

**SENATE BILL NO. 163**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

**BY SENATORS MCGUIRE, Ellis, Bishop, Egan, Gardner, Stedman, Meyer, Micciche, Wielechowski, Dyson, Dunleavy, French**

**Introduced: 2/7/14  
Referred: Education**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the education and employment of individuals with disabilities."**

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

3 **\* Section 1.** AS 14.03.078 is amended by adding a new subsection to read:

4 (b) By December 31 of each year, the department shall provide to the Alaska  
5 Mental Health Trust Authority established by AS 47.30.011 a report on the progress of  
6 school districts in the state toward the objective of AS 14.30.278(b), based on  
7 performance indicators included in the most current plan submitted by the state to the  
8 United States Secretary of State as required under 20 U.S.C. 1412(a).

9 **\* Sec. 2.** AS 14.30.278 is amended by adding new subsections to read:

10 (b) When providing transition services as defined in 20 U.S.C. 1401(34) to a  
11 child with a disability who is over 15 years of age as part of a program of special  
12 education and related services under AS 14.30.180 - 14.30.350, a school district's  
13 primary objective and preferred outcome is to help the child become gainfully  
14 employed in an integrated workplace where individuals with disabilities work with  
15 and alongside of individuals without disabilities.

1 (c) In this section, "gainfully employed" means employed full time or part  
2 time for compensation that is

3 (1) at or above the minimum wage; and

4 (2) not less than the compensation paid by the employer for the same  
5 or similar work performed by an individual who is not disabled.

6 \* **Sec. 3.** AS 23.15 is amended by adding a new section to read:

7 **Sec. 23.15.095. Gainful employment of individuals with disabilities.** (a)

8 When providing vocational training, vocational rehabilitation, or employment  
9 placement of an individual with a disability, the agency's primary objective and  
10 preferred outcome is to help the individual become gainfully employed in an  
11 integrated workplace where individuals with disabilities work with and alongside of  
12 individuals without disabilities.

13 (b) By December 31 of each year, the commissioner shall provide to the  
14 Alaska Mental Health Trust Authority established by AS 47.30.011 a report on the  
15 agency's progress toward the objective under (a) of this section.

16 (c) In this section, "gainfully employed" means employed full time or part  
17 time for compensation that is

18 (1) at or above the minimum wage; and

19 (2) not less than the compensation paid by the employer for the same  
20 or similar work performed by an individual who is not disabled.

21 \* **Sec. 4.** AS 39.28.040 is amended by adding new subsections to read:

22 (b) When administering requirements of this chapter related to the vocational  
23 training, vocational rehabilitation, or employment placement of an individual with a  
24 disability who can reasonably be expected to benefit in terms of employability from  
25 the provision of vocational rehabilitation services, the department's primary objective  
26 and preferred outcome is to help the individual become gainfully employed in an  
27 integrated workplace where individuals with disabilities work with and alongside of  
28 individuals without disabilities.

29 (c) Nothing in this section requires the hiring of an individual with a disability.

30 (d) In this section,

31 (1) "gainfully employed" means employed full time or part time for

1 compensation that is

2 (A) at or above the minimum wage; and

3 (B) not less than the compensation paid by the employer for the  
4 same or similar work performed by an individual who is not disabled;

5 (2) "individual with a disability" means an individual who has a  
6 physical or mental impairment that substantially limits one or more major life  
7 activities and that constitutes or results in a substantial barrier to employment.

8 \* **Sec. 5.** AS 47.80 is amended by adding a new section to read:

9 **Sec. 47.80.135. Gainful employment of persons with disabilities.** (a) When  
10 carrying out duties under AS 47.80.130 related to the provision of services to a person  
11 with a disability, the department's primary objective and preferred outcome is to help  
12 the person become gainfully employed in the general workforce of the public or  
13 private sector in an integrated workplace where persons with disabilities work with  
14 and alongside of persons without disabilities.

15 (b) By December 31 of each year, the commissioner of health and social  
16 services shall provide to the Alaska Mental Health Trust Authority established by  
17 AS 47.30.011 a report on the department's progress toward the objective under (a) of  
18 this section.

19 (c) In this section, "gainfully employed" means employed full time or part  
20 time for compensation that is

21 (1) at or above the minimum wage; and

22 (2) not less than the compensation paid by the employer for the same  
23 or similar work performed by a person who is not disabled.