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Original sponsor: Begich

Offered: 4/28/70
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 500

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to education for exceptional children."

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

8 * Section 1. AS 14.30.180 is amended to read:

9 Sec. 14.30.180. PURPOSE. It is the purpose of secs. 180 - 350
10 of this chapter to provide competent education services for the excep-
11 tional children of legal school age in the state [FIVE YEARS OF AGE OR
12 OLDER AND UNDER 19] for whom the regular school facilities are inade-
13 quate or not available.

14 * Sec. 2. AS 14.30.186(a) is amended to read:

15 (a) A borough or city school district shall provide for special
16 services for [EACH CLASSIFICATION OF] exceptional children represented
17 by not less than five children residing in the district.

18 * Sec. 3. AS 14.30.186(b) is amended to read:

19 (b) The department shall provide for special services in a school
20 in the state-operated school district for [EACH CLASSIFICATION OF]
21 exceptional children represented by not less than five children residing
22 in the area served by the school.

23 * Sec. 4. AS 14.30.190 is repealed.

24 * Sec. 5. AS 14.30 is amended by adding a new section to read:

25 Sec. 14.30.191. ESTABLISHMENT OF STANDARDS BY DEPARTMENTS OF
26 EDUCATION AND HEALTH AND WELFARE. The Departments of Education and
27 Health and Welfare shall cooperatively establish by regulation diag-
28 nostic standards for the identification and classification of the
29 learning, mental and physical status of exceptional children. Standards

1 relating to special education programs, individual or general, shall
2 remain the responsibility of the Department of Education in conjunction
3 with the local education agency.

4 * Sec. 6. AS 14.30.230 is repealed.

5 * Sec. 7. AS 14.30 is amended by adding a new section to read:

6 Sec. 14.30.231. ADVISORY COMMITTEE. The commissioners of educa-
7 tion and health and welfare shall establish an advisory committee, the
8 function of which is to provide information and guidance for the
9 development of appropriate special education programs and services for
10 exceptional children. Membership of the advisory committee shall
11 include, but not be limited to, persons representing local education
12 agencies, state agencies, parent groups and organizations concerned
13 with programs and services for exceptional children.

14 ✓ * Sec. 8. AS 14.30.285 is repealed.

15 * Sec. 9. AS 14.30 is amended by adding a new section to read:

16 ✓ Sec. 14.30.287. EXCEPTIONAL PUPILS WITHIN THE STATE. (a) An
17 exceptional child may be sent to another school district, with the
18 consent of the district, or state-operated school if the child resides
19 in a district or school attendance area where there is no provision
20 for classes or the special education class is not appropriate for the
21 needs of the child.

22 (b) If a school district, or the commissioner if a state-operated
23 school, approves the enrollment of an exceptional child in another
24 school district or state-operated school approved by the commissioner,
25 and the child is enrolled in the institution, the child's education
26 expenses shall be paid for as follows:

27 (1) the school district or the Department of Education shall
28 pay the receiving district an amount of money equal to the receiving
29 district's local cost per pupil rate;

1 (2) the Department of Education shall pay the remainder of
2 the annual cost of the child's education above that provided for in
3 (b)(1) of this section.

4 (c) For the purposes of this section a child's education expenses
5 are limited to the cost of the pupil's annual transportation to and
6 from his destination and the actual cost of necessary care, including
7 room and board, while attending the designated institution.

8 ✓ * Sec. 10. AS 14.30.295(b)(2) is amended to read:

9 (2) the Department of Education shall pay whichever of the
10 following amounts is less, but not to exceed \$6,000 [\$3,000]:

11 (A) 75 per cent of the annual cost of the child's
12 education; or

13 (B) an amount which, when added to the contribution in
14 (b)(1) of this section, equals the total cost of the child's
15 education;

16 ✓ * Sec. 11. AS 14.30.295(b)(3) is amended to read:

17 (3) the parent or guardian shall pay the remainder of the
18 cost unless [THE SCHOOL BOARD OR] the commissioner [, IF A STATE-
19 OPERATED SCHOOL,] determines upon the basis of standards set by the
20 commissioner of education in cooperation with the Department of Health
21 and Welfare, that the parent or guardian is unable to pay all or part
22 of the remainder of the cost. The [SCHOOL DISTRICT OR THE] Department
23 of Education [, IF A STATE-OPERATED SCHOOL,] shall pay the remainder
24 of the cost which the parent or guardian is unable to pay.

25 * Sec. 12. AS 14.30.330(c) is amended to read:

26 (c) Final certification of a student for special services is the
27 responsibility of the commissioner. The child shall undergo evaluation
28 as defined by regulation of the department [PHYSICAL AND PSYCHOLOGICAL
29 EXAMINATION] by qualified personnel for the purpose of determining

1 whether or not the child is capable of receiving benefit from enrollment
2 in a special education program [ATTENDING CLASSES FOR EXCEPTIONAL
3 CHILDREN]. If determined eligible and capable of receiving benefit,
4 and upon approval of the application by the commissioner, the child
5 shall be recommended for enrollment.

6 * Sec. 13. AS 14.30.350 is repealed.

7 * Sec. 14. AS 14.30 is amended by adding a new section to read:

8 Sec. 14.30.351. DEFINITIONS. In secs. 180 - 351 of this chapter

9 (1) "exceptional children" means children who differ markedly
10 from their peers to the degree that they are better served by placement
11 in a special learning program designed to serve their particular
12 exceptionality; these children may be identified in the following
13 categories:

14 (A) "mentally retarded" includes those children of
15 educable and trainable mind who consistently demonstrate evidence
16 of reduced academic achievement or social behavior and whose
17 intellectual potential indicates restriction significantly below
18 that of their peers;

19 (B) "physically handicapped" includes children whose
20 known or diagnosed physical impairments are so severe or involved
21 that special facilities, equipment or methods are needed to make
22 their educational program effective;

23 (C) "emotionally handicapped" includes children whose
24 known or diagnosed emotional impairment is so severe or involved
25 that special facilities, equipment or methods are needed to make
26 their educational program effective;

27 (D) "children with learning disabilities" includes
28 those who exhibit disorders in one or more of the basic learning
29 processes involved in comprehending or using expressive or

1 receptive language and who may require special facilities, equip-
2 ment or methods to make their educational program effective;
3 programs or services beyond the level of those ordinarily provided
4 as regular school programs shall be submitted to the department
5 for supplemental funding on an approved program basis;

6 (E) "gifted" includes children having outstanding
7 intellect, ability or creative talent; programs or services
8 beyond the level of those ordinarily provided as regular school
9 programs shall be submitted to the department for supplemental
10 funding on an approved program basis;

11 (F) "multiple - handicapped" includes children whose
12 known or diagnosed handicaps are determined to be any combination
13 of (A) - (E) of this paragraph whose needs demand the provision
14 of special facilities, equipment or methods to make their educa-
15 tional program effective;

16 (2) "special services" means but is not limited to trans-
17 portation, special teaching, corrective teaching, corrective health
18 habits, and the provision of special seats, books, teaching supplies,
19 facilities, and equipment required for the instruction of exceptional
20 children, and includes education and training for children who cannot
21 utilize regular classroom instruction.
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