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BY SENATORS RYAN, COOPER  
AND MOODY

IN THE SENATE

SENATE BILL NO. 66

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - FIRST SESSION

A BILL

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

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

Section 1. PURPOSE. It is the purpose of this Act to provide competent education services for the exceptional children in Alaska between and including the ages of five (5) and eighteen (18) for whom the regular school facilities are inadequate or not available.

Sec. 2. DEFINITIONS. In interpreting and carrying out the provisions of this Act, the words "exceptional children" wherever used, will be construed to mean physically handicapped children and mentally retarded children; the words "physically handicapped children" whenever used, will be construed to include any child of educable mind whose body functions or members are so impaired that he cannot be safely or adequately educated in the regular classes of the public schools, without the provision of special services; and the words "mentally retarded children" wherever used, will be construed to include any child whose mental or emotional condition is such that he cannot be adequately educated in the regular classes of the public schools, without the provision of special services. The term "special services" may be interpreted to mean transportation; special teaching in the public school curriculum; corrective teaching, such as lip reading, speech correction and hearing therapy, sight conservation, and corrective health habits; and

1 the provision of special seats, books and teaching supplies, and  
2 equipment required for the instruction of exceptional children.  
3 The determination of the physical or mental handicap of a child  
4 shall rest upon individual physical and psychological examination  
5 conducted by accredited personnel.

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

1 child shall be transferred to the district that provides the  
2 facilities for their education by the proper authorities.

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

18       Sec. 5. REIMBURSEMENT. It is further provided that in order  
19 to qualify for reimbursement, the district must include in the  
20 receipts of its budget a sum not less than the total per capita  
21 cost of educating said exceptional children who are to be taught  
22 in special classes. Within the limits set forth in Sec. 3 of  
23 this Act, there is authorized to be paid to the local Board of  
24 Education of the school districts establishing and maintaining  
25 special classes for exceptional children, not more than the  
26 difference between the per capita cost of instruction and equipment  
27 for the normal children of that district in any corresponding  
28 grade of said school district, not to exceed 150% for the mentally  
29 retarded and 200% for the physically handicapped.

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

12           Sec. 7. SPECIAL EDUCATION FUNCTION. There is hereby estab-  
13 lished within the Department of Education a special education  
14 function to foster, inspect, approve and supervise a program of  
15 education for exceptional children as defined and otherwise provid-  
16 ed for in this Act. The Commissioner of Education shall make pro-  
17 vision for cooperation in carrying out this function with (1) the  
18 State Crippled Children's Association; (2) the State Division of  
19 Vocational Rehabilitation; (3) the state departments dealing with  
20 employment; and (4) the local school boards and other agencies  
21 interested in providing individual counseling and guidance in  
22 social and vocational matters. The Commissioner of Education is  
23 authorized to employ a teacher-coordinator to assist in the  
24 establishment of such services.

25           Sec. 8. SUPERVISOR. There shall be appointed by the  
26 Commissioner of Education a supervisor of special education. It  
27 shall be the duty of the supervisor of special education to  
28 furnish forms to all school districts making application for aid  
29 under the provisions of this Act; to take such action and to make

1 such rules and regulations not inconsistent with the terms of this  
2 Act as may be necessary to carry out the provisions and intent of  
3 this Act, and for the best interest of the exceptional children for  
4 whose benefit the funds are appropriated; and to determine whether  
5 the exceptional child for whom claim is made is within the class  
6 as defined by this Act, and whether or not competent educational  
7 services are rendered to the child. The supervisor of special  
8 education shall hold a Master's Degree from a standard institution  
9 of higher learning; shall have completed creditably at least six  
10 semester hours in study of the education of exceptional children;  
11 and shall show evidence of at least three years of successful ex-  
12 perience in the education of exceptional children.

13       Sec. 9. TEACHER QUALIFICATIONS. No person shall be employed  
14 to teach any class for exceptional children as defined in this Act,  
15 unless he possesses a valid teacher's certificate and in addition  
16 such training as the supervisor of special education may require  
17 in rules and regulations which have been approved by the Commission-  
18 er of Education.

19       Sec. 10. EXCEPTION TO QUALIFICATIONS. School boards of the  
20 district wherein a special class or classes are established and  
21 maintained may forego part of the qualifications for teachers as  
22 set out in Sec. 9 of this Act, if necessary, the first year the  
23 program is in operation in the district. After the end of the  
24 school year, following the passage of this Act, no teacher shall  
25 be employed unless he has the qualifications as set out in Sec. 9  
26 of this Act.

27       Sec. 11. PSYCHOLOGIST QUALIFICATIONS. The minimum standard  
28 for the credential authorizing service as a psychologist shall be  
29 a Master's Degree in psychology or educational psychology from a

1 higher institution of learning approved by the State Board of  
2 Education, if there is one, otherwise approval must be by the  
3 Commissioner of Education, and such additional requirements as may  
4 be prescribed by said Board or Commissioner.

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

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

24 Sec. 14. NON-RESIDENT APPORTIONMENT. If a child attends a  
25 class for exceptional children in a school district other than  
26 that of his residence, the School Board of the district of his  
27 residence shall pay to the school district maintaining the class  
28 which he attends the state and district per capita apportionment  
29 received by the district of his residence. If the per capita

1 cost of educating a normal child of like grade in the district of  
2 his residence is smaller than the per capita cost of educating a  
3 normal child of like grade in the district where he attends, the  
4 amount of the difference may be included as part of the excess  
5 cost claimed by the school district where the child attends such  
6 class.

7       Sec. 15. HOSPITALIZED AND HOMEBOUND CHILDREN. Special in-  
8 structional services for the exceptional children who are hospital-  
9 ized or homebound may be provided by any school district in which  
10 such children are legal residents. Application for such services  
11 shall be submitted upon prescribed forms to the superintendent of  
12 schools where one is available, or to the supervisor of special  
13 education for investigation of the need for such services. If  
14 after investigation, there is satisfaction that the need exists,  
15 the supervisor of special education shall approve employment by the  
16 local school district of a teacher certified by the supervisor of  
17 special education to give instruction to those children hospital-  
18 ized or homebound, in accordance with prescribed rules and regula-  
19 tions.

20       Sec. 16. REIMBURSEMENT FOR HOSPITALIZED OR HOMEBOUND CHILDREN.  
21 Those schools which may now or shall hereafter provide instructional  
22 services for exceptional children who are hospitalized or homebound,  
23 and which have agreed to expend an amount equal to their annual  
24 normal per capita cost for the instruction of such children, shall  
25 receive reimbursement up to a maximum of five (5) hours per week,  
26 based on the hourly cost of instruction in regular classroom  
27 programs provided by said district but not to exceed thirty-six (36)  
28 weeks per school year.

29       Sec. 17. APPLICATION FOR ENROLLMENT. The parents or guardians,

1 of any exceptional child residing in such district or districts,  
2 shall make application upon prescribed form for the enrollment of  
3 such child to the local superintendent of schools, where one is  
4 available, or to the supervisor of special education. Such child  
5 shall thereupon undergo physical and psychological examination by  
6 accredited personnel for the purpose of determining whether or not  
7 he is capable of receiving benefit from participations in such a  
8 special educational program, and if determined eligible and  
9 capable of receiving the indicated benefits, and upon approval of  
10 application by the supervisor of special education, shall there-  
11 upon be recommended for enrollment.

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