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Referred: Health, Education  
& Social Services and  
Finance

BY SUMNER, CROFT, FERGUSON, HUBER  
AND RODEY

1 IN THE SENATE

2 SENATE BILL NO. 482

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to special education."

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

8 \* Section 1. AS 14.17.041(f) is amended to read:

9 (f) Special education schedule:

10 ADM

11 Full-Time Equivalent

No. Instructional Units

12 5 - 8

1

13 9 - 15

2

14 16 - 24

3

15 25 - 35

4

16 36 and over

4 plus 1 for each 11 pupils

or fraction of 11 pupils

in Full-Time Equivalent

ADM

17  
18  
19  
20 In the computation of ADM full-time equivalent under this subsec-  
21 tion, the aggregate period of pupil membership shall reflect the contri-  
22 bution of each program authorized under sec. 206 of this chapter from  
23 which a child derives benefit, regardless of whether two or more pro-  
24 grams are benefiting a child simultaneously.

25 \* Sec. 2. AS 14.17.041 is amended by adding a new subsection to read:

26 (g) Instructional Support Services Schedule:

27 ADM

No. Instructional Units

28 175

1

29 176 and over

1 plus 1 for each 175 pupils

or fraction of 175

\* Sec. 3. AS 14.17.051 is amended by adding a new subsection to read:

(b) The instructional unit allotments under (a)(1) - (9) of this section shall be further increased by the percentages of the base instructional unit allotment enumerated in (1) - (12) of this subsection when, in the course of figuring that part of basic need attributable to programs of special education under sec. 21(b) of this chapter, the instructional unit allotment is multiplied by the number of instructional units allowed under sec. 41(d) of this chapter. Percentage increases in the base instructional unit allotment shall be as follows when multiplying by those instructional units allowed for ADM full-time equivalent in a program required to be made available under the following paragraphs:

(1) sec. 206(a)(1) of this chapter, 150 per cent of the base instructional unit allotment;

(2) sec. 206(a)(2) of this chapter, 200 per cent of the base instructional unit allotment;

(3) sec. 206(a)(3) of this chapter, 250 per cent of the base instructional unit allotment;

(4) sec. 206(a)(4) of this chapter, 300 per cent of the base instructional unit allotment;

(5) sec. 206(a)(5) of this chapter, 175 per cent of the base instructional unit allotment;

(6) sec. 206(a)(6) of this chapter, 300 per cent of the base instructional unit allotment;

(7) sec. 206(a)(7) of this chapter, 300 per cent of the base instructional unit allotment;

(8) sec. 206(a)(8) of this chapter, 300 per cent of the base instructional unit allotment;

1           (9) sec. 206(a)(9) of this chapter, 400 per cent of the base  
2 instructional unit allotment;

3           (10) sec. 206(a)(10) of this chapter, 300 per cent of the base  
4 instructional unit allotment;

5           (11) sec. 206(a)(11) of this chapter, 300 per cent of the base  
6 instructional unit allotment;

7           (12) sec. 206(a)(12) of this chapter, as negotiated between  
8 the city or borough school district, or regional educational attendance  
9 area, and the department at the time approval of the program is obtained  
10 under sec. 206(12) of this chapter.

11 \* Sec. 4. AS 14.30.180 is repealed and re-enacted to read:

12           Sec. 14.30.180. FINDINGS AND PURPOSE. (a) The legislature finds  
13 that past development of special education programs has resulted in a  
14 great variation of services to children with special needs with some  
15 children having a greater educational opportunity than others in less  
16 favored categories or environments. The legislature further finds that  
17 past methods of labeling and defining the needs of children have had a  
18 stigmatizing effect and have caused special education programs to be  
19 overly narrow and rigid, both in their content and their inclusion and  
20 exclusion policies.

21           (b) In light of the policy of the state to provide an adequate,  
22 publicly supported education to every child resident in the state, it is  
23 the purpose of secs. 180 - 350 of this chapter to provide for a flexible  
24 and uniform system of special education program opportunities for all  
25 exceptional children; to provide a flexible and nondiscriminatory system  
26 for identifying and evaluating the individual needs of children requir-  
27 ing special education, with an evaluation of the needs of the child and  
28 adequacy of the special education program before placement and periodic  
29 evaluation of the benefits of the program to the child and the nature of

1 the child's needs thereafter; and to prevent denials of equal  
2 educational opportunity on the basis of national origin, sex, economic  
3 status, race, religion, and physical or mental handicap in the provision  
4 of differential education services.

5 (c) Sections 180 - 350 of this chapter are designed to remedy past  
6 inadequacies and inequities by defining the needs of children requiring  
7 special education in a broad and flexible manner, recognizing that these  
8 children have a variety of characteristics and needs, all of which must  
9 be considered if the educational potential of each child is to be  
10 realized; by providing the opportunity for a full range of special  
11 education programs for children requiring special education; by requir-  
12 ing that a program which holds out the promise of being special actually  
13 benefits children assigned to the program; and by replacing the present  
14 inadequate formula for distribution of state aid for special education  
15 programs with one which encourages local and regional school districts  
16 to develop and operate adequate special education programs within a  
17 reasonable period of time.

18 \* Sec. 5. AS 14.30 is amended by adding new sections to read:

19 Sec. 14.30.181. RECEIPT OF FEDERAL ASSISTANCE. The division shall  
20 do everything necessary to cooperate with the federal government to make  
21 the state and its political subdivisions eligible for federal assistance  
22 under sec. 611 of the Education for all Handicapped Children Act of 1975  
23 (20 U.S.C. 1411), secs. 121 and 305(b)(8) of the Elementary and Sec-  
24 dary Education Act of 1965 (20 U.S.C. 241(c)(2) and 20 U.S.C. 844a(b)(8)  
25 respectively) or its successor authority, sec. 122(a)(4)(B) of the  
26 Vocational Education Act of 1963 (20 U.S.C. 1262(a)(4)(B)), or any other  
27 federal programs.

28 Sec. 14.30.182. AUTHORITY AND DUTIES OF THE COMMISSIONER. (a)  
29 The commissioner shall supervise the administration of the division of

1 special education.

2 (b) The commissioner may

3 (1) establish reasonable procedures and adopt reasonable  
4 regulations necessary to carry out secs. 180 - 350 of this chapter and  
5 may, when necessary, issue directives or orders to the director to carry  
6 out specific functions and duties; all regulations adopted by the com-  
7 missioner shall be adopted under the Administrative Procedure Act (AS  
8 44.62);

9 (2) enter into agreements which he considers necessary to  
10 carry out the purposes of secs. 180 - 350 of this chapter, including  
11 agreements with federal and state agencies;

12 (3) review any order or action of the director;

13 (4) exercise the powers and do the acts necessary to carry  
14 out the provisions and objectives of secs. 180 - 350 of this chapter.

15 Sec. 14.30.183. DIVISION OF SPECIAL EDUCATION. There is in the  
16 Department of Education the division of special education.

17 Sec. 14.30.184. FUNCTIONS OF THE DIVISION OF SPECIAL EDUCATION.  
18 The division of special education shall

19 (1) exercise general supervision over all educational pro-  
20 grams for exceptional children in the state, including all programs  
21 administered by any local agency or other state agency, and accordingly  
22 issue those directives which are necessary to carry out the purposes of  
23 secs. 180 - 350 of this chapter;

24 (2) insure that all educational programs for exceptional  
25 children in the state, including all programs administered by any other  
26 state or local agency, meet education standards established by the divi-  
27 sion;

28 (3) consult with and assist city and borough school districts  
29 and regional educational attendance areas in the identification, classi-

1        fication, referral and placement of exceptional children, and in the  
2        development of programs of special education;

3                (4)    compile data on all exceptional children in the state, as  
4        well as data on programs of special education administered by city,  
5        borough, regional educational attendance areas and private schools pro-  
6        viding special education for children referred to those schools under  
7        secs. 180 - 350 of this chapter;

8                (5)    evaluate programs of special education and approve curri-  
9        culum, instruction, and facilities offered by public and private agen-  
10       cies which is equivalent, insofar as feasible, to the curriculum pro-  
11       vided for exceptional children of comparable age and ability in the  
12       public schools of the state;

13               (6)    disseminate to the public, upon request, statistical data  
14       pertaining to exceptional children while maintaining the confidentiality  
15       of data pertaining to individuals;

16               (7)    inform the public about the nature and extent of the edu-  
17       cational needs of exceptional children and the availability of programs  
18       in special education appropriate to meeting those needs;

19               (8)    develop and recommend to the board certification stan-  
20       dards for educational personnel employed in special education programs;

21               (9)    assist public and private colleges and universities in  
22       the state to develop courses and programs designed to meet the educa-  
23       tional needs of exceptional children;

24               (10)   receive and allocate federal funds in accordance with  
25       priorities established in compliance with sec. 612(3) of P.L. 94-142 (20  
26       U.S.C. 1412(3)), and other applicable federal law;

27               (11)   provide for public hearings, adequate notice of those  
28       hearings, and an opportunity for the public to comment before the adop-  
29       tion of policies, programs, and procedures under secs. 180 - 350 of this

1 chapter; in addition, provide for consultation concerning matters  
2 covered by the provisions of secs. 180 - 350 of this chapter with indi-  
3 viduals involved in or concerned with the education of exceptional  
4 children, including exceptional individuals and parents or guardians of  
5 exceptional children;

6 (12) approve the purchase, lease, and operation of all special  
7 equipment for instruction outside the classroom of exceptional children  
8 for whom attendance in public school is not feasible;

9 (13) conduct or contract with any federal, state, or private  
10 agency for the conduct of research and development projects designed to  
11 improve the quality of special education programs or increase the effi-  
12 ciency of those programs;

13 (14) allocate resources proportionately in the event of fund-  
14 ing shortages;

15 (15) insure that expenditures of the state and political sub-  
16 divisions of the state inure to the maximum feasible benefit of every  
17 child receiving or requiring special education;

18 (16) recommend to the board that it withhold funds under AS  
19 14.07.070 for special education programs from a city or borough school  
20 district, regional educational attendance area, or private school pro-  
21 viding special education for children referred to that school under  
22 secs. 180 - 350 of this chapter which does not comply with secs. 180 -  
23 350 of this chapter or regulations adopted under secs. 180 - 350 of this  
24 chapter, or does not carry out plans for such compliance within a rea-  
25 sonable period of time; however, nothing in this paragraph shall be  
26 construed to prevent the board from withholding state and federal funds  
27 to the extent it considers necessary;

28 (17) provide or supervise the education of exceptional chil-  
29 dren cared for in institutions in accordance with secs. 180 - 350 of

1 this chapter;

2 (18) in implementation of the goal of making a free, appropri-  
3 ate education available to all exceptional children, make available to  
4 exceptional children enrolled in private preschool, elementary, secon-  
5 dary, and postsecondary schools a program of special education and  
6 instructional support services and pay the cost of the education if the  
7 exceptional child is referred to the school by the division or a city or  
8 borough school district or regional educational attendance area, as a  
9 means of implementing the provisions of secs. 180 - 350 of this chapter,  
10 if the private school complies with all the requirements of secs. 180 -  
11 350 of this chapter.

12 Sec. 14.30.187. DIRECTOR. The division of special education is  
13 administered by a director who is appointed by, and serves at the  
14 pleasure of, the governor. A person appointed as director shall have  
15 experience and advanced training in the field of special education.

16 Sec. 14.30.188. AUTHORITY AND DUTIES OF THE DIRECTOR. (a) The  
17 director shall

18 (1) supervise and administer the activities of the division;  
19 (2) execute laws, regulations and orders adopted by the  
20 commissioner.

21 (b) The director may

22 (1) exercise the powers specifically delegated to him;  
23 (2) employ and fix the compensation of assistants and em-  
24 ployees necessary for the operations of the division;  
25 (3) approve vouchers for disbursements of money appropriated  
26 to the division;  
27 (4) delegate the administrative duties and functions imposed  
28 upon him to a responsible employee in the division.

29 Sec. 14.30.189. OFFICES. (a) The director shall create within

1 the division, offices responsible for the performance of one or more of  
2 the functions enumerated in sec. 184 of this chapter. Offices shall be  
3 created in sufficient number to carry out the powers and duties of the  
4 division.

5 (b) The director shall appoint to head each office a person with  
6 training and experience in the areas for which that office is respon-  
7 sible.

8 (c) Designated employees within each office shall be responsible  
9 for the conduct of the duties of that office within specific geographi-  
10 cal areas.

11 Sec. 14.30.192. INVESTIGATIONS AND HEARINGS. (a) The division  
12 may conduct investigations, inquiries, and hearings concerning matters  
13 covered by the provisions of secs. 180 - 350 of this chapter.

14 (b) The division may administer oaths and affirmations, certify to  
15 all official acts, issue subpoenas, compel the attendance and testimony  
16 of witnesses and the production of papers, books and documents.

17 (c) If a person fails to comply with a subpoena or order issued  
18 under the authority of this chapter, the division may invoke the aid of  
19 any court in this state. The court may order that person to comply with  
20 the requirements of the subpoena or to give evidence upon the matter in  
21 question. Failure to obey the order of the court is punishable by the  
22 court as contempt.

23 Sec. 14.30.193. LOCAL SPECIAL EDUCATION ADVISORY COUNCILS. There  
24 is established in each city and borough school district, and in each  
25 regional educational attendance area, a local special education advisory  
26 council.

27 Sec. 14.30.194. COMPOSITION. (a) If fewer than 2,500 children  
28 are served by a city or borough school district or regional educational  
29 attendance area, the membership of the local special education advisory

1 council consists of the city, borough, or regional educational atten-  
2 dance area school board and one person nominated and elected by the  
3 parents or guardians of exceptional children in the district or atten-  
4 dance area. Parents and guardians shall be polled by mail to garner  
5 nominations for election of their representative.

6 (b) If 2,500 children or more are served by a city or borough  
7 school district or regional educational attendance area, the membership  
8 of the local special education advisory council consists of 12 members  
9 nominated and elected to represent (1) parents or guardians of children  
10 with learning disabilities; (2) parents or guardians of severely handi-  
11 capped children; (3) parents or guardians of children in a work study  
12 program; (4) parents or guardians of gifted children; (5) parents or  
13 guardians of children in vocational programs; (6) teachers of special  
14 education elementary and secondary integrated programs; (7) teachers of  
15 self-contained units; (8) counselors in secondary and vocational pro-  
16 grams; (9) principals of integrated units; (10) minority and ethnic  
17 groups; (11) professional organizations which are concerned with the  
18 problems of exceptional children, such as API, Hope, ARCA, ATC, Students  
19 from SAVE, Association for the Talented and Gifted, National Association  
20 for the Gifted, the University of Alaska, and the medical profession;  
21 (12) the Native regional corporations. These groups shall be polled by  
22 mail to garner nominations for election of their representative.

23 Sec. 14.30.195. COMPENSATION, PER DIEM, AND EXPENSES. Members of  
24 local special education advisory councils receive no salary, but are  
25 entitled to payment from the division of per diem, reimbursement for  
26 travel and costs of child care consequent to service on the council, and  
27 other expenses authorized by law for boards and commissions.

28 Sec. 14.30.196. DUTIES. (a) A local special education advisory  
29 council shall

1 (1) advise the board of the city or borough school district  
2 or regional educational attendance area, regarding all aspects of pro-  
3 grams of special education undertaken within the district or attendance  
4 area;

5 (2) submit a report in writing to the state Special Education  
6 Advisory Council established under sec. 197 of this chapter concerning  
7 the quality and adequacy of programs of special education undertaken in  
8 the district or attendance area;

9 (3) if a request is made under sec. 207(c)(4) of this chap-  
10 ter, submit plans to the department specifying the period of time needed  
11 to establish or augment a program of special education;

12 (4) forward to the state Special Education Advisory Council  
13 established under sec. 197 of this chapter complaints and suggestions of  
14 persons in the district or attendance area interested in special educa-  
15 tion.

16 (b) The members of a local special education advisory council  
17 shall be granted access to information concerning special education  
18 programs maintained in the district and attendance area subject to the  
19 requirements of confidentiality imposed by law and regulation.

20 Sec. 14.30.197. CREATION OF COUNCIL. There is established in the  
21 Department of Education the Special Education Advisory Council.

22 Sec. 14.30.198. COMPOSITION. The Special Education Advisory  
23 Council consists of nine members appointed by the governor. Persons  
24 appointed shall be individuals involved in or concerned with the educa-  
25 tion of exceptional children, including handicapped individuals,  
26 teachers, parents or guardians of exceptional children, officials of the  
27 department or city or borough school districts, and administrators of  
28 programs of special education.

29 Sec. 14.30.199. TERMS OF OFFICE. (a) Members of the Special

1 Education Advisory Council shall be appointed for overlapping terms of  
2 three years.

3 (b) The governor shall appoint the initial members of the Special  
4 Education Advisory Council within 30 days of the effective date of this  
5 Act. Of the nine initial appointees to the council, three shall be  
6 appointed for three-year terms, three for two-year terms, and three for  
7 one-year terms.

8 (c) Subsequent terms for all members of the Special Education  
9 Advisory Council are three years.

10 (d) A vacancy occurring in the membership of the Special Education  
11 Advisory Council shall be filled by appointment of the governor for the  
12 unexpired portion of the vacated term.

13 Sec. 14.30.201. MEETINGS. The Special Education Advisory Council  
14 shall meet at the call of the chairman not less frequently than twice a  
15 year. A majority of the members constitutes a quorum.

16 Sec. 14.30.202. COMPENSATION, PER DIEM, AND EXPENSES. Members of  
17 the Special Education Advisory Council receive no salary, but are en-  
18 titled to per diem, reimbursement for travel and costs of child care  
19 consequent to service on the council, and other expenses authorized by  
20 law for boards and commissions.

21 Sec. 14.30.203. DUTIES. The Special Education Advisory Council  
22 shall

23 (1) annually submit a report to the division evaluating the  
24 quality and adequacy of special education programs in the state and  
25 recommending improvements in those programs;

26 (2) comment publicly on any regulations proposed to be adop-  
27 ted under secs. 180 - 350 of this chapter or any other law if the regu-  
28 lations affect the education of exceptional children;

29 (3) comment publicly on any regulations proposed to be adop-

1           ted which pertain to procedures for distribution of funds received from  
2           the federal government under P.L. 94-142 (Education for all Handicapped  
3           Children Act of 1975);

4                   (4) assist the division in developing and reporting any  
5           information and evaluations which may assist the United States Commis-  
6           sioner of Education in the performance of his responsibilities under  
7           sec. 618 of P.L. 94-142 (Education for all Handicapped Children Act of  
8           1975, 20 U.S.C. 1418).

9           Sec. 14.30.204. IMPLEMENTATION OF RECOMMENDATIONS OF THE COUNCIL.

10           (a) The department shall implement the recommendations of the Special  
11           Education Advisory Council made under sec. 203(1) of this chapter or  
12           shall state in a written reply to the council why the recommendations  
13           cannot be implemented.

14                   (b) If the department declines to implement the recommendations of  
15           the council, the department and the council shall attempt to find an  
16           alternative solution acceptable to both.

17                   (c) If efforts under (b) of this section are unsuccessful, the  
18           board shall, upon application of either the department or the council,  
19           conduct public hearings to investigate the bases of the disagreement and  
20           to resolve the dispute.

21           Sec. 14.30.205. SUPERVISORS OF SPECIAL EDUCATION. The board of  
22           each city and borough school district, and the board of each regional  
23           educational attendance area, shall appoint a supervisor of special  
24           education who shall

25                   (1) consult with and assist a city or borough school dis-  
26           trict, or the board of a regional educational attendance area, in im-  
27           plementing the regulations and directives of the division;

28                   (2) assist a city or borough school district, or the board of  
29           a regional educational attendance area, in identifying, diagnosing, and

1 evaluating exceptional children and in developing programs of special  
2 education for those children;

3 (3) approve all placements of children in programs of special  
4 education;

5 (4) assist and foster the formation of joint agreements be-  
6 tween two or more city or borough school districts, or regional educa-  
7 tional attendance areas, for the purpose of providing programs of  
8 special education for children whose needs are such that they cannot be  
9 appropriately served in their district of residence;

10 (5) investigate and evaluate programs of special education at  
11 the request of the division or at his own initiative;

12 (6) maintain a list of professional persons both inside and  
13 outside the school district or regional educational attendance area who  
14 are qualified to furnish independent evaluations of children, and make  
15 that information available upon request to the public;

16 (7) coordinate and conduct preservice and inservice training  
17 of regular classroom teachers;

18 (8) receive complaints with respect to any matter relating to  
19 the identification, evaluation, or educational placement of an excep-  
20 tional child, or the provision of a free, appropriate public education  
21 to a child;

22 (9) perform other duties which may be assigned by the divi-  
23 sion.

24 Sec. 14.30.206. PROGRAMS PROVIDED. (a) A city or borough school  
25 district, regional educational attendance area, or the department, as  
26 may be required under secs. 180 - 350 of this chapter, shall provide an  
27 exceptional child one or more of the following programs of special  
28 education, whichever is appropriate in light of his needs, and a child  
29 is so entitled:

1 (1) a regular education program coupled with additional  
2 direct instruction, consultation service, materials, equipment or aid  
3 provided children or their regular classroom teachers which directly  
4 benefits children requiring special education;

5 (2) a regular education program except that 25 per cent of  
6 the time which would otherwise be devoted to regular education of the  
7 child in conducted regular classrooms is allocated to supplementary  
8 individual or small group instruction in special resource classrooms;

9 (3) a regular education program except that 60 per cent of  
10 the time which would otherwise be devoted to regular education is allo-  
11 cated to instruction in special education classrooms, work-study pro-  
12 grams, or occupational or pre-occupational training programs;

13 (4) full-time special class teaching or treatment in a public  
14 school building for children who are unable to participate to any extent  
15 in a regular education program;

16 (5) itinerant, home, or hospital programs;

17 (6) occupational and pre-occupational training in conjunction  
18 with full-time special class teaching, in which children are assigned to  
19 full-time special education classes in a public school building, at  
20 home, in a special day school or other facility, in a hospital, or in a  
21 short- or long-term residential school;

22 (7) full-time teaching or treatment in a special day school  
23 or other facility;

24 (8) hospital school consisting of one or more permanent  
25 teaching stations located within a hospital;

26 (9) teaching or treatment at a short- or long-term resi-  
27 dential school;

28 (10) teaching or treatment in a program designed for excep-  
29 tional children between the ages of birth and five years of age;

1 (11) if a child is an integrated exceptional student in the  
2 secondary schools, access to the following, which shall be distinct and  
3 separate services:

4 (A) a reading clinic, consisting of a remedial unit,  
5 which may be utilized by regular as well as special education  
6 students;

7 (B) a diagnostic clinic, which shall function as a co-  
8 ordination unit and include an educational diagnostician who will  
9 work with the child study team in preparing and coordinating the  
10 individual educational programs for integrated students, as well as  
11 reviewing and evaluating the progress of each integrated student;

12 (C) a learning center served by a special education  
13 teacher and aides who will help exceptional students complete  
14 classroom assignments using whatever media the educational diagno-  
15 stician or study team may recommend; however, the function of the  
16 center does not include remediation of a student's handicap;

17 (D) counseling services provided both regular and  
18 special education students;

19 (12) any combination or modification of programs (1) - (11) of  
20 this subsection or other programs, services, treatments, or experimental  
21 provisions which obtain the prior approval of the department.

22 (b) City and borough school districts and regional educational  
23 attendance areas shall provide medical and psychological evaluation and  
24 services to children participating in programs under (a) of this section  
25 if needed. Social services shall also be provided the parents of excep-  
26 tional children if the need for those services is related to a child's  
27 special needs.

28 (c) City and borough school districts and regional educational  
29 attendance areas shall provide instructional support services to chil-

1 dren participating in programs under (a) of this section if needed.

2 Sec. 14.30.207. ELIGIBILITY FOR PLACEMENT. (a) A child is eli-  
3 gible for placement in a program required to be made available under  
4 sec. 206(a)(1) - (10) and (12) and 206(b) and (c) of this chapter if  
5 after evaluation conducted in accordance with sec. 208 of this chapter  
6 the child study team recommends placement in the program.

7 (b) A child is eligible for admission to a program required to be  
8 made available under sec. 206(a)(11) of this chapter if the department  
9 finds that the child has substantial disabilities and that the child  
10 could benefit from participation in the program.

11 (c) A child is eligible for placement in an institution inside or  
12 outside the state if

13 (1) a program of special education appropriate to the child's  
14 needs is not available in the city or borough school district or re-  
15 gional educational attendance area where the child resides;

16 (2) the curriculum, instruction, and facilities offered by  
17 the institution are appropriate to the child's needs;

18 (3) the curriculum, instruction and facilities offered by the  
19 institution are approved by the department;

20 (4) after determination of the special needs of the child and  
21 after examination of plans prepared by the local special education  
22 advisory council detailing the time required to establish facilities in  
23 the city or borough school district or regional educational attendance  
24 area where the child resides, the department concludes that an adequate  
25 program of special education cannot be made available in the local  
26 district or area in sufficient time;

27 (5) the parents or guardians of the child concur;

28 (6) the city or borough school board or the board of the  
29 regional educational attendance area concurs;

1 (7) the division concurs;

2 (8) the commissioner concurs.

3 Sec. 14.30.208. EVALUATIONS. Before placement of a child in a  
4 program of special education, again within 10 months of the date of  
5 placement, and at least annually thereafter, an evaluation of the child  
6 and the program in which placement of the child is being considered or  
7 in which the child has been placed will be undertaken in accordance with  
8 secs. 209 - 214 of this chapter. The purpose of these evaluations is to  
9 determine if the child is likely to benefit or is benefiting from parti-  
10 cipation in the program.

11 Sec. 14.30.209. NOTICE OF EVALUATION. Before the commencement of  
12 an evaluation to determine whether a child referred under sec. 211 of  
13 this chapter requires special education, the parents or guardian of the  
14 child shall be afforded written notice in the parents' or guardian's  
15 native language, unless it clearly is not feasible to do so, of the  
16 purpose and nature of the evaluation and of the procedural safeguards  
17 provided in secs. 211 - 214 of this chapter.

18 Sec. 14.30.211. EVALUATION PROCEDURE. (a) An evaluation for pur-  
19 poses of determining whether a child enrolled in regular education  
20 requires special education may be initiated by a school official, parent  
21 or guardian, judicial officer, social worker, or physician, referring  
22 that child to the supervisor of special education for the city or  
23 borough school district or regional educational attendance area.

24 (b) The supervisor of special education shall appoint a child  
25 study team. The child study team shall complete its evaluation within  
26 35 days of the date the child was referred under (a) of this section.

27 Sec. 14.30.212. INPUT REQUIRED IN EVALUATION. An evaluation of a  
28 child undertaken for purposes of determining whether a child referred  
29 under sec. 211 of this chapter requires special education shall reflect

1 assessments by

2 (1) a teacher who has dealt with the child in a regular  
3 classroom;

4 (2) a member of the educational staff of the city or borough  
5 school district or regional educational attendance area;

6 (3) a psychologist;

7 (4) a nurse, social worker, guidance or adjustment counselor  
8 of the general home situation and pertinent family history factors;

9 (5) those other specialists the necessity of whose assess-  
10 ments becomes evident during the course of an evaluation, and who might  
11 include a physician, a neurologist, an audiologist, an ophthalmologist,  
12 an occupational therapist, a physical therapist, a specialist competent  
13 in speech, language and perceptual factors, or a psychiatrist.

14 Sec. 14.30.213. COMPOSITION OF CHILD STUDY TEAM. The membership  
15 of the child study team shall include one or both of the child's parents  
16 or a guardian, the receiving specialist, a psychologist or other evalu-  
17 ator, the child's current or most recent teacher, an administrative  
18 representative of the local school district, and those other specialists  
19 as may be required, including but not limited to a physician, nurse,  
20 occupational or physical therapist, social worker, counselor, neurolo-  
21 gist, psychiatrist, an audiologist, an ophthalmologist, and a speech and  
22 language pathologist. When appropriate, other persons may also be  
23 included such as the child himself or other professional persons sug-  
24 gested by the parents who are currently working with the child outside  
25 the school system. The composition of the child study team may vary  
26 from child to child, but the team consistency for any given child should  
27 be maintained.

28 Sec. 14.30.214. REASSIGNMENT OF CHILD; ABOLITION OF PROGRAMS. (a)  
29 If evaluations conducted under sec. 208 of this chapter show a child

1 not to be benefiting from participation in a program and it appears that  
2 another program may benefit a child more, or if a program has benefited  
3 a child sufficiently to permit reassignment to another program, the  
4 child shall be reassigned to the other program.

5 (b) If evaluations conducted under sec. 208 of this chapter con-  
6 sistently show children not to be benefiting from participation in a  
7 program, that program shall be abolished.

8 Sec. 14.30.215. INDIVIDUALIZED EDUCATIONAL PROGRAM. (a) The  
9 child study team shall develop in writing an individualized educational  
10 program for a child determined to require special education after an  
11 evaluation conducted under sec. 208 of this chapter. An individualized  
12 educational program shall include

13 (1) a statement of the present levels of educational perfor-  
14 mance of the child;

15 (2) a statement of annual goals, including short-term in-  
16 structional objectives;

17 (3) a statement of the specific educational and medical  
18 services to be provided to a child, and the extent to which the child  
19 will be able to participate in regular educational programs;

20 (4) the projected date for initiation and anticipated dura-  
21 tion of those services;

22 (5) a statement whether family guidance or counseling ser-  
23 vices are indicated;

24 (6) appropriate objective criteria and evaluation procedures  
25 for determining, on at least an annual basis, whether instructional  
26 objectives are being achieved and whether the child is able to return to  
27 regular classes;

28 (7) a statement comparing the outcome expected if the child  
29 is placed in regular classes as opposed to special classes.

1 (b) The needs of the child, not the availability of transporta-  
2 tion, shall determine the specific educational services included in an  
3 individualized educational program developed under (a) of this section.

4 (c) An individualized program developed for a child shall provide  
5 that the child, to the maximum extent appropriate, is educated with  
6 children who are not exceptional, and that special classes, separate  
7 schooling, or other removal of handicapped children from the regular  
8 educational environment shall occur only when the nature or severity of  
9 the handicap is such that education in regular classes with the use of  
10 supplementary aids and services cannot be achieved satisfactorily.

11 Sec. 14.30.216. DIAGNOSTIC CLASSROOM. (a) If a child study team  
12 does not collect sufficient information about a child from an evaluation  
13 conducted in accordance with sec. 208 of this chapter to allow the team  
14 to develop an individualized educational program, the child shall be  
15 referred to a diagnostic classroom.

16 (b) If a child study team refers a child to a diagnostic class-  
17 room, it shall

18 (1) prepare a list of specific questions pertaining to iden-  
19 tifying discrepancies between the child's behavior and that exhibited by  
20 the average child for the diagnostic teacher to answer;

21 (2) prescribe a method of monitoring the diagnostic proce-  
22 dures, documenting the procedures, and documenting the results obtained;

23 (3) meet at least once every two weeks with the diagnostic  
24 teacher to discuss results and progress to date.

25 (c) The ages of the youngest and oldest child in a diagnostic  
26 classroom may not differ by more than three years, except if the divi-  
27 sion of special education finds particular circumstances warrant.

28 (d) Children referred to a diagnostic classroom may participate in  
29 other school programs as circumstances warrant.

1 (e) Placement in a diagnostic classroom shall terminate when the  
2 child study team has collected sufficient information to develop an  
3 individualized educational program, but in no event longer than eight  
4 weeks.

5 (f) The child study team shall convene to develop an individual-  
6 ized educational program five days before the expiration of the eight-  
7 week period, or before, as appropriate.

8 Sec. 14.30.217. MAXIMUM NUMBER OF EXCEPTIONAL CHILDREN IN AN IN-  
9 TEGRATED CLASS. No more than four exceptional children participating in  
10 a program required under sec. 206(a)(1), (2) or (3) of this chapter may  
11 be placed in a regular classroom.

12 Sec. 14.30.218. MAXIMUM CLASS SIZE FOR AN INTEGRATED CLASSROOM.  
13 (a) A regular class which includes one or more certified exceptional  
14 children may not exceed 20 in number for kindergarten through third  
15 grade, and may not exceed 24 for grades 4 through 12. For the purpose  
16 of computing the number of children in a class, the following weighting  
17 factors shall be applied:

Type of Student	Weight Factor
19 Normal	1.0
20 Gifted	1.5
21 Learning Disabled	2.0
22 Mentally Retarded	2.0
23 Orthopedically Handicapped	2.0
24 Visually Impaired	2.0
25 Hearing Impaired	2.0
26 Emotionally Disturbed	2.5
27 Behavior Disorder	2.5
28 Blind	2.5
29 Deaf	2.5

1 Perceptual or Communication Disorder 2.5

2 Hyperactive 2.5

3 (b) Other weighting factors may be assigned on an individual basis  
4 by the child study team.

5 (c) The child study team shall have the option of assigning an  
6 aide if it is considered to be in the best educational interest of the  
7 child and the class.

8 Sec. 14.30.219. CLASS SIZE. The number of children assigned to a  
9 special education teacher for programs required to be made available  
10 under the following paragraphs may not exceed the following:

11 (1) sec. 206(a)(1) of this chapter, 20 children, unless the  
12 child study team recommends fewer;

13 (2) sec. 206(a)(2) of this chapter, 15 children, with no more  
14 than four children in any one instructional period, or six children if  
15 an aide is provided;

16 (3) sec. 206(a)(3) of this chapter, 12 children;

17 (4) sec. 206(a)(4) of this chapter, 8 children, regardless of  
18 whether the teacher is assisted by an aide, unless the child study team  
19 recommends fewer;

20 (5) sec. 206(a)(5) of this chapter, 10 children;

21 (6) sec. 206(a)(6) of this chapter, 12 children;

22 (7) sec. 206(a)(7) of this chapter, 8 children, unless the  
23 child study team recommends fewer;

24 (8) sec. 206(a)(8) of this chapter, 10 children unless the  
25 child study team recommends fewer;

26 (9) sec. 206(a)(9) of this chapter, 4 children;

27 (10) sec. 206(a)(10) of this chapter, 4 children;

28 (11) sec. 206(a)(11) of this chapter, 15 children;

29 (12) sec. 206(a)(12) of this chapter, a number of children

1 arrived at through negotiations conducted between the city or borough  
2 school district or regional educational attendance area and the depart-  
3 ment at the time approval of the program is obtained.

4 Sec. 14.30.221. REPRESENTATION OF CHILD. Whenever the parents or  
5 the guardian of the child are not known, unavailable, or the child is  
6 committed to the custody of the Department of Health and Social Ser-  
7 vices, and the child has been determined to require special education  
8 after an evaluation undertaken under sec. 208 of this chapter, a person  
9 not employed by the Department of Education, a city or borough school  
10 district or a regional educational attendance area shall be appointed  
11 under AS 09.65.130 to represent the interests of the child.

12 Sec. 14.30.222. PREFERENCES OF PARENTS. (a) If a child has been  
13 determined to require special education in an evaluation undertaken in  
14 accordance with sec. 208 of this chapter and the parents or guardian  
15 desire a program of regular education, the child is entitled to regular  
16 education unless the city or borough school district, regional educa-  
17 tional attendance area, or the department determines that placement in a  
18 regular education program would seriously endanger the health or safety  
19 of the child or substantially disrupt the program for students.

20 (b) If a child has been determined to require special education in  
21 an evaluation undertaken in accordance with sec. 208 of this chapter and  
22 the parents or guardian desire a program of special education different  
23 than the program recommended by the individualized education program,  
24 the child is entitled to placement in the recommended program only,  
25 unless the placement is appealed and other placement found appropriate  
26 in hearings conducted under secs. 224 - 226 of this chapter.

27 (c) No school age child with special needs may be refused admis-  
28 sion or continued attendance in public school without the prior written  
29 approval of the department. No child so refused shall be denied an

1 alternative form of education approved by the department.

2 Sec. 14.30.223. NOTICE OF CHANGE OR REFUSAL TO CHANGE. When the  
3 department, a city or borough school district, or a regional educational  
4 attendance area proposes to change, or refuses to accede to a parent's  
5 request to initiate or change, the identification, evaluation, or educa-  
6 tional placement of a child or the provision of free appropriate public  
7 education to the child, the parents or guardian of the child shall be  
8 afforded written notice in the parents' or guardian's native language,  
9 unless it clearly is not feasible to do so, of the purpose and nature of  
10 the change, or reason for the refusal, and of the procedural safeguards  
11 provided in secs. 224 and 226 of this chapter.

12 Sec. 14.30.224. HEARINGS. (a) A parent or guardian is entitled  
13 to a hearing with respect to any matter relating to the identification,  
14 evaluation, or educational placement of an exceptional child, including  
15 a determination under sec. 208 of this chapter that regular education  
16 for a child would be dangerous for the child and disruptive to others,  
17 or the provision of free appropriate education for the child.

18 (b) A hearing under this section shall be conducted before an em-  
19 ployee of the department not directly involved in the care and education  
20 of the child, unless the parents or guardian desire a program of special  
21 education other than the program recommended by the individualized  
22 education program developed for the child, in which case the hearing  
23 shall be conducted before the Special Education Advisory Council, except  
24 that no council member directly involved in the care and education of  
25 the child may hear the case.

26 Sec. 14.30.225. DUE PROCESS IN HEARINGS. Any party to a hearing  
27 conducted by the department or the Special Education Advisory Council,  
28 under secs. 223 - 226 of this chapter, respectively, is entitled to

29 (1) be accompanied and advised by counsel and by individuals

1 with special knowledge or training with respect to the problems of ex-  
2 ceptional children;

3 (2) present evidence, including the results of an independent  
4 evaluation of the child conducted at the expense of the parent or guard-  
5 ian;

6 (3) confront, cross-examine and compel the attendance of  
7 witnesses;

8 (4) receive a written or electronic verbatim record of the  
9 hearing;

10 (5) receive findings of fact and a decision in writing.

11 Sec. 14.30.226. DECISION. A decision made by the department or  
12 the Special Education Advisory Council under secs. 223 - 225 of this  
13 chapter shall be final, subject to an appeal made under sec. 228 of this  
14 chapter. Findings and decisions made by the department shall be trans-  
15 mitted to the Special Education Advisory Council.

16 Sec. 14.30.227. INTERLOCUTORY PLACEMENT. During the course of  
17 proceedings conducted under secs. 223 - 226 of this chapter, unless the  
18 department, the city or borough school district, or the regional educa-  
19 tional attendance area and the parents or guardian otherwise agree, the  
20 child shall remain in his existing educational placement, or, if apply-  
21 ing for initial admission to a public school, shall, with the consent of  
22 the parents or guardian, be placed in the program of regular education  
23 until all proceedings are completed.

24 Sec. 14.30.228. SUPERIOR COURT REVIEW. (a) The superior court  
25 has jurisdiction over taken appeals from decisions made under secs.  
26 223 - 226 of this chapter by the department or the Special Education  
27 Advisory Council.

28 (b) An appeal taken under this section shall, at the request of a  
29 party or on the court's own motion, be heard de novo.

1 (c) The court shall base its decision on the preponderance of the  
2 evidence and may order the child placed in that program and such other  
3 relief as it finds appropriate.

4 Sec. 14.30.229. RECORDS. (a) City and borough school districts  
5 and regional educational attendance areas shall maintain records of the  
6 individualized education program for each child, and record and provide  
7 to the department upon request that information pertaining to excep-  
8 tional children and programs of special education which the department  
9 specifies.

10 (b) The department shall keep those records and afford that access  
11 to records which the United States Commissioner of Education may find  
12 necessary.

13 Sec. 14.30.232. PARENT ACCESS TO RECORDS; CONFIDENTIALITY. (a)  
14 The parents, guardian, or persons with custody of a child are entitled  
15 to examine all relevant records with respect to identification, evalua-  
16 tion, and educational placement of a child, including the clinical  
17 history developed and the record of the evaluation conducted under sec.  
18 208 of this chapter.

19 (b) Except as provided in (a) of this section, records of the  
20 evaluation conducted under sec. 208 of this chapter are confidential.  
21 Only that information which is needed to care for a child may be re-  
22 leased to persons directly concerned with the care of the child. Local  
23 special education advisory councils and the Special Education Advisory  
24 Council are entitled to that information needed to evaluate whether a  
25 program benefits children.

26 Sec. 14.30.233. REPORTS. (a) A city or borough school district,  
27 regional educational attendance area, or private institution caring for  
28 children referred under this chapter shall

29 (1) establish, in accordance with standards developed by the

1 department, cost accounting procedures pertaining to per-pupil costs and  
2 program costs; reporting procedures pertaining to total receipts and  
3 expenditures; forms, schedules, rates and audits; and

4 (2) make reports to the department at the time, in the  
5 manner, and on the forms which the department may require.

6 (b) Within 10 days after the convening of the legislature each  
7 year the commissioner shall submit a report stating the number of ex-  
8 ceptional children enrolled in programs of special education, the cost  
9 of their instruction and support, the manner in which money appropriated  
10 has been expended, to what extent the expenditures have been reimbursed,  
11 and any other information the commissioner determines should be in-  
12 cluded.

13 (c) City and borough school districts and regional educational  
14 attendance areas shall annually report to the department by age level  
15 the sex, national origin, race and religion of children in special  
16 education classes, and the distribution of these characteristics in all  
17 children attending school in the district or attendance area by age  
18 level.

19 Sec. 14.30.234. NONDISCRIMINATION. (a) Testing and evaluation  
20 materials and procedures utilized for purposes of evaluation and place-  
21 ment of exceptional children shall be provided and administered in the  
22 child's native language or mode of communication, unless it is clearly  
23 not feasible to do so, and no single procedure shall be the sole crite-  
24 rion for determining an appropriate educational program for a child.

25 (b) If a report made under sec. 233(c) of this chapter shows a  
26 substantial discrepancy in the occurrence of the characteristics of sex,  
27 national origin, race, and religion between children in special educa-  
28 tion classes in contrast to the remainder of the children in a city or  
29 borough school district or rural educational attendance area, the de-

1 department shall file a complaint with the State Commission for Human  
2 Rights alleging discriminatory conduct prohibited by AS 18.80.255.

3 Sec. 14.30.235. SPECIAL EDUCATION IN INSTITUTIONS. (a) The  
4 department shall establish and maintain a program of special education  
5 in each institution operated by the Department of Health and Social  
6 Services caring for children with exceptional needs.

7 (b) As necessary, the department shall join with the Department of  
8 Health and Social Services to coordinate the operation of the program of  
9 special education with other programs undertaken in institutions oper-  
10 ated by the Department of Health and Social Services; otherwise the  
11 department shall direct and supervise the education of children in in-  
12 stitutions operated by the Department of Health and Social Services.

13 Sec. 14.30.236. DIRECTOR. (a) Each program of special education  
14 maintained in an institution caring for exceptional children operated by  
15 the Department of Health and Social Services shall be administered by a  
16 director appointed by the commissioner of education with the concurrence  
17 of the chief administrator of the institution.

18 (b) The director is an employee of the Department of Education.

19 Sec. 14.30.237. STAFF. The number and composition of the staff of  
20 programs of special education in institutions caring for exceptional  
21 children operated by the Department of Health and Social Services shall  
22 be determined by the Department of Education with the concurrence of the  
23 Department of Health and Social Services.

24 Sec. 14.30.238. SCHOOL TERM. The school term for programs of  
25 special education in institutions caring for exceptional children oper-  
26 ated by the Department of Health and Social Services is 12 months a  
27 year.

28 Sec. 14.30.239. STATE REIMBURSEMENT OF THE COST OF RECREATION  
29 PROGRAMS. The department shall reimburse a home rule or general law

1 municipality or regional educational attendance area one-half the cost  
2 of recreation provided exceptional children if the program is granted  
3 prior approval by the division of special education. Costs reimbursable  
4 under this section include the cost of transporting the children to and  
5 from the site of the program of recreation.

6 Sec. 14.30.241. STATE REIMBURSEMENT OF THE FULL COST OF EDUCATION.

7 (a) Notwithstanding the provisions of sec. 285(b) of this chapter, the  
8 state shall reimburse a city or borough school district or regional  
9 educational attendance area the full cost to the district or attendance  
10 area occasioned by the attendance of an exceptional child at a clinical  
11 nursery school, day care center, or other institution for the care,  
12 education, or treatment of retarded children; or an educational, habita-  
13 tional, or day care facility operated by the Department of Health and  
14 Social Services or other sponsor.

15 (b) Notwithstanding the provisions of sec. 285(b) of this chapter,  
16 the state shall reimburse a city or borough school district or regional  
17 educational attendance area the full cost to the district or attendance  
18 area of purchase of vehicles or installation of special equipment for  
19 the transportation of exceptional children if the expenditure is found  
20 to be justified by the department.

21 (c) Notwithstanding the provisions of sec. 285(b) of this chapter,  
22 the state shall reimburse a city or borough school district or regional  
23 educational attendance area the full cost to the district or attendance  
24 area of the provision of medical or psychological services to children  
25 or the provision of special services to the parents of exceptional  
26 children provided in accordance with sec. 206(b) of this chapter.

27 (d) Notwithstanding the provisions of sec. 285(b) of this chapter,  
28 the state shall reimburse a city or borough school district or regional  
29 educational attendance area the full cost to the district or attendance

1 area of transportation to and from recreation programs at any state  
2 facility offering recreation programs which are approved by the depart-  
3 ment.

4 Sec. 14.30.242. REGULATIONS. The board shall adopt regulations to  
5 carry out the purposes of secs. 180 - 350 of this chapter, including  
6 regulations which

7 (1) provide for a procedure by which the special needs of  
8 exceptional children may be defined in a manner which emphasizes the  
9 development of a full narrative description of each child's develop-  
10 mental potential so as to minimize the possibility of stigmatization and  
11 to assure the maximum possible development of an exceptional child; in  
12 addition, such a procedure shall be sufficiently flexible to adequately  
13 define the needs of children with multiple needs and children who are  
14 potentially children with special needs for whom an appropriate educa-  
15 tion would include preventive programs, classes, and assignments;

16 (2) govern consolidated applications for payments under P.L.  
17 94-142 (Education for all Handicapped Children Act of 1975) which are  
18 consistent with (1) - (7) of sec. 612 of that Act (20 U.S.C. 1412(1) -  
19 (7)) and sec. 613(a) (20 U.S.C. 1413(a));

20 (3) provide participating city and borough school districts  
21 and regional educational attendance areas with joint responsibility for  
22 implementing programs receiving payments under P.L. 94-142 (Education  
23 for all Handicapped Children Act of 1975) in compliance with sec. 614-  
24 (c)(2)(B) of that Act (20 U.S.C. 1414(c)(2)(B));

25 (4) specify qualifications of persons undertaking evaluations  
26 of children under sec. 208 of this chapter;

27 (5) define circumstances in which the evaluations required  
28 under sec. 208 of this chapter may be waived;

29 (6) define the circumstances in which the department shall

1 undertake the placement of children in programs of special education  
2 under sec. 285 of this chapter, and establish standards pertaining to  
3 the method and order of the placement; however, regulations adopted  
4 under this paragraph may not be construed to deny admission to any  
5 program operated by the Department of Health and Social Services to  
6 which the child is otherwise eligible to be admitted;

7 (7) foster greater use of instructional support services;

8 (8) develop certification standards for educational personnel  
9 employed in programs of special education;

10 (9) define the circumstances under which children may be  
11 considered so handicapped that their attendance in public schools is not  
12 feasible;

13 (10) govern the evaluation and reevaluation of children being  
14 considered for placement in programs of special education and the con-  
15 comitant consultation with parents and the obtaining of their consent;

16 (11) establish procedures to assure that testing and evalua-  
17 tion materials and procedures utilized for the purposes of evaluation  
18 and placement of handicapped children will be selected and administered  
19 so as not to be racially or culturally discriminatory.

20 Sec. 14.30.243. REGULATIONS JOINTLY ADOPTED. The board, with the  
21 concurrence of the commissioner of the Department of Health and Social  
22 Services, shall adopt regulations which

23 (1) govern provision of medical or psychological services  
24 concomitant with provision of special services provided exceptional  
25 children under this chapter;

26 (2) govern provision of social services to the parents of  
27 exceptional children if the need for those services is related to the  
28 child's special needs;

29 (3) govern the operation of programs of special education in

1 institutions operated by the Department of Health and Social Services.

2 \* Sec. 6. AS 14.30.186(d) is amended to read:

3 (d) A school district or a regional educational attendance area  
4 required by secs. 10 - 305 of this chapter to provide special services  
5 for exceptional children may, subject to the approval of the department,  
6 cooperate with one or more school districts or regional educational  
7 attendance areas in providing special classes. If, under the coopera-  
8 tive agreement, there are no special classes offered within a school  
9 district or regional educational attendance area, exceptional children  
10 may attend special classes in the cooperating school district or re-  
11 gional educational attendance area providing the special classes.

12 \* Sec. 7. AS 14.30.186 is amended by adding new subsections to read:

13 (e) If, under a cooperative agreement, there are no special  
14 classes offered within a school district or regional educational atten-  
15 dance area and children attend special classes in a cooperating school  
16 district or attendance area, then the district or area providing classes  
17 shall be designated in the cooperating agreement as the operating agent.  
18 Funds received by an operating agent from a city or borough school  
19 district or regional educational attendance area, or appropriated by the  
20 operating agent for the purposes of the cooperative agreement, shall be  
21 deposited along with gifts and grants in a separate account by the  
22 treasurer of the operating agent.

23 (f) Consistent with regulations adopted and guidelines and direc-  
24 tives issued by the department, a city or borough school district or  
25 regional educational attendance area shall identify the school age  
26 children residing within the district or attendance area who have  
27 special needs, evaluate the needs of those children, develop an indivi-  
28 dualized educational program for those children, provide or contract  
29 with any public or private school, agency, or institution for the provi-

1 sion of special services and instructional support services, and main-  
2 tain a record of the identification, evaluation, program, and services  
3 actually provided.

4 \* Sec. 8. AS 14.30.191(c) is repealed and re-enacted to read:

5 (c) Upon completion of the evaluation conducted in accordance with  
6 sec. 208 of this chapter, a parent may obtain an independent educational  
7 evaluation of the child at public expense from a child evaluation clinic  
8 or facility approved by the Department of Education or the Department of  
9 Health and Social Services.

10 \* Sec. 9. AS 14.30.347 is amended to read:

11 Sec. 14.30.347. TRANSPORTATION OF EXCEPTIONAL CHILDREN. When  
12 transportation is required to be provided as part of special services,  
13 exceptional children shall be carried with other children, except when  
14 the nature of their physical or mental handicaps is such that it is in  
15 the best interest of the exceptional children, as determined by the  
16 special education administrator or the child study team [SCHOOL DIS-  
17 TRICT] that they be transported separately because of lack of special  
18 services, attendants, or equipment on the regular buses. State reim-  
19 bursement for transportation of exceptional children shall be as pro-  
20 vided for transportation of all other pupils except that eligibility for  
21 reimbursement shall not be subject to restriction based on the minimum  
22 distance between the school and the residence of the exceptional child.

23 \* Sec. 10. AS 14.30.347 is amended by adding a new subsection to read:

24 (b) If exceptional children are transported separately, the city  
25 or borough school district, regional educational attendance area, or the  
26 department shall provide

27 (1) that no exceptional child be continuously transported for  
28 more than one hour, or 50 miles, whichever is less, to or from school;

29 (2) a qualified attendant on each vehicle which transports

1 one or more children younger than age four with substantial difficul-  
2 ties, or which transports any exceptional child who is prone to behavior  
3 which could distract the driver;

4 (3) inservice training, to be completed within six months of  
5 employment, for operators and attendants of vehicles transporting excep-  
6 tional children to acquaint them with the needs of children and to equip  
7 them to meet those needs;

8 (4) that any need or problem which may cause difficulty  
9 during transportation, such as seizures, a tendency to suffer motion  
10 sickness, and disabilities such as an inability to see, hear, or com-  
11 municate, are ascertained through consultation with the child's parents,  
12 guardian, or teachers, and communicated to the operator and attendant of  
13 the vehicle in which the child is transported;

14 (5) that the exceptional child is assisted on and off the  
15 vehicle and in and out of the classroom, whenever such assistance is  
16 necessary;

17 (6) whatever special equipment is necessary for the safety  
18 and comfort of the child;

19 (7) that all special equipment necessary for the transporta-  
20 tion of the exceptional child is kept in operational order at all times.

21 \* Sec. 11. AS 14.30.350(1) is repealed and re-enacted to read:

22 (1) "exceptional child" or "exceptional children", means a  
23 school age child, or children, who, because of temporary or more per-  
24 manent adjustment difficulties or attributes arising from intellectual,  
25 sensory, emotional, or physical factors, including giftedness, cerebral  
26 dysfunctions, perceptual factors, speech and language disorders, or  
27 other specific learning disabilities or abilities or any combination of  
28 these, is certified as unable to progress effectively in a regular  
29 school program and requires special classes, instruction periods, or

1 other special education services, including transportation, in order to  
2 develop successfully his individual educational potential;

3 \* Sec. 12. AS 14.30.350 is amended by adding new paragraphs to read:

4 (3) "child study team" means a group of individuals respon-  
5 sible for certifying, assessing and reviewing the needs of a child re-  
6 ferred to it and for developing a written individualized educational  
7 program based upon its assessment of a child who is to be assigned to a  
8 special education program;

9 (4) "director" means the director of the division of special  
10 education;

11 (5) "division" means the division of special education;

12 (6) "instructional support services" means any necessary  
13 services that are required to supplement or enhance the basic special  
14 education program or the regular education program; these shall include  
15 but not be limited to nurses, speech and language therapists, psycholo-  
16 gists, physical therapists, occupational therapists, librarian-media  
17 specialists, special reading teachers, counselors, social workers,  
18 physicians, music, art and physical education teachers and teacher  
19 aides;

20 (7) "integrated classes" means classes within the regular  
21 educational program to which exceptional children have been assigned;

22 (8) "regular education" means the school program and pupil  
23 assignment which normally leads to college preparatory or technical  
24 education or to a career;

25 (9) "school age child requiring special education" means any  
26 child with special needs who requires special education as determined in  
27 accordance with secs. 180 - 350 of this chapter and the regulations  
28 adopted by the department;

29 (10) "school age child" means any person from birth through

1 the age of 21, inclusive, who has not attained a high school diploma or  
2 its equivalent or who has not yet completed his prescribed education  
3 program; a pupil who becomes 22 years of age while participating in a  
4 program under this chapter may continue his participation in the program  
5 for the remainder of the current school year;

6 (11) "special education" means educational programs and  
7 assignments, namely special classes, programs or services designed to  
8 develop the educational potential of children with special needs, in-  
9 cluding but not limited to speech pathology, group therapy, and voca-  
10 tional training, special education includes, but is not limited to,  
11 educational placements of children by city or borough school districts  
12 or regional educational attendance areas, the Department of Health and  
13 Social Services, and the Department of Education in accordance with the  
14 regulations of the Department of Education;

15 (12) "school term" means the regular school year plus addi-  
16 tional days, up to and including the full 12 months for those exception-  
17 al children who may need the extra days in order to maintain or retain  
18 the accomplishments made during the regular school year; the determina-  
19 tion of eligibility for the extended term will be made by the child  
20 study team;

21 (13) "institution" means any agency, other than the public  
22 agencies charged with education, which has exceptional students on the  
23 premises.

24 \* Sec. 13. AS 14.30.186(a), (b) and (c); 14.30.191(a) and (d); and 14.-  
25 30.231 are repealed.