

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 14.30.180 is amended to read:

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

15 * Sec. 2. AS 14.30.191 is repealed and re-enacted to read:

16 Sec. 14.30.191. EDUCATIONAL ASSESSMENT. (a) Before placement in
17 a special education program and not less than once a year for as long
18 as the child is assigned to a special education program, an exceptional
19 child shall receive an educational assessment for the identification and
20 classification of the learning, mental and physical status of the child.

21 (b) Upon completion of the assessment and before placement, the
22 school district shall provide to the parent or guardian of each excep-
23 tional child, an opportunity for consultation about the assessment. A
24 consultation will be available after each reevaluation of the condition
25 and placement of the exceptional child.

26 (c) If a parent or guardian believes that the educational assess-
27 ment of his child is in error, he may request an independent examination
28 and evaluation of the child. If a substantial discrepancy exists between
29 the educational assessment of the school district and the independent

1 evaluation, and if the parent or guardian so requests, a hearing shall
2 be held before a hearing officer in order to resolve the discrepancy
3 between evaluations and to determine the appropriate educational program
4 placement for the exceptional child. The Department of Education shall
5 adopt regulations for the conduct of hearings authorized by this section
6 for the appointment and qualifications of the hearing officer. Regula-
7 tions adopted and proceedings conducted under this section are subject
8 to the Administrative Procedure Act.

9 (d) The Department of Education and the Department of Health and
10 Social Services shall cooperatively establish by regulation diagnostic
11 standards for the identification and classification of the learning,
12 mental and physical status of exceptional children. Standards relating
13 to special education programs, individual or general, shall remain the
14 responsibility of the Department of Education in conjunction with the
15 local education agency.

16 * Sec. 3. AS 14.30.285 is repealed and re-enacted to read:

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

22 (b) The identified exceptional child may be sent to another
23 school district or in-state educational program if the child resides
24 in a district or school attendance area where an adequate program of
25 education for an exceptional child is not available and if the commis-
26 sioner of education determines that another school district or in-state
27 educational program is adequate to meet his needs. If the school
28 district approves the enrollment of the exceptional child in another
29 school district or in-state institution and the child is enrolled, the

1 child's education expenses shall be paid as follows:

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

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

8 (c) The identified exceptional child may be sent out of the state
9 for special education if the child resides in a district or school
10 attendance area where the educational program offered is not appropriate
11 for the needs of the child and if the commissioner of education deter-
12 mines it is not feasible for the child to be enrolled in a special pro-
13 gram in the state. If the Department of Education approves the enroll-
14 ment of an exceptional child in an out-of-state institution and the child
15 is enrolled in the institution, the child's education expenses shall be
16 paid by the Department of Education.

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

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

25 (f) No child may be transferred to a school outside the district
26 in which the child resides without the consent of the parent or
27 guardian.

28 * Sec. 4. AS 14.30.295 is repealed.
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