, the school district in which the child resides [IS
 31 LOCATED] shall make special education and related services available in

1 conformance with **federal requirements, including 34 C.F.R. 300.450 - 462. A**
 2 **parent teaching the parent's child at home may refuse special education and**
 3 **related services for the child** [AN INDIVIDUALIZED EDUCATION PROGRAM
 4 UNDER AS 14.30.278].

5 (b) If a physician certifies in writing, and if the child's individualized
 6 education program **under AS 14.30.278 provides** [TEAM THEN DETERMINES]
 7 that a child's bodily, mental, or emotional condition does not permit attendance at a
 8 school and the child's parents do not elect to teach the child at home as permitted
 9 under AS 14.30.010(b), the school district in which the child is located shall enroll the
 10 child in public school and provide the child with special education and related services
 11 in conformance with **the child's** [AN] individualized education program [UNDER
 12 AS 14.30.278] at the child's home or at a medical treatment facility.

13 * **Sec. 28.** AS 14.30.347 is amended to read:

14 **Sec. 14.30.347. Transportation of [EXCEPTIONAL] children with**
 15 **disabilities.** When transportation is required to be provided as **a** related **service, a**
 16 **child with a disability** [SERVICES, AN EXCEPTIONAL CHILD] shall be
 17 **transported** [CARRIED] with **children who are not children with disabilities**
 18 [OTHER CHILDREN] if the district provides transportation to [OTHER] children in
 19 the district, except when the nature of the physical or mental disability is such that it is
 20 in the best interest of the [EXCEPTIONAL] child **with a disability**, as **provided in**
 21 **the child's individualized education program** [DETERMINED BY THE SCHOOL
 22 DISTRICT], that the child be transported separately. State reimbursement for
 23 transportation of [EXCEPTIONAL] children **with disabilities** shall be as provided for
 24 transportation of all other pupils except that eligibility for reimbursement is not
 25 subject to restriction based on the minimum distance between the school and the
 26 residence of the exceptional child **with a disability**.

27 * **Sec. 29.** AS 14.30.350(2) is repealed and reenacted to read:

28 (2) "child with a disability" means a child with one or more of the
 29 following:

- 30 (A) mental retardation;
 31 (B) learning disabilities;

- 1 (C) emotional disturbance;
 2 (D) deafness;
 3 (E) deaf-blindness;
 4 (F) hearing impairment;
 5 (G) orthopedic impairment;
 6 (H) other health impairment;
 7 (I) speech or language impairment;
 8 (J) visual impairment;
 9 (K) multiple disabilities;
 10 (L) early childhood development delay;
 11 (M) autism;
 12 (N) traumatic brain injury;

13 * **Sec. 30.** AS 14.30.350(8) is repealed and reenacted to read:

14 (8) "parent" means a

- 15 (A) child's natural or adoptive parent;
 16 (B) child's guardian, but not the state if the child is in the legal
 17 custody of the state;
 18 (C) person who is acting in the place of a child's natural or
 19 adoptive parent, such as a grandparent or stepparent with whom the child lives,
 20 or a person who is legally responsible for the child's welfare; and
 21 (D) child's surrogate parent who has been appointed under
 22 AS 14.30.325;

23 * **Sec. 31.** AS 14.30.350(9) is repealed and reenacted to read:

24 (9) "related services" means services described in 34 C.F.R. 300.24;

25 * **Sec. 32.** AS 14.30.350(10) is repealed and reenacted to read:

- 26 (10) "school district" means a borough school district, a city school
 27 district, a regional educational attendance area, a state boarding school, and the state
 28 centralized correspondence study program;

29 * **Sec. 33.** AS 14.30.350(11) is repealed and reenacted to read:

- 30 (11) "special education" means an educational program described in 34
 31 C.F.R. 300.26;

1 * **Sec. 34.** AS 14.30.350 is amended by adding new paragraphs to read:

2 (12) "due process hearing" means a hearing conducted under
3 AS 14.30.193;

4 (13) "informed consent" means that

5 (A) a child's parent has been fully informed, in the parent's
6 native language or other mode of communication, of all information relevant to
7 the activity for which consent is sought;

8 (B) the parent understands and agrees in writing to the carrying
9 out of the activity for which the parent's consent is sought;

10 (C) the consent describes that activity and lists any records that
11 will be released and to whom; and

12 (D) the parent understands that the granting of consent is
13 voluntary on the part of the parent and may be revoked at any time.

14 * **Sec. 35.** AS 14.30.640 is amended to read:

15 **Sec. 14.30.640. Eligibility for service.** The services of the agency shall be
16 available to school districts that serve children whose special education needs occur
17 infrequently, who require specialized services not normally available in the school
18 district, and who cannot be easily served by local school district personnel because of
19 the low number of students in the district in need of the particular service. The agency
20 may provide services to **a child with a disability** [EXCEPTIONAL CHILDREN], as
21 that term is defined in AS 14.30.350.

22 * **Sec. 36.** AS 29.60.599(7) is amended to read:

23 (7) "school district" **means a borough school district, a city school**
24 **district, or a regional educational attendance area under AS 14** [HAS THE
25 MEANING GIVEN IN AS 14.30.350];

26 * **Sec. 37.** AS 44.21.410(a) is amended to read:

27 (a) The office of public advocacy shall

28 (1) perform the duties of the public guardian under AS 13.26.360 -
29 13.26.410;

30 (2) provide visitors and experts in guardianship proceedings under
31 AS 13.26.131;

1 (3) provide guardian ad litem services to children in child protection
2 actions under AS 47.17.030(e) and to wards and respondents in guardianship
3 proceedings who will suffer financial hardship or become dependent upon a
4 government agency or a private person or agency if the services are not provided at
5 state expense under AS 13.26.112;

6 (4) provide legal representation in cases involving judicial bypass
7 procedures for minors seeking abortions under AS 18.16.030, in guardianship
8 proceedings to respondents who are financially unable to employ attorneys under
9 AS 13.26.106(b), to indigent parties in cases involving child custody in which the
10 opposing party is represented by counsel provided by a public agency, to indigent
11 parents or guardians of a minor respondent in a commitment proceeding concerning
12 the minor under AS 47.30.775;

13 (5) provide legal representation and guardian ad litem services under
14 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on
15 Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b) or
16 petitions for the termination of parental rights on grounds set out in
17 AS 25.23.180(c)(3); in cases involving petitions to remove the disabilities of a minor
18 under AS 09.55.590; in children's proceedings under AS 47.10.050(a) or under
19 AS 47.12.090; in cases involving appointments under AS 18.66.100(a) in petitions for
20 protective orders on behalf of a minor; and in cases involving indigent persons who
21 are entitled to representation under AS 18.85.100 and who cannot be represented by
22 the public defender agency because of a conflict of interests;

23 (6) develop and coordinate a program to recruit, select, train, assign,
24 and supervise volunteer guardians ad litem from local communities to aid in delivering
25 services in cases in which the office of public advocacy is appointed as guardian ad
26 litem;

27 (7) provide guardian ad litem services in proceedings under
28 AS 12.45.046;

29 (8) establish a fee schedule and collect fees for services provided by
30 the office, except as provided in AS 18.85.120 or when imposition or collection of a
31 fee is not in the public interest as defined under regulations adopted by the

1 commissioner of administration;

2 (9) provide visitors and guardians ad litem in proceedings under
3 AS 47.30.839;

4 (10) provide legal representation to an indigent parent of a child with
5 a disability; in this paragraph, "child with a disability" has the meaning given in
6 AS 14.30.350 [PARENTS UNDER AS 14.30.195(e)].

7 * **Sec. 38.** AS 47.80.090(9) is amended to read:

8 (9) provide information and guidance for the development of
9 appropriate special educational programs and services for a child with a disability
10 [EXCEPTIONAL CHILDREN] as defined in AS 14.30.350;

11 * **Sec. 39.** AS 47.80.900(6) is amended to read:

12 (6) "person with a handicap" means a person with a developmental
13 disability as defined in (7) of this section or a person who is hard of hearing, deaf,
14 speech impaired, visually handicapped, seriously emotionally disturbed,
15 orthopedically or otherwise health impaired, or who has a specific learning disability;
16 the term includes a child with a disability [BUT IS NOT LIMITED TO
17 "EXCEPTIONAL CHILDREN"] as defined in AS 14.30.350;

18 * **Sec. 40.** AS 14.30.186(b), 14.30.195, 14.30.315(b), 14.30.350(3), 14.30.350(5),
19 14.30.350(6), and 14.30.350(7) are repealed.

20 * **Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 TRANSITION: REGULATIONS. (a) The state Board of Education and Early
23 Development may immediately proceed to adopt regulations necessary to implement the
24 changes made by this Act. The regulations take effect under AS 44.62 (Administrative
25 Procedure Act), but not before the effective date of the statutory change.

26 (b) To the extent they are not inconsistent with the statutory changes made by this
27 Act, regulations adopted by the state Board of Education and Early Development and in effect
28 on July 1, 2001, continue in effect until amended or repealed by the board, and may be
29 enforced and implemented.

30 * **Sec. 42.** The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

1 REVISOR'S INSTRUCTIONS. The revisor of statutes is requested to change the
2 following:

3 (1) the heading of Article 3 of AS 14.30 from "Education For Exceptional
4 Children" to "Education for Children With Disabilities";

5 (2) the catchline of AS 14.30.285 from "Transfers of exceptional children" to
6 "Transfers of children with disabilities."

7 * **Sec. 43.** Section 41(a) of this Act takes effect immediately under AS 01.10.070(c).

8 * **Sec. 44.** Except as provided in sec. 43 of this Act, this Act takes effect July 1, 2001.