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1 IN THE HOUSE

2 HOUSE BILL NO. 467

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST 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 subsection,
21 the aggregate period of pupil membership shall reflect the contribution
22 of each program authorized under AS 14.17.206 of this chapter from which
23 a child derives benefit, regardless of whether two or more programs are
24 benefiting a child simultaneously.

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

26 (h) Districts with clerical staff devoting 80 per cent of time to
27 special education:

28 ADM

29 Full-Time Equivalent

No. Instructional Units

1 are served by a city or borough school district or regional educational
2 attendance area, the membership of the local special education advisory
3 council consists of the city, borough, or regional educational atten-
4 dance area school board and three persons nominated by the parents or
5 guardians of exceptional children in the district or attendance area and
6 appointed to the council by the board. Parents and guardians shall be
7 polled by mail for nominations of their representative.

8 (b) If 2,500 children or more are served by a city or borough
9 school district or regional educational attendance area, the membership
10 of the local special education advisory council consists of 12 members
11 appointed by the city, borough, or regional educational attendance area
12 school boards from nominees submitted by (1) parents or guardians of
13 children with learning disabilities; (2) parents or guardians of
14 severely handicapped children; (3) parents or guardians of children in a
15 work study program; (4) parents or guardians of gifted children; (5)
16 parents or guardians of children in vocational programs; (6) teachers of
17 special education elementary and secondary integrated programs; (7)
18 teachers of self-contained units; (8) counselors in secondary and voca-
19 tional programs; (9) principals of integrated units; (10) minority and
20 ethnic groups; (11) professional organizations which are concerned with
21 the problems of exceptional children, such as API, Hope, ARCA, ATC,
22 Students from SAVE, Association for the Talented and Gifted, National
23 Association for the Gifted, the University of Alaska, and the medical
24 profession; (12) the Native regional corporations; and (13) members of
25 the city, borough, or regional educational attendance area school
26 boards. These groups may be polled by mail for nominations for appoint-
27 ments to the council. No more than three members may be appointed from
28 any one of these groups.

29 Sec. 14.30.195. COMPENSATION, PER DIEM, AND EXPENSES. Members of

1 local special education advisory councils receive no salary, but are
2 entitled to reimbursement for travel and other expenses authorized by
3 the city, borough, or regional educational attendance area school
4 boards.

5 Sec. 14.30.196. DUTIES. A local special education advisory
6 council shall advise the board of the city or borough school district or
7 regional educational attendance area, regarding all aspects of programs
8 of special education undertaken within the district or attendance area.

9 Sec. 14.30.197. PROGRAMS PROVIDED. (a) A city or borough school
10 district, regional educational attendance area, or the department, as
11 may be required under AS 14.30.180 - 14.30.350, shall provide an excep-
12 tional child one or more of the following programs of special education,
13 whichever is appropriate in light of his needs:

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

18 (2) a regular education program except that 25 per cent of
19 the time which would otherwise be devoted to regular education of the
20 child in conducted regular classrooms is allocated to regular education
21 of the child in group instruction in special resource classrooms;

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

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

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

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

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

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

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

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

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

17 (A) a reading clinic, consisting of a remedial unit,
18 which may be utilized by regular as well as special education
19 students;

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

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

1 (D) counseling services provided both regular and special
2 education students;

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

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

12 (c) City and borough school districts and regional educational
13 attendance areas shall provide instructional support services to chil-
14 dren participating in programs under (a) of this section if needed.

15 Sec. 14.30.198. ELIGIBILITY FOR PLACEMENT. (a) A child is eli-
16 gible for placement in a program which a city or borough school district,
17 regional educational attendance area, or the department is required to
18 make available under AS 14.30.197(a)(1) - (10) and (12) and 14.30.197(b)
19 and (c) if after evaluation conducted in accordance with AS 14.30.199
20 the child study team recommends placement in the program.

21 (b) A child is eligible for admission to a program required to be
22 made available under AS 14.30.197(a)(11) if the department finds that
23 the child has substantial disabilities and that the child could benefit
24 from participation in the program.

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

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

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

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

5 (4) after determination of the special needs of the child and
6 after examination of plans prepared by the school board in each city, or
7 borough school district or regional educational attendance area detailing
8 the time required to establish facilities in the district or area where
9 the child resides, the department concludes that an adequate program of
10 special education cannot be made available in the local district or area
11 in sufficient time;

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

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

15 (7) the commissioner concurs.

16 Sec. 14.30.199. EVALUATIONS. Before placement of a child in a
17 program of special education, again within 10 months of the date of
18 placement, and at least annually thereafter, an evaluation of the child
19 and the program in which placement of the child is being considered or
20 in which the child has been placed will be undertaken in accordance with
21 AS 14.30.201 - 14.30.206. The purpose of these evaluations is to deter-
22 mine if the child is likely to benefit or is benefiting from parti-
23 cipation in the program.

24 Sec. 14.30.201. NOTICE OF EVALUATION. Before referral and evalu-
25 ation under AS 14.30.202, the parents or guardian of the child shall be
26 afforded written notice in the parents' or guardian's native language,
27 unless it clearly is not feasible to do so, of the purpose and nature of
28 the evaluation and of the procedural safeguards provided in AS 14.30.-
29 202 - 14.30.206.

1 Sec. 14.30.202. EVALUATION PROCEDURE. (a) A referral for an
2 evaluation to determine whether a child enrolled in regular education
3 requires special education may be initiated by a school official, parent
4 or guardian, judicial officer, social worker, or physician, by referring
5 that child to the supervisor of special education for the city or borough
6 school district or regional educational attendance area. An evaluation
7 of a child of pre-school age may be initiated by a parent or guardian in
8 the same manner.

9 (b) The supervisor of special education shall appoint a child
10 study team. The child study team shall complete its evaluation within
11 35 days of the date the child was referred under (a) of this section.

12 Sec. 14.30.203. INPUT REQUIRED IN EVALUATION. An evaluation of a
13 child undertaken for purposes of determining whether a child referred
14 under AS 14.30.202 requires special education shall reflect assessments
15 by

16 (1) a teacher who has dealt with the child in a regular
17 classroom;

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

20 (3) a psychologist or psychological associate licensed under
21 AS 08.86;

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

24 (5) those other specialists the necessity of whose assess-
25 ments becomes evident during the course of an evaluation, and who might
26 include a physician, a neurologist, an audiologist, an optometrist or
27 ophthalmologist, an occupational therapist, a physical therapist, a
28 specialist competent in speech, language and perceptual factors, or a
29 psychiatrist.

1 Sec. 14.30.204. COMPOSITION OF CHILD STUDY TEAM. The membership
2 of the child study team shall include one or both of the child's parents
3 or a guardian, the receiving specialist, a psychologist or other evalu-
4 ator, the child's current or most recent teacher, an administrative
5 representative of the local school district, and those other specialists
6 as may be required, including but not limited to a physician, nurse,
7 occupational or physical therapist, social worker, counselor, neurolo-
8 gist, psychiatrist, an audiologist, an optometrist or ophthalmologist,
9 and a speech and language pathologist. When appropriate, other persons
10 may also be included such as the child himself or other professional
11 persons suggested by the parents who are currently working with the
12 child outside the school system. The composition of the child study
13 team may vary from child to child, but the team consistency for any
14 given child should be maintained.

15 Sec. 14.30.206. REASSIGNMENT OF CHILD; ABOLITION OF PROGRAMS. If
16 evaluations conducted under AS 14.30.199 show a child not to be bene-
17 fitting from participation in a program and it appears that another
18 program may benefit a child more, or if a program has benefited a child
19 sufficiently to permit reassignment to another program, the child shall
20 be reassigned to the other program.

21 Sec. 14.30.207. INDIVIDUALIZED EDUCATIONAL PROGRAM. (a) The
22 child study team shall develop in writing an individualized educational
23 program for a child determined to require special education after an
24 evaluation conducted under AS 14.30.199. An individualized educational
25 program shall include

26 (1) a statement of the present levels of educational perfor-
27 mance of the child;

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

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

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

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

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

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

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

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

24 Sec. 14.30.208. SPECIAL DIAGNOSIS. If a child study team does not
25 collect sufficient information about a child from an evaluation con-
26 ducted in accordance with AS 14.30.199 to allow the team to develop an
27 individualized educational program, the child shall be provided further
28 individual diagnosis.

29 Sec. 14.30.213. REPRESENTATION OF CHILD. When the parents or the

1 guardian of a child are not known or are unavailable, or the child is
2 committed to the custody of the Department of Health and Social Ser-
3 vices, and the child has been determined to require special education
4 after an evaluation undertaken under AS 14.30.199, a person not employed
5 by the department, a city or borough school district, or a regional
6 educational attendance area shall be appointed under AS 09.65.130 to
7 represent the interests of the child.

8 Sec. 14.30.214. PREFERENCES OF PARENTS. (a) If a child has been
9 determined to require special education in an evaluation undertaken in
10 accordance with AS 14.30.199 and the parents or guardian desire a pro-
11 gram of regular education, the child is entitled to regular education
12 unless the city or borough school district, regional educational atten-
13 dance area, or the department determines that placement in a regular
14 education program would seriously endanger the health or safety of the
15 child or substantially disrupt the program for students.

16 (b) If a child has been determined to require special education in
17 an evaluation undertaken in accordance with AS 14.30.199 and the parents
18 or guardian desire a program of special education different from the
19 program recommended by the individualized education program, the place-
20 ment may be appealed and other placement found appropriate in hearings
21 conducted under AS 14.30.216 - 14.30.217.

22 (c) A school age child with special needs may not be refused
23 admission or continued attendance in public school without the prior
24 written approval of the department. A child so refused may not be
25 denied an alternative form of education approved by the department.

26 Sec. 14.30.215. NOTICE OF CHANGE OR REFUSAL TO CHANGE. When the
27 department, a city or borough school district, or a regional educational
28 attendance area proposes to change, or refuses to accede to a parent's
29 request to initiate or change, the identification, evaluation, or educa-

1 tional placement of a child or the provision of free appropriate public
2 education to the child, the parents or guardian of the child shall be
3 afforded written notice in the parents' or guardian's native language,
4 unless it clearly is not feasible to do so, of the purpose and nature of
5 the change, or reason for the refusal, and of the procedural safeguards
6 provided in AS 14.30.216.

7 Sec. 14.30.216. HEARINGS. (a) A parent or guardian is entitled
8 to a hearing with respect to any matter relating to the identification,
9 evaluation, or educational placement of an exceptional child or the
10 provision of free appropriate education for the child, including a
11 determination under AS 14.30.199 that regular education for a child
12 would be dangerous for the child and disruptive to others.

13 (b) A hearing under this section shall be conducted before an em-
14 ployee of the department not directly involved in the care and education
15 of the child.

16 Sec. 14.30.217. DUE PROCESS IN HEARINGS. Any party to a hearing
17 conducted by the department under AS 14.30.215 - 14.30.217, is entitled
18 to

19 (1) be accompanied and advised by counsel and by individuals
20 with special knowledge or training with respect to the problems of ex-
21 ceptional children;

22 (2) present evidence, including the results of an independent
23 evaluation of the child conducted at the expense of the parent or guard-
24 ian;

25 (3) confront, cross-examine and compel the attendance of
26 witnesses;

27 (4) receive a written or electronic verbatim record of the
28 hearing;

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

1 Sec. 14.30.218. INTERLOCUTORY PLACEMENT. During the course of
2 proceedings conducted under AS 14.30.215 - 14.30.217, unless the depart-
3 ment, the city or borough school district, or the regional educational
4 attendance area and the parents or guardian otherwise agree, the child
5 shall remain in his existing educational placement, or, if applying for
6 initial admission to a public school, shall, with the consent of the
7 parents or guardian, be placed in the program of regular education until
8 all proceedings are completed.

9 Sec. 14.30.219. SUPERIOR COURT REVIEW. (a) Notwithstanding
10 AS 22.10.020(a), a party shall, upon application, be granted a trial de
11 novo on an appeal taken from a decision made under AS 14.30.215 -
12 14.30.217.

13 Sec. 14.30.221. RECORDS. (a) City and borough school districts
14 and regional educational attendance areas shall maintain records of the
15 individualized education program for each child, and record and provide
16 to the department upon request that information pertaining to excep-
17 tional children and programs of special education which the department
18 specifies.

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

22 Sec. 14.30.222. PARENT ACCESS TO RECORDS; CONFIDENTIALITY. (a)
23 The parents, guardian, or persons with custody of a child are entitled
24 to examine all relevant records with respect to identification, evalua-
25 tion, and educational placement of a child, and the provision of a free
26 appropriate public education to the child.

27 (b) Except as provided in (a) of this section, records of the
28 evaluation conducted under AS 14.30.199 are confidential. Only that
29 information which is needed to care for a child may be released to

1 persons directly concerned with the care of the child. Local special
2 education advisory councils are entitled to that information needed to
3 evaluate whether a program benefits children.

4 Sec. 14.30.223. REQUIRED PROCEDURES. A city or borough school
5 district, regional educational attendance area, or private institution
6 caring for children referred under this chapter shall establish, in
7 accordance with standards developed by the department, procedures to
8 assure that

9 (1) funds received by the district, area, or institution for
10 special education are used only for that purpose;

11 (2) all children eligible for special education are identi-
12 fied;

13 (3) a local special education advisory council is appointed
14 and functioning;

15 (4) the department is furnished the list of names of children
16 sent to another school district or in state educational programs under
17 AS 14.30.285(b);

18 (5) there are public hearings, adequate notice of the hear-
19 ings, and an opportunity for comment available to the general public
20 before adoption of the policies, programs, and procedures as required
21 under AS 14.13.180 - 14.13.243, 20 U.S.C. 1412, and 20 U.S.C. 1413.

22 Sec. 14.30.224. NONDISCRIMINATION. Testing and evaluation mater-
23 ials and procedures utilized for purposes of evaluation and placement of
24 exceptional children shall be provided and administered in the child's
25 native language or mode of communication, unless it is clearly not
26 feasible to do so, and no single procedure shall be the sole criterion
27 for determining an appropriate educational program for a child.

28 Sec. 14.30.225. SPECIAL EDUCATION IN INSTITUTIONS. (a) The
29 department shall establish and maintain a program of special education

1 in each institution operated by the Department of Health and Social
2 Services caring for children with exceptional needs.

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

9 Sec. 14.30.226. SCHOOL TERM. The school term for programs of
10 special education in institutions caring for exceptional children oper-
11 ated by the Department of Health and Social Services is 12 months a
12 year.

13 Sec. 14.30.227. STATE REIMBURSEMENT. (a) The department may
14 reimburse a home rule or general law municipality or regional educa-
15 tional attendance area one-half the cost of arts and recreation programs
16 provided exceptional children if the program is granted prior approval
17 by the department. Costs reimbursable under this section include the
18 cost of transporting the children to and from the site of the program of
19 recreation.

20 (b) Notwithstanding the provisions of AS 14.30.285(b), the state
21 may reimburse a city or borough school district or regional educational
22 attendance area the full cost to the district or attendance area occa-
23 sioned by the attendance of an exceptional child at a clinical nursery
24 school, day care center, or other institution for the care, education,
25 or treatment of retarded children; or an educational, habitational, or
26 day care facility operated by the Department of Health and Social
27 Services or other sponsor.

28 (c) Notwithstanding the provisions of AS 14.30.285(b), the state
29 may reimburse a city or borough school district or regional educational

1 attendance area the full cost to the district or attendance area of
2 purchase of vehicles or installation of special equipment for the trans-
3 portation of exceptional children if the expenditure is found to be
4 justified by the department.

5 (d) Notwithstanding the provisions of AS 14.30.285(b), the state
6 may reimburse a city or borough school district or regional educational
7 attendance area the full cost to the district or attendance area of
8 transportation to and from recreation programs at any state facility
9 offering recreation programs which are approved by the department.

10 (e) The department may reimburse each borough or city school
11 district or regional educational attendance area the actual cost of
12 diagnostic testing and placement programs up to an amount equivalent to
13 the amount prescribed for the base instructional unit under AS 14.17.056
14 for each 500 students in the district or area, multiplied by the propor-
15 tion which the total number of students bears to 1500.

16 Sec. 14.30.228. IN-SERVICE TRAINING FOR TEACHERS. (a) Each
17 borough or city school district or regional educational attendance area
18 providing special services for exceptional children shall conduct
19 training programs during the school year for teachers employed to teach
20 a class for exceptional children.

21 (b) The department shall reimburse each borough or city school
22 district or regional educational attendance area the cost of conducting
23 these programs at \$100 for each day up to three days during which
24 teachers are training for five hours or more; however the district or
25 area must spend an equivalent amount on compensation for substitute
26 teachers, support staff or travel costs relating to the in-service
27 training.

28 Sec. 14.30.229. REGULATIONS. The board shall adopt regulations to
29 carry out the purposes of AS 14.30.180 - 14.30.350.

1 Sec. 14.30.232. REGULATIONS JOINTLY ADOPTED. The board, with the
2 concurrence of the commissioner of the Department of Health and Social
3 Services, may adopt regulations which

4 (1) govern provision of medical or psychological services
5 concomitant with provision of special services provided exceptional
6 children under this chapter;

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

10 (3) govern the operation of programs of special education in
11 institutions operated by the Department of Health and Social Services.

12 * Sec. 5. AS 14.30.186(d) is amended to read:

13 (d) A school district or a regional educational attendance area
14 required by AS 14.30.010 - 14.30.305 to provide special services for
15 exceptional children may, subject to the approval of the department,
16 cooperate with one or more school districts or regional educational
17 attendance areas in providing special classes. [IF, UNDER THE COOPERA-
18 TIVE AGREEMENT, THERE ARE NO SPECIAL CLASSES OFFERED WITHIN A SCHOOL
19 DISTRICT OR REGIONAL EDUCATIONAL ATTENDANCE AREA, EXCEPTIONAL CHILDREN
20 MAY ATTEND SPECIAL CLASSES IN THE COOPERATING SCHOOL DISTRICT OR RE-
21 GIONAL EDUCATIONAL ATTENDANCE AREA PROVIDING THE SPECIAL CLASSES.]

22 * Sec. 6. AS 14.30.186 is amended by adding a new subsection to read:

23 (e) If, under a cooperative agreement, there are no special
24 classes offered within a school district or regional educational atten-
25 dance area and children attend special classes in a cooperating school
26 district or attendance area, the district or area providing classes
27 shall be designated in the cooperating agreement as the operating agent.
28 Funds received by an operating agent from a city or borough school
29 district or regional educational attendance area, or appropriated by the

1 operating agent for the purposes of the cooperative agreement, shall be
2 deposited along with gifts and grants in a separate account by the
3 treasurer of the operating agent.

4 * Sec. 7. AS 14.30.191(c) is repealed and re-enacted to read:

5 (c) Upon completion of the evaluation conducted in accordance with
6 AS 14.30.199 and with the prior approval of the department, a parent may
7 obtain an independent educational evaluation of the child at public
8 expense from a child evaluation clinic or facility approved by the
9 Department of Education or the Department of Health and Social Services.

10 * Sec. 8. AS 14.30.280 is amended to read:

11 Sec. 14.30.280. PSYCHOLOGIST QUALIFICATIONS. The minimum standard
12 [STANDARDS] for a psychologist is licensure under AS 08.86 [ARE THE
13 MINIMUM STANDARDS SET OUT IN THE STATE CLASSIFICATION PLAN FOR A PSY-
14 CHOLOGIST, AND SUCH ADDITIONAL REQUIREMENTS AS THE DEPARTMENT PRESCRIBES
15 BY REGULATION].

16 * Sec. 9. AS 14.30.347 is amended to read:

17 Sec. 14.30.347. TRANSPORTATION OF EXCEPTIONAL CHILDREN. (a) When
18 transportation is required to be provided as part of special services,
19 exceptional children shall be carried with other children, except when
20 the nature of their physical or mental handicaps is such that it is in
21 the best interest of the exceptional children, as determined by the
22 school district, that they be transported separately because of lack of
23 special services, attendants, or equipment on the regular buses. State
24 reimbursement for transportation of exceptional children shall be as
25 provided for transportation of all other pupils except that eligibility
26 for reimbursement shall not be subject to restriction based on the
27 minimum distance between the school and the residence of the exceptional
28 child.

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

1 (b) The department shall adopt regulations relating to the trans-
2 portation of children separately including regulations relating to

3 (1) the maximum amount of time spent or distance traveled to
4 and from school;

5 (2) the provision of special attendants on vehicles which
6 transport children younger than six years with substantial behavior or
7 physical difficulties;

8 (3) the use of special equipment;

9 (4) in-service training for operators or attendants of
10 vehicles transporting exceptional children to acquaint them with the
11 needs of children and to equip them to meet those needs;

12 (5) the safety and comfort of the students.

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

14 (1) "exceptional child" or "exceptional children", means a
15 school age child, or children, who, because of temporary or more per-
16 manent adjustment difficulties or attributes arising from intellectual,
17 sensory, emotional, or physical factors, including giftedness, cerebral
18 dysfunctions, perceptual factors, speech and language disorders, or
19 other specific learning disabilities or abilities or any combination of
20 these, is certified as unable to progress effectively in a regular
21 school program and requires special classes, instruction periods, or
22 other special education services, including transportation, in order to
23 develop successfully his individual educational potential;

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

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

1 (4) "instructional support services" means any necessary
2 services that are required to supplement or enhance the basic special
3 education program or the regular education program; these shall include
4 but not be limited to nurses, speech and language therapists, psycholo-
5 gists, physical therapists, occupational therapists, librarian-media
6 specialists, special reading teachers, counselors, social workers,
7 physicians, music, art and physical education teachers and teacher
8 aides;

9 (5) "integrated classes" means classes within the regular
10 educational program to which exceptional children have been assigned;

11 (6) "school age child requiring special education" means any
12 child with special needs who requires special education as determined in
13 accordance with secs. 180 - 350 of this chapter and the regulations
14 adopted by the department;

15 (7) "school age child" means any person from birth through
16 the age of 21, inclusive, who has not attained a high school diploma or
17 its equivalent or who has not yet completed his prescribed education
18 program; a pupil who becomes 22 years of age while participating in a
19 program under this chapter may continue his participation in the program
20 for the remainder of the current school year;

21 (8) "special education" means educational programs and assign-
22 ments, namely special classes, programs or services designed to develop
23 the educational potential of children with special needs, including but
24 not limited to speech pathology, group therapy, and vocational training,
25 special education includes, but is not limited to, educational place-
26 ments of children by city or borough school districts or regional educa-
27 tional attendance areas, the Department of Health and Social Services,
28 and the Department of Education in accordance with the regulations of
29 the Department of Education;

1 (9) "school term" means the regular school year plus addi-
2 tional days, up to and including the full 12 months for those exception-
3 al children who may need the extra days in order to maintain or retain
4 the accomplishments made during the regular school year; the determina-
5 tion of eligibility for the extended term will be made by the child
6 study team;

7 (10) "institution" means any agency, other than the public
8 agencies charged with education, which has exceptional students on the
9 premises.

10 * Sec. 13. AS 14.30.186(a), (b) and (c); 14.30.191(a) and (d); and 14.-
11 30.231 are repealed.

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