

Original Sponsor: Health, Education and
Social Services Committee by request of
the Interim Committee on Pre-Higher Education

Offered: 3/12/74
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 592

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 * Section 1. AS 14.17.031(a)(3) is amended to read:

10 (3) the number of units from special education determined
11 from sec. 41(d) of this chapter as approved by the department; and

12 * Sec. 2. AS 14.17.041(d) is amended to read:

13 (d) Special education schedule:

14 ADM	No. Instructional Units
15 <u>Full-Time Equivalent</u>	
16 5 - 8	1
17 9 - 15	2
18 16 - 23	3
19 24 - 32	4
20 33 and over	4 plus 1 for each 9 pupils 21 or fraction of 9 [m]

22 * Sec. 3. AS 14.30.180 is amended to read:

23 Sec. 14.30.180. PURPOSE. It is the purpose of secs. 180 - 350 of
24 this chapter to provide competent education services for the exceptional
25 children [OF LEGAL SCHOOL AGE] in the state who are at least three years
26 of age and for whom the regular school facilities are inadequate or not
27 available.

28 * Sec. 4. AS 14.30.191 is repealed and re-enacted to read:

29 Sec. 14.30.191. EDUCATIONAL ASSESSMENT. (a) Before placement in

1 a special education program and not less than once a year for as long
2 as the child is assigned to a special education program, an exceptional
3 child shall receive an educational assessment for the identification and
4 classification of the learning, mental and physical status of the child.

5 (b) Upon completion of the assessment and before placement, the
6 school district shall provide to the parent or guardian of each excep-
7 tional child, an opportunity for consultation about the assessment. A
8 consultation will be available after each reevaluation of the condition
9 and placement of the exceptional child.

10 (c) If a parent or guardian believes that the educational assess-
11 ment of his child is in error, he may request an independent examination
12 and evaluation of the child. If a substantial discrepancy exists between
13 the educational assessment of the school district and the independent
14 evaluation, and if the parent or guardian so requests, a hearing shall
15 be held before a hearing officer in order to resolve the discrepancy
16 between evaluations and to determine the appropriate educational program
17 placement for the exceptional child. The Department of Education shall
18 adopt regulations for the conduct of hearings authorized by this section,
19 for the appointment and qualifications of the hearing officer. Regula-
20 tions adopted and proceedings conducted under this section are subject to
21 the Administrative Procedure Act.

22 (d) The Department of Education and the Department of Health and
23 Social Services shall cooperatively establish by regulation diagnostic
24 standards for the identification and classification of the learning,
25 mental and physical status of exceptional children. Standards relating
26 to special education programs, individual or general, shall remain the
27 responsibility of the Department of Education in conjunction with the
28 local education agency.

29 * Sec. 5. AS 14.30.285 is repealed and re-enacted to read:

1 Sec. 14.30.285. TRANSFERS OF EXCEPTIONAL CHILDREN. (a) The
2 Department of Education shall institute a statewide program for the
3 education of exceptional children, to insure that whenever possible
4 children are educated in the state at locations in or near their resi-
5 dent school district.

6 (b) The identified exceptional child may be sent to another
7 school district or in-state educational program if the child resides
8 in a district or school attendance area where an adequate program of
9 education for an exceptional child is not available and if the commis-
10 sioner of education determines that another school district or in-state
11 educational program is adequate to meet his needs. If the school
12 district approves the enrollment of the exceptional child in another
13 school district or in-state institution and the child is enrolled, the
14 child's education expenses shall be paid as follows:

15 (1) the sending school district shall pay the receiving
16 district or institution an amount of money equal to the sending dis-
17 trict's local cost-per-pupil rate;

18 (2) the Department of Education shall pay the remainder of
19 the annual cost of the child's education above that provided for in
20 (1) of this subsection.

21 (c) The identified exceptional child may be sent out of the state
22 for special education if the child resides in a district or school
23 attendance area where the educational program offered is not appropriate
24 for the needs of the child and if the commissioner of education deter-
25 mines it is not feasible for the child to be enrolled in a special pro-
26 gram in the state. If the Department of Education approves the enroll-
27 ment of an exceptional child in an out-of-state institution and the child
28 is enrolled in the institution, the child's education expenses shall be
29 paid by the Department of Education.

1 (d) For the purposes of this section a child's education expenses
2 are limited to the actual cost of necessary care, transportation and
3 instruction, including room and board, while attending the designated
4 institution.

5 (e) The educational assessment of an exceptional child which
6 indicates that the educational program which is locally available is
7 inappropriate for the needs of the child shall conform to the standards
8 set out in sec. 191 of this chapter.

9 * Sec. 6. AS 14.30.295 is repealed.