Offered: 3/17/86
Referred: Finance

Original sponsors: Duncan and Thompson

1 IN THE HOUSE BY THE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 543 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating the special education service agen-
7 cy."

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

9 * Section 1. PURPOSE. It is the purpose of this Act to

10 (1) assist districts and rural educational attendance areas to
11 make more special education and related services available to exceptional
12 children, as that term is defined in AS 14.30.350(4);

13 (2) encourage cooperation between districts and education
14 agencies in making special educational programs and services available to
15 these children;

16 (3) ensure that qualified specialists are available to assist
17 districts in the provision of free appropriate public education services
18 for those exceptional children that are difficult to serve, without regard
19 to their location in the state.

20 * Sec. 2. AS 14.30 is amended by adding new sections to read:

21 ARTICLE 8. SPECIAL EDUCATION SERVICE AGENCY.

22 Sec. 14.30.600. AGENCY ESTABLISHED. There is established, as a
23 public organization, a special education service agency.

24 Sec. 14.30.610. GOVERNING BOARD. (a) The agency shall be gov-
25 erned by an 11 member board appointed by the state Board of Education.
26 The board consists of

27 (1) one member from the Governor's Council for the Handi-
28 capped and Gifted;

29 (2) one member from the Department of Education;

1 (3) five members who are special education teachers or
2 directors, school administrators, or higher education or teacher
3 training representatives;
4 (4) two members who are parents of children requiring
5 special education outreach services;
6 (5) one member from the Department of Health and Social
7 Services;
8 (6) one public member.
9 (b) The seven members appointed under (a)(3) - (4) of this
10 section shall be chosen with due regard to geographically balanced
11 representation of areas of the state and to representation of persons
12 with a variety of different special education needs.
13 Sec. 14.30.620. TERMS, VACANCIES, AND COMPENSATION. (a) The
14 term of office of a board member is three years.
15 (b) A vacancy occurring during a term of office shall be filled
16 in the same manner as the original appointment. A member appointed to
17 fill a vacancy serves for the unexpired term of the member the new
18 appointee succeeded.
19 (c) Board members receive no salary but are entitled to per diem
20 and travel expenses authorized by law for other boards and commis-
21 sions.
22 Sec. 14.30.630. BYLAWS. The board, in consultation with the
23 department and on the approval of a majority of the members of the
24 board, shall adopt and amend bylaws for the operation of the agency
25 and the board.
26 Sec. 14.30.640. EMPLOYEES. Employees of the agency are not in
27 the state service and are not subject to the State Personnel Act
28 (AS 39.25). However, employees of the agency shall be members of
29 either the Teachers' Retirement System (AS 14.25) or the Public

1 Employees' Retirement System (AS 39.35) and are subject to the
2 provisions of AS 14.20.550 - 14.20.610.
3 Sec. 14.30.650. POWERS AND DUTIES. (a) The board may
4 (1) receive and expend public and private funds to carry
5 out the purposes of the agency;
6 (2) contract with the department and other public or pri-
7 vate agencies for the provision of special education or related ser-
8 vices;
9 (3) do whatever is necessary to carry out the purposes of
10 AS 14.30.600 - 14.30.680.
11 (b) The board shall
12 (1) provide special education services including
13 (A) itinerant outreach services to deaf, deaf-blind,
14 mentally retarded, hearing impaired, blind and visually impaired,
15 orthopedically handicapped, other health-impaired, severely
16 emotionally disturbed, and multi-handicapped students;
17 (B) special education instructional support and train-
18 ing of local school district special education personnel; and
19 (C) other services the board determines to be appro-
20 priate to special education needs;
21 (2) hire an executive director and approve the employment
22 of personnel necessary to operate the agency;
23 (3) provide for an annual audit of the agency;
24 (4) provide the department with a three-year plan of opera-
25 tion including a description of the services to be offered by the
26 agency, the method by which the services will be evaluated, informa-
27 tion on the number of students and school district personnel to be
28 served, a schedule of funds available to the agency from all sources,
29 and other information that may be required by the department by

1 regulation;

2 (5) present an annual budget to the department.

3 Sec. 14.30.660. ELIGIBILITY FOR SERVICE. The services of the
4 agency shall be available to school districts that serve children
5 whose special education needs occur infrequently, who require special-
6 ized services not normally available in the school district, and who
7 cannot be easily served by local school district personnel because of
8 the low number of students in the district in need of the particular
9 service. The agency may provide services to exceptional children, as
10 that term is defined in AS 14.30.350.

11 Sec. 14.30.670. FUNDING. Each fiscal year the department shall
12 recommend to the legislature an appropriate amount of funding for the
13 agency.

14 Sec. 14.30.680. DEFINITIONS. In AS 14.30.600 - 14.30.680,
15 unless the context otherwise requires,

16 (1) "agency" means the special education service agency;

17 (2) "board" means the governing board of the special educa-
18 tion service agency.

19 * Sec. 3. AS 14.25 is amended by adding a new section to read:

20 Sec. 14.25.047. PARTICIPATION BY SPECIAL EDUCATION AGENCY EM-
21 PLOYEES. An employee of the Special Education Agency may participate
22 in the retirement fund under this chapter if

23 (1) the employee possesses or is eligible to possess a
24 teacher certificate under AS 14.20.020; and

25 (2) the employee pays all retroactive contributions re-
26 quired to be made under this chapter.

27 * Sec. 4. AS 14.25.220(20) is amended to read:

28 (20) "membership service" means

29 (A) full or part-time service as a teacher in a public

1 school in the Territory or State of Alaska, or both, under the
2 supervision and control of the Territorial Board of Education or
3 the Department of Education or the school board of a city, re-
4 gional educational attendance area, or borough school district;
5 (B) full-time or part-time teaching at the University
6 of Alaska or a full-time administrative position at the Universi-
7 ty of Alaska which requires academic standing and which has been
8 approved for inclusion in the system by the administrator;
9 (C) any period during which the teacher receives a
10 disability benefit under this system or is on an approved sabbat-
11 ical leave granted in accordance with AS 14.20.310; [OR]
12 (D) continuous service as a state legislator when
13 performed by a state legislator who elects membership under
14 AS 14.25.040(b), subject to the requirements of AS 14.25.040(c);
15 or
16 (E) full-time or part-time service as an employee of
17 the Special Education Agency, subject to the requirements of
18 AS 14.25.047;
19 * Sec. 5. AS 44.66.010(a) is amended by adding a new paragraph to read:
20 (13) Special Education Service Agency (AS 14.30.600) -- June
21 30, 1990.
22 * Sec. 6. Notwithstanding AS 14.30.620(a), enacted by sec. 2 of this
23 Act, the initial members of the governing board of the special education
24 service agency, four shall serve a term of four years, five shall serve a
25 term of three years, and two shall serve a term of two years. The initial
26 terms shall be assigned to initial board members by the state Board of
27 Education by lot.