

1 IN THE SENATE

BY SENATORS RYAN, COOPER  
AND MOODY

2

SENATE BILL NO. 66

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIRST LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act to provide special education for  
7 exceptional children in Alaska."

7

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

9

Section 1. PURPOSE. It is the purpose of this Act to pro-  
10 vide competent education services for the exceptional children in  
11 Alaska between and including the ages of four (4) and eighteen  
12 (18) for whom the regular school facilities are inadequate or not  
13 available.

14

Sec. 2. DEFINITIONS. In interpreting and carrying out the  
15 provisions of this Act, the words "exceptional children" wherever  
16 used, will be construed to mean physically handicapped children  
17 and mentally retarded children; the words "physically handicapped  
18 children" whenever used, will be construed to include any child of  
19 educable mind whose body functions or members are so impaired that  
20 he cannot be safely or adequately educated in the regular classes  
21 of the public schools, without the provision of special services;  
22 and the words "mentally retarded children" wherever used, will be  
23 construed to include any child whose mental condition is such that  
24 he cannot be adequately educated in the regular classes of the  
25 public schools, without the provision of special services. The  
26 term "special services" may be interpreted to mean transportation;  
27 special teaching in the public school curriculum; corrective  
28 teaching, such as lip reading, speech correction, sight conserva-  
29 tion, and corrective health habits; and the provision of special

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1 seats, books and teaching supplies, and equipment required for the  
2 instruction of exceptional children. The determination of the phys-  
3 ical or mental handicap of a child shall rest upon individual phys-  
4 ical and psychological examination conducted by accredited persons.

5       Sec. 3. ELIGIBILITY. The School Board of any school dis-  
6 trict may establish and maintain special classes for five (5) or  
7 more exceptional children who are residents of such district and/  
8 or such exceptional children who are residents of other school dis-  
9 tricts, which cannot meet the requirements for establishing and  
10 maintaining special classes. In any school district where the  
11 parents of five (5) or more of any type of exceptional children,  
12 or types which may be taught together, petition the Board of Ed-  
13 ucation of that district for a special class, it shall be the duty  
14 of the school authorities to request the Division of Special Edu-  
15 cation of the State Department of Education, if the Division of  
16 Special Education has been established, otherwise the request is  
17 made to the State Department of Education, to cooperate in the  
18 establishment of such class or classes under rules and regulations  
19 established for this purpose by the State Department of Education;  
20 provided also, that two (2) or more adjacent school districts may  
21 join together and contract to establish a special class or classes.  
22 In such a case the various districts are to be paid the cost of  
23 educating the children in the special class or classes over and  
24 above the average per capita cost of educating normal children in  
25 the respective school districts not to exceed 150% for the men-  
26 tally retarded children and 200% for the physically handicapped.  
27 In other districts where there is not sufficient number for the  
28 organization of a special class or classes, exceptional children  
29 may be entered in special classes in any other district; and all

1 seats, books and teaching supplies, and equipment required for the  
2 instruction of exceptional children. The determination of the phys-  
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26 tally retarded children and 200% for the physically handicapped.  
27 In other districts where there is not sufficient number for the  
28 organization of a special class or classes, exceptional children  
29 may be entered in special classes in any other district; and all

1 per capita apportionment paid to such district for each such child  
2 shall be transferred to the district that provides the facilities  
3 for their education by the proper authorities.

4 Sec. 4. BUDGET. It is further provided that to be eligible  
5 for aid under the provisions of this Act, the school district es-  
6 tablishing and maintaining special classes for exceptional child-  
7 ren must file with the Division of Special Education in the State  
8 Department of Education on or before September 1st of each school  
9 year, on forms furnished by the State Department of Education, a  
10 tentative budget containing the anticipated expenditures of such  
11 special classes. On or before July 15th of each school year, each  
12 school district maintaining special classes for exceptional child-  
13 ren shall make a detailed, accurate financial record of all  
14 moneys paid out by it for maintenance of these classes, and such  
15 financial record shall be subject to the approval of the State  
16 Commissioner of Education. The tentative budget and all forms  
17 filed with the State Department of Education must be sworn to by  
18 the Superintendent or Principal of the school making and filing  
19 said forms.

20 Sec. 5. REIMBURSEMENT. It is further provided that in or-  
21 der to qualify for reimbursement, the district must include in the  
22 receipts of its budget a sum not less than the total per capita  
23 cost of educating said exceptional children who are to be taught  
24 in special classes. The State Treasurer and the State Department  
25 of Education are hereby authorized to pay within the limits set  
26 forth in Sec. 3 of this Act, to the local Board of Education of  
27 the school districts establishing and maintaining special classes  
28 for exceptional children, not more than the difference between  
29 the per capita cost of instruction and equipment for the normal

1 children of that district in any corresponding grade of said  
2 school district, not to exceed 150% for the mentally retarded and  
3 200% for the physically handicapped.

4       Sec. 6. FORFEITURE. Failure on the part of the school dis-  
5 trict to prepare and certify its report of claims for the excess  
6 cost of educating exceptional children to the State Department of  
7 Education on or before July 15th of any year, and its failure  
8 thereafter to prepare and certify such reports to the State Depart-  
9 ment of Education within ten (10) days after receipt of notice of  
10 such delinquency sent to it by the State Department of Education,  
11 by registered mail, shall constitute a forfeiture by the school  
12 district of its right to be reimbursed by the state for the excess  
13 cost of educating exceptional children for such year.

14       Sec. 7. DIVISION OF SPECIAL EDUCATION. There is hereby to  
15 be created within one year of the passage of this Act, in the  
16 State Department of Education, a Division of Special Education to  
17 foster, inspect, approve and supervise a program of education for  
18 exceptional children as defined in this Act; and it is hereby  
19 designated as the Agency for cooperation with the approved treat-  
20 ment centers and local schools in carrying out the provisions of  
21 this Act; and it is further provided, that said Division of Spe-  
22 cial Education in its rules and regulations shall provide for  
23 cooperation with (1) the State Crippled Children's Association;  
24 (2) the State Division of Vocational Rehabilitation; (3) the  
25 State Departments dealing with employment; (4) the local school  
26 boards and other interested agencies in providing individual coun-  
27 seling and guidance in social and vocational matters; and for this  
28 and other purposes the Division of Special Education may employ  
29 from the regular appropriation one teacher-coordinator to assist

1 in the establishment of such services.

2       Sec. 8. DIRECTOR. There shall be appointed by the Commis-  
3 sioner of Education a Director for the Division of Special Educa-  
4 tion. It shall be the duty of the Director of the Division of  
5 Special Education to furnish forms to all school districts making  
6 application for aid under the provisions of this Act; to take such  
7 action and to make such rules and regulations not inconsistent  
8 with the terms of this Act as may be necessary to carry out the  
9 provisions and intent of this Act, and for the best interest of  
10 the exceptional children for whose benefit the funds are appro-  
11 priated; and to determine whether the exceptional child for whom  
12 claim is made is within the class as defined by this Act, and  
13 whether or not competent educational services are rendered to the  
14 child. The Director of the Division of Special Education shall  
15 hold a Master's Degree from a standard institution of higher learn-  
16 ing; shall have completed creditably at least six semester hours  
17 in study of the education of exceptional children; and shall show  
18 evidence of at least three years of successful experience in the  
19 education of exceptional children.

20       Sec. 9. TEACHER QUALIFICATIONS. No person shall be employed  
21 to teach any class for exceptional children as defined in this Act,  
22 unless he possesses a valid teacher's certificate and in addition  
23 such training as the Division of Special Education may require in  
24 its rules and regulations.

25       Sec. 10. EXCEPTION TO QUALIFICATIONS. School boards of the  
26 district wherein a special class or classes are established and  
27 maintained may forego part of the qualifications for teachers as  
28 set out in Sec. 9 of this Act, if necessary, the first year the  
29 program is in operation in the district. After the end of the

1 school year, following the passage of this Act, no teacher shall  
2 be employed unless he has the qualifications as set out in Sec. 9  
3 of this Act.

4       Sec. 11. PSYCHOLOGIST QUALIFICATIONS. The minimum standard  
5 for the credential authorizing service as a psychologist shall be  
6 a Master's Degree in psychology or educational psychology from a  
7 higher institution of learning approved by the State Board of  
8 Education, if there is one, otherwise approval must be by the  
9 Commissioner of Education, and such additional requirements as may  
10 be prescribed by said Board or Commissioner.

11       Sec. 12. SUBSTITUTES. Nothing in Sec. 9 of this Act shall  
12 be deemed to prohibit the employment, as a substitute teacher of  
13 each such special day class for not more than twenty (20) school  
14 days in any school year, of a person holding some other valid  
15 credential authorizing substitute teaching.

16       Sec. 13. APPROPRIATIONS: PURPOSES. The appropriations made  
17 under the authority of the provisions of this Act are to be used  
18 to pay school districts, establishing and maintaining special  
19 classes, the excess cost of instructing exceptional children,  
20 which cost is over and above the average per capita cost of educa-  
21 ting normal children in the respective school districts. This  
22 aggregate excess cost shall be allocated for payment of teachers'  
23 salaries, including corrective teaching, such as lip reading,  
24 speech correction, sight conservation, and corrective health habits;  
25 necessary schoolroom equipment, and transportation. Such excess  
26 cost shall not exceed 150% for the mentally handicapped and 200%  
27 for the physically handicapped, over and above the average per  
28 capita cost of educating normal children in the respective school  
29 districts.

1           Sec. 14. NON-RESIDENT APPORTIONMENT. If a child attends a  
2 class for exceptional children in a school district other than  
3 that of his residence, the School Board of the district of his  
4 residence shall pay to the school district maintaining the class  
5 which he attends the state and district per capita apportionment  
6 received by the district of his residence. If the per capita  
7 cost of educating a normal child of like grade in the district of  
8 his residence is smaller than the per capita cost of educating a  
9 normal child of like grade in the district where he attends, the  
10 amount of the difference may be included as part of the excess  
11 cost claimed by the school district where the child attends such  
12 class.

13           Sec. 15. HOSPITALIZED AND HOMEBOUND CHILDREN. Special in-  
14 structional services for the exceptional children who are hos-  
15 pitalized or homebound may be provided by any school district in  
16 which such children are legal residents. Application for such  
17 services shall be submitted upon prescribed forms to the superin-  
18 tendent of schools where one is available, or to the Director of  
19 Special Education for investigation of the need for such services.  
20 If after investigation, there is satisfaction that the need exists,  
21 the Director of Special Education shall approve employment by the  
22 local school district of a teacher certified by the Director of  
23 Special Education to give instruction to those children hospital-  
24 ized or homebound, in accordance with prescribed rules and regula-  
25 tions.

26           Sec. 16. REIMBURSEMENT FOR HOSPITALIZED OR HOMEBOUND  
27 CHILDREN. Those schools which may now or shall hereafter provide  
28 instructional services for exceptional children who are hospital-  
29 ized or homebound, and which have agreed to expend an amount equal

1 to their annual normal per capita cost for the instruction of such  
2 children, shall receive reimbursement up to a maximum of five (5)  
3 hours per week, based on the hourly cost of instruction in regular  
4 classroom programs provided by said district but not to exceed  
5 thirty-six (36) weeks per school year.

6       Sec. 17. APPLICATION FOR ENROLLMENT. The parents or guar-  
7 dians, of any exceptional child residing in such district or dis-  
8 tricts, shall make application upon prescribed form for the en-  
9 rollment of such child to the local superintendent of schools,  
10 where one is available, or to the Director of Special Education.  
11 Such child shall thereupon undergo physical and psychological ex-  
12 amination by accredited personnel for the purpose of determining  
13 whether or not he is capable of receiving benefit from participa-  
14 tions in such a special educational program, and if determined  
15 eligible and capable of receiving the indicated benefits, and  
16 upon approval of application by the Director of Special Education,  
17 shall thereupon be recommended for enrollment.

18       Sec. 18. WHEN NOT REQUIRED TO ENROLL. No handicapped child  
19 as defined in Sec. 2 of this Act shall be required to enroll in  
20 any special education program if the parent or guardian of such  
21 child shall certify to the satisfaction of the board of education  
22 of the district therein such child resides, that such child is  
23 receiving adequate educational advantages. A child shall be ex-  
24 cused from the compulsory education requirements if a physician  
25 shall certify in writing that the child's bodily or mental condi-  
26 tion does not permit its attendance at school.