

Introduced: 4/17/79  
Referred: Health, Educa-  
tion & Social Services  
and Finance

1 IN THE SENATE

BY SUMNER AND STIMSON

2 SENATE BILL NO. 267

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 14.03 is amended by adding a new section to read:

9 Sec. 14.03.150. MAXIMUM CLASS SIZE. (a) Except as provided in  
10 AS 14.30.212 and in (b) of this section, the number of children which  
11 may be taught in a single classroom may not exceed 20 in grades one to  
12 four, and 25 in grades five to 12.

13 (b) The commissioner, upon the written request of the school  
14 administrator, may permit the limit prescribed in (a) of this section to  
15 be exceeded by up to 20 per cent in public schools with four or fewer  
16 teachers.

17 \* Sec. 2. AS 14.17.041(f) is amended to read:

18 (f) Special education schedule:

19 ADM

20 Full-Time Equivalent

No. Instructional Units

21 5 - 8

1

22 9 - 15

2

23 16 - 24

3

24 25 - 35

4

25 36 and over

4 plus 1 for each 11 pupils

26 or fraction of 11 pupils

27 in Full-Time Equivalent

28 ADM

29 In the computation of ADM full-time equivalent under this subsection.

1 the aggregate period of pupil membership shall reflect the contribution  
2 of each program authorized under AS 14.17.206 of this chapter from which  
3 a child derives benefit, regardless of whether two or more programs are  
4 benefiting a child simultaneously.

5 \* Sec. 3. AS 14.17.041 is amended by adding a new subsection to read:

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

8 ADM

9 Full-Time Equivalent

No. Instructional Units

10 40 and over

1/2 plus 1/2 for each 40 pupils

11 or fraction of 40 pupils in

12 Full-Time Equivalent ADM

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 AS 14.30.180 is repealed and re-enacted to read:

14 Sec. 14.30.180. FINDINGS AND PURPOSE. (a) The legislature finds  
15 that past development of special education programs has resulted in a  
16 great variation of services to children with special needs whereby some  
17 children have been afforded greater educational opportunity than others  
18 in less favored categories or environments. In light of the policy of  
19 the state to provide an adequate, publicly supported education to every  
20 child resident in the state, it is the purpose of AS 14.30.180 - 14.30.-  
21 350 to provide for a flexible and uniform system of special education  
22 program opportunities for all exceptional children. Specifically, to  
23 provide means and procedures whereby the individual needs of children  
24 requiring special education may be identified and evaluated, an indivi-  
25 dualized education program for these children developed, and special  
26 services needed by these children provided by public or private agencies  
27 in such a manner that equal educational opportunity is provided regard-  
28 less of the national origin, sex, economic status, race, religion, and  
29 physical or mental handicap of the child.

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

2       Sec. 14.30.192. INVESTIGATIONS AND HEARINGS. The department may  
3       conduct investigations, inquiries, and hearings concerning matters  
4       covered by the provisions of AS 14.30.180 - 14.30.350.

5       Sec. 14.30.193. LOCAL SPECIAL EDUCATION ADVISORY COUNCILS. There  
6       is established in each city and borough school district, and in each  
7       regional educational attendance area, a local special education advisory  
8       council.

9       Sec. 14.30.194. COMPOSITION. (a) If fewer than 2,500 children  
10       are served by a city or borough school district or regional educational  
11       attendance area, the membership of the local special education advisory  
12       council consists of the city, borough, or regional educational atten-  
13       dance area school board and three persons nominated by the parents or  
14       guardians of exceptional children in the district or attendance area and  
15       appointed to the council by the board. Parents and guardians shall be  
16       polled by mail for nominations of their representative.

17       (b) If 2,500 children or more are served by a city or borough  
18       school district or regional educational attendance area, the membership  
19       of the local special education advisory council consists of 12 members  
20       appointed by the city, borough, or regional educational attendance area  
21       school boards from nominees submitted by (1) parents or guardians of  
22       children with learning disabilities; (2) parents or guardians of  
23       severely handicapped children; (3) parents or guardians of children in a  
24       work study program; (4) parents or guardians of gifted children; (5)  
25       parents or guardians of children in vocational programs; (6) teachers of  
26       special education elementary and secondary integrated programs; (7)  
27       teachers of self-contained units; (8) counselors in secondary and voca-  
28       tional programs; (9) principals of integrated units; (10) minority and  
29       ethnic groups; (11) professional organizations which are concerned with

1 the problems of exceptional children, such as API, Hope, ARCA, ATC,  
2 Students from SAVE, Association for the Talented and Gifted, National  
3 Association for the Gifted, the University of Alaska, and the medical  
4 profession; (12) the Native regional corporations; and (13) members of  
5 the city, borough, or regional educational attendance area school  
6 boards. These groups may be polled by mail for nominations for appoint-  
7 ments to the council. No more than three members may be appointed from  
8 any one of these groups.

9 Sec. 14.30.195. COMPENSATION, PER DIEM, AND EXPENSES. Members of  
10 local special education advisory councils receive no salary, but are  
11 entitled to reimbursement for travel and other expenses authorized by  
12 the city, borough, or regional educational attendance area school  
13 boards.

14 Sec. 14.30.196. DUTIES. A local special education advisory  
15 council shall advise the board of the city or borough school district or  
16 regional educational attendance area, regarding all aspects of programs  
17 of special education undertaken within the district or attendance area.

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

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

27 (2) a regular education program except that 25 per cent of  
28 the time which would otherwise be devoted to regular education of the  
29 child in conducted regular classrooms is allocated to regular education

1 of the child in group instruction in special resource classrooms;

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

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

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

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

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

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

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

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

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

26 (A) a reading clinic, consisting of a remedial unit,  
27 which may be utilized by regular as well as special education  
28 students;

29 (B) a diagnostic clinic, which shall function as a co-

1 ordination unit and include an educational diagnostician who will  
2 work with the child study team in preparing and coordinating the  
3 individual educational programs for integrated students, as well as  
4 reviewing and evaluating the progress of each integrated student;

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

10 (D) counseling services provided both regular and special  
11 education students;

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

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

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

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

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

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

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

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

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

14 (4) after determination of the special needs of the child and  
15 after examination of plans prepared by the school board in each city, or  
16 borough school district or regional educational attendance area detailing  
17 the time required to establish facilities in the district or area where  
18 the child resides, the department concludes that an adequate program of  
19 special education cannot be made available in the local district or area  
20 in sufficient time;

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

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

24 (7) the commissioner concurs.

25 Sec. 14.30.199. EVALUATIONS. Before placement of a child in a  
26 program of special education, again within 10 months of the date of  
27 placement, and at least annually thereafter, an evaluation of the child  
28 and the program in which placement of the child is being considered or  
29 in which the child has been placed will be undertaken in accordance with

1 AS 14.30.201 - 14.30.206. The purpose of these evaluations is to deter-  
2 mine if the child is likely to benefit or is benefiting from parti-  
3 cipation in the program.

4 Sec. 14.30.201. NOTICE OF EVALUATION. Before referral and evalu-  
5 ation under AS 14.30.202, the parents or guardian of the child shall be  
6 afforded written notice in the parents' or guardian's native language,  
7 unless it clearly is not feasible to do so, of the purpose and nature of  
8 the evaluation and of the procedural safeguards provided in AS 14.30.-  
9 202 - 14.30.206.

10 Sec. 14.30.202. EVALUATION PROCEDURE. (a) A referral for an  
11 evaluation to determine whether a child enrolled in regular education  
12 requires special education may be initiated by a school official, parent  
13 or guardian, judicial officer, social worker, or physician, by referring  
14 that child to the supervisor of special education for the city or borough  
15 school district or regional educational attendance area. An evaluation  
16 of a child of pre-school age may be initiated by a parent or guardian in  
17 the same manner.

18 (b) The supervisor of special education shall appoint a child  
19 study team. The child study team shall complete its evaluation within  
20 35 days of the date the child was referred under (a) of this section.

21 Sec. 14.30.203. INPUT REQUIRED IN EVALUATION. An evaluation of a  
22 child undertaken for purposes of determining whether a child referred  
23 under AS 14.30.202 requires special education shall reflect assessments  
24 by

25 (1) a teacher who has dealt with the child in a regular  
26 classroom;

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

29 (3) a psychologist or psychological associate licensed under

1 AS 08.86;

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

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

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

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

1           Sec. 14.30.207. INDIVIDUALIZED EDUCATIONAL PROGRAM. (a) The  
2 child study team shall develop in writing an individualized educational  
3 program for a child determined to require special education after an  
4 evaluation conducted under AS 14.30.199. An individualized educational  
5 program shall include

6           (1) a statement of the present levels of educational perfor-  
7 mance of the child;

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

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

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

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

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

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

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

26          (c) An individualized program developed for a child shall provide  
27 that the child, to the maximum extent appropriate, is educated with  
28 children who are not exceptional, and that special classes, separate  
29 schooling, or other removal of handicapped children from the regular

1 educational environment shall occur only when the nature or severity of  
2 the handicap is such that education in regular classes with the use of  
3 supplementary aids and services cannot be achieved satisfactorily.

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

9 Sec. 14.30.209. MAXIMUM NUMBER OF EXCEPTIONAL CHILDREN IN AN IN-  
10 TEGRATED CLASS. No more than four exceptional children participating in  
11 a program required under AS 14.30.197(a)(1), (2) or (3) may be placed in  
12 a regular classroom.

13 Sec. 14.30.211. MAXIMUM CLASS SIZE FOR AN INTEGRATED CLASSROOM.  
14 (a) The number of children which may be taught in a single classroom  
15 may not exceed 20 in average daily membership for kindergarten through  
16 third grade, and may not exceed 24 in average daily membership for  
17 grades 4 through 12 if the number includes exceptional children. For  
18 the purpose of computing the number of children in a class, the follow-  
19 ing weighting factors shall be applied:

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

1	Deaf	2.0
2	Perceptual or Communication Disorder	2.5
3	Hyperactive	2.5
4	Maximum factor of combinations	4.0

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

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

10 Sec. 14.30.212. CLASS SIZE. The number of children assigned to a  
11 special education teacher for programs required to be made available may  
12 not exceed a weighted average daily membership of 20.

13 Sec. 14.30.213. REPRESENTATION OF CHILD. When the parents or the  
14 guardian of a child are not known or are unavailable, or the child is  
15 committed to the custody of the Department of Health and Social Ser-  
16 vices, and the child has been determined to require special education  
17 after an evaluation undertaken under AS 14.30.199, a person not employed  
18 by the department, a city or borough school district, or a regional  
19 educational attendance area shall be appointed under AS 09.65.130 to  
20 represent the interests of the child.

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

29 (b) If a child has been determined to require special education in

1 an evaluation undertaken in accordance with AS 14.30.199 and the parents  
2 or guardian desire a program of special education different from the  
3 program recommended by the individualized education program, the place-  
4 ment may be appealed and other placement found appropriate in hearings  
5 conducted under AS 14.30.216 - 14.30.217.

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

10 Sec. 14.30.215. NOTICE OF CHANGE OR REFUSAL TO CHANGE. When the  
11 department, a city or borough school district, or a regional educational  
12 attendance area proposes to change, or refuses to accede to a parent's  
13 request to initiate or change, the identification, evaluation, or educa-  
14 tional placement of a child or the provision of free appropriate public  
15 education to the child, the parents or guardian of the child shall be  
16 afforded written notice in the parents' or guardian's native language,  
17 unless it clearly is not feasible to do so, of the purpose and nature of  
18 the change, or reason for the refusal, and of the procedural safeguards  
19 provided in AS 14.30.216.

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

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

29 Sec. 14.30.217. DUE PROCESS IN HEARINGS. Any party to a hearing

1 conducted by the department under AS 14.30.215 - 14.30.217, is entitled  
2 to

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

6 (2) present evidence, including the results of an independent  
7 evaluation of the child conducted at the expense of the parent or guard-  
8 ian;

9 (3) confront, cross-examine and compel the attendance of  
10 witnesses;

11 (4) receive a written or electronic verbatim record of the  
12 hearing;

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

14 Sec. 14.30.218. INTERLOCUTORY PLACEMENT. During the course of  
15 proceedings conducted under AS 14.30.215 - 14.30.217, unless the depart-  
16 ment, the city or borough school district, or the regional educational  
17 attendance area and the parents or guardian otherwise agree, the child  
18 shall remain in his existing educational placement, or, if applying for  
19 initial admission to a public school, shall, with the consent of the  
20 parents or guardian, be placed in the program of regular education until  
21 all proceedings are completed.

22 Sec. 14.30.219. SUPERIOR COURT REVIEW. (a) Notwithstanding  
23 AS 22.10.020(a), a party shall, upon application, be granted a trial de  
24 novo on an appeal taken from a decision made under AS 14.30.215 - 14.30.-  
25 217.

26 Sec. 14.30.221. RECORDS. (a) City and borough school districts  
27 and regional educational attendance areas shall maintain records of the  
28 individualized education program for each child, and record and provide  
29 to the department upon request that information pertaining to excep-

1 tional children and programs of special education which the department  
2 specifies.

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

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

11 (b) Except as provided in (a) of this section, records of the  
12 evaluation conducted under AS 14.30.199 are confidential. Only that  
13 information which is needed to care for a child may be released to  
14 persons directly concerned with the care of the child. Local special  
15 education advisory councils are entitled to that information needed to  
16 evaluate whether a program benefits children.

17 Sec. 14.30.223. REQUIRED PROCEDURES. A city or borough school  
18 district, regional educational attendance area, or private institution  
19 caring for children referred under this chapter shall establish, in  
20 accordance with standards developed by the department, procedures to  
21 assure that

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

24 (2) all children eligible for special education are identi-  
25 fied;

26 (3) a local special education advisory council is appointed  
27 and functioning;

28 (4) the department is furnished the list of names of children  
29 sent to another school district or in state educational programs under

1 AS 14.30.285(b);

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

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

12 Sec. 14.30.225. SPECIAL EDUCATION IN INSTITUTIONS. (a) The  
13 department shall establish and maintain a program of special education  
14 in each institution operated by the Department of Health and Social  
15 Services caring for children with exceptional needs.

16 (b) As necessary, the department shall join with the Department of  
17 Health and Social Services to coordinate the operation of the program of  
18 special education with other programs undertaken in institutions oper-  
19 ated by the Department of Health and Social Services; otherwise the  
20 department shall direct and supervise the education of children in in-  
21 stitutions operated by the Department of Health and Social Services.

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

26 Sec. 14.30.227. STATE REIMBURSEMENT. (a) The department may  
27 reimburse a home rule or general law municipality or regional educa-  
28 tional attendance area one-half the cost of arts and recreation programs  
29 provided exceptional children if the program is granted prior approval

1 by the department. Costs reimbursable under this section include the  
2 cost of transporting the children to and from the site of the program of  
3 recreation.

4 (b) Notwithstanding the provisions of AS 14.30.285(b), the state  
5 may reimburse a city or borough school district or regional educational  
6 attendance area the full cost to the district or attendance area occa-  
7 sioned by the attendance of an exceptional child at a clinical nursery  
8 school, day care center, or other institution for the care, education,  
9 or treatment of retarded children; or an educational, habitational, or  
10 day care facility operated by the Department of Health and Social  
11 Services or other sponsor.

12 (c) Notwithstanding the provisions of AS 14.30.285(b), the state  
13 may reimburse a city or borough school district or regional educational  
14 attendance area the full cost to the district or attendance area of  
15 purchase of vehicles or installation of special equipment for the trans-  
16 portation of exceptional children if the expenditure is found to be  
17 justified by the department.

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

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

29 **Sec. 14.30.228. IN-SERVICE TRAINING FOR TEACHERS. (a) Each**

1 borough or city school district or regional educational attendance area  
2 providing special services for exceptional children shall conduct  
3 training programs during the school year for teachers employed to teach  
4 a class for exceptional children.

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

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

14 Sec. 14.30.232. REGULATIONS JOINTLY ADOPTED. The board, with the  
15 concurrence of the commissioner of the Department of Health and Social  
16 Services, may adopt regulations which

17 (1) govern provision of medical or psychological services  
18 concomitant with provision of special services provided exceptional  
19 children under this chapter;

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

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

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

26 (d) A school district or a regional educational attendance area  
27 required by AS 14.30.010 - 14.30.305 to provide special services for  
28 exceptional children may, subject to the approval of the department,  
29 cooperate with one or more school districts or regional educational

1 attendance areas in providing special classes. [IF, UNDER THE COOPERA-  
2 TIVE AGREEMENT, THERE ARE NO SPECIAL CLASSES OFFERED WITHIN A SCHOOL  
3 DISTRICT OR REGIONAL EDUCATIONAL ATTENDANCE AREA, EXCEPTIONAL CHILDREN  
4 MAY ATTEND SPECIAL CLASSES IN THE COOPERATING SCHOOL DISTRICT OR RE-  
5 GIONAL EDUCATIONAL ATTENDANCE AREA PROVIDING THE SPECIAL CLASSES.]

6 \* Sec. 7. AS 14.30.186 is amended by adding a new subsection to read:

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

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

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

23 \* Sec. 9. AS 14.30.280 is amended to read:

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

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

1           Sec. 14.30.347. TRANSPORTATION OF EXCEPTIONAL CHILDREN. (a) When  
2 transportation is required to be provided as part of special services,  
3 exceptional children shall be carried with other children, except when  
4 the nature of their physical or mental handicaps is such that it is in  
5 the best interest of the exceptional children, as determined by the  
6 school district, that they be transported separately because of lack of  
7 special services, attendants, or equipment on the regular buses. State  
8 reimbursement for transportation of exceptional children shall be as  
9 provided for transportation of all other pupils except that eligibility  
10 for reimbursement shall not be subject to restriction based on the  
11 minimum distance between the school and the residence of the exceptional  
12 child.

13 \* Sec. 11. AS 14.30.347 is amended by adding a new subsection to read:

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

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

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

21           (3) the use of special equipment;

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

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

26 \* Sec. 12. AS 14.30.350(1) is repealed and re-enacted to read:

27           (1) "exceptional child" or "exceptional children", means a  
28 school age child, or children, who, because of temporary or more per-  
29 manent adjustment difficulties or attributes arising from intellectual,

1 sensory, emotional, or physical factors, including giftedness, cerebral  
2 dysfunctions, perceptual factors, speech and language disorders, or  
3 other specific learning disabilities or abilities or any combination of  
4 these, is certified as unable to progress effectively in a regular  
5 school program and requires special classes, instruction periods, or  
6 other special education services, including transportation, in order to  
7 develop successfully his individual educational potential;

8 \* Sec. 13. AS 14.30.350 is amended by adding new paragraphs to read:

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

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

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

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

28 (7) "school age child" means any person from birth through  
29 the age of 21, inclusive, who has not attained a high school diploma or

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

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

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

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

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