

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 278
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to education for exceptional chil-
7 dren."

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

9 * Section 1. AS 14.30.191(b) is amended to read:

10 (b) After initial placement in a program of special education
11 and related services [AND NOT LESS THAN ONCE EVERY THREE YEARS FOR AS
12 LONG AS THE CHILD IS ASSIGNED TO THE PROGRAM], an exceptional child
13 shall receive an educational evaluation for the identification and
14 classification of exceptional children. Except for an exceptional
15 child who is identified as gifted, an exceptional child shall receive
16 an educational evaluation at least once every three years while the
17 child is assigned to a special education program.

18 * Sec. 2. AS 14.30.278 is amended to read:

19 Sec. 14.30.278. INDIVIDUALIZED EDUCATION PROGRAM. (a) Except
20 as provided under (c) of this section, the [THE] individualized educa-
21 tion program for each exceptional child must [SHALL] include

22 (1) a statement of the child's present levels of education-
23 al performance;

24 (2) a statement of annual goals, including short term
25 instructional objectives;

26 (3) a statement of the specific special education and
27 related services to be provided to the child, and the extent to which
28 the child will be able to participate in regular educational programs;

29 (4) the projected dates for initiation of services and the

1 anticipated duration of the services;

2 (5) appropriate objective criteria and evaluation proce-
3 dures and schedules for determining, on at least an annual basis,
4 whether the short term instructional objectives are being achieved.

5 (b) Except for a meeting concerning an exceptional child iden-
6 tified as gifted, a [EACH] meeting concerning an exceptional child
7 shall include

8 (1) a representative of the school district, other than the
9 child's teacher, who is qualified to provide or supervise the pro-
10 vision of special education;

11 (2) the child's teacher;

12 (3) at least one of the child's parents or guardians;

13 (4) the child, when appropriate;

14 (5) other individuals selected by the parent, guardian, or
15 school district.

16 * Sec. 3. AS 14.30.278 is amended by adding a new subsection to read:

17 (c) A group education program may be used as a substitute for an
18 individualized education program required under (a) of this section if
19 the exceptional child is identified as gifted. A group education
20 program must include

21 (1) a statement of each participating child's name, grade
22 level, school, and dates of attendance;

23 (2) documentation of opportunities for parental involve-
24 ment;

25 (3) a brief statement of the content of the program;

26 (4) a statement of annual goals; and

27 (5) methods and procedures for determining whether goals
28 are being achieved.

29 * Sec. 4. AS 14.30 is amended by adding a new section to read:

1 Sec. 14.30.343. REGULATIONS. The board shall adopt regulations
2 to implement this chapter, including regulations specific to programs
3 for exceptional children who are identified as gifted.

4 * Sec. 5. AS 14.30.350(4) is amended to read:

5 (4) "exceptional children" means children who differ mark-
6 edly from their peers to the degree that special facilities, equip-
7 ment, or methods are required to make their educational program effec-
8 tive; these children may be identified in the following categories:

9 (A) "deaf" children exhibit a hearing impairment that
10 hinders the children's ability to process linguistic information
11 through hearing, with or without amplification, and that adverse-
12 ly affects educational performance;

13 (B) "deaf-blind" children exhibit concomitant hearing
14 and visual impairments, the combination of which causes such
15 severe communication and other developmental and educational
16 problems that they cannot be accommodated in a special education
17 program solely for deaf or blind children;

18 (C) "gifted" children exhibit outstanding intellec-
19 tual, creative thinking, or academic [INTELLECT,] ability [, OR
20 CREATIVE TALENT] as determined under [IN ACCORDANCE WITH] regula-
21 tions of the board [DEPARTMENT];

22 (D) "hard-of-hearing" children exhibit a hearing
23 impairment, whether permanent or fluctuating, that adversely
24 affects educational performance but that is not within the mean-
25 ing of (A) of this paragraph;

26 (E) "learning disabled" children exhibit a disorder in
27 one or more of the basic psychological processes involved in
28 understanding or in using language, spoken or written, that may
29 manifest itself in an imperfect ability to listen, think, speak,

1 read, write, spell, or do mathematical calculations; the term
2 includes such conditions as perceptual handicaps, brain injury,
3 minimal brain disfunction, dyslexia, and developmental aphasia;
4 this category does not include children who have learning prob-
5 lems that are primarily the result of visual, hearing, or motor
6 handicaps, of mental retardation, of emotional disturbance, or of
7 environmental, cultural, or economic disadvantage;

8 (F) "mentally retarded" children score two or more
9 standard deviations below the national norm on an individual
10 standardized test of intelligence and exhibit deficits in adap-
11 tive behavior manifested during the developmental period, that
12 adversely affect the children's educational performance;

13 (G) "multihandicapped" children exhibit two or more of
14 the conditions described in (A), (B), (D) - (F) and (H) - (L) of
15 this paragraph, the combination of which causes such severe
16 educational problems that they cannot be accommodated in a
17 special education program for any one of the conditions;

18 (H) "orthopedically impaired" children exhibit a
19 severe orthopedic impairment, including impairments caused by
20 congenital anomaly, disease, or other causes, that adversely
21 affects educational performance;

22 (I) "other health-impaired" children exhibit an autis-
23 tic condition that is manifested by severe communication and
24 other developmental and educational problems or exhibit limited
25 strength, vitality, or alertness due to chronic or acute health
26 problems such as heart condition, tuberculosis, rheumatic fever,
27 nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead
28 poisoning, leukemia, or diabetes, that adversely affects educa-
29 tional performance;

1 (J) "seriously emotionally disturbed" children exhibit
2 one or more of the following characteristics over a long period
3 of time and to a marked degree, that adversely affects education-
4 al performance: (i) an inability to learn that cannot be ex-
5 plained by intellectual, sensory, or health factors; (ii) an
6 inability to build or maintain satisfactory interpersonal rela-
7 tionships with peers and teachers; (iii) inappropriate types of
8 behavior or feelings under normal circumstances; (iv) a general
9 pervasive mood of unhappiness or depression; or (v) a tendency to
10 develop physical symptoms or fears associated with personal or
11 school problems; the term includes children who are schizophrenic
12 but does not include children who are only socially maladjusted;

13 (K) "speech-impaired" children exhibit a communication
14 disorder, such as stuttering, impaired articulation, a language
15 impairment, or a voice impairment, that adversely affects educa-
16 tional performance;

17 (L) "visually handicapped" children exhibit a visual
18 impairment that, even with correction, adversely affects educa-
19 tional performance;