

HOUSE CS FOR SENATE BILL NO. 345(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 5/11/02

Referred: Today's Calendar

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to questionnaires and surveys administered in the public schools;
2 relating to statewide school district correspondence study and to centralized
3 correspondence study; relating to the delay of the reduction of supplementary public
4 school funding; relating to funding the Alaska Challenge Youth Academy program;
5 relating to medical assistance for rehabilitative services for certain children with
6 disabilities; relating to agreements to pay medical assistance for covered services paid
7 for or furnished to eligible children with disabilities by a school district; and providing
8 for an effective date."

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

10 * **Section 1.** AS 14.03.110(b) is repealed and reenacted to read:

11 (b) Notwithstanding (a) of this section, if authorized by a policy adopted by
12 the governing body, the school district may administer anonymous questionnaires or

1 surveys that inquire into personal or private family affairs of a student not a matter of
 2 public record or subject to public observation if the school district provides each
 3 student's parent or legal guardian the opportunity to submit to the school principal a
 4 written denial of permission to take the questionnaire or survey.

5 * **Sec. 2.** AS 14.03.110(c) is repealed and reenacted to read:

6 (c) Before administering a questionnaire or survey, the school district shall
 7 provide a parent or legal guardian at least two weeks' written notice of the right under
 8 (a) of this section to grant permission to take the questionnaire or survey or of the right
 9 under (b) of this section to deny permission to take the questionnaire or survey. The
 10 written notice required under this subsection must be mailed to the last known address
 11 of the parent or legal guardian.

12 * **Sec. 3.** AS 14.03.110(d) is repealed and reenacted to read:

13 (d) Written notice required to be mailed to a parent or guardian under this
 14 section must include

15 (1) an opportunity to review the questionnaire or survey to be
 16 administered;

17 (2) how the questionnaire or survey will be administered to the
 18 student;

19 (3) how the results of the questionnaire or survey will be used;

20 (4) who will have access to the questionnaire or survey;

21 (5) how to submit written

22 (A) permission for the student's participation in a questionnaire
 23 or survey, if required; or

24 (B) denial of permission to participate in a questionnaire or
 25 survey, including an anonymous or specific questionnaire or survey.

26 * **Sec. 4.** AS 14.03.110(e) is amended to read:

27 (e) A student may refuse to participate in a questionnaire or survey
 28 administered in a public school. A student's parent or legal guardian may refuse to
 29 allow the student to participate in a specified questionnaire or survey **by submitting to**
 30 **the school principal a written denial of permission for the student's participation.**

31 * **Sec. 5.** AS 14.07.050 is amended to read:

1 **Sec. 14.07.050. Selection of textbooks.** Textbooks for use in the public
 2 schools of the state, including a district offered statewide correspondence study
 3 program, shall be selected by district boards for district schools. Nothing in this
 4 section precludes a correspondence study student, or the parent or guardian of a
 5 correspondence study student, from privately obtaining or using textbooks or
 6 curriculum material not provided by the school district.

7 * **Sec. 6.** AS 14.07 is amended by adding a new section to read:

8 **Sec. 14.07.175. Powers relating to statewide correspondence study.** (a)
 9 The board may adopt regulations regarding statewide correspondence study programs.
 10 A regulation applicable to a statewide correspondence study program conducted by
 11 Alyeska Central School, a charter school, or a school district must

12 (1) specify that, once the department has approved an initial statewide
 13 correspondence program application, the district is not required to submit a new
 14 application more frequently than every five years unless the program is designated as
 15 deficient or in crisis under AS 14.03.123(a);

16 (2) provide that an enrolled student shall be monitored by a certificated
 17 teacher or appropriately trained personnel employed by the governing body; the
 18 review of student work by certificated teachers must occur at least quarterly, except as
 19 required by a student's individual education program under AS 14.30.180 - 14.30.350
 20 or as required in the education plan developed for the student under 29 U.S.C. 794;
 21 and

22 (3) provide that the governing body conducting the correspondence
 23 program has the duty and authority to establish procedures for

24 (A) the review, selection, and use of correspondence
 25 curriculum materials before they are introduced into the correspondence
 26 curriculum; and

27 (B) approving or disapproving home-designed courses.

28 (b) In this section, "district" has the meaning given in AS 14.17.990.

29 * **Sec. 7.** AS 14.08.111(9) is amended to read:

30 (9) establish procedures for the review and selection of all textbooks
 31 and instructional materials, including textbooks and curriculum materials for

1 **statewide correspondence programs**, before they are introduced into the school
 2 curriculum; the review includes a review for violations of AS 14.18.060; **nothing in**
 3 **this paragraph precludes a correspondence study student, or the parent or**
 4 **guardian of a correspondence study student, from privately obtaining or using**
 5 **textbooks or curriculum material not provided by the school district;**

6 * **Sec. 8.** AS 14.14.090(7) is amended to read:

7 (7) establish procedures for the review and selection of all textbooks
 8 and instructional materials, **including textbooks and curriculum materials for**
 9 **statewide correspondence programs**, before they are introduced into the school
 10 curriculum; the review includes a review for violations of AS 14.18.060; **nothing in**
 11 **this paragraph precludes a correspondence study student, or the parent or**
 12 **guardian of a correspondence study student, from privately obtaining or using**
 13 **textbooks or curriculum material not provided by the school district;**

14 * **Sec. 9.** AS 14.17.490(d) is amended to read:

15 (d) Beginning in fiscal year **2004** [2000], if a district receives more public
 16 school funding under AS 14.17.410 than the district received in the preceding fiscal
 17 year, any amount received by the district under this section shall be reduced. The
 18 amount of the reduction required under this subsection is equal to the amount of
 19 increase from the preceding fiscal year in public school funding multiplied by 40
 20 percent. In this subsection, "public school funding" does not include funding under
 21 this section.

22 * **Sec. 10.** AS 14.30 is amended by adding a new section to read:

23 **Sec. 14.30.740. Funding for Alaska Challenge Youth Academy program.**

24 (a) Each fiscal year, the department shall allocate funding for the Alaska Challenge
 25 Youth Academy program in an amount equal to the base student allocation multiplied
 26 by seven for each residential student and the base student allocation multiplied by 6/10
 27 for each nonresidential student, minus the amount received by the program in federal
 28 matching grant funds. The determination of the number of residential and
 29 nonresidential students shall be made by the department on October 1 of the prior
 30 year.

31 (b) In this section,

1 (1) "base student allocation" means the amount established under
2 AS 14.17.470;

3 (2) "nonresidential student" means a student who receives services but
4 does not reside at the program site;

5 (3) "program" means the Alaska Challenge Youth Academy program;

6 (4) "residential student" means a student who resides at the program
7 site.

8 * **Sec. 11.** AS 47.07.030(b) is amended to read:

9 (b) In addition to the mandatory services specified in (a) of this section and the
10 services provided under (d) of this section, the department may offer only the
11 following optional services: case management and nutrition services for pregnant
12 women; personal care services in a recipient's home; emergency hospital services;
13 long-term care noninstitutional services; medical supplies and equipment; advanced
14 nurse practitioner services; clinic services; rehabilitative services for **children eligible**
15 **for services under AS 47.07.063**, substance abusers, and emotionally disturbed or
16 chronically mentally ill adults; targeted case management services for substance
17 abusers, chronically mentally ill adults, and severely emotionally disturbed persons
18 under the age of 21; inpatient psychiatric facility services for individuals age 65 or
19 older and individuals under age 21; psychologists' services; clinical social workers'
20 services; midwife services; prescribed drugs; physical therapy; occupational therapy;
21 chiropractic services; low-dose mammography screening, as defined in
22 AS 21.42.375(e); hospice care; treatment of speech, hearing, and language disorders;
23 adult dental services; prosthetic devices and eyeglasses; optometrists' services;
24 intermediate care facility services, including intermediate care facility services for the
25 mentally retarded; skilled nursing facility services for individuals under age 21; and
26 reasonable transportation to and from the point of medical care.

27 * **Sec. 12.** AS 47.07 is amended by adding a new section to read:

28 **Sec. 47.07.063. Payment for certain services furnished or paid for by a**
29 **school district.** (a) The department may pay medical assistance under this chapter to
30 a school district on behalf of an eligible child with a disability for services covered
31 under this chapter that are furnished or paid for by the school district if

1 (1) the school district and the department have entered into an
 2 agreement requiring the school district to reimburse the department for any state
 3 financial share required by the federal government;

4 (2) the services are

5 (A) included in the child's individualized education program
 6 developed under AS 14.30.278; and

7 (B) otherwise eligible for reimbursement under this chapter;

8 (3) the child is a child with a disability who

9 (A) is eligible for medical assistance under this chapter for the
 10 services; and

11 (B) complies with all applicable provisions of this chapter for
 12 that assistance;

13 (4) the school district fully complies with billing, auditing, and
 14 reporting required under the approved state plan described in AS 47.07.040;

15 (5) reimbursement of payment for the services under this section does
 16 not exceed reimbursement allowable for the services under this chapter; and

17 (6) all other requirements of federal and state law are met.

18 (b) Notwithstanding any contrary provision of state law, the school district
 19 shall allow the department access to medical, financial, and other records of the child
 20 that are in the possession of the school district in order to verify eligibility for services
 21 under this chapter. The department shall keep information received under this
 22 subsection confidential to the same extent as the school district is required to keep the
 23 information confidential under law.

24 (c) The department may adopt regulations to carry out this section.

25 (d) In this section, unless the context otherwise requires,

26 (1) "child with a disability" has the meaning given in AS 14.30.350;

27 (2) "school district" has the meaning given the term "district" in
 28 AS 14.17.990, but includes a state boarding school established under AS 14.16.010.

29 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
 30 read:

31 **APPLICABILITY.** Section 9 of this Act does not affect any reductions under

1 AS 14.17.490(d) for state fiscal years 2000, 2001, and 2002.

2 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 TRANSITION: REGULATIONS. The Department of Health and Social Services
5 and the state Board of Education and Early Development may proceed to adopt regulations
6 necessary to carry out the changes made by this Act in their respective areas of jurisdiction.
7 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
8 effective date of the statutory change implemented by the regulations.

9 * **Sec. 15.** Section 14 of this Act takes effect immediately under AS 01.10.070(c).

10 * **Sec. 16.** Sections 9 - 13 of this Act take effect July 1, 2002.