

Introduced: 2/25/74
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY CHANCE

2 HOUSE BILL NO. 733

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 the diagnosis of exceptional
7 children."

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

9 * Section 1. AS 14.30.191 is repealed and re-enacted to read:

10 Sec. 14.30.191. STANDARDS, AVAILABILITY AND REVIEW OF DIAGNOSTIC
11 EVALUATION. (a) The Department of Education and the Department of
12 Health and Social Services shall cooperatively establish by regulation
13 diagnostic standards for the identification and classification of the
14 learning, mental and physical status of exceptional children. Stan-
15 dards relating to special education programs, individual or general,
16 shall remain the responsibility of the Department of Education in
17 conjunction with the local education agency.

18 (b) Each diagnostic evaluation of an exceptional child shall be
19 made available by the departments to the parent or guardian of the
20 exceptional child. The departments shall also provide a copy of the
21 regulations describing the diagnostic standards utilized by the depart-
22 ments.

23 (c) If a parent or guardian believes that the diagnostic evalua-
24 tion of his child is in error, he may request an independent examination
25 and evaluation of the child. The independent examination and evaluation
26 shall be provided at state expense if the parent or guardian is finan-
27 cially unable to afford an independent examination or evaluation.

28 (d) If a substantial discrepancy exists between the diagnostic
29 evaluation done by the departments and the independent evaluation for

1 which (c) of this section provides, and if the parent or guardian so
2 requests, a hearing shall be held before a hearing officer in order
3 to resolve the discrepancy between evaluations and to determine the
4 appropriate educational program placement for the exceptional child.

5 (e) The Department of Education shall adopt regulations for the
6 conduct of hearings authorized by this section, for the appointment
7 and qualifications of the hearing officer. Regulations adopted and
8 proceedings conducted under this section are subject to the Adminis-
9 trative Procedure Act.

10 (f) The remedies provided by this section are in addition to
11 any other remedies which a child, his parent or guardian may otherwise
12 have under law.
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