

Offered: 5/1/86  
Referred: Finance

Original sponsors: Zharoff, Rodey  
and Fahrenkamp

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

HOUSE CS FOR CS FOR SENATE BILL NO. 319 (HESS)

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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 agency;  
and providing for an effective date."

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

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

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(1) assist districts and rural educational attendance areas to

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make more special education and related services available to exceptional  
children, as that term is defined in AS 14.30.350(4);

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(2) encourage cooperation between districts and education agen-

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cies in making special educational programs and services available to these  
children;

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(3) ensure that qualified specialists are available to assist

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districts in the provision of free appropriate public education services  
for those exceptional children that are difficult to serve, without regard  
to their location in the state.

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

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ARTICLE 8. SPECIAL EDUCATION SERVICE AGENCY.

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

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Sec. 14.30.610. GOVERNING BOARD. (a) The agency shall be gov-

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erned by the Governor's Council for the Handicapped and Gifted  
(AS 47.80.030).

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Sec. 14.30.620. EMPLOYEES. Employees of the agency are not in

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the state service and are not subject to the State Personnel Act

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(AS 39.25). However, employees of the agency shall be members of

1 either the Teachers' Retirement System (AS 14.25) or the Public  
2 Employees' Retirement System (AS 39.35).

3 Sec. 14.30.630. POWERS AND DUTIES. (a) The agency 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 - 14.30.660.

11 (b) The agency 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 appropriate to special education  
20 needs;

21 (2) provide for an annual audit of the agency;

22 (3) provide the department with a two-year plan of opera-  
23 tion including a description of the services to be offered by the  
24 agency, the method by which the services will be evaluated, informa-  
25 tion on the number of students and school district personnel to be  
26 served, a schedule of funds available to the agency from all sources,  
27 and other information that may be required by the department by regu-  
28 lation;

29 (4) present an annual budget to the department.

1           Sec. 14.30.640. ELIGIBILITY FOR SERVICE. The services of the  
2 agency shall be available to school districts that serve children  
3 whose special education needs occur infrequently, who require special-  
4 ized services not normally available in the school district, and who  
5 cannot be easily served by local school district personnel because of  
6 the low number of students in the district in need of the particular  
7 service. The agency may provide services to exceptional children, as  
8 that term is defined in AS 14.30.350.

9           Sec. 14.30.650. FUNDING. Each fiscal year the department shall  
10 allocate to the agency not less than \$85 for each special education  
11 student in the state in average daily membership or the equivalent of  
12 two percent of the funds appropriated for special education for that  
13 fiscal year, whichever is greater. The amount allocated to the agency  
14 shall be reduced each fiscal year by the amount contributed by the  
15 department to the Teachers' Retirement System (AS 14.25) or the Public  
16 Employees' Retirement System (AS 39.35) on behalf of employees of the  
17 agency.

18           Sec. 14.30.660. DEFINITION. In AS 14.30.600 - 14.30.660, unless  
19 the context otherwise requires, "agency" means the special education  
20 service agency.

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

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

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

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

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

1 (20) "membership service" means

2 (A) full or part-time service as a teacher in a public  
3 school in the Territory or State of Alaska, or both, under the  
4 supervision and control of the Territorial Board of Education or  
5 the Department of Education or the school board of a city, re-  
6 gional educational attendance area, or borough school district;

7 (B) full-time or part-time teaching at the University  
8 of Alaska or a full-time administrative position at the Universi-  
9 ty of Alaska which requires academic standing and which has been  
10 approved for inclusion in the system by the administrator;

11 (C) any period during which the teacher receives a  
12 disability benefit under this system or is on an approved sabbat-  
13 ical leave granted in accordance with AS 14.20.310; [OR]

14 (D) continuous service as a state legislator when  
15 performed by a state legislator who elects membership under  
16 AS 14.25.040(b), subject to the requirements of AS 14.25.040(c);  
17 or

18 (E) full-time or part-time service as an employee of  
19 the Special Education Agency, subject to the requirements of  
20 AS 14.25.047.

21 \* Sec. 5. AS 44.66.010(a) is amended by adding a new paragraph to read:

22 (13) Special Education Service Agency (AS 14.30.600) --  
23 June 30, 1987.

24 \* Sec. 6. AS 47.80.090 is amended by adding a new paragraph to read:

25 (12) govern the special education service agency, and may  
26 hire personnel necessary to operate the agency.

27 \* Sec. 7. AS 14.30.650 enacted in sec. 2 of this Act takes effect  
28 July 1, 1986.

29 \* Sec. 8. Except for AS 14.30.650 enacted in sec. 2 of this Act, this

1 Act takes effect immediately in accordance with AS 01.10.070(c).