

Introduced: 2/8/80  
Referred: Health, Education &  
Social Services and Finance

1 IN THE SENATE

BY SUMNER BY REQUEST

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 267

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH 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 17 or fraction of 11 pupils 18 in Full-Time Equivalent ADM

19 In the computation of ADM full-time equivalent under this subsection,  
20 the aggregate period of pupil membership must include the contribution  
21 of each program authorized under AS 14.17.206 from which a pupil  
22 benefits, even if two or more programs are benefiting a pupil simultane-  
23 ously.

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

25 (h) Instructional Support Services Schedule:

26 ADM	No. Instructional Units
27 175	1
28 176 and over	1 plus 1 for each 175 pupils 29 or fraction of 175

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

2 (b) The instructional unit allotments under (a)(1) - (10) of this  
3 section shall be further increased by the percentages of the base in-  
4 structional unit allotment listed in (1) - (12) of this subsection when,  
5 in the course of computing that part of basic need attributable to  
6 programs of special education under AS 14.17.021(b), the instructional  
7 unit allotment is multiplied by the number of instructional units  
8 allowed under AS 14.17.041(d). The percentage increases in the base  
9 instructional unit allotment are as follows:

10 (1) for programs under AS 14.30.206(a)(1) -- 150 percent of  
11 the base instructional unit allotment;

12 (2) for programs under AS 14.30.206(a)(2) -- 200 percent of  
13 the base instructional unit allotment;

14 (3) for programs under AS 14.30.206(a)(3) -- 250 percent of  
15 the base instructional unit allotment;

16 (4) for programs under AS 14.30.206(a)(4) -- 300 percent of  
17 the base instructional unit allotment;

18 (5) for programs under AS 14.30.206(a)(5) -- 175 percent of  
19 the base instructional unit allotment;

20 (6) for programs under AS 14.30.206(a)(6) -- 300 percent of  
21 the base instructional unit allotment;

22 (7) for programs under AS 14.30.206(a)(7) -- 300 percent of  
23 the base instructional unit allotment;

24 (8) for programs under AS 14.30.206(a)(8) -- 300 percent of  
25 the base instructional unit allotment;

26 (9) for programs under AS 14.30.206(a)(9) -- 400 percent of  
27 the base instructional unit allotment;

28 (10) for programs under AS 14.30.206(a)(10) -- 300 percent of  
29 the base instructional unit allotment;

1 (11) for programs under AS 14.30.206(a)(11) -- 300 percent of  
2 the base instructional unit allotment;

3 (12) for programs under AS 14.30.206(a)(12) -- a percentage  
4 increase negotiated between the city or borough school district, or  
5 regional educational attendance area, and the department at the time  
6 approval of the program is obtained under AS 14.30.206(12).

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

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

17 (b) In light of the policy of the state to provide an adequate,  
18 publicly supported education to every child in the state, it is the  
19 purpose of AS 14.30.180 - 14.30.350 to

20 (1) provide for a flexible and uniform system of special  
21 education program opportunities for all exceptional children;

22 (2) provide a flexible and nondiscriminatory system for  
23 identifying and evaluating the individual needs of children requiring  
24 special education, including the evaluation of the needs of the child  
25 and adequacy of the special education program before placement, as well  
26 as periodic evaluation of the benefits of the program to the child and  
27 the nature of the child's needs thereafter; and

28 (3) prevent denials of equal educational opportunity on the  
29 basis of national origin, sex, economic status, race, religion, and

1 physical or mental handicap in the provision of educational services.

2 (c) AS 14.30.180 - 14.30.350 are designed to remedy past inadequa-  
3 cies and inequities in special education by

4 (1) defining the needs of children requiring special educa-  
5 tion in a broad and flexible manner, recognizing that these children  
6 have a variety of characteristics and needs, all of which must be con-  
7 sidered if the educational potential of each child is to be realized;

8 (2) providing the opportunity for a full range of special  
9 education programs for children requiring special education;

10 (3) requiring that a program which holds out the promise of  
11 being special actually benefits children assigned to the program; and

12 (4) replacing the present inadequate formula for distribution  
13 of state aid for special education programs with one which encourages  
14 local and regional school districts to develop and operate adequate  
15 special education programs within a reasonable period of time.

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

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

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

29 (b) The commissioner may

1 (1) enter into agreements which he considers necessary to  
2 carry out the purposes of AS 14.30.180 - 14.30.350, including agreements  
3 with federal and state agencies;

4 (2) review any action of the director;

5 (3) issue directives to the director to carry out specific  
6 functions or duties.

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

9 Sec. 14.30.184. FUNCTIONS OF THE DIVISION OF SPECIAL EDUCATION.  
10 The division of special education shall

11 (1) exercise general supervision over all educational pro-  
12 grams for exceptional children in the state, including programs adminis-  
13 tered by a local or state agency, and issue those directives which are  
14 necessary to carry out the purposes of AS 14.30.180 - 14.30.350;

15 (2) insure that all educational programs for exceptional  
16 children in the state, including programs administered by a local or  
17 state agency, meet standards established by the division;

18 (3) consult with and assist city and borough school districts  
19 and regional educational attendance areas in the identification, classi-  
20 fication, referral and placement of exceptional children, and in the  
21 development of programs of special education;

22 (4) compile data on all exceptional children in the state, as  
23 well as data on programs of special education administered by cities,  
24 boroughs, regional educational attendance areas and private schools pro-  
25 viding special education for children referred to those schools under  
26 AS 14.30.180 - 14.30.350;

27 (5) evaluate programs of special education;

28 (6) approve curriculum, instruction, and facilities offered  
29 by public and private agencies that are equivalent, insofar as com-

1 parisons are feasible, to the curriculum instruction and facilities  
2 provided for exceptional children of comparable age and ability in the  
3 public schools of the state;

4 (7) disseminate to the public, on request, statistical data  
5 pertaining to exceptional children while maintaining the confidentiality  
6 of data pertaining to individuals;

7 (8) inform the public about the nature and extent of the edu-  
8 cational needs of exceptional children and the availability of programs  
9 appropriate to meeting those needs;

10 (9) develop and recommend to the board certification stan-  
11 dards for educational personnel employed in special education programs;

12 (10) assist public and private colleges and universities in  
13 the state to develop courses and programs designed to meet the educa-  
14 tional needs of exceptional children;

15 (11) receive and allocate federal funds in accordance with  
16 priorities established in compliance with sec. 612(3) of P.L. 94-142 (20  
17 U.S.C. 1412(3)), and other federal law;

18 (12) provide for public hearings, adequate notice of those  
19 hearings, and an opportunity for the public to comment before the adop-  
20 tion of policies, programs, and procedures under AS 14.30.180 - 14.30.-  
21 350; in addition, provide for consultation concerning matters covered by  
22 the provisions of AS 14.30.180 - 14.30.350 with individuals involved in  
23 or concerned with the education of exceptional children, including  
24 exceptional individuals and parents or guardians of exceptional child-  
25 ren;

26 (13) approve the purchase, lease, and operation of all special  
27 equipment for instruction outside the classroom of exceptional children  
28 for whom attendance in public school is not feasible;

29 (14) conduct or contract with a federal, state, or private

1 agency for the conduct of research and development projects designed to  
2 improve the quality of special education programs or increase the effi-  
3 ciency of those programs;

4 (15) allocate resources proportionately in the event of fund-  
5 ing shortages;

6 (16) insure that expenditures of the state and political sub-  
7 divisions of the state inure to the maximum possible benefit of each  
8 child receiving or requiring special education;

9 (17) recommend to the board that it withhold funds under  
10 AS 14.07.070 for special education programs from a city or borough  
11 school district, regional educational attendance area, or private school  
12 providing special education for children which does not comply with  
13 AS 14.30.180 - 14.30.350 or regulations adopted under AS 14.30.180 -  
14 14.30.350, or does not carry out plans for compliance within a rea-  
15 sonable period of time; nothing in this paragraph may be construed to  
16 prevent the board from withholding state and federal funds as it  
17 considers necessary;

18 (18) provide or supervise the education of exceptional chil-  
19 dren cared for in institutions in accordance with AS 14.30.180 - 14.30.-  
20 350;

21 (19) in implementation of the goal of making a free, appropri-  
22 ate education available to all exceptional children, make available to  
23 exceptional children enrolled in private preschool, elementary, secon-  
24 dary, and postsecondary schools a program of special education and  
25 instructional support services and pay the cost of the education if the  
26 exceptional child is referred to the school by the division or a city or  
27 borough school district or regional educational attendance area, if the  
28 private school complies with all the requirements of AS 14.30.180 -  
29 14.30.350.

1           Sec. 14.30.187. DIRECTOR. The division of special education is  
2 administered by a director who is appointed by, and serves at the plea-  
3 sure of, the governor. A person appointed as director shall have  
4 experience and advanced training in the field of special education.

5           Sec. 14.30.188. AUTHORITY AND DUTIES OF THE DIRECTOR. (a) The  
6 director shall

7                   (1) supervise and administer the activities of the division;  
8                   (2) execute the provisions of this chapter and the regula-  
9 tions adopted under this chapter.

10           (b) The director may

11                   (1) exercise powers specifically delegated to him;  
12                   (2) employ persons necessary for the operations of the  
13 division;  
14                   (3) approve vouchers for disbursement of money appropriated  
15 to the division;  
16                   (4) delegate the administrative duties imposed upon him to a  
17 responsible employee in the division.

18           Sec. 14.30.189. OFFICES. (a) The director shall create in the  
19 division, offices responsible for the performance of one or more of the  
20 functions enumerated in AS 14.30.184. Offices shall be created in  
21 sufficient number to carry out the powers and duties of the division.

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

25           (c) Designated employees in each office shall be responsible for  
26 the conduct of the duties of that office within specific geographical  
27 areas.

28           Sec. 14.30.192. INVESTIGATIONS AND HEARINGS. (a) The division  
29 may conduct investigations, inquiries, and hearings concerning matters

1 covered by the provisions of AS 14.30.180 - 14.30.350.

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

5 (c) If a person fails to comply with a subpoena or order issued  
6 under the authority of this section, the division may invoke the aid of  
7 a court in the state. The court may order that person to comply with  
8 the requirements of the subpoena or to give evidence on the matter in  
9 question. Failure to obey the court order is punishable by the court as  
10 contempt.

11 Sec. 14.30.193. LOCAL SPECIAL EDUCATION ADVISORY COUNCILS. There  
12 is established in each city and borough school district, and in each  
13 regional educational attendance area, a local special education advisory  
14 council.

15 Sec. 14.30.194. COMPOSITION. (a) If fewer than 2,500 children  
16 are served by a city or borough school district or regional educational  
17 attendance area, the membership of the local special education advisory  
18 council consists of the city, borough, or regional educational atten-  
19 dance area school board and one person nominated and elected by the  
20 parents or guardians of exceptional children in the district or atten-  
21 dance area. Parents and guardians shall be polled by mail by the board  
22 of a city or borough school district, or regional educational attendance  
23 area, to garner nominations for election of their representative.

24 (b) If 2,500 children or more are served by a city or borough  
25 school district or regional educational attendance area, the membership  
26 of the local special education advisory council consists of 12 members,  
27 each nominated and elected by the constituents of one of the following  
28 groups:

29 (1) parents or guardians of children with learning disabili-

1 ties;

- 2 (2) parents or guardians of severely handicapped children;
- 3 (3) parents or guardians of children in a work study program;
- 4 (4) parents or guardians of gifted children;
- 5 (5) parents or guardians of children in vocational programs;
- 6 (6) teachers of special education elementary and secondary
- 7 integrated programs;
- 8 (7) teachers of self-contained units;
- 9 (8) counselors in secondary and vocational programs;
- 10 (9) principals of integrated units;
- 11 (10) minority or ethnic groups;
- 12 (11) professional organizations which are concerned with the
- 13 problems of exceptional children, including the medical profession;
- 14 (12) the Native regional corporations.

15 (c) The groups listed in (b) of this section shall be polled by

16 mail by the board of a city or borough school district, or regional

17 attendance area, to garner nominations for election of their representa-

18 tive.

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

20 a local special education advisory council receive no salary, but are

21 entitled to payment from the division of per diem, reimbursement for

22 travel and costs of child care resulting from service on the council,

23 and other expenses authorized by law for boards and commissions.

24 Sec. 14.30.196. DUTIES. (a) A local special education advisory

25 council shall

26 (1) advise the board of the city or borough school district

27 or regional educational attendance area regarding all aspects of pro-

28 grams of special education undertaken in the district or attendance

29 area;

1 (2) submit a report in writing to the state Special Education  
2 Advisory Council established in AS 14.30.197 concerning the quality and  
3 adequacy of programs of special education undertaken in the district or  
4 attendance area;

5 (3) if a request is made under AS 14.30.207(c)(4), submit  
6 plans to the department specifying the period of time needed to estab-  
7 lish or augment a program of special education;

8 (4) forward to the state Special Education Advisory Council  
9 established in AS 14.30.197 suggestions and complaints of persons in the  
10 district or attendance area interested in special education.

11 (b) Members of a local special education advisory council shall  
12 have access to information concerning special education programs main-  
13 tained in the district and attendance area subject to the requirements  
14 of confidentiality imposed by law and regulation.

15 Sec. 14.30.197. COUNCIL ESTABLISHED. There is established in the  
16 Department of Education the Special Education Advisory Council.

17 Sec. 14.30.198. COMPOSITION. The Special Education Advisory  
18 Council consists of nine members appointed by the governor. Persons  
19 appointed shall be involved in or concerned with the education of  
20 exceptional children, including handicapped individuals, teachers,  
21 parents or guardians of exceptional children, officials of the depart-  
22 ment or city or borough school districts, and administrators of programs  
23 of special education.

24 Sec. 14.30.199. TERMS OF OFFICE. (a) Members of the Special  
25 Education Advisory Council shall be appointed for overlapping terms of  
26 three years.

27 (b) A vacancy occurring in the membership of the Special Education  
28 Advisory Council shall be filled by appointment of the governor for the  
29 unexpired portion of the vacated term.

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

4           Sec. 14.30.202. COMPENSATION, PER DIEM, AND EXPENSES. Members of  
5 the Special Education Advisory Council receive no salary, but are en-  
6 titled to per diem, reimbursement for travel and costs of child care  
7 resulting from service on the council, and other expenses authorized by  
8 law for boards and commissions.

9           Sec. 14.30.203. DUTIES. The Special Education Advisory Council  
10 shall

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

14           (2) comment publicly on regulations proposed to be adopted  
15 under AS 14.30.180 - 14.30.350 or under other law if the regulations  
16 affect the education of exceptional children;

17           (3) comment publicly on regulations proposed to be adopted  
18 which pertain to procedures for distribution of funds received from the  
19 federal government under P.L. 94-142 (Education for all Handicapped  
20 Children Act of 1975);

21           (4) assist the division in developing and reporting informa-  
22 tion and evaluations which may assist the United States Commissioner of  
23 Education in the performance of his responsibilities under sec. 618 of  
24 P.L. 94-142 (Education for all Handicapped Children Act of 1975, 20  
25 U.S.C. 1418).

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

27           (a) The division shall implement the recommendations of the Special  
28 Education Advisory Council made under AS 14.30.203(1) or shall state in  
29 a written reply to the council why the recommendations cannot be imple-

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mented.

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

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

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

(1) consult with and assist a city or borough school district, or the board of a regional educational attendance area, in implementing the regulations and directives of the division;

(2) assist a city or borough school district, or the board of a regional educational attendance area, in identifying, diagnosing, and evaluating exceptional children and in developing programs of special education for those children;

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

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

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

(6) maintain a list of professional persons both inside and

1 outside the school district or regional educational attendance area who  
2 are qualified to furnish independent evaluations of children, and make  
3 that information available upon request to the public;

4 (7) coordinate and conduct preservice and inservice training  
5 of regular classroom teachers;

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

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

12 Sec. 14.30.206. PROGRAMS PROVIDED. (a) A city or borough school  
13 district, regional educational attendance area, or the department, as  
14 may be required under AS 14.30.180 - 14.30.350, shall provide an excep-  
15 tional child one or more of the following programs of special education,  
16 whichever is appropriate in light of his needs, and a child is so  
17 entitled:

18 (1) a regular education program coupled with additional  
19 direct instruction, consultation service, materials, equipment or aid  
20 provided children or their regular classroom teachers which directly  
21 benefit children requiring special education;

22 (2) a regular education program except that 25 percent of the  
23 time which would otherwise be devoted to regular education of the child  
24 in regular classrooms is allocated to supplementary individual or small  
25 group instruction in special resource classrooms;

26 (3) a regular education program except that 60 percent of the  
27 time which would otherwise be devoted to regular education is allocated  
28 to instruction in special education classrooms, work-study programs, or  
29 occupational or pre-occupational training programs;

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

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

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

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

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

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

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

18 (11) if a child is an exceptional student assigned to inte-  
19 grated classes in the secondary schools, access to the following, which  
20 shall be distinct and separate services:

21 (A) a reading clinic, consisting of a remedial unit,  
22 which may be utilized by regular as well as special education  
23 students;

24 (B) a diagnostic clinic, which shall function as a co-  
25 ordination unit and include an educational diagnostician who will  
26 work with the child study team in preparing and coordinating the  
27 individual educational programs for students assigned to integrated  
28 classes, as well as reviewing and evaluating the progress of each  
29 student assigned to integrated classes;

1 (C) a learning center served by a special education  
2 teacher and aides who help exceptional students complete classroom  
3 assignments using whatever media the educational diagnostician or  
4 study team may recommend; however, the function of the center does  
5 not include remediation of a student's handicap;

6 (D) counseling services provided both regular and  
7 special education students;

8 (12) any combination or modification of programs (1) - (11) of  
9 this subsection, or any other programs, services, treatments, or experi-  
10 mental provisions which obtain the prior approval of the division.

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

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

20 Sec. 14.30.207. ELIGIBILITY FOR PLACEMENT. (a) A child is eli-  
21 gible for placement in a program required to be made available under  
22 AS 14.30.206 if after evaluation conducted in accordance with AS 14.30.-  
23 208 the child study team recommends placement in the program.

24 (b) A child is eligible for admission to a program required to be  
25 made available under AS 14.30.206(a)(11) if the department finds that  
26 the child has substantial disabilities and that the child could benefit  
27 from participation in the program.

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

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

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

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

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

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

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

18 (7) the division concurs; and

19 (8) the commissioner concurs.

20 Sec. 14.30.208. EVALUATIONS. Before placement of a child in a  
21 program of special education, within 10 months after the date of place-  
22 ment, and at least annually thereafter, an evaluation of the child and  
23 the program in which placement of the child is being considered or in  
24 which the child has been placed shall be undertaken in accordance with  
25 AS 14.30.209 - 14.30.213. The purpose of these evaluations is to deter-  
26 mine if the child is likely to benefit or is benefiting from parti-  
27 cipation in the program.

28 Sec. 14.30.209. NOTICE OF EVALUATION. Before beginning an evalua-  
29 tion to determine whether a child referred under AS 14.30.211 requires

1 special education, the parents or guardian of the child shall be given  
2 written notice, in the parents' or guardian's native language, unless  
3 clearly not feasible, of the purpose and nature of the evaluation and of  
4 the procedural safeguards provided in AS 14.30.211 - 14.30.214.

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

11 (b) The supervisor of special education shall appoint a child  
12 study team. The child study team shall complete its evaluation within  
13 35 days of the date the child was referred under (a) of this section.

14 Sec. 14.30.212. REQUIRED PARTICIPATION IN EVALUATION. An evalua-  
15 tion of a child undertaken to determine whether a child referred under  
16 AS 14.30.211 requires special education shall reflect assessments by

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

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

21 (3) a psychologist;

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

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

1           Sec. 14.30.213. 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, a psychologist or other evaluator, the child's current or  
4 most recent teacher, representative of the local school district admin-  
5 istration, and those other specialists as may be required, including but  
6 not limited to a physician, nurse, occupational or physical therapist,  
7 social worker, counselor, neurologist, psychiatrist, an audiologist, an  
8 ophthalmologist, and a speech and language pathologist. When appropri-  
9 ate, other persons may also be included such as the child himself or  
10 other professional persons who are currently working with the child  
11 outside the school system and who are suggested by the parents . The  
12 composition of the child study team may vary from child to child, but  
13 the team for a particular child should be maintained.

14           Sec. 14.30.214. INDEPENDENT EVALUATION. Upon completion of the  
15 evaluation conducted in accordance with AS 14.30.208, a parent may  
16 obtain an independent educational evaluation of the child at public  
17 expense from a child evaluation clinic or facility approved by the  
18 Department of Education or the Department of Health and Social Services.

19           Sec. 14.30.215. REASSIGNMENT OF CHILD; ABOLITION OF PROGRAMS. (a)  
20 If evaluations conducted under AS 14.30.208 show a child to not be  
21 benefiting from participation in a program and it appears that another  
22 program may benefit the child more, or if a program has benefited a  
23 child sufficiently to permit reassignment to another program, the child  
24 shall be reassigned to the other program.

25           (b) If evaluations conducted under AS 14.30.208 consistently show  
26 children not to be benefiting from participation in a program, that  
27 program shall be abolished.

28           Sec. 14.30.216. INDIVIDUALIZED EDUCATIONAL PROGRAM. (a) The  
29 child study team shall develop in writing an individualized educational

1 program for a child determined to require special education after an  
2 evaluation conducted under AS 14.30.208. An individualized educational  
3 program shall include

4 (1) a statement of the present levels of educational perfor-  
5 mance of the child;

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

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

11 (4) the projected date for initiation and anticipated dura-  
12 tion of the educational and medical services;

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

15 (6) appropriate objective criteria and evaluation procedures  
16 for determining, at least annually, whether instructional objectives are  
17 being achieved and whether the child is able to return to regular  
18 classes;

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

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

24 (c) An individualized program developed for a child shall provide  
25 that the child, to the maximum extent appropriate, is educated with  
26 children who are not exceptional, and that special classes, separate  
27 schooling, or other removal of exceptional children from the regular  
28 educational environment shall occur only when the nature or severity of  
29 exceptionality is such that education in regular classes with the use of

1 supplementary aids and services cannot be satisfactorily achieved.

2 Sec. 14.30.217. DIAGNOSTIC CLASSROOM. (a) If a child study team  
3 does not collect sufficient information about a child from an evaluation  
4 conducted in accordance with AS 14.30.208 to allow the team to develop  
5 an individualized educational program, the child shall be referred to a  
6 diagnostic classroom.

7 (b) If a child study team refers a child to a diagnostic class-  
8 room, the team shall

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

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

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

16 (c) The ages of the youngest and oldest child in a diagnostic  
17 classroom may not differ by more than three years, unless the division  
18 finds particular circumstances warrant a greater discrepancy.

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

21 (e) Placement in a diagnostic classroom shall terminate when the  
22 child study team has collected sufficient information to develop an  
23 individualized educational program, but in no event may placement  
24 in a diagnostic classroom continue for longer than eight weeks.

25 (f) The child study team shall convene to develop an individual-  
26 ized educational program five days before the expiration of the eight-  
27 week period, or before.

28 Sec. 14.30.218. MAXIMUM NUMBER OF EXCEPTIONAL CHILDREN IN A  
29 REGULAR CLASS. No more than four exceptional children participating in

1 a program required under AS 14.30.206(a)(1), (2) or (3) may be placed in  
2 a regular classroom.

3 Sec. 14.30.219. MAXIMUM CLASS SIZE FOR A REGULAR CLASSROOM. (a)  
4 A regular class which includes one or more exceptional children may not  
5 exceed 20 in number for kindergarten through third grade, and may not  
6 exceed 24 for grades 4 through 12. For the purpose of computing the  
7 number of children in a class, the following weight factors shall be  
8 applied:

9	Type of Student	Weight Factor
10	normal	1.0
11	gifted	1.5
12	learning disabled	2.0
13	mentally retarded	2.0
14	orthopedically handicapped	2.0
15	visually impaired	2.0
16	hearing impaired	2.0
17	emotionally disturbed	2.5
18	behavior disorder	2.5
19	blind	2.5
20	deaf	2.5
21	perceptual or communication disorder	2.5
22	hyperactive	2.5

23 (b) In the computation of the number of children in a class,  
24 additional weight may be assigned to a child by his child study team.

25 (c) The child study team may assign an aide if it is considered to  
26 be in the best educational interest of the child and the class.

27 Sec. 14.30.221. CLASS SIZE. The number of children assigned to a  
28 special education teacher for programs required to be made available  
29 under the following paragraphs may not exceed the following:

- 1 (1) AS 14.30.206(a)(1) -- 20 children, unless a child study  
2 team for a child in the program recommends fewer;
- 3 (2) AS 14.30.206(a)(2) -- 15 children, with no more than four  
4 children in any one instructional period, or six children if an aide is  
5 provided;
- 6 (3) AS 14.30.206(a)(3) -- 12 children;
- 7 (4) AS 14.30.206(a)(4) -- 8 children, regardless of whether  
8 the teacher is assisted by an aide, unless a child study team for a  
9 child in the program recommends fewer;
- 10 (5) AS 14.30.206(a)(5) -- 10 children;
- 11 (6) AS 14.30.206(a)(6) -- 12 children;
- 12 (7) AS 14.30.206(a)(7) -- 8 children, unless a child study  
13 team for a child in the program recommends fewer;
- 14 (8) AS 14.30.206(a)(8) -- 10 children unless a child study  
15 team for a child in the program recommends fewer;
- 16 (9) AS 14.30.206(a)(9) -- 4 children;
- 17 (10) AS 14.30.206(a)(10) -- 4 children;
- 18 (11) AS 14.30.206(a)(11) -- 15 children;
- 19 (12) AS 14.30.206(a)(12) -- a number of children arrived at  
20 through negotiations conducted between the city or borough school dis-  
21 trict or regional educational attendance area and the department at the  
22 time approval of the program is obtained.

23 Sec. 14.30.222. REPRESENTATION OF CHILD. If the parents or the  
24 guardian of the child are not known or are unavailable, or if the child  
25 is committed to the custody of the Department of Health and Social Ser-  
26 vices, and the child has been determined to require special education  
27 after an evaluation undertaken under AS 14.30.208, a person not employed  
28 by the Department of Education, a city or borough school district or a  
29 regional educational attendance area shall be appointed under AS 09.65.-

1 130 to represent the interests of the child at a hearing conducted under  
2 AS 14.30.225.

3 Sec. 14.30.223. PREFERENCES OF PARENTS. (a) If a child has been  
4 determined to require special education in an evaluation undertaken in  
5 accordance with AS 14.30.208 and the parents or guardian desire a pro-  
6 gram of regular education, the child is entitled to regular education  
7 unless the city or borough school district, regional educational atten-  
8 dance area, or the division determines that placement in a regular  
9 education program would seriously endanger the health or safety of the  
10 child or substantially disrupt the program for other students.

11 (b) If a child has been determined to require special education in  
12 an evaluation made in accordance with AS 14.30.208 and the parents or  
13 guardian of the child desire a program of special education different  
14 than the program recommended by the individualized education program,  
15 the child is entitled to placement in the recommended program only,  
16 unless the placement is appealed and other placement found appropriate  
17 after hearings conducted under AS 14.30.225 - 14.30.227.

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

22 Sec. 14.30.224. NOTICE OF CHANGE OR REFUSAL TO CHANGE. When the  
23 department, a city or borough school district, or a regional educational  
24 attendance area proposes to change, or refuses to accede to a parent's  
25 request to initiate or change, the identification, evaluation, or educa-  
26 tional placement of a child or the provision of free appropriate public  
27 education to the child, the parents or guardian of the child shall be  
28 afforded written notice, in the parents' or guardian's native language  
29 unless clearly not feasible of the purpose and nature of the change, or

1 reason for the refusal, and of the procedural safeguards provided in  
2 AS 14.30.225 - 14.30.227.

3 Sec. 14.30.225. HEARINGS. (a) A parent or guardian is entitled  
4 to a hearing regarding any matter relating to

5 (1) the identification, evaluation, or educational placement  
6 of an exceptional child, including a determination under AS 14.30.208  
7 that regular education for a child would be dangerous for the child and  
8 disruptive to others; or

9 (2) the provision of free appropriate education for the  
10 child.

11 (b) A hearing under this section shall be conducted before an em-  
12 ployee of the department not directly involved in the care and education  
13 of the child, unless the parents or guardian desire a program of special  
14 education other than the program recommended in the individualized educa-  
15 tion program developed for the child, in which case the hearing shall be  
16 conducted before the Special Education Advisory Council. A council  
17 member directly involved in the care and education of the child may not  
18 hear the case.

19 Sec. 14.30.226. DUE PROCESS IN HEARINGS. A party to a hearing  
20 conducted by the department or the Special Education Advisory Council,  
21 under AS 14.30.225, is entitled to

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

25 (2) present evidence, including the results of an independent  
26 evaluation of the child conducted at public expense as provided in  
27 AS 14.30.214;

28 (3) confront, cross-examine and compel the attendance of  
29 witnesses;

1 (4) receive a written or electronic verbatim record of the  
2 hearing;

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

4 Sec. 14.30.227. DECISION. A decision made by the department or  
5 the Special Education Advisory Council under AS 14.30.223 - 14.30.225 is  
6 final. A finding or decision made by the department shall be trans-  
7 mitted to the Special Education Advisory Council.

8 Sec. 14.30.228. INTERLOCUTORY PLACEMENT. During proceedings  
9 conducted under AS 14.30.224 - 14.30.227, unless the department, the  
10 city or borough school district, or the regional educational attendance  
11 area and the parents or guardian otherwise agree, the child shall remain  
12 in his existing educational placement, or, if applying for initial  
13 admission to a public school, shall, with the consent of the parents or  
14 guardian, be placed in the program of regular education until all  
15 proceedings are completed.

16 Sec. 14.30.229. SUPERIOR COURT REVIEW. (a) The superior court  
17 has jurisdiction over appeals taken from decisions made under AS 14.30.-  
18 224 - 14.30.227 by the department or by the Special Education Advisory  
19 Council.

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

22 (c) The court shall base its decision on the preponderance of the  
23 evidence and may order the child placed in that program of special  
24 education described in AS 14.30.206(a) which is appropriate to his needs  
25 and may order other relief it finds appropriate.

26 Sec. 14.30.232. 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 provide to the  
29 department on request that information pertaining to exceptional

1 children and programs of special education which the department speci-  
2 fies.

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. 14.30.233. 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, including the clinical  
10 history developed and the record of the evaluation conducted under  
11 AS 14.30.208.

12 (b) Except as provided in (a) of this section, records of the  
13 evaluation conducted under AS 14.30.208 are confidential. Only the  
14 information needed to care for a child may be released to persons  
15 directly concerned with the care of the child. Local special education  
16 advisory councils and the Special Education Advisory Council are en-  
17 titled to information needed to evaluate whether a program benefits  
18 children.

19 Sec. 14.30.234. REPORTS. (a) A city or borough school district,  
20 regional educational attendance area, or private institution caring for  
21 children referred under this chapter shall

22 (1) establish, in accordance with standards developed by the  
23 department, cost accounting procedures pertaining to per-pupil costs and  
24 program costs; reporting procedures pertaining to receipts and expendi-  
25 tures; forms, schedules, rates and audits; and

26 (2) reports to the division at the time, in the manner, and  
27 on the forms which the division may require.

28 (b) Within 10 days after the convening of the legislature each  
29 year the commissioner shall submit a report stating the number of ex-

1 ceptional children enrolled in programs of special education, the cost  
2 of their instruction and support, the manner in which money appropriated  
3 has been expended, to what extent the expenditures have been reimbursed,  
4 and any other information the commissioner determines should be in-  
5 cluded.

6 (c) City and borough school districts and regional educational  
7 attendance areas shall annually report to the department by age level  
8 the sex, national origin, race and religion of children in special  
9 education classes, and the distribution of these characteristics in all  
10 children attending school in the district or attendance area by age  
11 level.

12 Sec. 14.30.235. NONDISCRIMINATION. (a) Testing and evaluation  
13 materials and procedures used for evaluation and placement of excep-  
14 tional children shall be provided and administered in the child's native  
15 language or mode of communication, unless it is clearly not feasible to  
16 do so, and no single procedure shall be the sole criterion for deter-  
17 mining an appropriate educational program for a child.

18 (b) If a report made under AS 14.30.234(c) shows a substantial  
19 discrepancy in the occurrence of the characteristics of sex, national  
20 origin, race, and religion between children in special education classes  
21 in contrast to the remainder of the children in a city or borough school  
22 district or rural educational attendance area, the department shall file  
23 a complaint with the State Commission for Human Rights alleging dis-  
24 criminatory conduct prohibited by AS 18.80.255.

25 Sec. 14.30.236. SPECIAL EDUCATION IN INSTITUTIONS. (a) The  
26 division shall establish, maintain, direct and supervise a program of  
27 special education in each institution operated by the Department of  
28 Health and Social Services caring for children with exceptional needs.

29 (b) The division shall cooperate with the Department of Health and

1 Social Services to coordinate the operation of a program of special  
2 education with other programs undertaken in institutions operated by the  
3 Department of Health and Social Services.

4 Sec. 14.30.237. DIRECTOR. Each program of special education  
5 maintained in an institution caring for exceptional children operated by  
6 the Department of Health and Social Services shall be administered by a  
7 director appointed by the commissioner of education with the concurrence  
8 of the chief administrator of the institution. The director is an  
9 employee of the Department of Education.

10 Sec. 14.30.238. STAFF. The number and composition of the staff of  
11 programs of special education in institutions caring for exceptional  
12 children operated by the Department of Health and Social Services shall  
13 be determined by the division of Education with the concurrence of the  
14 Department of Health and Social Services.

15 Sec. 14.30.239. SCHOOL TERM. The school term for programs of  
16 special education in institutions caring for exceptional children oper-  
17 ated by the Department of Health and Social Services is 12 months a  
18 year.

19 Sec. 14.30.241. STATE REIMBURSEMENT OF THE COST OF RECREATION  
20 PROGRAMS. The department shall reimburse a municipality or regional  
21 educational attendance area for one-half the cost of recreation provided  
22 exceptional children if the recreation program receives prior approval  
23 of the division. Costs reimbursable under this section include the cost  
24 of transporting children to and from the site of the recreation pro-  
25 grams.

26 Sec. 14.30.242. STATE REIMBURSEMENT OF THE FULL COST OF EDUCATION.

27 (a) Notwithstanding AS 14.30.285(b), the state shall reimburse a city  
28 or borough school district or regional educational attendance area the  
29 full cost to the district or attendance area occasioned by the attend-

1       ance of an exceptional child at a clinical nursery school, day care  
2       center, or other institution for the care, education, or treatment of  
3       retarded children; or an educational, habitational, or day care facility  
4       operated by the Department of Health and Social Services or other  
5       sponsor.

6               (b) Notwithstanding AS 14.30.285(b), the state shall reimburse a  
7       city or borough school district or regional educational attendance area  
8       the full cost to the district or attendance area of the purchase of  
9       vehicles and the installation of special equipment for the transporta-  
10      tion of exceptional children if the expenditure is found to be justified  
11      by the division.

12              (c) Notwithstanding AS 14.30.285(b), the state shall reimburse a  
13      city or borough school district or regional educational attendance area  
14      the full cost to the district or attendance area of the provision of  
15      medical or psychological services to children or the provision of  
16      special services to the parents of exceptional children provided in  
17      accordance with AS 14.30.206(b).

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

23              Sec. 14.30.243. REGULATIONS. The board shall adopt regulations to  
24      carry out the purposes of AS 14.30.180 - 14.30.350, including regula-  
25      tions which

26                   (1) provide a procedure by which the special needs of excep-  
27      tional children are defined in a manner which emphasizes the development  
28      of a full narrative description of each child's developmental potential  
29      so as to minimize the possibility of stigmatization and so as to assure

1 the maximum possible development of an exceptional child; in addition,  
2 the procedure prescribed by regulation shall be sufficiently flexible to  
3 adequately define the needs of children with multiple needs and the  
4 needs of children who are potentially children with special needs for  
5 whom an appropriate education would include preventive programs,  
6 classes, and assignments;

7 (2) govern consolidated applications for payments under P.L.  
8 94-142 (Education for all Handicapped Children Act of 1975) which are  
9 consistent with (1) - (7) of sec. 612 of that Act (20 U.S.C. 1412(1) -  
10 (7)) and sec. 613(a)(20 U.S.C. 1413(a));

11 (3) provide participating city and borough school districts  
12 and regional educational attendance areas with joint responsibility for  
13 implementing programs under P.L. 94-142 (Education for all Handicapped  
14 Children Act of 1975) in compliance with sec. 614(c)(2)(B) of that Act  
15 (20 U.S.C. 1414(c)(2)(B));

16 (4) specify qualifications of persons undertaking evaluations  
17 of children under AS 14.30.208;

18 (5) define circumstances in which the evaluations required  
19 under AS 14.30.208 may be waived;

20 (6) define the circumstances in which the department shall  
21 undertake the placement of children in programs of special education  
22 under AS 14.30.285, and establish standards pertaining to the method and  
23 order of the placement; however, regulations adopted under this para-  
24 graph may not be construed to deny admission to a program operated by  
25 the Department of Health and Social Services to which the child is  
26 otherwise eligible to be admitted;

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

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

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

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

7 (11) establish procedures to assure that testing and evalua-  
8 tion materials and procedures used for the purposes of evaluation and  
9 placement of exceptional children will be selected and administered so  
10 as not to be racially or culturally discriminatory.

11 Sec. 14.30.244. REGULATIONS JOINTLY ADOPTED. The board, with the  
12 concurrence of the commissioner of the Department of Health and Social  
13 Services, shall adopt regulations which

14 (1) govern provision of medical or psychological services  
15 concomitant with provision of special services provided exceptional  
16 children under this chapter;

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

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

22 Sec. 14.30.245. INTRASTATE COOPERATION. (a) A school district or  
23 a regional educational attendance area required by AS 14.30.180 -  
24 14.30.350 to provide special services for exceptional children may, if  
25 the division approves, cooperate with one or more school districts or  
26 regional educational attendance areas in providing special classes. If,  
27 under the cooperative agreement, there are no special classes offered  
28 within a school district or regional educational attendance area,  
29 exceptional children may attend special classes in the cooperating

1 school district or regional educational attendance area providing the  
2 special classes.

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

13 (c) Consistent with regulations adopted and guidelines and direc-  
14 tives issued by the department, a city or borough school district or  
15 regional educational attendance area shall identify the school age  
16 children residing within the district or attendance area who have  
17 special needs, evaluate the needs of those children, develop an indivi-  
18 dualized educational program for those children, provide or contract  
19 with any public or private school, agency, or institution for the provi-  
20 sion of special services and instructional support services, and main-  
21 tain a record of the identification, evaluation, program, and services  
22 actually provided.

23 \* Sec. 6. AS 14.30.347 is amended to read:

24 Sec. 14.30.347. TRANSPORTATION OF EXCEPTIONAL CHILDREN. When  
25 transportation is required to be provided as part of special services,  
26 an exceptional child [CHILDREN] shall be carried with other children,  
27 except when the nature of his [THEIR] physical or mental handicaps is  
28 such that it is in the best interest of the exceptional child [CHILD-  
29 REN], as determined by the special education administrator or the excep-

1 tional child's child study team [SCHOOL DISTRICT], that he [THEY] be  
2 transported separately because of lack of special services, attendants,  
3 or equipment on the regular buses. State reimbursement for transporta-  
4 tion of exceptional children shall be as provided for transportation of  
5 all other pupils except that eligibility for reimbursement shall not be  
6 subject to restriction based on the minimum distance between the school  
7 and the residence of the exceptional child.

8 \* Sec. 7. AS 14.30.347 is amended by adding a new subsection to read:

9 (b) If exceptional children are transported separately, the city  
10 or borough school district, regional educational attendance area, or the  
11 department shall provide

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

14 (2) a qualified attendant on each vehicle which transports  
15 one or more children younger than age four with substantial difficul-  
16 ties, or which transports an exceptional child who is prone to behavior  
17 which could distract the driver;

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

22 (4) that a need or problem which may cause difficulty during  
23 transportation, such as a seizure, a tendency to suffer motion sickness,  
24 or a disability such as an inability to see, hear, or communicate, are  
25 ascertained through consultation with the child's parents, guardian, or  
26 teachers, and communicated to the operator and attendant of the vehicle  
27 in which the child is transported;

28 (5) that the exceptional child is assisted on and off the  
29 vehicle and in and out of the classroom, whenever the assistance is

1 necessary;

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

4 (7) that special equipment necessary for the transportation  
5 of the exceptional child is kept in operational order at all times.

6 \* Sec. 8. AS 14.30.350(1) is repealed and re-enacted to read:

7 (1) "exceptional child" or "exceptional children" means a  
8 school age child or children who, because of temporary or more permanent  
9 adjustment difficulties or attributes arising from intellectual, sen-  
10 sory, emotional, or physical factors, including giftedness, cerebral  
11 dysfunctions, perceptual factors, speech and language disorders, or  
12 other specific learning disabilities or abilities or any combination of  
13 these, is certified as unable to progress effectively in a regular  
14 school program and requires special classes, instruction periods, or  
15 other special education services, including transportation, in order to  
16 develop successfully his individual educational potential;

17 \* Sec. 9. AS 14.30.350 is amended by adding new paragraphs to read:

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

23 (4) "director" means the director of the division of special  
24 education;

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

26 (6) "institution" means an agency, other than the public  
27 agencies charged with education, which has exceptional students on the  
28 premises;

29 (7) "instructional support services" means necessary services

1 that are required to supplement or enhance the basic special education  
2 program or the regular education program; these include but are not  
3 limited to nurses, speech and language therapists, psychologists, phys-  
4 ical therapists, occupational therapists, librarian-media specialists,  
5 special reading teachers, counselors, social workers, physicians, music,  
6 art and physical education teachers and teacher aides;

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

9 (9) "regular education" means the school program and pupil  
10 assignment which normally leads to college preparatory or technical  
11 education or to a career;

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

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

24 (12) "special education" means educational programs and  
25 assignments, namely special classes, programs or services designed to  
26 develop the educational potential of children with special needs, in-  
27 cluding but not limited to speech pathology, group therapy, and voca-  
28 tional training, special education includes, but is not limited to,  
29 educational placements of children by city or borough school districts

1 or regional educational attendance areas, the Department of Health and  
2 Social Services, and the Department of Education in accordance with the  
3 regulations of the Department of Education.

4 \* Sec. 10. AS 14.30.186 and 14.30.191 are repealed.

5 \* Sec. 11. The governor shall appoint the initial members of the Special  
6 Education Advisory Council established in AS 14.30.197, enacted by sec. 5 of  
7 this Act, within 30 days of the effective date of this Act. Of the nine  
8 initial appointees to the council, three shall be appointed for three-year  
9 terms, three for two-year terms, and three for one-year terms.

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